

**THE ROLE OF THE AFRICAN UNION IN PROMOTING DEMOCRACY AND
HUMAN RIGHTS: A CASE STUDY OF ZIMBABWE**

By

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Dedication

This mini-dissertation is dedicated to my late father, Amos Mlatha. He used to speak fondly about witnessing this. It is in your honour that I pledge this, Tshawe!

To all those fighting for genuine democracy and social emancipation!

Abstract

This study deals with the role of the African Union (AU) in promoting democracy and human rights in Zimbabwe. The current political crisis in Zimbabwe has persisted since the founding of the AU in 2002. The AU replaced the Organisation of African Unity (OAU) as a continental organisation of states to pursue specific common objectives. From its inception, the AU has committed itself to promoting democracy and human rights, partly due to the fragile and hybrid democracies that characterise the region. It also undertook to make a manifest shift from the Westphalian doctrine of no intervention to no indifference, which as a result positioned it correctly to promote democracy and human rights.

Scholars have identified a dichotomy between the commitment of the AU to promote democracy and human rights and its manifest actions to realise such. This has come to the fore particularly in the context of the ongoing crisis in Zimbabwe. This study interprets the manifest actions of the AU compared to its stated commitments and its mandate in respect of democracy and human rights promotion. The objective of this study is to describe the actual role of the AU in terms of its stated mandate. The study uses decolonial theory and democratisation theory as the theoretical framework to interpret and describe the role of the AU in Zimbabwe, which it argues is immersed in coloniality. The study shows that the democratisation project of the AU has been countered by the continued coloniality that continues to shape the status quo. This is particularly evident in Zimbabwe where there is structural violence that depicts coloniality and a hybrid state. For the region to achieve marked progress in respect of democratisation, it has to undo the self-perpetuating and persistent coloniality in Zimbabwe.

Key Words: Democracy and human rights promotion, coloniality, international society, democracy,

Acronyms

ACDEG	- African Charter on Elections and Good Governance
AGA	- African Governance Architecture
ANC	- African National Congress
APSA	- African Peace and Security Architecture
APRM	- African Peer Review Mechanism
ASF	- African Standby Force
AU	- African Union
AUC	- African Union Commission
AUEOM	- African Union Election Observer Mission
BDP	- Botswana Democratic Party
CADSP	- Common African Defence Security Policy
DRC	- Democratic Republic of Congo
ECOWAS	- Economic Community of West African States
EIDHR	- European Instrument for Democracy and Human Rights
EU	- European Union
GNU	- Government of National Unity
GPA	- Global Political Agreement
ICC	- International Criminal Court
IDEA	- International Institute for Democracy and Electoral Assistance
IPEP	- Independent Panel of Eminent Persons
MDC	- Movement for Democratic Change
MDC A	- Movement for Democratic Change - Arthur Mutambara
MDC T	- Movement for Democratic Change - Tsvangirai
NATO	- North Atlantic Treaty Organization
NEPAD	- New Partnership for Africa's Development
NGO's	- Non Governmental Organizations
OAS	- Organisation of American States
PAP	- Pan African Parliament
PSC	- Peace and Security Council
R2P	- Right to Protect
SADC	- Southern African Development Community
SAP's	- Structural Adjustment Programmes
OAU	- Organisation of African Unity
UDHR	- Universal Declaration of Human Rights

UN - United Nations
USA - United States of America
ZANU - Zimbabwe's African National Union
ZANU PF - Zimbabwe African National Union Patriotic Front
ZAPU - Zimbabwe African Peoples Union

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CHAPTER 1

1.1 Background

This study pertains to the role of the African Union (AU) in promoting democracy and human rights since it was founded in 2002. Throughout the 1970s to the mid-1990s Africa was characterised by increasing interstate and intrastate conflict, with unconstitutional regime change being common. The latter period was also a time in which the continent was rapidly freeing itself from direct or formal colonial domination, a process that had started decades earlier, inaugurating an epoch of indirect rule through Western power matrices, a reality described as the manifestation of coloniality. What is the legacy of Western direct administration of the colonised territories, which helped stunt democratisation and the development of a culture of human rights? Formal decolonisation was a process for which the Organisation of African Unity (OAU), the predecessor to the AU, was hailed for, notwithstanding its shortcomings in promoting democracy. As a result, in the place of direct colonial rule, fragile and hybrid democratic states, with despotic regimes, emerged in countries such as Zimbabwe, Uganda, Democratic Republic of Congo (DRC), Swaziland, Liberia and the Central African Republic (Ibrahim 2012:62) In many instances the process of decolonisation was dramatic but also not absolute to the extent of ushering in stable regimes and normative democracies; democracies described in terms of the dominant Western normative framework. The phenomenon of decolonisation was also an antecedent of what was framed as enduring coloniality. Coloniality was an interpretation and description given to the continued Western domination and elite co-option in respect of the socio-economic exploitation of African polities (Ndlovu-Gatsheni 2012:4). By design, the interests of the global and local elite tended to significantly coalesce in as far as resource extraction was concerned in the aftermath of the nationalist revolution – a revolution that tended not to run its full course of decolonial disobedience, inadvertently perpetuating the status quo described as “clothed in coloniality” (Muneno 2016:3).

Kobbie (2009:2) states that the OAU, whose focus was mainly on African integration and liberation, paid scant regard to the challenges of democratic transition and the protection of human rights. Various authors have expressed scathing criticism of its lack of action in this regard. According to Alence (2004:165), this contributed to the emergence of neopatrimonialism in Africa, as depicted by the protracted Zimbabwean crisis, which has

been characterised by an accentuated role of the military in public affairs. These patrimonial regimes are states mostly defined as relying on the relationships of a personalised leader, who is rent seeking, and is driven by unrestrained corruption and pervasive clientelism. This naturally detracted from the promotion of democracy and human rights. According to scholars, it created fragile democracies in which the security establishment tended to have an accentuated role in public affairs (Hodzi 2014:2). The opposite of the latter patrimonial regimes is democratic governance, which implies that the governors govern at the behest of the governed.

Scholars observe that a change in the global strategic and security environment, reflected in the Cold War cessation and the process that followed described as decolonisation, contributed to the alteration of perspective in African governance. This resulted in the tumultuous birth of the AU in 2002, at a time when the world was dominated by unilateralism of the Euro-American axis. The impact of the Cold War on the nature of African governance has been significant for the last century. The colonial metropolises on both sides of the spectrum, in Eastern and Western Europe, did not put a high premium on democracy and human rights in their African proxy states (Omotola 2014:9). This had an impact in defining the African state, and the seemingly impotent institutions and regional and sub-regional economic communities, which historically characterised the African continent in matters of democracy and human rights (Acemoglu and Robinson 2012:81; Spies 2016:48). In theory, the process of decolonisation facilitated African states to enter “international society” proper, not as colonies under European administration – albeit in the context of neo-colonial states that were significantly at a formative stage. While these states had their own flags and national anthems they remained under the domination of Western hegemons that effectively refashioned global governance to perpetuate their domination and control of the then newfound sovereign states (Muneno 2016:36).

In this context, the notion of “international society” is not one without controversy in African governance. It is a society characterised by internecine norm contestation and the intersection of various related struggles. This is exemplified by the fraught relationship that the AU and some member states have with the International Criminal Court (ICC), in particular, and the politics shaping this relationship. This is despite their collective proclaimed commitment to human rights, and the ICC being the global authoritative organ for deliberating and ruling on such. It can be described as a “relationship of unity and struggle” within the persisting neo-colonial “international society”, which the AU through the reading of the treaties it established, purportedly seeks to redefine. Hence, it proclaimed an

African century (Kobbie 2009:9; Kudzai 2014:1). Consequently, democracy and human rights occupy pride of place in the political nomenclature of the AU, since being founded (Mbondenyi 2008:5-6). Yet this study will continue to use the concept of “international society”, despite the problematic situation that has been described regarding the character of the global community of states.

The Constitutive Act of the AU signalled a significant transformation, foregrounding democracy and human rights as fundamental principles in African governance. This also became a goal of its Pan Africanist perspective couched in the attractive rhetoric of an “African century” and “African renaissance” (Kobbie 2009:9; Kudzai, 2014:1). It established the Assembly of Heads of State and Government and the Pan African Parliament (PAP) and related organs as the political instruments to realise the continental agenda of democratisation and socio-economic development of its inhabitants (Ibrahim, 2012:33). Invariably, at a conceptual level, it was surmised that these two institutions have a magnanimous role in promoting democracy and human rights as the decision-making political apparatus of the AU. This prompted this study to investigate these, amongst the many other relevant organs of the AU, to appreciate the role of the AU in promoting democracy in Zimbabwe. This study focuses on democracy and human rights, in an attempt to delineate a manageable scope of this potentially broad theme on African governance, democracy potentially encompassing a broad array of factors beyond human rights.

1.2. Motivation

This study pertains to the manifest role of the AU in promoting democracy on the African continent, with a specific emphasis on human rights. The study features a case study on Zimbabwe. The failure of African states to move rapidly towards democratic governance, as envisaged at the turn of the century, drew attention to the mandate of the AU. A proper interpretation and description of the manifestation of the AU’s mandate was pivotal; especially in view of the calls by African leaders and scholars for “African solutions to African problems” (Kobbie 2009:9; Kudzai 2014:1).

A valid concern has emerged amongst scholars that the notion of “African solutions to African problems” should not be a façade for political miscreants, who invoke the Sophists’ notion of cultural relativism in order to evade accountability for their actions. Critiques of Africa’s fractured relationship with the ICC have pointed to this as a sign of the lack of

readiness of African states to enter “international society” proper, arguing it reflected a revulsion of democracy and human rights (Ingange Wa Ingange 2010:84). This study takes a critical look at the role of the AU from an anticolonial epistemic view. It focuses on the role the AU was mandated to play in refashioning Africa, based on the values of democracy, human rights, and the underlying decolonial perspective. This speaks to the continued domination of the power structures of colonialism in the current milieu of globalisation, and what has aptly been characterised as the third wave of democratisation (Zondi 2016:31). Thus, the response to the critical stance of the AU towards the ICC invokes a riposte from the decolonial perspective that Western existentialism presents Western thought as a monotheistic global perspective; thus, it is guilty of epistemicide. (Zondi 2016:20).

The continent, through the AU, has been lauded by scholars for staking its position as part of “international society”; at least based on its pronouncements to conform to the ideal of democratic nations (Mbondenyei 2008:5-6; Spies 2016:33). This study adequately describes the actual role of the AU in relation to its mandate based on its Constitutive Act – specifically, the promotion of democracy and human rights amongst its member states. It contributed to a nuanced analysis, interpretation and understanding of the manifest role of the AU in the context of its mandate, including addressing the critique of cultural relativism, in lieu of the approach of decolonial theory. The study’s focus is on the Southern African Development Community (SADC), particularly on the drawn-out crisis in Zimbabwe, although it also posits relevant examples from other parts of the region. It details the underlying AU philosophy of Pan-Africanism, seeking to interpret and describe related approaches in the promotion of democracy and human rights, and developing an understanding of the worth of such value-laden concepts, constructions and practices in the actual work of the AU. This is especially in the context of the notion of “African solutions to African problems”, which has proliferated with increased resonance in the last two decades in the face of the prolonged political crisis in Zimbabwe, the Democratic Republic of the Congo, and Lesotho (Kobbie 2009:9; Kudzai 2014:1).

Sesay (2014:5) points out that while democracy involves the internal affairs of a country including the right to self-determination, which extends to the form and system of governance that citizens want, the concept of “democracy promotion” theoretically implies a level of negation of sovereignty because it is undertaken by an external party. Democracy denotes the right for a nation state or state to determine its own internal affairs and system of governance. Democracy promotion, as posited, implies external agency. Democracy promotion as a concept can thus put restrictions on sovereignty, actually moderating its

historical description and meaning, especially in Africa (Nyere 2014:1). Kobbie (2009:3) argues for a greater role for the AU in the affairs of its member states as opposed to the actions of its predecessor, the OAU. He (2009:3) points out that the instability and conflict in African states often is connected to multiple state and non-state actors in international society, beyond country borders. This, at the least, requires an integrated sub-regional or regional response.

The notions of “promotion of democracy” and “human rights” are based on a number of assumptions and defined relationships, real and ideal, for which democracy is viewed as an enabler and/or beneficiary. These assumptions and defined relationships are peace, development, growth and sustainability, on which are premised the ideas of legitimacy and democratic dividends (McCandless and Schwoebel 2011:276). In the context of the latter, the promotion of democracy is seen as an ideal that is worth striving for, even though the concept itself is not seen as definitive. There is also the realist view of the promotion of democracy, which often sees an attempt by global Western hegemony to create a “post-colonial” Africa in their image. It is viewed from the lens of anti-Western colonialism (Gupta 2015:6). Thus, it was concluded that democracy as a concept could be characterised as highly contested, both in its definition and in its multiple forms. It is a concept that continues to gain in complexity and associations. It is one of the most debated, used and abused concepts in governance and political discourse (Zagel 2010:2). The AU in its Constitutive Act notably described the democratic ideal as worth working for.

The reform of the African Governance Architecture (AGA), which is a framework for democratic governance declared at the beginning of this century, and the establishment of the AU, are seminal events in this regard. They pioneered hope for democratic governance and the observance of human rights. This hope was foregrounded in the metamorphosis of the OAU into the AU in 2002. According to various scholars, this change was underscored by the proclaimed commitment to the associated democratic values of a free press, checks and balances, rule of law, and human rights. These are regarded foundational prerequisites for the observance of democracy. Patently the AU, more than its forebear, foregrounded in its mission the principles espoused by democracy (APPG 2011:11; IDEA 2016:2; Omotola 2014:6). Yet, the democracy deficit remains evident exemplified by the denial of the franchise and incessant political conflict, such as in the case of Zimbabwe.

According to Alence (2004:164), the absence and/or paucity of the consistent observance of democracy, the rule of law, and human rights by various African states are some of the foremost concerns that led to the reform of AGA. Thus, this study seeks to understand the

role that the AU plays in ensuring a transition to secure unmitigated democratic practices and human rights. It has been argued that democracy as a concept has evolved beyond the notion of periodic elections – the archetype characterisation of liberal democracy (Mangu 2014:60). According to McCandless and Schwoebel (2011:276), democracy is a sine qua non for democratic dividends in the form of quality public services delivery and a free and vibrant civil society. Together these create the conditions for human rights to flourish (Alence 2004:164; Mubangazi 2006:148). This in essence also challenged the realist perspective of democracy, which resulted in the promoters of democracy purportedly looking at things from the perspective of security as opposed to normative issues (Babayan and Huber 2012:9).

What are the necessary conditions for a transition to democracy? Various authors state that weak institutions, both domestically and globally, undermine democratic change and development. According to them, strong states are necessary to consolidate democracy in Africa. These states will ultimately successfully drive the continental agenda for democratisation, serving as hegemony for positive change (Ayoob 2011:278; McCandless and Schwoebel 2011:277; Yimer 2015:130). This brings forth the paradox of being reliant on the state to secure democracy and human rights, when it tends to be the leader in violating its obligations in this regard.

Omotola (2014:9) also argues that democratic regimes, or at least a preponderance of them in regional and international organisations, are a prerequisite for the democratic transition of fragile and hybrid democracies. With a paucity of strong democracies, regional intergovernmental organisations cannot be adequate custodians of the democracy agenda. In essence, strong but also democratic member states are essential. This implies a bottom-up drive towards democratisation; denoting that it is expected that the AU and Sub-Regional Economic Communities in Africa will face challenges in ensuring democratic transitions, with this resulting from the democracy deficit in many African states. Many scholars thus argue that the poor human rights record on the African continent is a consequence of fragile democracies and extractive political institutions (Acemoglu and Robinson 2012:81; CCD - Ghana 2001:1). The study therefore seeks to answer the questions: Can the AU indeed be the motive force for democracy and human rights? What manifest role is it playing in this regard?

The mandate of the AU and the sub-regional communities on the African continent, including the reasonable advances made towards democratic rule since its founding, required pondering. This prognosis asked, Are the successes a consequence of the new role emanating from the mandate of the AU since it metamorphosed from being the OAU? Why

have the successes and efforts of the AU been nominal, hindering human rights promotion? Is this a correct perception? To what extent have the continued colonial relations that manifest in the conduct of the AU affected democracy and human rights promotion? The determination and interpretation of the actions of the AU, in describing how they play out, creates a greater understanding and analysis of the practices of the AU in relation to its policy instruments.

1.3. Problem statement

The problem that this study engages with relates to the continuing challenge of fragile democracies and the attendant abuse of human rights by African states. Hence, the question: How is the African Union fulfilling its mandate in promoting democracy and human rights within its member states? what is its manifest role in this regard? Writing about the African continent, Omotola asserts, "...[t]hese commitments are spelt out not only in the AU Constitutive Act itself, but also in the declaration on unconstitutional changes of government; the declaration governing democratic elections; and the declaration on observing and monitoring elections. The institutionalisation of these instruments suggests that African leaders have come to attach a reasonable measure of importance to democracy and good political governance as prerequisites for the development and stability of Africa". Since the founding of the AU in 2002, there has arguably been a dichotomy between the perceived role of the AU and its designated mandate. The gap between the AU's mandate and its actual role is the motive for this study, as the two present an interesting dichotomy. It is averred that this gap may lead to a crisis of legitimacy, especially from the inhabitants of the continent, on their governments and the AU. This study thus contributes to a better understanding of the actual role of the AU in promoting democracy and human rights, contributing to an enhanced analysis of African governance.

Heilbronn (2016:340) states that there is a dearth of research on the question of African human rights. A gap was also noted in the study of the manifest role of the AU in the promotion of democracy, as opposed to the proclaimed organisational objectives in its Constitutive Act, treaties and protocols. According to Bezuidenhout and Davis (2013:62-63) and Cloete (2013:8), the objective of a problem statement in qualitative studies is to respond to "a reality" and not a hypothetical situation; hence, this study focuses on interpreting and describing the manifest role of the AU. According to Quijano (2002 in Ballestrin 2014:219), utilising a decolonial critique and theoretical framework pertaining to the role of the AU, a

study of this nature has to contend with the cosmopolitan assumptions pertaining to democracy and the cultural relativism inherent in decolonial theory. Hence, he (ibid.) argues that democratisation theory will have to take "...on other benchmarks for the community, territory, nature and culture of the indigenous people"; which are in theory the hallmarks of the AU's attitude towards what should constitute part of the key elements of democratisation praxis that is decolonial in orientation.

The study thus dissects the role of the AU and its ancillary bodies, within the historical context of coloniality. The democracy construct and human rights promotion has to be understood within the latter milieu, as posited by various scholars whose work was consulted as part of this study. Furthermore, the Abuja Treaty can be read to denote the sub-regional economic communities as integral to the architecture of the AU in as far as its mandate is concerned (Gottschalk 2012:14). Scholars have also pointed out that sub-regional communities are part and parcel of the AU architecture – at least, the manifestation of its functionality or lack thereof (Gottschalk 2012:14; Kobbie 2009:12). Such consideration in this research assisted in creating a better understanding of African regional governance without detracting from the objective of the study. This research will thus often refer particularly to SADC to the extent that it intervened or its lack thereof in the crises in Zimbabwe to create favourable conditions for a transition to democracy.

1.4. Research questions

The issue that this case study on Zimbabwe pertains to is whether the AU is fulfilling its mandate of promoting democracy and human rights within the polity of its member states. What is the gap between the mandate of the AU and its manifest role? What is the genesis of this? Sesay (2014:4) argues that there are multivariate, contested meanings and value-laden definitions of democracy. The most common being "government by the people, for the people", which is the one adopted by this study. For Sesay (2014:4) the concept of democracy is underpinned by four principles, namely, "...representation, accountability, participation...and legitimacy". These are notions that I aver are central to the people governing and struggles in countries, such as Zimbabwe. Diamond (2015:143) is of the opinion that the key components of democracy are a multi-party system, free and fair elections, access, and freedom of the media in the interests of transparency and the ability of the victors to govern. Countries tend to have various defects on this continuum creating significant grey areas in the classification of democracies. This is the procedural approach

of defining democracy, which focuses on institutions and processes (Zagel 2010:2). According to this normative description of democracy, the principle of the separation of powers between the legislator, executive and judiciary are indispensable to democratic rule; an independent judiciary is a necessity for the rule of law (Knutsen 2011:57-58; Muna 2006:6).

This study uses the substantive definition of democracy, which accords with what Sesay (2014:14) and Ibrahim and Cheri (2013:60) speak about when they refer to a government based on the will of the people. The substantive meaning is about democracy, as reflected in the quality of life of citizens. This, to an extent, relates to decolonial theory whose emphasis is to challenge the subaltern state of the historically colonised whose status still reflects neo-colonial power relations, with the coloniser or haves at the top. This contextually makes the struggle for sovereignty a definitive primary goal in their conception of democracy; the political rhetoric in Zimbabwe is telling in this regard. Ballestrin (2014:211) borrows from Huntington, who defined the current epoch as the third wave of democratic transition, further arguing that its motive is the existential problems of colonialism. The end of the Cold War inaugurated the rapid cessation of direct colonial rule. However, it has been argued that the power structures, which defined this preceding period, persist. This describes what decolonial theory interprets as the intersubjective constructions of identity and otherness of the historical colonised and coloniser that manifest in individual experiences and set the political agenda (Quijano 2007:169). The end of the Cold War, according to some liberal democratic theorists, put unhindered globalisation, democratisation and human rights on an unassailable path spreading across the global plains, characterising a wave of democratisation. Questions do arise as to the extent to which colonial power structures contribute to the seeming cautious role of the AU in promoting democracy? Is such cautious role a moderating tool on the part of the AU, or resistance of the extant colonial power structures?

Following from the above, this study seeks to respond to the following questions that are pertinent to the role of the AU in promoting democracy and human rights:

- How is the seeming dichotomy between the imperatives of the decolonial theory and the democratisation theory impacting on the praxis of the AU in as far as the realisation of its mandate of promoting democratisation and human rights are concerned?

- What phenomenon hinders the declared commitment of the AU to democratisation and human rights in Zimbabwe? To what extent are these impacted upon by the continued preponderance of the Westphalian concept of sovereignty, which significantly delimits regional and global intervention. The decolonial theory credits this possibility to the fact that the nascent states, born from the direct administration that characterised the first phase of colonialism, were founded on the strong edifices of the colonial empires colonies (Muneno 2016:36; Ndlovu-Gatsheni 2012:13; Naimou 2009:6). Thus, what is the AU's attitude in its manifest role in respect of the right to protect (R2P) and its commitments as part of international society? (Dzimiri 2017:53; Fischer 2012:2).
- What if any are the institutional inhibitions to the success of the AU to realise its mandate of democratisation and human rights?
- What has been the role of the sub-regional economic communities, such as SADC, in fulfilling the mandate of the AU in as far as democratisation and human rights are concerned, focusing specifically on SADC's role in Zimbabwe, considering that it is regarded as part of the AU's architecture? (Gottschalk 2012:14).

This study also interprets the intersubjective engagement and praxis by the different organs and parties relevant to the role of the AU. It focussed particularly on AU practices to understand them contextually within the milieu of the third wave of democratisation and the decolonial theory, which defines the meaning of coloniality and its function of epistemicide (Zondi 2016:20).

1.5. Aim(s)

The aim of this descriptive study is to understand the seeming schism between the manifest role of the AU in promoting democracy and human rights, using Zimbabwe as a case study vis'-a-vis its stated objectives. It seeks to interpret and describe the empirical role of the AU in respect of human rights and democracy promotion in relation to its manifest description of its role based its normative framework. The study will improve both the analysis and appreciation of the role of regional and sub-regional organisations in promoting democracy and human rights.

There is a dearth of studies focusing on the AU in as far as promoting democracy and human rights is concerned. The focus of most studies has been on the United Nations (UN) and other regional organisations, or on the AU's peacekeeping efforts. Descriptive studies, to establish a particular reality, are important before undertaking the painstaking process of establishing why things take that particular form. The paucity of research focusing on democracy promotion is particularly acute in the case of the African region in as far as the AU and its sub-regional economic communities are concerned (Hailbronner 2016:340).

This study concerned itself with the concepts and theory of democratisation and the colonial experience in Africa; particularly its impact and manifestation in dealing with the Zimbabwean democratisation project today. It was observed that coloniality in Africa, to a significant degree, manifests because of an incomplete decolonisation project based on elite pacts – a process that has resulted in the exclusion of the subalterns from the democratic dividends, such as in the case of Zimbabwe (Muneno 2016:27). The researcher decided to undertake a case study on the role of the AU in Zimbabwe, in respect of democracy and human rights promotion, simultaneously using pertinent examples of the AU elsewhere to describe and depict relevant trends. There is consensus in the social sciences that case studies must entail the theory of what is being studied, premised on an existing knowledge base and people's experiences (Yin 2008:28; Bezuidenhout 2014:52; Mehdi and Mansor 2010:574). Social constructivism entails assumptions that are relevant and related to the process of democratisation and cannot be adequately studied, especially in the African context, outside the nature and problems of international society. This is particularly so in the context of the intersubjective global pretensions of the construct of democracy.

In this case study, the manifest role of the AU will be pursued in the context of the coloniality of the African experience, particularly in Zimbabwe – a polity that has experienced ongoing challenges of democratisation and human rights. According to Zondi (2016:20), coloniality is "...an organizing principle underpinning exploitation and domination exercised in multiple dimensions of social life, including economic and political organisation...structures of knowledge, households and spirituality. It is the hidden dark underside of European global modernity." It denotes the necessity of taking cognisance of the African experience and epistemic Western monologue on the interpretation of African entrance into international society, within which the role of the AU is interpreted. Hitherto, African governance has largely been engaged purely from a colonial lens (Zondi 2016:33). The objective is to unravel an objective, yet empathetic, nuanced and critical understanding of the actual role that the

AU is playing in promoting democracy and human rights, based on a case study of Zimbabwe.

1.6. Objectives

The application of the democratisation and the decolonial theoretical framework pertaining to the role of the AU to promote democracy and human rights is pertinent in unravelling each iterated aim and objective. This is critical for the study in grasping and describing the manifest role of the AU, within the milieu of persistent coloniality and the democratisation theory.

The study thus intends to reach the following objectives:

- To understand the interpretation of the theories of the decolonial enterprise and the process of democratisation as manifestly pursued by the AU, correlated to the challenges of the associated institutional practices, in respect of the democratic project declared and pursued by the AU.
- To understand the relevant extant AU organs and institutional mechanisms that are relevant to realise the goal of democracy and human rights, including their individual and collective roles as part of AGA.
- To describe the actual challenges that hinder the promotion of democracy and human rights in Zimbabwe, including the experience of concepts such as sovereignty in their application in African governance.
- To describe the role of sub-regional organisations, especially SADC, in the promotion of democracy in Zimbabwe. The study treated these sub-regional organisations as integral organs of the AU, as motivated for by scholars such as Gottschalk (2012:14), based on the manifestation of their roles.

Through the application of decolonial and democratisation theory the study will iterate its findings related to the latter objectives. It examines the plausible interpretation and description of the role of the AU in promoting democracy and human rights. It is an interpretation and description, based on the assumption that the vestiges of the colonial era

are an independent variable, which affects the social construction of an apt depiction and understanding of the role of the AU – which is what decolonial theory provides as a starting point of its critique. It is thus important for the study to be sensitive to the surmised context (Du Plooy-Cilliers 2014:29-31).

1.7. Research methodology

This qualitative study focuses on creating a better understanding of the manifest role that the AU plays in promoting democracy and the intrinsically intertwined concept of human rights in the extant and historical context of the African and global governance framework. This study focuses on the manifest role of the AU; thus, the question: Is the AU fulfilling its role in promoting democracy and human rights within its member states? (Babbie and Mouton 2001:271). In the case where information is not quantifiable, a qualitative methodology is the most appropriate to conduct a study. Hence, the choice of a qualitative study whose intent is to gain a deeper understanding of the social phenomena at play, fortified by interpretation (Du Plooy-Cilliers 2014:27).

This study is based on an extensive thematic literature review from which the researcher will deduce the actual role of the AU in promoting democracy and human rights. It is a desktop and library centred study, illuminating and integrating a genre from varied sources, which is regarded as a valid method of triangulation. The study explores and interprets various primary and secondary sources to understand and aptly describe the role of the AU. In the last two decades, many sources of information on African governance have been produced and become accessible owing to the information technology revolution and rapid advances in knowledge production (Henning, Rensburg and Smit 2004:142). The study extensively explores literature from both published and unpublished sources, theses and dissertations, academic journals, treaties, and regional intergovernmental and sub-regional organisations' foundational documents and reports. Thus, the carefully selected sources are mostly drawn from libraries and the internet (Howard 2014:102-101).

A qualitative research is most appropriate in creating a nuanced understanding of the labyrinthine and interconnected role of the AU in promoting democracy and human rights; hence, requiring the deduction of the contingent truth from the in-depth reading of texts under review, often utilising direct quotes. A range of the specifically selected interdisciplinary text are utilised for analysis and interpretation (Niewenhuis 2007:59-60).

Based on the interpretation of the text, multiple realities plausibly could be constructed from the phenomena under review, depending on the lens used. The author therefore uses a related and contextually sound theory and concepts connected to democracy and human rights to conceptualise the study (Bezuidenhout 2014:44).

This study proffers a descriptive analytical approach in respect of the role of the AU in promoting democracy and human rights on the African continent, focussing on Zimbabwe. It is accepted that as the study departs from an interpretivist tradition, that knowledge is a social construct. The study is thus hermeneutic; the discursive sources engaged create a deeper appreciation of the phenomena in question (Du Plooy-Cilliers 2014:28). In terms of the metatheoretical position of interpretivists, the findings of the study are confirmed through the conclusions of different researchers. This takes into account the following factors: credibility, transferability, dependability and confirmability, based on the thick descriptions, defined as deep and detailed from the text (Du Plooy-Cilliers 2014:30; Henning *et al.* 2004:147).

This study is based on a case study of the role of the AU in Zimbabwe. The crisis of democratic governance and pervasive human rights challenges in Zimbabwe almost coincide with the formation of the AU in 2002. It thus provides an opportunity to assess the strategies of the AU over a reasonable period. According to Babbie and Mouton (2001:282), a case study could involve the study of a deeper understanding of an individual, a group of persons, or an institution. In this instance, the regional AU establishment is the focus. It also takes into account that the Zimbabwean situation is occasioned in a broader systematic context from which it cannot be delimited; hence, examples from other African countries are referred to.

1.8. Chapter Outline

The structure of this research dissertation is based on individual chapters. These chapters are tabulated as stated hereunder, describing clearly what they entail. It is important to take account of the fact that the design helps to structure the research in response to the research questions initially tabulated within the research proposal (Henning *et al.* 2004:142).

Chapter one - Background

This chapter served as the swivel of this entire research study. It dealt with the motivation, value and background of the study, tabulating the aims and objectives of the study, with the

methodology and design of the study following. This contributed towards the understanding and analysis of the role of the AU in promoting democracy and human rights. This chapter also briefly introduced the democratisation theory and the decolonial theory as the theoretical framework within which the role of the AU is interpreted and analysed.

Chapter two - Conceptualisation: decolonial theory, democracy and human rights

The chapter provides the theoretical framework and the conceptualisation of the study. The democratisation and decolonial theoretical framework, which provided the critical lens through which the current milieu of the AU is defined, are provided. This enables the nuanced interpretation of the manifest role of the AU. The chapter also explains the key concepts that are relational to the decolonial orientation of the study, including relational concepts such as coloniality, democracy and human rights.

Chapter three - The Framework and Protocols of the African Union to promote democracy and human rights

Chapter three deals with the global and emergent African normative framework in terms of democracy and human rights promotion. It briefly draws from a global perspective on the role of the UN and its relationship with regional state unions in the current epoch. It further deals with the manifest role of the AU in terms of democracy promotion, elucidating the relevant trends that depict the AU's manifest role.

Chapter four - AU: democracy and human rights promotion in Zimbabwe

In Chapter four, a case study on the role of the AU is undertaken, describing and interpreting the role of the AU and its intervention in Zimbabwe. This chapter describes the manifest intervention of the AU in Zimbabwe since its founding in 2002. This is variously juxtaposed with the iterated normative framework of the AU that finds expression in various treaties and foundational documents. Examples from other instances of AU intervention on the African continent are utilised.

Chapter five - Conclusion

This chapter provides an evaluation of the findings based on the integration and interpretation of the literature that the study analysed and interpreted. It is a synthesis of the findings from the varied sources with which the study engages. Thus, it will help to establish a deeper understanding of the role the AU plays in promoting democracy and human rights. The study makes specific recommendations for consideration, and provides a conclusion.

1.9. Delimitation

The AU came into being in 2002. This study is limited to the operations of the AU and its ancillary bodies to the extent to which it clarifies the implementation of its mandate in respect of democracy and human rights. Its quintessential axis is a case study of the role of the AU in Zimbabwe. It is based on the qualitative paradigm. The study presupposes discursive discourse on related theory, constructs and concepts that help to describe the role of the AU.

1.10. Limitation

The sole method of data collection will be through the study of library and internet primary and secondary sources. There is a dearth of literature, especially in academic sources, analysing the role of the AU in promoting democracy and human rights in Zimbabwe. Hence, this attempt to draw information from multiple sources using an interdisciplinary approach in analysing the role of the AU.

CHAPTER 2

CONCEPTUALISATION: DECOLONIAL THEORY, DEMOCRACY AND HUMAN RIGHTS

2.1. Introduction

This chapter deals with the conceptualisation of democratisation and decolonial theory, as the main theoretical framework, in relation to the role of regional organisations in promoting democracy and human rights. Decolonial theory has been used by various scholars to interpret and describe the modern and postmodern “international society” and its mode of governance; thereby creating a nuanced understanding about how coloniality as a discourse, in extant “international society” interprets reality and the enduring challenges of the past. Democratisation and decolonial theories are posited as a framework of analysis in order to interpret democracy and human rights promotion. The work of various scholars in different disciplines, who depart from a decolonial and democratisation framework, were utilised. These helped to describe and interpret the promotion of democracy and human rights, in governance, in the context of the emergent trends and practices by states and intergovernmental and supranational organisations in international society.

The chapter also briefly unravels the challenges regarding the notion of “international society” given the fact that there are no settled norms in the context of coloniality as a social construct. Moreover, the conceptualisation and definition of democratisation theory and human rights and their meaning are clarified. Related to this is the concept of human rights, which it is argued is not the same but relational to popular participation as a manifestation of democratic governance. The chapter finally broaches an in-depth discursive literature analysis. In addition, the notion of state sovereignty and its shifting meaning calibrated by hegemonic trends and forces is engaged. This study is a discursive exercise, creating a basis for contextually describing and interpreting the role of regional organisations.

2.2. Coloniality, modernity, and global relations

Decolonial theory is based on a critique and articulation of Western domination in the domains of power, knowledge and being especially as it relates to governance globally. According to Ndlovu-Gatsheni (2012:4), "...[t]he concepts of power, knowledge and being help in unmasking coloniality as an underside of modernity, without necessarily rejecting the positive aspects of modernity". Decolonial theory provides a critique of extant "international society" with a view of reconstructing the current discourse and construct of power, knowledge and being (Ndlovu-Gatsheni 2012:4). Decolonial theory emerged in the last century as a critique of the modernist empire and its canons especially in governance. The notion of empire actually describes the "power based relationships" through which one territory variously dominates another. Thus, the concept is relevant in terms of what is defined as coloniality (Parchami 2015:116-117). Decolonial theory prominently describes and critiques the continued power relations that took root during the colonisation of great parts of the modern world as an antecedent of Western domination. It is concerned with the manifest persistence of the domination of Western power matrices in the period characterised as postcolonial, namely by modernist and post-modernist theorists. The critique's quintessential point is directed at the phenomena of decolonisation, sometimes defined as the action of dismantling of direct administration by Europe over its colonies, and the granting of self-rule. The decolonial theory analyses state decolonisation from a modernist perspective, representing the reconstruction rather than the dismantling of the Western empire and its continued domination and suppression of the historically oppressed. In terms of decolonial theory, decolonisation is about undoing the persistent power matrices that assert continued Western domination in global governance (Ndlovu-Gatsheni 2012:4).

The term decolonisation has been animated in current struggles against coloniality. It has come to describe the intent and the struggles challenging the Western canons and asymmetrical power relations beyond the formal granting of independence, which is what it previously exclusively described in literature as iterated by scholars (Muneno 2016:27; Ndlovu-Gatsheni 2012:4). It is currently definitive of the processes initiated to challenge the persistent coloniality, as evidenced by Tucker (2018:2) in his polemic on the need for transformation of international relations and by implication global governance. The term decolonisation initially gained ascendancy after the end of the Second World War and it referred to the withdrawal of direct administration of the former colonies by the historical former states that owned colonies. This was the common political use of the word, with

former colonies having specific dates for the withdrawal of direct rule, designating the date of independence (Saunders 2017:100). Decolonial theory currently affirms the coloniality of relations that persist beyond the formal withdrawal of Europe from its colonies, describing the incompleteness of the decolonisation process hitherto (Ndlovu-Gatsheni 2013a:13). Hence, Nicolaidis, Sèbe and Maas (2015:3) argue that the concepts of post-colonialism and decolonisation mask the continuity of the domination of the subalternised societies and peoples through Western power matrices that continue to create instability in global governance. Thus, decolonisation is seen as incomplete. This has resulted in the persistence of coloniality that has historically determined the relations between the elite and the subalterns in the polity and the emergent subalterns' polity and its relations to the global Western empire (Ndlovu-Gatsheni 2012:1; Quijano 2007:170).

Coloniality, on the other hand, is constructed and rationalised through decolonial theory. Coloniality as a concept thus denotes the latter's persistence of the domination of Western power matrices over former colonies beyond formal decolonisation or direct colonisation. It refers to what Ndlovu (2013a:5) defined as the "invisible colonialisms" that continued after formal independence. Zondi (2016:2) argues that coloniality underpins exploitation and domination in various domains of social existence, characterising it as a necessary condition of modernity; it is the inhuman side of the surmised progress that modernity depicts. This is echoed by Ndlovu-Gatsheni (2013a:14) when he argues that in reality the concept of decolonisation is a modernist farce including in global governance. Coloniality, through invisible power structures, continues to animate the current asymmetrical power relations worldwide. Expressed through coloniality, the uneven power relations pervade all aspects of social relations amongst people (Ndlovu 2013:6). This is unlike colonisation where the empire's rule was characterised by direct control over the politics and the economy. Coloniality is through invisible power matrices pervading all dimensions of social life (Ndlovu-Gatsheni 2013a:11).

Decolonial theory as a combative discourse challenges in governance the realist and neo-liberal theories in their understanding of the role of international organisations and the milieu in which they operate (Girardeau 2012:14). Decolonial theory is a critically acclaimed theoretical lens and guide from which the role of empires, and global and regional organisations, societies and individuals can be socially constructed, ascertained and described (Nicolaidis 2015:281; Quijano 2000:533). Coloniality as a frame of reference engages with the historical matrices of the process of decolonisation and colonial power.

The word decolonisation, which marked the end of direct colonisation, is used with circumspection considering what Saunders (2017:100) stated that, according to decolonial thinkers such as Fanon, it does not accord prime agency to those who fought for political independence.

Decolonial interlocutors converge in locating the current epoch of coloniality in a historical cartography of Western domination under the aegis of the Euro-American axis (Tucker 2018:5; Muneno 2016:35; Zondi 2016:23). Grosfoguel (2003:7) asserts that global decolonisation became an antecedent of reshaping the manifestation of domination into global coloniality, indicating continuities in relations of domination and servitude. Coloniality of power is defined as the transcendence of domination from colonisation to decolonisation. Coloniality thus denotes the supremacy of an empirical supranational power in the national and “international society”, which calibrates both the fate of the individual and the sovereign (Ndlovu-Gatsheni 2013b:180; Naimou 2009:4), creating asymmetrical power relations (Ndlovu 2013:4). Coloniality as a concept, according to Maldonado-Torres (2007:241-250), exposes the embedded relations of domination and subjection bequeathed as a residue of direct colonialism. Muneno (2016:33) agrees, stating that coloniality extends to the domains of power, being and knowledge; thus, it is pervasive. Spies (2016:41) argues that the notion of differences in “international society” creates an “us” and “them” scenario. Decolonialists argue that the decolonial critique wants to expose this schism in “international society” (Quijano 2000:534).

The omnipresent power of coloniality, it is argued, is not cosmetic. Today, it is the ultimate invisible empirical supranational sovereign (Ndlovu-Gatsheni 2013b:180). In terms of decolonial theory, global governance is seen as trapped in the fetters of modernity manifesting in colonial “international society”, which is a social construction of the Western power structures of coloniality (Quijano 2007:170). Modernity is defined as the period of enlightenment that started in Europe, thereby giving Europeans the advantage of the “first move”, like in a game of chess. This first move enabled Europe to colonise much of the world, and Africa in particular (Heydenrych 2016:118). Modernity has continued to subalternise voices, which are not pitching in accordance with the rhyme and rhythm of Western canons, perpetuating intellectual epistemicide (Zondi 2016:20). This is fundamental from a constructivist point of view, which asserts that the “international society” is shaped by the dominant ideas (Ndubuisi 2016:66). Thus, coloniality is regarded as intrinsically subversive for the subalternised territories and peoples, utilising intricate technologies of

subterfuge (Ndlovu-Gatsheni 2012:12). Decolonial theory is regarded as pluriversal, able to ontologically accommodate and articulate with modes of thought from different geographical locations. Therefore, the decolonial as a social construct can be articulated from feminist, gendered, Afrocentric, Islamic, Marxist and nationalist perspectives (Ndlovu-Gatsheni 2012:19). The geo-political location refers to the ontological and epistemic density of either the empire or the subaltern's perspective, not a literal geographic location. Even a subaltern can articulate from the position of the geo-political location of the empire (Ndlovu-Gatsheni 2013a:14).

2.3. Genealogy of Coloniality and the democratic entitlement

Decolonial perspectives posit coloniality as a conceptual framework from which to engage the perpetual empirical exposition of what Aristotle, in Russel (2006:185), proclaimed as a law of nature that the "...conquest of natural slaves is right and just". Natural law and later human rights law, which metamorphosed from the former as universal expositions of modernity, denoted an intersection of violence and expropriation of the subalterns, through the genealogy of modernity as the original meeting point of various civilisations. Thus, the grand ideations of the theories of modernity reflect the interests of the conquerors (Mungwini, 2014:17). Mbembe (2017:54) argues that modernity is an explanation of the European project of globalisation and territorial expansion. This exemplifies the continuities in the relations of domination and servitude given the persistence in governance of universalisms imposed by modernity. The racial categories that are synonymous with the contemporary history of "international society" proper did not take shape until Europe "discovered" America (Quijano 2000:534). With the expansion of European colonisation, the racial hierarchy became an indispensable mechanism to justify the odious effects of colonisation and continued domination (Gatsheni-Ndlovu 2013a:11; Maldonado-Torres 2007:245). The finite nature of what can be appropriated and consumed required a redefinition of who is human enough to benefit from the entitlements the world had to offer, including the democratic entitlement. The balance of power in "international society" was constructed to favour the protection and promotion of domination, and the continued social construction of "natural slaves" – the modern subalterns (Maldonado-Torres 2007:245; Russel 2006:185). The concept of democratic entitlement was borrowed by Marks (2011:508) from Tom Franck and has since become part of the democracy narrative. Alberti

(2016:34) points out that the notion of a democratic entitlement is contested both as a construct and as content. It is a contested concept, as will be indicated hereunder.

According to Ndlovu-Gatsheni (2013a:11), coloniality reflects the persistence of the power matrices that shaped colonisation, and outlived its demise at the turn of the century. Coloniality is like the two faces of Janus the Roman god, which represented a duality of ontology. Coloniality is the underside of modernity (Muneno 2016:31; Ndlovu-Gatsheni 2012:4). Ndlovu-Gatsheni (2012:1-2) defined the constituents of the colonial power matrices as “economic control, control of authority, control of sexuality and gender and control of knowledge”. He cautioned against conflating direct colonisation with coloniality. Firstly, conflation of the two concepts may indeed obfuscate the coloniality of much of the nationalist elite who came to power after decolonisation. They best exemplify the replication and resilience of coloniality in relations within and outside the postcolony. Secondly, it could blunt the analytical value of the two concepts. Notably, neo-colonialism distinguishes itself by delimiting its territorial domination to the state and the economy.

Scholars point out that coloniality has its foundations in the perceived natural right to dominate and control. This denotes the causal effect of empires and race in the construction of schisms and deficits in colonial “international society” in terms of humanness and democracy (Tucker 2018:1; Maldonado-Torres 2007:245; Russel 2006:185). Elsewhere, Mbembe (2017: 11) remarks, race is a social construct with no physical, anthropological and/or genetic substantiation. Race is therefore socially constructed to rationalise the existence of surplus people who do not belong to the universal human race. The postcolonial society, like any epoch that replaces another, varyingly represents the genealogy of its birth. In a world in which there is relentless pursuit of the bottom line, past deprivations are resilient and self-perpetuating, which in effect is the essence of coloniality. In this articulation of decolonial theory is embedded the interests of the global hegemony on the one side, and the vagaries of the layered oppressed classes, in various gradations. Importantly, the structures and technologies of modernity make the continuities residing after decolonisation, defined as postcolonial society, a matter of modernist design. Hence, according to Sousa Santos (2007 in Muneno 2016:31), the perpetuation of the social construction of racial hierarchies that equate to entitlement and expropriation are based on whether you fall below the abysmal line and therefore are not human, and vice versa. Those below the imaginary abysmal line, it subalternises, while privileging those above it (Muneno 2016:31).

The phenomenon of decolonisation did not alter the geo-political power matrices that continue to define the construct of the sometimes hidden, but essential, nature of “international society” as deeply undemocratic and colonial in its essence and governance (Quijano 2007:170). Spies (2016:39) asserts that “international society”, as a concept, assumes the existence of shared values, interests and objectives that are individually and collectively pursued. In this study, the colonial character of the current “international society” was used to describe the persistence and perpetuation of coloniality within postcolonial society. Various scholars who depart from a decolonial theoretical exposition have stated that decolonisation did not change colonial relations (Tucker 2018:5; Muneno 2016:35; Zondi 2016:23). It was a farce. The only difference is that the former colonisers relinquished direct control of their former colonies and universalised their exploitation, using various modern technologies of subterfuge. In essence, the issue of international norms is debatable and contested (Spies 2016:40).

The act of empire states administratively delinking from the colony, decolonial theory affirms is more advantageous to the metropolis and its elite. It can dictate and manufacture deficits in terms of the quality of the democratic entitlement in their external spheres of domination without bearing the brunt of the occasional backlash of the masses (Gatsheni-Ndlovu 2012:18), exemplified by the Arab Spring in late 2010. This deflection of the costs of domination sets the modern, largely neo-colonial “international society” apart from the empires of direct colonisation. Neo-colonial denotes extraterritorial economic and political domination without annexation; unlike coloniality, it does not extend to domains of power, being and knowledge (Muneno 2016:33). Thus, what is defined as decolonised societies remain under the power matrices of the Western Euro-American axis. Gatsheni-Ndlovu (2012:18) avows the expropriation and appropriation of the popular struggles against coloniality in the course of the Arab Spring and invasion of Libya stand as a stark reminder of this reality. This understanding and description of continuities accords with all preceding social formations under which coloniality of power existed, exemplified by the subalteranean existence of American slaves after their emancipation, akin to the modern condition of coloniality. The Indians and African American slaves had anticipated a restoration of their deprived humanness following the abolishment of slavery. It led Du Bois (2010:169-170) to write, “Years have passed since then... yet the swarthy spectre sits in its accustomed seat at the Nations feast... the freedman has not yet found in freedom his promised land”.

2.4. Coloniality and agenda setting for democratisation

The centuries of direct domination have bequeathed the Euro-American axis the discreet power to set the global agenda under the empirical supranational of the coloniality of power (Zondi 2016:23). Literature is littered with the seeming benevolent role that the global hegemony and the international intergovernmental and supranational organisations play to promote “international society” proper. This obfuscation by coloniality, Kwarteng falsely (2012:4-8) termed benign authoritarianism. This is particularly so in respect of global governance, peace processes, human development, democratisation, and human rights promotion. These and other related seeming benevolent acts by the Euro-American axis, directed towards the construction of “international society” proper, often masked the obviation of alternative perspectives to coloniality and their necessity (Kwarteng 2012:391). Hence, Nicolaïdis (2015:285) says this exemplified what Shepard stated, “Decolonization was a stage in the forward march of Hegelian Linear History, making the messy episodes disappear in a familiar liberal narrative of progress”. This in effect resulted in continued Western-driven epistemicide of indigenous alternatives (Zondi 2016:20; Gupta 2015:6). Modern society thus becomes an articulation of Western paradigms of truth, being and knowledge, allowing for the continued othering of the formerly colonised. By implication, it subtly legitimised the continued discreet, at times grotesque, geo-political domination (Ndlovu-Gatsheni 2013a:11; Ozoke 2014:5-6).

The presentation of the West as an embodiment of universal norms and truths is a major source of emasculating other cultures and civilisations, and an obfuscating strength of coloniality. Their proponents (Nicolaïdis 2015:290) articulate Western norms from the locus of historical domination and epistemicide. These are buttressed by the coloniality of Western state might and economic domination that accrued over centuries (Ndlovu-Gatsheni 2012:6), thereby creating a relationship of a society of unequals. Inequity and the absence of transitional justice in respect of coloniality has a multiplier effect on the socially constructed deficits between the have and the have nots – the colonised and the subalterns. Kagoro (2012:8) poses a critical question regarding transitional justice, its feasibility, and desirability in the instance of embedded atrocities and deprivations as accounted for by decolonial theory, its carnage spanning centuries. Kagoro (2012:8) asks if transitional justice is feasible in this regard, given the multiple atrocities over centuries. There is no articulated algorithm for such; thus, decolonial theory advocates for disruption and disobedience towards coloniality as the ultimate redistributive justice (Kagoro 2012:8).

Quijano (2000:565) points out the paradox that characterised the process of decolonisation that produced colonial quasi-independent states, indicating that often after direct colonisation in Latin America and elsewhere power was handed to settler minorities. He argues that this obviated the creation of proper democratic nation states. The extent of the paradox is qualified by the fact that the local elite have been assimilated into colonial society as a force multiplier for coloniality (Muneno 2016:36; Quijano 2000:565). Yet, “international society” engages with these states as if they are proper democratic nation states. They are often neither democratic and certainly not nation states. The ambiguities amongst those that have suffered from direct colonialism desire a nuanced reading to appreciate the actual manifestation of coloniality (Ozoke 2014:1). Still, the effect of the above is that coloniality as a theoretical construct has unendingly set the agenda, obviating the possibility of deconstructing the power matrices that characterise global coloniality, including by local co-option, as iterated. Decolonial theory therefore denotes that the postcolonial state in the former colonised territories has always lacked the political appetite or capacity to obviate and annihilate coloniality and set the agenda for a truly inclusive society because it is more than an adjunct of the empire.

2.5. The Global Empire, Democracy and Human Rights

Nicolaidis, Sèbe and Maas (2015:2) borrowed John Darwin’s definition, stating that “imperialism may be defined as the sustained effort to assimilate a country or region to the political, economic or cultural system of another power”. Empires by definition imply that they are antithetical to legal systems and knowledge that are pluriversal. Such seemingly pluriversal systems and knowledge are only deliberately and overtly maintained to the extent that they have been corrupted to supplant the restless subalterns, and create a façade of ontological and epistemological diversity. This simply underlines the self-evident fact that empire denotes conquest. Imperialism and its antecedents bequeathed modern society the current doctrine of human rights. IDEA (2013:6) asserts, “The relationship between democracy and human rights is intricate, symbiotic and mutually constitutive”. This, according to jurisprudence, is affirmed by the fact that human rights can only be held in relation to the state; they calibrate the power of the state as the sole instrument with authority to exercise legitimate force against citizens (Ozoke 2014:2). Modernity, particularly its ugly side, constituted as coloniality exhibit the pinnacle of the supplanting of the self and

democratic governance of the subalterns. The modern empire has thus inherited the worst vestiges of empires and imperialism as a system of domination.

The paradox of the primacy of human rights law to moderate the excesses of the state is that colonisation inherently denoted odious state-sanctioned violence and even genocide against the subalterns. This was only possible within the context of gradations of “othering” (Ozoke 2014:5-6; Ndlovu-Gatsheni 2013a:11), from those with a deficit of being human, to those ranking highest on the ladder of being human (Nicolaïdis 2015:281; Ozoke 2014:1). Therefore, there is a temporality in the emergence of the extant human rights doctrine, racial hierarchy, and the consolidation of coloniality of global power. Ozoke (2014:4) states that natural law, from which human rights law later emerged, was transformed by the Roman Empire to also govern the relations between states. By implication, this also constructed supranational authorities that could impose their will extra-territorially, in this context advertently or inadvertently even national, sub-regional and regional organisations could become cogs of coloniality within the global governance framework. The imposition of Western values as a legal system of the world created a universal norm of modernity of insiders and outsiders. Legality thus aided the construction of empires with the then emergent global system of modernity supplanting culturally relative legal systems, often as an outcome of a violent transition (Ozoke 2014:4). This was justified on the basis that in the origin and evolution of natural law, the West had assumed the civilising mission to aid the “irreducible other” (Ozoke 2014:5). Until today, modernity is construed as a humanitarian project; one that is benevolent to the naturally miserable subalterns. As an exemplification, Parchami (2015:111) points out that in the wake of America failing to produce the claimed weapons of mass destruction in Iraq, the invasion of the polity was justified, based on educating the Iraqis about the values and norms of democracy. This justifies the assertion that the concomitant violence that historically accompanies the expansion of European culture and values is regarded as moral (Mbembe 2017:12). Crudely put, the application current international law evidences the Euro-American victory in the construction of a globalised empire. This constitutes the basis for the application of coloniality in the assessment, analysis and interpretation of the geopolitical coordinates that determine intra-continental expression of coloniality within the frame of global governance.

Anthropological and historical studies have provided overwhelming proof that the construction of the current global capitalist empire was often in competition and complementarity with other empires there were supplanted over time. This complementarity

tended to flow both ways which, according to the decolonial perspective, questions the inherent claim to a civilising mission by the early European empire, it is rather a false claim of supremacy that modernity as the ideological justification for coloniality propagated (Kennedy 2015:20; Gatsheni-Ndlovu 2012:8). This exemplifies the appropriation and expropriation of the genius of empires that existed before. It also exemplifies what scholars have termed imperial epistemicide, which is characteristic of coloniality (Zondi 2016:20; Nicolaïdis 2015:290; Gupta 2015:6). The expropriation of the heritage of the insignificant “other” and its denial creates the basis of the Euro-American empire’s claim and justification of its historical escapades as civilising. It creates a deficit of being in those who have been “othered”. They become people with no past and therefore no possibility. Their history becomes the history of defeat and servitude (Gatsheni-Ndlovu 2012:8).

2.6. Decolonial Theory, Praxis and Critique of Democratisation

Tucker (2018:2) highlighted the need to go beyond the seeming view that decolonial theory is unable to transcend the image of a “disembodied abstract discourse”, by realising methodologies that undo and disrupt the self-perpetuating momentum of the current colonial discourse. Noting the tendency of the decolonial discourse to be abstract, Ballestrin (2014:219) states that the “...strength of the concept (coloniality) lies more in its accusatory than its operational proposal”. Mbembe (2015:18) acknowledges that the antecedent act of providing a critique of coloniality is not an end in itself; substitutes that are markedly different have to be realised. Tucker (2018:2) takes up the cudgel, asserting that the decolonial critique of modernity “...needs to be supplemented by projects that unravel racialized power and knowledge relations across multiple political, economic, and epistemic sites; and that doing so requires more nuanced and targeted decolonial methodologies than those that are currently available”.

Using the latter logic of integrating decolonial praxis from multiple epistemic sites, Naimou (2009:5) is instructive when considering a decolonial aesthetics; she argues decolonising must constantly break with the established norms; it must be rebellious. It must challenge the lack of dynamism in processes and rebut the notion of closed narratives. Challenging closed narratives recognises that all knowledge is by its nature partial, including knowledge posited from the geo-political locus of the subalterns (Ndlovu-Gatsheni 2012:5). Ndlovu-Gatsheni (2012:8) makes a positive rejoinder to Naimou (2009:5) by arguing for a deconstructive critique that unmask the beast of coloniality. He argues that it is essential,

meaning the theoretical and radical critique as an exercise is not an end in itself. Ndlovu-Gatsheni (2012) further asserts that it is precisely the lack of ideas and the proliferation of positivist thought and empiricism in approaches to development, which posit mechanical solutions and methods representing a paucity of ideas about coloniality, which is a problem. Which is apropos to challenges of governance in international society. He questions the tendency of some to put forward concepts such as good governance, democracy, democracy promotion, and human rights without considering the geo-political locus from which they are articulated. According to Ndlovu-Gatsheni (2012:8-11), the current epoch he avers requires grand theories that posit new ideas about the nature of coloniality and how to decolonise. This implies that concepts, such as good governance and democracy, should be articulated from a pluriversal perspective infused with practical meaning.

A prognosis of decolonial theory depicts a failure by the national elite to depose the structures of the neo-colonial Leviathan and the associated systems that have endured and enabled continued colonial domination. The nationalist's movements that came to power after the universal franchise was granted to the historically oppressed have been accommodative rather than disruptive of extant "international society" and its mode of governance. Moreover, this is reflected in the challenges of promoting democracy and human rights (Naimou 2009:6). Critiques point out the role of the nationalist movements from their vantage point of having assumed state power. The egalitarian dreams conjured from the vantage point of assuming the levers of state power have largely not come to fruition. Decolonial theorists, it can be argued, moderate the expectations of an egalitarian future post-colonisation, pointing out the nature of the coloniality of power these states inherited and its embeddedness in the practices of the new political elite (Muneno 2016:36; Ndlovu-Gatsheni 2012:13; Naimou 2009:6). It surmises that coloniality calibrates their revolutionary potential and what is possible within the polity. Perhaps, the absence of systemic disobedience is not because of the unassailability of the colonial empire. The social constructions of the empires' philosophers and "soothsayers", who proclaimed "the end of history", christening Euro-American "civilisation" as the pinnacle of the debauchery of colonial "international society", indeed masked the ultimate universal obfuscation and the need to dismember coloniality (Ashraf 2012:526; Ndlovu-Gatsheni 2012:15; Naimou 2009:4).

To point out the role of the new political elite as organs of coloniality, Muneno (2016:36) and Naimou (2009:6) theorise that the new rulers tend to make common cause with coloniality,

thereby perpetuating the status quo. This was history repeating itself – as Quijano (2000:536) observed, colonialism like coloniality was grotesque but also nuanced. During coloniality a division of labour was occasioned in terms of which some of the oppressed had closer proximity to the settlers, even partaking in the administration of the colony. The nuance after decolonisation is that control by the power matrices simply became at arm's length, but did not delink from the former colony. The role of the new elite denotes both divide and rule, and mimics the related division of labour that spread with colonialism and capitalism. Colonialism bifurcates society in all domains (Tucker 2018:2). The praxis of sections of the indigenous elite aiding colonial relations, rather than conjure disruption as was the case under colonialism, is now repeated in the so-called decolonised societies reflected by the ruling elite invited into close proximity to the colonial power. They serve as its proxies in the historically subalternised territories, gaining a step up the ladder of modernity (Naimou 2009:6), leaving the rest of the subalterns at the lowest level of the human chain characterised as tribes rather than citizens who constitute the sovereign.

It is surmised that the strands of thought of thinkers, such as Ndlovu-Gatsheni (2012:8), who favour grand theories are important in debunking and understanding coloniality. This, as stated by Tucker (2018:2) and Kagoro (2012:8), will create the requisite disobedience against coloniality. However, there is a need to transcend the abstract nature of the colonial critique (Ballestrin 2014:19). This means drawing lessons of praxis from other sites of decolonial struggles, as advocated by Tucker (2018:11-13), which takes into account the need to settle scores with the localised nature of coloniality. In summary, he points out that a combative praxis that responds to the grand narratives of decoloniality must entail the following: first, decolonial analysis and practice in the world must respond to concrete sites and concrete practices of coloniality in defined geographical locations, starting with the racialised structures of domination. Second, this demands that there must be collaboration with those engaged in various sites of decolonial struggle, which also requires that decolonial practices must be receptive to the ideas and lessons emerging from these domains. Third, realise a connectedness, intersubjective and shared histories and epistemologies of the people affected by coloniality. Fourth, to buttress the latter point, thinking relationally in all other practices by following decolonial struggles everywhere (Tucker 2018:11-13).

2.7. Contextualising Democracy and Democracy Promotion

The earliest forms of democratic governance are found in Aristotle's exposition of early life in Athens, a Greece city-state. In the Greek city-states, the sovereign's policies and legislation was determined directly by the citizens who had the franchise. Thus, it was called direct democracy (Ibrahim and Cheri 2013:60). From this has developed the idea in democratisation theory that the people are the constituents of the sovereign; democracy receives its legitimacy from the people (Alemu 2007:1). Russel (1996:184) states that the opposition to Aristotle's conception must be understood in the context of the Athenian experience. He indicates, "In extreme democracies, the assembly of citizens was above the law and decided each question independently". With the development of the labyrinthine structures of governance and the complications of modern social life forms, direct democracy was replaced, according to Ibrahim and Cheri (2013:60), by representative democracy. In a representative democracy, the citizens with a vote elect their representatives who will pass laws on their behalf. Theories and conceptualisation of democracy thus posit the people as the swivel of democracy; they are its chassis.

The concept of democracy has manifold interpretations and meanings, which complicate the phenomenon of democratisation theory in its attempt to create an empirical picture of what democracy is (Gupta 2015:6). Gupta (2015:6) asserts that this creates a conceptual challenge in defining what democracy promotion entails. Hence, it is amongst the most used and abused concepts across a multiplicity of disciplines (Dodo 2016:18). Scholars adopt mainly two approaches in the definition and description of democracy – the institutional approach and the substantive approach. Democracy as a governance concept is not value free and uncontested in terms of its meaning (Zagel 2010:2). From a decolonial perspective, the critique is that the democratic entitlement has historically been accorded in terms of who is human; hence, the history of democracy is a history of inclusion and exclusion (Ndlovu-Gatsheni 2013a:12). Until recently in the history of modern civilisation, women did not have the franchise, denoting their status in consideration of who constitutes the people and arguably the actual ingredients of the sovereign who could claim the democratic entitlement. This has also characterised the history of class formation and class struggle, which has been the hallmark of social formations, even predating modernity. This continues to define the coloniality of current social constructs, with coloniality having been founded on the foundations of social schism that predate it. Girardeau (2012:20) indicates that from a

constructive point of view all these point to the fact that “norms, culture and identities, have explanatory and causal power of their own”.

Schmitter and Bouwer (1999 in Gupta 2015:12) define democracy promotion as involving both governmental and non-governmental bodies that pursue strategies and activities intended to result in political liberalisation, and democratisation in non-democratic states. Perhaps it can be added that it includes states that are continuing to democratise; those exemplifying democratic deficits. As democracy can be either procedural or substantive, its promotion has tended to be varied, depending on who is describing it and where. The concept of democracy promotion, like democracy, remains contested (Gupta 2015:6). Some scholars have limited themselves to the promotion of institutional mechanisms, such as the exercise of the right to vote. Others have gone beyond and focussed on the quality of the democratic entitlement (Rakner, Menococal and Fritz 2007:7-8). For the purpose of this study, the definition by Schmitter and Bouwer (1992 in Gupta 2015:12) provided above will be used to describe democracy promotion.

The strategies and technologies used for democracy promotion are equally wide ranging. In the changed global environment since the turn of the century, military adventures were also counted as part of democracy promotion. This, according to Babayan and Huber (2012:7), has the plausibility or effect of “incorporation and invasion and intimidation”. As a construct, the act of democracy promotion is regarded as an act external to the polity concern in the context of nation states, as hitherto understood (Nyere 2014:1), which largely refers to the Weberian or Westphalian state. The paradox identified is that democracy implies that sovereignty lies with the sovereigns who constitute the polity (Alemu 2007:1). However, democracy promotion implies external agency (Gupta 2015:6-7). Various studies have engaged with the question of determining the preconditions within states for role players in “international society” to successfully promote democracy in a specific state (Mengesha 2013:2; Mills and Herbst 2012:14; Rakner, Menococal and Fritz 2007:7).

2.7.1. The Institutional and Maximalist Approaches to Democracy

According to Mangu (2014:61), the minimalist conception of democracy is the institutional model, which has much more proximity to the evolution of liberalism. It postulates that democracy is constituted by institutions, and that the election of officials into these institutions is done by the citizens. Thus, it is regarded as a polyarchy. Przeworski *et al.*

(2000 in Knutsen 2011:52) state that the minimalist definition is favoured by many researchers, as it is less imprecise, has empirical features, and is deemed practical. The following four features are instructive of the minimalist democracy ideal:

- a) An elected head of government or state,
- b) An elected parliament,
- c) Multiparty participation in elections without one party domination, and
- d) Proven alternation of government after an election.

It is averred the latter rule, on proven alternation of government after an election, is generally controversial. It challenges the concept of the popular will of the people, amongst others enunciated in the Universal Declaration of Human Rights (UDHR), in Article 21 (3). Knutsen (2011:53) provides the example of the Botswana Democratic Party (BDP) to indicate that in terms of the fourth rule Botswana falls in the category of dictatorships because it has never alternated in government; albeit the fact that the BDP never lost an election. The case of Botswana is manifestly different from that of Zimbabwe when the ruling party, ZANU PF, in 2008 refused to hand over power after an electoral defeat (Moore, 2014:48). Without digressing, it is worth pointing out the following. Diamond (2015:146) questions the quality of democracy in Botswana, pointing out the indiscretions of former President Ian Khama. Arguably, under his reign the independence of state institutions and the media was constrained. The use of state apparatus to cajole opposition parties is seen as a threat to multiparty democracy. Some may argue that these kinds of premeditated systemic gremlins facilitated the perpetual re-election of the BDP. These are definite indicators of governance degradation and democratic decay (Diamond 2015:146).

The manner in which the last rule of the minimalist conception of democracy is qualified is perhaps the complicating factor. In as far as governance is concerned, the structures, systems and processes are not unimportant, but individually they cannot connote democracy. A key criticism of the institutional definition of democracy is that there is a lack of clarity about the presence of which institutions are seminal to realise a free and fair election, a key indicator of democracy (Knutsen 2011:56). Notably, in the case of the qualified franchise in Smith's Southern Rhodesia and South Africa under the apartheid regime, there was institutionalisation but not popular participation. These were "democracies", by the paradoxical standards of the colonial empires, based on the Vienna Conference. The natives of these countries were divided into tiers, tossed aside by

“international society”, living at the “mercy of the conscience” of the coloniser, and with no democratic entitlements (Ozoke 2014:5).

The alternative to the institutional or minimalist definition of democracy is the substantive approach. If democracy is about human rights and human development, the significance of the substantive definition is that the people are primary in its conceptualisation (Beetham 1990 in Knutsen 2011:57). Ibrahim and Cheri (2013:60) state, “People from various cultural backgrounds have come to admire democracy as government of the people, by the people and for the people”. However, in unravelling this substantive notion of democracy they tended to emphasise the primacy of elections, which veers towards institutionalism. We can only speak of quality of democratisation when referring to the experiences of the people. Thus, Knutsen (2011:58) qualifies this definition further by stating that in a democracy, in addition to being based on the sovereignty of its constituents, the people must have resolved fundamental political inequality. Mills and Herbst (2012:14) indicate that Freedom House classified democracies in terms of “Free” or “Partly free”. There are other classifications, by different agencies and scholars, which similarly reflect the qualitative aspect of a democracy.

Conceptually, according to Rakner, Menococal and Fritz (2007:7), the notion of substantive democracy hinges on three proportions of accountability, namely, vertical accountability through the periodic election channel; horizontal accountability through separation of powers and state institutions holding one another accountable; and societal accountability, which refers to a free press and robust civil society. As none of these reflects as a constant reality within any society, democracy is a continuous project that ebbs and flow (Knutsen 2011:57-58). The governance institutions are merely a means of realising democracy, rather than definitive of democracy (Knutsen 2011:59). According to Törnström (2014:11), democracy is not merely laws and institutions.

For the purpose of this study, whose objective is not to resolve the dichotomy between substantive and institutional democracy, the substantive definition was chosen as it echoes the struggles of the people of former colonies to gain the sovereignty of the people for self-determination (Deng 2010:2). This study also opted for the substantive definition of democracy because it addresses the issue of the democratic entitlement qualitatively. It shows that in many countries where constitutional regimes have been established, especially since the third wave of democratisation, there are huge deficits in respect of the quality of the democratic entitlement. This is exemplified by the huge political inequality and

the extent to which there is continued subalternisation of the majority of the people. The question of who constitutes the people is an intractable one that is brought forth by the substantive definition. The concept of democratic consolidation is implied within the substantive definition and it denotes a democratic breakthrough that often leads to a democratic election. Thereafter, the democratic practices strengthen, increasing the positive experience of the democratic entitlement and dividends (Rakner, Menococal and Fritz 2007:7), which relates to addressing political inequality (Knutson 2011:58).

2.7.2. Theorising Democracy Promotion - a conceptual approach

Democratisation theory has battled with the reasons why the promotion of democracy is an inherently good thing. Thinkers, located within the Western geographical locus, have posited the notion of the democratic peace theory, which indicates that democracies do not go to war with one another (McCandless and Schwoebel 2011:276). At face value, history is resplendent with examples that validate this argument. The enduring peace amongst European democracies is often offered as an example. The classical war of armies facing one another on the battlefield is a historical relic in the recent history of European democracies. This argument, it is averred, affirms a sense of kinship amongst democracies. The democratic peace theory requires that there be a clear delineation of what constitutes a democracy (Marks 2011:210). But, more importantly, it does not adequately respond to the question of distorted battle zones as modern wars are also fought through financial markets and information technology subterfuge. Modern wars rarely are fought between states, but often with non-state groups, as is largely the case in Africa. This raises questions about the archetypal meaning of war in the 21st century. One constant that can be deduced is that even in this new context, wars still impact on democracy and human rights.

The egg and chicken conundrum about what is primary between development and democracy has occupied debates between and within developers and democrats. Mengesha (2013:2) has averred that the question of democratisation and development needs to be considered without privileging one over the other in territories that have been underdeveloped because of colonisation. There is also the issue of the symbiotic relationship between democracy and good governance; the pursuit of good governance has often led to the demand for the democratic entitlement. This association of democracy with good governance has led to the imposition of structural adjustment programmes (SAPs) on countries with developmental challenges and deficits in democratic transition – even outright

non-democratic states. Neo-liberalism, which favoured a minimalist state, came to be associated with democracy. The adverse effects of the SAPs have led to a rethink about the deployment of such strategies in democracy promotion and the questioning of neo-liberalism (Ndlovu-Gatsheni 2012:16). In terms of democratic theory, the searches for endogenous solutions to the democratisation challenges has subsequently increased. This it is averred has been concomitant to efforts to challenge and redefine the asymmetrical powers vested in the hegemonic institutions that have until recently owned the democracy promotion agenda (Phiri and Matambo 2017:325; Ndubuisi 2016:61-62).

The change in the perspective on democratisation globally has been accompanied by the concomitant ascendance in the constructivist approach in describing the role of international and regional organisations in “international society” (Girardeau 2012:14). Constructivism hinges on ideational perspectives, which in the context of this study locate the role of regional organisations in a constructed reality. It focusses on idealistic versus material factors that shape the discourse (Girardeau 2012:17).

2.8. The Symbiotic Relationship between Democracy and Human Rights

The Institute for Democracy and Electoral Assistance (IDEA) (2013:6) asserts, “[t]he relationship between democracy and human rights is intricate, symbiotic and mutually constitutive”. This is buttressed by Rich and Newman (2004:9), who says:

‘Democracy, development and respect for human rights and fundamental freedoms are interdependent and mutually reinforcing. Democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives. In the context of the above, the promotion and protection of human rights and fundamental freedoms at the national and international levels should be universal and conducted without conditions attached. The international community should support the strengthening and promoting of democracy, development and respect for human rights and fundamental freedoms in the entire world’.

Kuhner (2013:40) posited that the UN Universal Declaration of Human Rights and other rights-based agreements, to which state parties have assented to, brought into fruition the

“democratic entitlement” as a right. The UN Charter made the promotion of human rights the second mandate of the UN (Rich and Newman 2004:9).

A much weightier conundrum observed by the decolonial perspective is that of the conceptual “othering,” of non-Westerners in the evolution of the concept of natural rights, which later evolved into the concept of human rights. No Westerners were ever considered not human. Hence, in the course of the evolution of human rights law, racial hierarchies developed instantaneously, these shaped global and intersubjective relations between regions. Scholars continue to observe that human rights emanated from a civilisation that deemed itself superior and thus divided the world into tiers of humanness, laying the basis for future human rights violations. They were weighed on an empirical and philosophical definition that described who is human. By implication, it means that this historical discourse influences the nature of democracies found in subalternised regions, such as Africa (Ndlovu-Gatsheni 2013a:11; Ozoke 2014:5-6).

The well-chronicled struggles for human rights respond to the historical grievances of the subalterns and have the potential to advance a qualitatively stronger democracy. It can substantively advance the democratic entitlement as a right (Kuhner 2013:40). Sousa Santos (2002:39-40) further cements this in the discursive assertions that human rights reflect the tensions that are inherent in the liberal narrative of modernity. In this resides their potential as an emancipatory paddle. Sousa Santos (2002) advances several dialectical tensions between modernity and emancipation in the post-Cold War milieu, arguing that the state is potentially maximalist as long as it continues to observe the laws it creates that in turn produce civil society. The first generation rights were conceived in terms of protecting the citizens against the state, while the second and third generation rights substitute the state as the guarantor for human rights (Sousa Santos 2002:39-40). It is in this context that the progressive Pan-African narrative on human rights must perhaps be understood and interpreted. It has been observed that with the culmination of the pinnacle of the third wave of democratisation, at the end of the Cold War, Africa purported to seize upon the task of collectively promoting democracy and human rights.

2.9. Implications of Coloniality for Democratic Transformation and State Sovereignty

Coloniality, of necessity, gained prominence as an analytical concept at the height of the current milieu of the third wave of democratisation in the post-colonial period – an epoch spelled out by Huntington, characterised by the rapid transition towards the phase of consolidating democracies that largely followed formal decolonisation (Diamond 2015:141). This era prima facie pointed towards a shift in global governance, democratisation or claims of democratic transformation became in vogue. The increasing interest in theorising the role of regional and international organisations emanate from a concern about the hybrid electoral regimes that were occasioned by stagnation in their journey towards democratisation (Mangu 2014:16). The question arose on what international and regional organisations, which supposedly shared particular norms, could do to promote democracy and human rights (Spies 2016:40). The transition to democratic rule has not been linear in any sense; no development advances in a straight line. There has been stagnation and even reversals in countries' political trajectory towards democratisation (Mangu 2014:16; Marks 2011:514). The role of some regional organisations is circumscribed by the fact that they are pluralistic security communities. This essentially denotes that the members retain their sovereignty, which means that such a regional organisation does not have supranational authority on matters of peace and security. It would require consensus or agreement of individual or collective membership to intervene and promote democracy (Ntandazo 2010:17).

The prominence of the third wave of democratisation as a social construct has been further accentuated by the decolonial struggles for genuine democracy and human rights. Until recently transitional theories have tended to neglect external factors in the democratisation of a polity, this is despite the fact that ample evidence has existed to the contrary (Babayán and Huber 2012:6). A case in point is the transition to democracy that was occasioned by the Carnation Revolution in Portugal in 1974, which was a result of its military defeat in its colonies of Mozambique and Angola (Whitehead 2004:140). Subsequent to that, the UN played a seminal role in the decolonisation of Namibia (Whitehead 2004:150). It also supported elections in a number of Latin American countries. The result was that democratisation came as a consequence of external intervention, of varying degrees (Whitehead 2004:140-141).

Some scholars have argued that the stagnation of the democratic transition in these hybrid countries is as a result of the fact that they have not transitioned into nation states (Muneno 2016:36; Quijano 2000:565). These necessarily demand the realisation of true self-determination, which is genuine sovereignty of the people as the constituents of the sovereign – in the sense that nation-building is a process undertaken by a people able to exercise their independence and select a course of development (Deng 2010:2; Alemu 2007:1). The first challenge in these hybrid states is often a conflation of state-building and democratisation. Inherently, decolonisation presupposed the salient start of the process of constituting the postcolonial state as a sovereign. Cilliers (2016:4) asserts that African states “are weak and inefficient”. Notably, state-building requires the centralisation of power and authority, while democratisation requires the converse. In the latter, it will result in the democratisation of political power through its diffusion (Rakner, Menococal and Fritz 2007:2). It is thus argued that for democracy to succeed requires that it be embedded within the polity, which may denote that account be taken of the contextually appropriate measures to realise democratisation and a human rights culture (Rakner, Menococal and Fritz, 2007.2). This would enable the affected countries to take account of the trends and unique features of the manifestation of coloniality. In contrast, according to decolonial theory, modernity is a construct based on Western universalisms. It is understood that genuine people’s sovereignty will occasion democracy, and through qualitative consolidation of democracy the humanness of the subalterns will be realised through a culture that recognises human rights and deals with political inequality (Tucker 2018:11-13).

Modern African states are conceptually trying to traverse the logics of state formation and democratisation simultaneously. This is effected in a period of increased regionalism, denoted by the enlarged circumscription of state sovereignty, through the assumption of specific responsibilities by role players beyond the boundaries of the nascent state (Girardeau 2012:14; Nathan 2012:49). On certain occasions these responsibilities have received greater impetus based on the fact that democracy promotion is more than in vogue; it is the magna carta of the modern virtues of politics (Langerud 2016:11; Oguonu and Ezeibe 2014:325). This presents the second challenge for the state in the context of the demands of state-building, which requires centralisation of power, as alluded to above. Notwithstanding, the recognition of the right to protect (R2P), which is the right of the “international society” to intervene in an instance where a country is unable or refuses to obviate crimes against humanity, war crimes, and genocide, marked a paradigm shift in the conception of rights and obligations accruing to states individually and collectively (Dzimiri

2017:54). The use of the concept intervention in R2P also marked a decisive shift from the notion of humanitarian intervention. History is replete with examples of lack of clarity as to the meaning of humanitarian intervention. It also sought to demilitarise the word “humanitarian” as desired by non-state actors, especially NGOs that are active in the politics of “international society” (Kioko 2003:809). The first regional organisation to endorse this conceptual approach was the AU through its Constitutive Act (Ndubuisi 2016:25). This tension between state formation and the invention of supranational structures in the form of regional and international organisations affects the nature of the state, including the ability of the state to create such supranational structures when it is not fully formed into a state as understood in the context of the Weberian construct.

This is also indicative of the unsettled nature of the concept of “international society”, on the basis of which is constructed the concept and practice of R2P. R2P presupposes that there are a number of states with a common vision and ideation of the future and these states pursue common norms. Based on these common norms, there is delimitation of one another’s sovereignty. However, the concept of R2P invokes many debates and challenges because even the norms of “international society” are still up in the air and unsettled (Spies 2016:40). Based on the decolonial perspective, it has been argued that the power matrices of colonial “international society” constitute an empirical supranational authority – an authority that inevitably deconstructs the formation of the state in the postcolonial society. This takes place via coloniality, which obviates the creation of modern states proper, especially in the formerly colonised territories, thereby obviating democratisation. It is thus conceivable that the construction of “international society” proper, including its attended institutions, may obviate the matrices of extant coloniality (Naimou 2009:4).

From a constructivist point of view, the above denotes that the emerging nation state has to contend with two manifestations of sovereignty. The first is the empirical supranational authority of the coloniality of power that finds expression as a construct of the Euro-American axis (Naimou 2009:4). The second is occasioned by the response to the growing regionalism. Exemplified by the renewed strive for regional organisations and search for endogenous solutions, in the case of the AU it is expressed as African solutions for African problems. The new, inspired regionalism desires of necessity that the polity, as represented by the second pillar of R2P, has its sovereignty manifestly circumscribed voluntarily and involuntarily. It is in the context of this complexity that the democratisation and human rights promotion is undertaken. The emergent regional organisations perceptibly seek to contest

the norm creation and diffusion with the Euro-American axis, as the representative of the empirical supranational authority. This requires a nuanced understanding and interpretation given the relevance of the concept to democracy and human rights promotion (Girardeau 2012:14; Nathan 2012:49).

2.10. Conclusion

This chapter indicates that there has been a definite normative shift with empirical implications for international organisations and regional organisations in terms of democracy and human rights promotion. In just more than the past two decades, factors such as the collapse of the Soviet Union ensured that the third wave of democratisation reached its pinnacle. This flowed into the tributaries of decolonisation that had played a role in shifting the normative framework in organisations such as the OAU, including the approach of the UN in terms of democracy and human rights promotion, often in areas considered virgin areas for democracy promotion. The shift in the normative framework influenced the metamorphosis of institutions and practices that informed “international society”; hence, the birth of the AU. At the same time, there has been continuity in the functioning of the dominant power structures that have shaped the extant ecology of democracy and human rights, based on a constructivist perspective. On the other hand, this shift in terms of the normative framework is underpinned by the contestation of coloniality represented in the supranational matrices of Western power matrices and decolonial epistemologies and praxis. Therefore, the process of democratisation and human rights promotion takes place amid the contestation of resilient coloniality and a resurgent decolonial perspective.

CHAPTER 3

THE FRAMEWORK AND PROTOCOLS OF THE AFRICAN UNION TO PROMOTE DEMOCRACY AND HUMAN RIGHTS

3.1. Introduction

This chapter firstly deals with the role of the United Nations (UN) as the organisation with the primary mandate to promote global peace and security, including promoting human rights as its second primary task. This it has been averred occurs in a shifting global landscape posited on increasing globalisation and struggles to create an equitable society. This also happens in the context of the continued colonial relations that have persisted after colonialism, as posited by decolonial theory. Change of necessity transmits instability, with numerous hybrid democracies and democratic reversals. This has necessitated global collaboration, increasing the role of regional organisations such as the African Union (AU) in the promotion of democracy and human rights, which is the primary subject of this study. The contestation of norms within “international society” and intra-regionally has implications in the manifestation of democracy promotion, especially in the context of persisting colonial relations as argued. In Africa, the response increasingly has been framed within the milieu of promoting African solutions for African problems; this is a Pan Africanism that in theory simultaneously strives for the decolonisation and democratisation of political power within African polities.

The resultant contestation of democratisation, it is shown, creates tensions between nation-building and the role of regional and sub-regional organisations. It sharply raises the issue of sovereignty versus the role of regional organisations, particularly in promoting democracy and human rights, including the related role of particularly “international society” dominated by Western hegemony – hegemony defined in terms of decolonial theory. Western hegemony is expressed through international organisations, such as the UN, within which the voice of the West is preponderant. Indications are that the continuities denoted by these as a proxy of the simultaneous struggles against coloniality make the promotion and transition to democracy and human rights an onerous one for the AU. Beyond the dominant normative framework of extant “international society”, the AU is also encumbered by the

geo-political reality and manifestation of African conflicts. This reality is accentuated by resource challenges, which adversely affect African agency, like the other factors with similar outcomes that the study describes.

3.2. The United Nations' role in democracy promotion - in Africa and in coloniality

The primary mandate of the UN, as stated above, is to promote global peace and security. This was consecrated in the wake of the First World War and the Second World War, in terms of which humanity experienced the most extreme, grotesque, and unbridled human rights violations. As a result, the UN came into being and adopted the UN Charter on Human Rights, hereafter referred to as the UN Charter (Williams and Boutellis 2014:258). It constructed the current dominant individually based rights discourse purportedly to obviate a repeat of what the world had experienced during two World wars (Kioko 2003:810). The paradox underlying this is that the UN Charter is based on a discourse that has its genealogy in the racial hierarchies and other power matrices that underlined the evolution of natural law and constitute coloniality; thus, to that extent denoting the quintessence of coloniality in the new world being constructed. The UN has served as a model for organisations such as the AU, thereby buttressing the genealogy of coloniality in the function of regional organisations within the governance and ontology of the world system (Gatsheni-Ndlovu 2013:11; Maldonado-Torres 2007:245). Considering that human rights, evolved from the natural law of persons and democracy, two sides of the same coin, the UN was incentivised to promote democracy. It also did so, partly in lieu of the democratic peace theory, which surmises that democracies are unlikely to go to war against one another (Marks 2011:210). Thus, the UN began to promote democratisation actively. Despite this historical realisation, in the preceding period prior to the cessation of the Cold War, it did so sparingly and rarely in Africa (Langerud 2016:11; Oguonu and Ezeibe 2014:325).

This can be interpreted, according to Mbembe's (2017:3) assertion, that this is because of Western fictionalisation by the colonial empire, in terms of which everything could be assigned a market value. But blackness and being African amounted to nothingness, indicative of the preponderance of Western dominance in the UN, inversely justifying the affliction of Africa with coloniality and the extraction of its resources, including the commercialisation of its people as chattels for America and Europe as designated by the power matrices of coloniality that generate global centres and peripheries. In the wake of the end of the Cold War, which gave impetus to a global drive towards democratisation, the

UN and its organs played a much greater role in terms of democracy and human rights promotion in global governance. It is surmised that this is rationalised on the shifting and emboldened meaning of race and blackness as the process of the empire's reconfiguration continuously unfolded. Mbembe (2017: 22) presages that the general interest in Africa is linked to the fact that security in the 21st century is linked to the Western need to police territories and their need for everyone to remain in their homeland. This includes the fact that the "othered" be policed from abroad in their designated territories – often with the aid of domestic security apparatus. In this respect, security interests with multiple forms of civil and security surveillance were conjoined as territorial security seemingly trumped human rights and human rights promotion. From a Western perspective, the role of the UN is viewed as that of a colonial enterprise – as a "civilising" and "charitable" endeavour (Mbembe 2017:12). It is averred that the UN specifically remains circumspect in involving itself in African conflicts because of the nature of conflicts that undermine democratic transition on the continent. Indicating restraint in upsetting the colonial nature of African governance challenges. These conflicts tend to have varied role players and be widely dispersed, with combatants across borders; thus, they are considered risky and costly to resolve (Kobbie 2009:3), costly in terms of logistics and finances (Williams and Boutellis 2014:257).

The efforts of the UN in terms of democracy promotion can be iterated as follows: not recognising regimes that came to power illegally (namely through coups); election monitoring; assistance for democratic transitions within individual states; constitutional negotiations; enforcing peace and democratic stability; and condemning human rights violations (Marks 2011:509). Langerud (2016:5) posits that organisations such as the UN have markedly shaped the manifest role of the AU – it can be further surmised to a degree, with a significant lack of reciprocity. This results from three factors, namely the preponderance of Western imperial hegemony in the UN; cooperation between the two bodies; and mutual contestation of the current normative framework (Williams and Boutellis 2014:257). This is complicated by the assertion that as an expression of the coloniality of the extant reality, the "international society" continues to objectify the African continent and its people and by implication the AU. As a result, states in the continent remain at a formative state with entrenched colonial ties that hinder nation state formation and democratisation. The emergent political elite in Africa has continued to nurture this supposedly filial comprador relation, resulting in domestic schisms shaped by the continued ethnic and racial hierarchy that underpinned formal colonialism, which could have consequences for democracy promotion by the AU (Deng 2010:2). It is a *sine qua non* that the elites' behaviour

in African politics, who inherited the edifice of the colonial state as denoted by decolonial theory, will have implications for the agency of the AU (Muneno 2016:33). Furthermore, it can be surmised that some of the failures of the AU in promoting popular participation and human rights, at least to ameliorate the failures of “international society” in Africa, are a consequence of this objectification of the subalterns.

The UN has sought to only intervene in crises situations where the warring parties consent to its role and sign an armistice (Williams and Boutellis 2014:263). Due to the complexity and distorted nature of African conflicts with multiple forces and sources across borders, it has been difficult to meet this condition. This has extenuated the seemingly unresolvable nature of some of the conflicts, which undermines democratic transformation (Kobbie 2009:3). According to Moya (2011 in Muneno 2016:31), this results in the perpetuation of the colonial image of Africa of a people in perpetual crises. Notwithstanding the diverse nature of the continent and its people. This further aggravates the UN and its Security Council’s stance on involvement in African conflict situations, often contributing to a cycle of impotence in tackling humanitarian challenges that impact adversely on the notion of human rights and democracy. The manifestation of this as the occasional indifference of the “international society” thus obviates the creation of conditions in which democratic norms can be diffused and implemented. The study argues that the latter is a significant problem in African governance. With the veto power favouring the Western global hegemons, the odds tend to be against the peripheral peoples in Africa striving for democratic transition and transitional justice that aspires for an equitable world (Muneno 2016:36).

The UN has been criticised as often acting or failing to take action, in furtherance of its parochial interests or those of the major powers, which decolonial theory surmises has to do with historical colonial interests. As an example, the Rwandan Massacre is juxtaposed with the situation in Libya. The UN failed to intervene to halt the Rwandan massacre (Ndubuisi 2016:5; Kobbie 2009:1). This grossly displayed the nature of coloniality – that the world operates at the expense of the subalternised peoples, their travails prove that they are a surplus in the operations of international organisations (Muneno 2016:31). Furthermore, in a paradoxical turn scholars have noted how Britain and America under the banner of the North Atlantic Treaty Organisation (NATO) invoked the R2P to effect regime change in Libya; it was surmised this act was in furtherance of their parochial interests (Ndubuisi 2016:5; Gatsheni-Ndlovu 2012:18). Libya resembles the case of Iraq, in which a one-sided war was fought, where there was only a predator and its prey. This is in consonance with the

supranational military abilities of the Western neo-colonial state, with the subaltern states living in perpetual security vulnerability and frailty, this is in spite of the UN's noble ideals (Mbembe 2017:23).

The reluctance of the UN to become involved in African conflicts has been an intermittent trend, with the nascent AU left to its own devices to deal with the complexities of African conflicts – especially where the global hegemon has less of an immediate realist interest (Williams and Boutellis 2014:256). Describing the role of the major powers is relevant for this study, especially in respect of the extent to which they are global hegemon that have shaped the manifest attitude and role of the UN. Alternatively, in respect to which the actions or lack thereof on the part of the UN seem part of a composite strategy to give leverage to unsolicited Western military intervention. Essentially they are situated within the geographic locus of coloniality. The latter iterated experiences have played a major role in influencing the AU to build its own capacity gradually, purportedly to promote and protect democratic transitions and especially human rights in Africa. It is averred that this trend, in which the UN as the organisation with the primary responsibility to promote global security and stability, indirectly connived with other factors that maintain the status quo in Africa, giving credence to the notion of African solutions to African problems as an attempt to counterbalance Western interests. This depicts the unsettled norms and interests underpinning the promotion of democracy and human rights in “international society” (Williams and Boutellis 2014:257).

The literature indicates that in the instance of case studies it is paramount to depart from the point of a sound theoretical framework (Yin 2008:28; Bezuidenhout 2014:52; Mehdi and Mansor 2010:574). The role of the AU in governance is understood as a function it sets out to play within the context of international society to promote democracy and human rights. Arguably at a granular level this is evidenced in organisational practices and behaviour. The study uses the concept of decolonial theory. Due to the absence of literature dealing with the role of Regional organisations to maintain or promote coloniality. Namely, the persistence of colonial relations evidencing imperial control and subjugation. This study applies the Foucauldian discourse to describe the function of the AU within the global system; understood as “a strongly bounded area of social knowledge, a system of statements within which the world can be known” (Ashcroft, Griffiths and Tiffin 2007:62). The study uses the concept of contrapuntal reading of the concept of decolonial discourse to apply the concept to regional organisations. According to Ashcroft, Griffiths and Tiffin

(2007:49) it is a term formulated by Edward Said “to describe a way of reading the texts of English literature so as to reveal their deep implication in imperialism and the colonial process”. This study sought to understand this function in respect of the AU’s promotion of democracy and human rights within its member states.

3.3. The Constitutive Act of the African Union

The Constitutive Act of the AU, which came into effect in 2002, sought to reposition the AU within “international society”. It foregrounded African agency in the promotion of development, democracy and human rights in the member states of the AU. A factor that some scholars have surmised plausibly indicates a refraction from coloniality based on the proclaimed goal of an African renaissance. As would be rationalised hereunder, this study observed that the Constitutive Act was manifestly a paradigm shift in respect of democratic norm creation in the African continent. Notwithstanding the fact that in practice there is little evidence of challenging the extant power matrices in the globe. This change was amid a continual period of persistent social and political instability since formal independence, not least because of the social and political fragility occasioned by persistent coloniality. Certain events iterated in the literature indicated the blowing winds of change in respect of democracy and human rights promotion in Africa. For example, with the Lomé Declaration of 2000 the OAU set itself the task to outlaw the recognition of governments that came to power through coups d'état (Møller 2009:8). These governments were not to be recognised if such coups d'état were not reversed within a period of six months. According to the Lomé Declaration, sanctions were to be imposed on such regimes, including the possibility of travel bans (Omorogbe 2011:129).

This study interprets these shifts as the OAU accelerating its own demise, as it was burdened by its past; thus, unsuited to advance and deepen democratisation notwithstanding its emergent democratic aspirations. Which is in theory a positive step as it sought to centre the subalternised multitudes in the governance of their states, albeit within the preponderance of global colonial matrices of various kind. The evolution of this paradigm shift also hinged on the philosophical underpinnings of an African renaissance, and a shift from Westphalian sovereignty of non-interference that shaped the outlook of states during colonialism. This was an act of reclaiming their Pan-African roots by African leaders, which in theory *inter alia* was proclaimed as a new era of challenging coloniality that obviates

African agency – as aptly captured by Kioko (2003:808-809), it is not “Ubuntu” to stand by when your neighbour’s house is on fire. This study asserts that the OAU had set in motion its own demise, by its own hand. A proper interpretation and description is that it was not fit for the purpose for which it had set the wheels in motion. It thus proved antiquated to withstand the demands of the emerging impetus for democratisation – a factor that may well be the undoing of the AU in the long run, as a consequence of a process hitherto buttressed by what has been defined as the pinnacle of the third wave of democratisation (Diamond 2015:141).

A process to reform the African Governance Architecture (AGA) was started by states in Africa, resulting in the adoption of the Constitutive Act of the AU and the formation of the AU in 2000, which came into effect two years later (Maru 2012:3). It is thus pertinent to describe and interpret the empirical evidence of the AU in terms of democracy and human rights promotion since its founding.

A fundamental effect of state parties to the AU who assented to the Constitutive Act was by implication a recommitment to the ideals of democracy and human rights. The study describes this as a recommitment because the struggle for liberation in Africa against direct colonialism was fought under the banner of democracy and human rights. This was before the elite lapsed into coloniality that rendered the democratisation project plausibly stillborn (Deng 2010:2). Moreover, from the time of the OAU, the newly independent African states had signed various global and regional treaties committing themselves to the very same ideals of democracy and human rights (Ibrahim 2012:32). This manifestly kept the ideation of democracy and human rights alive, even if just in theory. To illustrate these commitments, the following are some treaties to which are appended the signatures of Heads of States and Governments in Africa: the African Charter on Human and Peoples’ Rights (African Charter 1981); Protocol to the African Charter on Human and Peoples’ Rights on the Establishment of an African Court on Human and Peoples’ Rights (Protocol 1998); African Charter on the Rights and Welfare of the Child (African Children’s Charter); and Pelindaba Treaty on Africa as a nuclear-weapons-free zone (Pelindaba Treaty 1996). In retrospect, this manifestly is described as having had the effect of low intensity promotion of democracy and human rights, which finally found expression in the Constitutive Act of the AU.

The Constitutive Act of the AU in Article 3 (g) and (h) enunciated the promotion of democratic principles and institutions, popular participation and good governance, and the promotion and protection of human rights. It is asserted that it inaugurated a significant departure from

the practices of the OAU of non-intervention. This was reiterated in Article (4) (h) under its principles where member states cede to it, “the right of 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 crimes against humanity”. From a constructionist’s perspective, this denoted a manifest paradigm shift on the part of states and leaders on the continent with the potential to extricate Africa from the persistent coloniality that undermines the deepening of democracy and human rights. This gave hope that, what Zondi (2017:126) called the AU’s obsession with saving the inherited neo-colonial state, would be a thing of the past. From thereon, the consequences of these commitments manifested in different actions and outcomes on the part of individual states, depicting significantly unsettled norms of democracy and human rights. The subsequent interventions by the AU, in situations of unconstitutional changes of regime, in the 16 years of its existence corroborate this paradigm shift, compared with its predecessor. The results may not be manifestly consistent with the policy proclamations, but in a number of respects, they do denote a departure from past OAU practices. Langerud (2016:10) says the following actions have variously manifested in the AU supporting constitutional changes of government: assisting balloting in many countries; undertaking military interventions to protect the democratic entitlement; imposing sanctions; and pursuing mediation and peace negotiations – all depending on the circumstances. As a rule, putschists were not allowed to participate in the AU.

However, there have been major drawbacks, as depicted by the prolonged governance crisis in Zimbabwe. In respect of the drawbacks, the AU has been criticised for prioritising the restoration of overthrown leaders, thus protecting incumbents – akin to the doctrine of non-interference. This study describes how the AU’s role has invited criticism with regard to the manner it has been less decisive in instances of constitutional manipulation (Omorogbe 2011:138). This is akin to what Mbembe (2017:3) accords to the current neo-liberal impulse characterised by the manufacture of indifference towards the subalterns who are at the receiving end of coloniality. Accentuating the point that even in the operations of the global system of governance coloniality reproduces itself in endless gradations of depravation. It depicts multiplicative coloniality, in terms of which the new elite exude the values of the colonial empire, animating the coloniser by doubling as its agent. This is a potent critique in view of the AU’s expressed commitment to the promotion of an African renaissance. This study thus helps to unravel and describe the essence and myths pertaining to the nature of the paradigm shift enunciated in Article 3 of the AU’s Constitutive Act – in particular in terms of promoting democracy and human rights. Moreover, this study describes manifestly how

this change has not significantly affected citizens in countries such as Zimbabwe and the related power matrices of subalternation. Hence, the following question: To what extent has the AU fulfilled the expectations and aspirations iterated in the Constitutive Act and especially the ideation of an African renaissance, expressed in NEPAD?

The Constitutive Act of the AU is partly an inevitable result of the march of history, globalisation made integration, and the growth of regionalism inevitable (Gottschalk, 2012:13). This did not inherently challenge the dominant power matrices of race, class, gender etc. The Constitutive Act established the AU as what is now characterised as a fifty-four-member state organisation (Maru 2012:3). The integration of the continent was seen as the only viable strategy to propel it forward, as opposed to the periodic existence of the OAU, largely through conferences (Gottschalk 2012:9; Eregha 2007:208). In the wake of the 21st century, and what has been construed as the advance of globalisation and the end of the Cold War, the effect of the transformation of global governance was irreversibly catapulted into the path of African governance, raising the prospects and oe expectation of a combative decolonial enterprise in African governance. The global re-alignment, and what others termed the triumph of Western liberal democracy, including the successes of the formal decolonisation project instead gave impetus to the reformation of African governance, in tune with global governance (Sousa Santos 2002:40). This was envisioned to respond to the impetus for democratisation and the realisation of the current dominant human rights discourse, sometimes resulting in a façade of democratisation (Hodzi 2014:1). While seminal, and perhaps inevitable, the process of the formation of the AU tended to be too much of a top-down process, a factor indicative of the mimicry of the colonial legacy. As Akokpari (2004:252) points out, the AU was legislated into existence at a regional level. This, he (2004) argues, is a deficiency in terms of democratic norms diffusion within the individual member states, pointing out that civil society played a marginal role, especially the citizens of member states.

From the period of the adoption of the Lomé Declaration, the metamorphosis of the OAU had been set in motion (Langerud 2016:5). The contagious effect of the third wave of democratisation reached its pinnacle and became like a plague. The notion of a contagion does not mean no agency from both external and internal role players in specific polities; it rather refers to norm diffusion, with democratisation as a practice becoming the new normal. To an extent, even those who patently did not intend to democratise had to attempt to deceive the world. This resulted in the phenomenon of hybrid states – a factor afflicting many

African states, notwithstanding the commitment of the AU to promote democratic governance. This begins to respond to the question of describing the extent to which the AU has achieved the ideations related to democracy and human rights iterated in the AU Constitutive Act (Gupta 2015:10; Akokpari 2004:255). According to Grosfoguel (2007:219) “to transform this world-system it is crucial to destroy the historical-structural heterogeneous totality called the ‘colonial power matrix’ of the world system”.

Given the heterogeneity of African states themselves, there has been no singular response to the change in global governance, which by implication also required a domestic response (Yimer 2015:129). It is after all states that are responsible for the functioning of regional organisations; especially when such regional organisations are intergovernmental as opposed to significantly supranational and thus have limited organisational sovereignty in many respects. Hence, the AU is described as *inter alia* a pluralistic security community. This is because manifestly the AU is not a supranational organisation. This denotes that the member states did not significantly circumscribe their sovereignty in practice, and the AU is reliant on the agency of individual states to realise its mandate, including increasing prospects for decolonial regional governance (Ntandazo 2010:17). Patently, the character of the member states, as constituted by patrimonial regimes including elite pacts at micro-, meso- and macro-level, has been identified as a hindrance in the realisation of the AU’s objective to promote democracy and human rights. This buttresses the criticism of the notion of “African solutions to African problems” – by implication the effectiveness of the AU as a decolonial functionary is potentially a pie in the sky (Phiri and Matambo 2017:323). The obviation of enabling the AU to be effective is partly to stall the plausible combative decolonial discourse that may unsettle the comforts of the nationalist’s elites in individual states (Tucker 2018:11-13). This lack of organisational sovereignty impacts negatively on the highly professed notion of African solutions to the challenges of democratisation and human rights. Others have averred that it is a convenient way of the political elite to avoid accountability through cultural relativism, while benefitting from the construct of domestic relations of coloniality in relation to domestic subalterns (Muneno 2016:36; Quijano 2000:565).

3.4. The African Union and its Operations in Promoting Democracy and Human Rights

The AU is still a nascent organisation in terms of its structures, processes, and systems in respect of democracy promotion and continental and international governance. It also faces serious logistical and resource constraints. Thus, many missions, especially military interventions, have been planned as short term (Williams and Boutellis 2014:265-268). Moreover, there is huge reliance on the role of the UN and global hegemony, who are described as the custodians of modernity, which raises questions about the concept of “African solutions to African problems”, including the terms under which the democratic project is being pursued, lacking in decolonial praxis that promotes popular sovereignty proper (Kagame 2017:13-14; Ndubuisi 2016:9). Some scholars have gone as far as asking if solutions are African merely because they are pursued by an African? This is raised in the context of the ubiquitous Western approaches of democracy and human rights promotion, even in the instance where the AU takes the lead. This fails to challenge the coloniality on which is build the edifice of the neo-colonial state in Africa (Zondi 2017:108). It is asserted that while the process of constructing African solutions will remain unending and contextual with no one-size-fits-all approach, the meaning of African solutions and its manifestation needs proper characterisation, including the construction of a common value system that underpins African solutions. Thereby the web of Western power matrices, which serve the purpose of epistemic and ontological domination, will also be untangled (Ndlovu-Gatsheni 2013b:180).

This is often furthered by the inherited and nurtured domestically expressed colonial relations, which scholars have argued inadvertently favours the American-Euro alliance that dominates in global governance (Muneno 2016:36; Quijano 2000:565). In principle, the idea of African epistemologies and their related praxis in terms of decolonial theory are described as not seeking to promote African essentialism, but as striving to ensure that the conditions for the engagement and partnership with the global hegemony become equitable. This equity in global relations takes into account that decoloniality is about rejecting domination but at the same time appreciating all global epistemological contributions, including in global governance. What is rejected is domination (Grosfogues 2007:211). It is in this instance to ensure that the AU is given due credence to shape the future of the continent, which to a degree is treated as an impotent community of pre-political society, as stated by Mbembe (2017:49). The concerns raised in regard to the case of Libya, that the position of the AU

was disregarded, exemplify the concern of global political inequity and the coloniality of the extant global security edifice (Ndubuisi 2016:5; Gatsheni-Ndlovu 2012:18).

Furthermore, there has been a slow transition of individual countries towards substantive democratic systems of governance, as previously stated. This is despite the observation that the number of democracies have increased since the founding of the AU. The retort to this latter observation is often that many of these remain unstable and pretend democracies. As such, the current transitions are merely a delirium in the actual experiences of the subalterns within these states despite the positive declarations of the AU (Uwizeyimana 2012:144). This is despite the costly endeavours of the AU since its founding and actualisation, perhaps describing and depicting the actual ineffective efforts and/or limited successes of the strategies of the AU in promoting substantive democracy, especially at levels that challenge the expression of the various power matrices in individuals lives (Hodzi 2014:7-8). There have also been challenges characterised by democratic reversals and instability in countries such as Zimbabwe, the Democratic Republic of Congo, and Côte d'Ivoire (Ibrahim and Cheri 2013:62). Diamond (2015:146) points out that even a country such as Botswana, which is a historical model democracy on the continent, has experienced stagnation or reversal in terms of substantive democratic transition.

Democratisation theory accords a special agency to the role of hegemonic countries in ensuring that regional and sub-regional organisations are effective in terms of democracy promotion. The countries that are regional and sub-regional hegemons, such as Egypt, South Africa and Nigeria, are not manifestly committed to playing an active, especially offensive interventionist, role outside the established AU processes of mainly diplomatic and political solutions – as evidenced in Zimbabwe (Nkosi 2010:82). This is partially in keeping with the consultative and low-key diplomatic engagements that are also characteristic of the interventions of the AU where there are emergent challenges of democratic transition. Muneno (2016:43) stated that this trend, which has been described as silent diplomacy, is inconsistent with the application of African solutions and is based on Western epistemologies. Hence, elsewhere in the same discursive enunciation, he invokes Kioko (2003: 808 - 809) who argues that it is un-African not to act decisively when your neighbour's house is on fire. This implies that the manifest inactivity and/or behind the closed-door persuasions, based on the concept of silent diplomacy, was akin to standing by when your neighbour's house is on fire. The quiet diplomacy approach of Pretoria was received with great scepticism in the West, in the case of Zimbabwe. It was seen as protecting President Mugabe (Nathan 2012:54). This proves the assertion that there are no agreed norms of

democracy and human rights promotion in” international society” (Spies 2016:39). Nathan (2012:55) indicates that while there is broad consensus on “African solutions to African problems”, including in the UN, the AU and civil society, there is no agreement as to what this manifestly entail.

The latest trend that has been identified in Africa is the number of countries and incumbents that seek to extend their stay in office by altering their constitutions, as President Robert Mugabe and ZANU PF did after the adoption of a new constitution in 2013 (Dodo 2016:21). It often happens through a façade of a democratic governance processes involving Parliament. There are numerous recorded cases in this regard with some succeeding in doing so. This occurs without the AU vehemently taking action, such as imposing sanctions as one of the possibilities in terms of Article 4 of the Constitutive Act of the AU. This has resulted in the AU being labelled a club of incumbents whose actions are deemed transactional in protecting one another’s interests. Transactional politics are a feature of coloniality. This what has been termed diplomatic non-indifference by Dzimiri (2017:61-64), is not decidedly effective despite representing a manifest policy shift towards decoloniality in practice. It is essentially akin to the Westphalian doctrine of non-intervention that aided the prolongation of formal colonialism. Some scholars believe it benefits the regimes that have assumed control of the colonial edifice in the former African colonies (Gupta 2015:9-10; Deng 2010:2). Overtly, the AU seems to pay more attention to coups d’état as opposed to equally giving due regard to low-key constitutional subversions, such as constitutional changes that subvert democracy (Ibrahim 2012:61; Omorogbe 2011:138). In some cases, the coups d’état that the AU helped to avert resulted in the protection of undemocratic governments, who came to power illegally, such as in the case of the 2005 Mauritania coup d’état and many other subsequent occurrences (Omorogbe 2011:142-151).

The other manifestation of this is incumbents who refuse to hand over power after losing an election, the classical case being the 2008 elections in Zimbabwe (Muneno 2016:43). There has been no decisive action in the instances where there has been low-key subversion of the democratic processes. The AU’s inadvertent condoning of electoral fraud is interpreted as a subalternation of the people, a key feature of governance in the so called post-colony. In most instances, to address such democratic deformities, democratic transition is halted or delayed through the establishment of unity governments (Muneno 2016:13). These by implication extend the stay of the incumbents in office, as was the case in the aftermath of the 2008 Zimbabwean elections and in Madagascar (Omorogbe 2011:138-151). The African Charter on Democracy, Elections and Good Governance (ACDEG), which came into effect

in 2012, also provides for intervention in the instance of constitutional changes that negatively affect the right to a democratic entitlement. It is on this score that there has been little action (Omorogbe 2011:135). As observed, Zimbabwe subsequently partially amended its 2013 Constitution, which was partly a product of the Unity Government, doing so in an attempt to revoke the little democratic strides it invoked. This has largely been accompanied by a disregard of its provisions (Dodo 2016:21). It has been argued that the extension of term limits and general ill-intended constitutional amendments are often difficult to prove because they follow what seems like a due process. Even when they are exposed, as was the case in Burundi, the AU approach has been to mediate between the contending parties – once again potentially prolonging undue incumbency (Zamfir 2017:2).

3.5. The Vandalised Cartography of Democracy and Human Rights in Africa

The African Charter on Human and People's Rights, adopted by the OAU in 1981, hereafter referred to as the African Charter on Human Rights, depicts the slow transition of the continent towards reclaiming the positive written values of the ACDEG and the UN Universal Charter on Human Rights under whose banner the struggles for liberation were fought. A grotesque state of affairs has come to define governance by former liberation movements, with the majority of African citizens living below the abysmal line drawn by the historical colonial legacy, which is indeed a major concern as a depiction of persistent coloniality (Deng 2010:2; Msimang 2003:13). This manifestly describes the continued colonial relations and hierarchies within African societies, which the AU has been unable to exterminate (Muneno 2016:31). The events in Rwanda in 1994 and the "Gukurahundi" in Zimbabwe in the 1980s stand out. Various scholars have engaged with the phenomenon of the new political elite mimicking the former colonisers (Mills and Herbst 2012:7). The Gukurahundi (Shona for spring rains that sweep away the chaff) underlined the perpetual violence that is characteristic of the neo-colonial state, even after independence, denoting the continuities of colonialism in the realm of the peoples lived experiences, and the coloniality of the persistent moment (Ndlovu-Gatsheni 2012:3). The new elite have drawn the abysmal line, delimiting the lack of citizenship of the subalterns, as a measure of their alterity (Muneno 2016:31). The legacy of the Westphalian Leviathan and its extant institutional mechanisms, and the dominant norm of state sovereignty, all belying coloniality, have been credited for the behaviour of the new elite (Deng 2010: 2) – a reality that manifestly describes coloniality; thus, inversely solely according privileges without or with minimal responsibility to the state.

The increasing role of the military in the political affairs of the state has tended to obviate democratic dissent. This was displayed when the military tanks rolled into Harare following the protests in the aftermath of the 2018 elections in Zimbabwe and following the 2019 protests about the fuel price increase. These unsurprisingly failed to draw the ire of the AU. The aftermath of the 2018 elections, it is averred, confirmed the continuities pertaining to political inequality, with the abysmal line remaining firmly drawn between the ruling political elite and the people. Scholars have previously argued that this repetitive outcome in Africa reflects the immaturity of governance systems, including a lack of shared values in individual states and at a regional and thus global level. It fundamentally also reflects the body politic of the AU (Tucker 2018:5; Muneno 2016:35; Zondi 2016:23). These values of necessity relate to the creation and diffusion of democratic and truly universal human rights norms. This also relates to the lack of appetite to enforce the extant, even though limited, supranational authority of the AU by organs such as the Assembly and PSC (where it is vested). It is asserted this reluctance stretches to exclude even a limited form of decisive intervention that accords with the AU's intergovernmental organisation character. Currently, the situation is akin to the minimal role that the UN has pursued in terms of democracy promotion in African polities, albeit with different underlying reasons (Langerud 2016:11; Oguonu and Ezeibe 2014:325). This is exemplified further by the new trend of term elongation discussed above in terms of which there has been inaction on the part of the AU (Dodo 2016:21). As a result, democracy and human rights promotion has been adversely affected. This deferral has given impetus to armed conflicts and stalled the consolidation of the African state as an important milestone in building a strong regional organisation that can promote democracy. The African state, it is averred, as a rule has of necessity to constitute itself as a distinct political entity in order to constitute a viable AU, able to meet its regional obligations. Where there has been consolidation, it has inversely been the buttressing of the vestiges of colonial power. This is a view most appropriately constructed from the prevailing advantage of the incumbency of un-democratised political power over the citizens (Phiri and Matambo 2017:328).

The challenge of promoting democracy amid the need to forge peaceful settlements in the light of conflict situations, which involve potentially gross human rights violations, has tended to be a daunting task. The approach of the AU tends to imply that it prefers conflict settlement, which will evolve over time into a resolution of the conflict. Conflict settlement implies ending the conflict without dealing with the underlying causes, while conflict

resolution implies ending the conflict by simultaneously dealing with the underlying root causes (Oguonu and Ezeibe 2014:326). This is exemplified by the case of Sudanese President Omar al-Bashir. The AU favoured peace in the Darfur region above the interests and calls for the prosecution of the alleged perpetrators. Therefore, the approach of the AU has been characterised by conflict settlement. This has often resulted in the establishment of governments of national unity (GNUs). This approach is more status quo orientated and thus has implications for a robust decolonial discourse on the part of the AU.

The latter approach of conflict settlement potentially militates against long-term state consolidation, with the underlying causes of conflict left to fester, avoiding the painstaking process of conflict resolution, which is a precondition for a strong regional organisation. The Assembly of the AU in the case of Al Bashir resolved not to comply with the arrest warrant issued against the latter (Ingange Wa Ingange 2010:84). This simultaneously raised questions about the commitment to the promotion and observance of human rights and “democratisation of political power”, which is central to completing the decolonisation process by promoting popular sovereignty of the people (Kagoro 2012:6). It however also raises fundamental issues of a jurisprudential nature pertaining to transitional justice and how these manifest in the AU’s promotion of democracy and human rights (Kagoro 2012:8). Does peace have to come at the expense of the subalteranean classes and victims of human rights violations? The failure to hold the ZANU PF elite accountable for the atrocities that have come to characterise their reign is a point in case. It amounts to a reification of the colonial society, pointing to the coloniality of the ruling elite in Africa, and their attended regional and sub-regional bodies, especially in relation to the people. This does not suggest that the international community, as mirrored in Western lenses, does any better. Kagoro (2012:8) argues it tends to “projectivise” centuries-old social problems. An example is the imposition of structural adjustment programmes (SAPs) in the 1970s and 1980s as an economic technology for human development and democratisation. The SAPs increased the deficit of the quality of already fragile African democracies (Muneno 2016:155; Ndlovu-Gatsheni 2012:15).

3.6. African Peace and Security Architecture (APSA) and AU agency

The African Peace and Security Architecture (APSA) represents the institutions and regulatory framework designed to create peace, security and stability on the African continent. Amongst these are important instruments dedicated to the promotion of

democracy and human rights in African governance. Franck (1992 in Marks 2011:508) says, “Indeed, democratic governance was becoming an enforceable entitlement. We are not quite there, but we can see the outlines of this new world in which the citizens of each state will look to international law and organisations to guarantee their democratic entitlement.” This was said in the wake of the foiled coups d’état in the Soviet Union, which sought to halt and reverse the democratic reforms of Gorbachev and after observing the worldwide condemnation of the ousting of the democratically elected Haitian President, Bertrand Aristide. It is safe to say that it is now an enforceable right in the context of pillar two of the Right to Protect (R2P). Furthermore, democracy is increasingly being recognised as an “empirical international law”; hence, the non-recognition of leaders who come to power through unconstitutional means (Marks 2011:509). In theory Regional and sub-regional organisations are thus building capacity to offensively obviate the threats to the democratic entitlement.

The Constitutive Act of the AU gave authority to the establishment of APSA in order to build capability to realise the objectives of Article 3 in terms of human rights and democracy promotion. Once again, this implied the further diffusion of progressive democratic norms taking hold in “international society” and in the AU in this case. This is reflected in the reality of the democratic contagion, albeit distorted by the hybrid democracies, which are meant partly to stall unimpeded democracy promotion and human rights (Gupta 2015:10; Akokpari 2004:255). This is important from a constructivist point of view because the AU and its organs, such as the African Standby Force (ASF), are orientated to cooperate with bodies such as the UN. Such cooperation is not without its recorded challenges – as evidenced above in the case of Libya, the geo-political locus of such engagement remain an unresolved problematic indicating Western colonial preponderance, making the AU an appendage of Western power matrices (Gatsheni-Ndlovu 2012:18). Yet, this cooperation might be unavoidable given the primacy of the role of the UN, including to obviate a sense of African essentialism. This is described as another extreme on the continuum of the idea of social hierarchies in human society, a notion posited by decolonial theory, which can result in disengagement with the formative “international society” proper. The idea of the AU totally disengaging with “international society”, including the West, is antithetical to what decolonial theory avers for – a pluriversal planetary ontology of reciprocal human progress (Williams and Boutellis 2014:258). Even though the AU purportedly wants to have primary agency and control in dealing with situations in the region, in the context of the maxim of “African solutions for African problems”, it does not seek to disengage with the world as it often came

across in the rhetoric of Mugabe in Zimbabwe (Nathan 2013:50). More directly, the capacity challenges reflected on by Rwandan President Paul Kagame in his report to the AU Assembly on the review of the regional body, are a major encumbrance on APSA in its manifest attempts to give effect to the extent of its supranational authority in terms of the exercise of the authority related to R2P in terms of Article 4 (Kagame 2017:5).

3.6.1. Description and Role of Peace and Security Council in Promoting Democratisation

The Peace and Security Council (PSC) of the AU is amongst the new institutional arrangements; its object is continental security and early warning of pending conflict (El Abdellaoui 2009:1). The PSC mandate is described as undertaking preventive diplomacy and authorising peacekeeping missions of the AU. According to Maru (2012:5), the PSC is the second most active organ of the AU after the AU Commission. Decisions of the PSC are reached by consensus, failing which, they are based on a two-thirds majority of the members (Omorogbe 2011:13). Kobbie (2009:10) likens the PSC to the security council of the UN, which makes it a powerful organ in the promotion and protection of democracy and human rights. It is constituted by 15 members, with equitable regional representation, on a rotational basis. The condition for membership of the PSC, in addition to being a member of the AU, is respect for constitutional governance and the rule of law (Omorogbe 2011:13).

The high level of activity of the PSC perhaps denotes the challenges related to human security on the African continent; thus, impacting on democracy and human rights. These conditions often necessitate for offensive measures geared towards securing democracy and human rights and their promotion. The AU has adopted the Common African Defence and Security Policy (CADSP), which is intended to ensure a diffusion of common norms in respect of human security in the region (Kobbie 2009:10). The ability to realise the common defence strategies that the Policy ought to manifest remains unseen and perhaps veering towards impotence. In both the cases, of Libya under Muammar Gaddafi and Côte d'Ivoire under Laurent Gbagbo, the AU refused to take stricter measures to protect lives. There were also ructions that were evident in terms of describing what constituted the most appropriate action to assert or re-assert democratic governance. This opened the door for the global hegemony of coloniality to exercise their machinations. The inaction of the AU became an act in support of the coloniality of western action (Hodzi 2014:2; Gatsheni-Ndlovu 2012:18).

3.6.2. Description and the Role of the Panel of the Wise in Promoting Democratisation

The Panel of the Wise is an innovation, which can be interpreted or described as perhaps in practice mildly pursuing an indigenous African approach, promoting African epistemologies and averting western trusteeship. It is effectively an organ of the PSC of the AU. It reflects the age-old norm of elders being at the centre of resolution of conflict and problems in most African societies (Porto and Ngandu 2015:12). The Panel of the Wise was established in terms of Article 11 (1) of the PSC protocol and is a critical tool in conflict prevention and preventive diplomacy, which are mandates of the PSC to which the Panel reports. Noting that the Panel of the Wise only came into existence in 2007 would manifestly have undermined the mandate of the PSC, which ought to have been fully functional immediately after 2002 (El Abdellaoui 2009:2). This reflects the gradual realisation of the AU's complete architecture and the related failure to speedily implement resolutions of the AU Assembly. The description of this latter reality can be credited to the challenges of norm implementation that continue to bedevil the AU, especially when we consider the situation in Zimbabwe (this is elaborated on in the next chapter). There are a number of inordinate delays in establishing the architecture of the AU, delays that have an impact on the role of the AU to promote democracy and human rights. Notably, the Panel of the Wise was only established at the pinnacle of the crisis in Zimbabwe. Notwithstanding that, the PSC Protocol had long created it in theory. The non-implementation of resolutions of the AU is a matter reflected as a concern in efforts to reform the organisation and make it more effective (Kagame 2017:5).

The inaugural Panel creatively expanded its organisational mandate and quickly set about norm creation and diffusion as far as human rights promotion is concerned. Its activities are framed through what has been termed horizon scanning in terms of which the Panel monitors developments on selected matters related to peace and security, that could be defined as immanent threats and or risks and advise the African Union Commission (AUC), PSC and the Assembly. The reports on the thematic scans have in the past covered "election-related disputes and political violence; peace, justice and reconciliation in Africa; mitigating vulnerabilities of women and children in armed conflicts in Africa; and, strengthening political governance for peace, security and stability in Africa" (Porto and Ngandu 2015:12). Notably, in its second meeting in 2008 the Panel discussed the situation in Zimbabwe, the 2009 elections in South Africa, and the Central African Republic. As the Panel does not publish its work in order not to be accused of being partisan by affected

parties, there is little detail on its actual day-to-day work. This, it can be argued, contributes to lack of accountability on the work of the various organs of the AU. The lack of transparency remains a huge challenge in African governance; this is especially concerning as it relates to democracy and human rights promotion (El Abdellaoui 2009:5).

3.7. The Pan-African Parliament (PAP) and setting the African Agenda

The Pan-African Parliament is theoretically one of the cardinal institutions that promote democracy and human rights on the continent. Yet, its role has been limited to consulting and advising as it lacks the necessary supranational authority to pass laws that are binding on parties to the Constitutive Act of the AU. This, if it occurs with the requisite political will, would effectively strengthen democracy and human rights observance; especially aspects related to democratic norm implementation. The PAP also does not have the authority to hold the organs of the sub-regional communities and the AU to account in terms of their mandates, especially as these pertain to democracy promotion, the democracy entitlement, and human rights (Møller 2009:12). Manifestly, little can be deduced and is described by the literature in terms of effective democracy promotion on the part of the PAP. The fact that it is a Parliament, by implication the expectation is that it should be able to pass laws that are binding on member states, thereby possibly promoting and deepening the quality of democratisation. This weakness, scholars have stated, is indicative of the imposition of Western structures on the region that are not suited to the decolonial praxis that will assert African epistemology in resolving African problems. Many of the structures of the AU have been taken from the architecture of the European Union (EU); however, the level of development and challenges faced by each are manifestly different (Muneno 2016:31; Ndlovu 2013:6; Quijano 2007:170).

The AU is unlike the EU, which started by building its institutions and their supranational authority progressively, building confidence and earning the respect of the citizens of Europe as they reaped the continental rewards of integration, shared values, and a matured political system of democracy. The AU has from the onset attempted to put the continental institutions of a supranational authority in place, void of the actual powers. It is averred the OAU, which preceded the AU, distinctly buttressed the values of the Westphalian national state, thereby neglecting to build confidence and momentum for a transition to a supranational union. Zondi (2017:126) describes this as an obsession with the neo-colonial state, which the AU ought to deconstruct. The lack of supranational authority, as argued

later, is the cause of many of the institutional limits of the AU and its organs to effectively promote democracy and human rights. The fact that the population of the countries do not directly elect the members of the PAP makes them primarily accountable to the ruling elite in their countries. This extends what has been defined as embeddedness of the local political elite to the structures of continental governance, rather than their constituencies. Notably, different countries are given proportional representation with the possible effect that the continental hegemons and those with stronger democratic foundations are unable to bring their weight to bear, to foster democratic transition of the continent and the institution itself. While such would have been criticised as mimicking the behaviour of former colonisers, democracy promotion by implication denotes external agency, which even from a decolonial perspective that appeals for epistemic pluralism, calls for recognition of external voices and civilisations that best serve the interests of “international society”, collectively and individually (Ndlovu-Gatsheni 2012:19).

3.8. Is the New Partnership for Africa’s Development (NEPAD) a decolonial turn?

Almost simultaneous to the establishment of the AU, African leaders developed the New Partnership for Africa’s Development (NEPAD). NEPAD was conceptualised and constructed about a year before the Constitutive Act of the AU came into effect, perhaps giving weight to what the study described as the tumultuous birth of the AU. NEPAD was adopted later as a programme of the AU. NEPAD came into being as a development paradigm, to reframe the partnership with Western countries, to establish a relationship of equality. Paradoxically, NEPAD was viewed as an initiative through which Africa will receive benign development aid for its efforts, making development contingent on externalities. Thus, from a decolonial perspective, NEPAD suffered from a psychosis of being caught in a paradigm of Western solutions. Some scholars argued that this absolute dependency, not ultimately on African agency but Western aid, inevitably subjected the continent to solutions that represent the Western colonial lens (Zondi 2016:33). Authors like Akokpari (2004:247) and Muneno (2016:155) said it is a programme developed by experts and governments positing the future of the continent in the hands of the West; it was criticised as a simulacrum of the SAPs that came before it. From the onset, there was scepticism about its success as an African developmental paradigm.

Integral to NEPAD was the African Peer Review Mechanism (APRM). Its progenitors expected states to voluntarily submit themselves for assessment for compliance to iterated

standards of good governance, namely, “economic and corporate governance; political governance; and peace and security” (Akokpari 2004:246). Retrospectively, it can be argued that the APRM was ideally constructed to manifestly ameliorate, if not cure, some of the defects of both the AU establishment and role. Scholars such as Akokpari (2004: 252) have argued the formative process of the AU lacked the participation of citizens. Yimer (2015:132) states the APRM entailed comprehensive attention to democratisation, including popular participation in the promotion of good governance, despite the shortcoming of it being a voluntary exercise. Other institutions were established within the AU to review the diffusion of regionally set norms pertaining to governance, democracy and human rights. An Independent Panel of Eminent Persons (IPEP), representative of the five sub-regions of the continent that constitute the Panel that reports to the Assembly, is one such body. IPEP should be distinguished from the Panel of the Wise, which this study described above (Porto and Ngandu 2015:34).

Noteworthy is that the IPEP and the review mechanism endeavour to subject states to review by fellow states that have assented to APRM appraisal of their countries. This can easily be interpreted as an unfamiliar intrusion in domestic affairs. It is perhaps for this reason that many countries have not shown an appetite for APRM, opting for non-accountability that is characteristic of the colonial regimes that preceded their rule (Hodzi 2014:9). An important departure from what has largely been described as elite and state-led processes of promoting democracy and human rights is the participation of civil society and opposition parties in the assessment of individual countries that participate in the APRM. This is significant in a continent whose hallmark is one-party states and electoral dictatorships. The drawback is the failure of many countries, such as Zimbabwe, to assent to the implementation of the APRM in their polities. Akokpari (2004: 255) makes a further disconcerting observation that African leaders have skilfully sought to exclude the review of politics, or at least adverse implications resulting from such or the failure to improve governance as dictated to by the APRM. Thus, this displaces the citizens from effectively participating in the democratisation of political power. Zimbabwe, a crises-prone country, is one of the 23 countries that have not agreed to the APRM. It is in this context that Zimbabwe, with all its shenanigans that span the lifetime of the AU, has not been subjected to a peer review. The voluntary nature of the exercise on the part of members of the AU makes a mockery of its noble intentions. It has potentially become a blunt instrument for democracy and human rights promotion (Dodo 2016:26).

One of the eminent gaps in the dual processes of the establishment of both the AU and NEPAD is the lack of the involvement of the citizens of African states, which would have enabled the process itself to be about deepening democracy on the continent. Akokpari (2004:252) argued that consequently the people on the continent are not likely to buy into these initiatives. The issue is the lack of dialogue by citizens and involvement of civil society organisations, which is an important function of democracy promotion. This is contrary to what Eregha (2007:206) posited, that the AU processes denoted a shift from the top-down approaches of the OAU, stating that the AU adopted a people-centred approach to development. The people-centred approach emphasises the role of the people in determining the vision, managing their resources, and directing the processes that determine their wellbeing. This, properly interpreted, detracts from the people's participation in schemes such as the APRM when they were not part of formulating such (Akokpari 2004:252). More than 16 years after the establishment of the AU and NEPAD, while there has been a growth in the density of democracy, there is evidence that the implementation of the specific diffused norms have not taken hold as expected. Yimer (2015:132) and Omotola (2014:9) raised a concern about the lack of qualitative democracies to drive the agenda of democratisation and human rights in the region. It could be argued that the status of fragile democracies and patrimonial states validate their argument. It should however be noted that generally the process of regional integration is an outdrawn process – the EU took decades to reach its current state of supranational authority and effectiveness. The process of norm creation, diffusion and implementation in Europe can be traced back to the periodic conferences, starting with Westphalia. This gained more momentum with the initiation of the steel industries integration in 1952 and the formation of the European Economic Community in 1957 (Gupta 2015:11).

3.9. The Right to Protect (R2P) and State Sovereignty – the role of the AU

The state in Africa was bequeathed the genealogy of the Western Westphalian nation state because of Western ideological and political domination. The notion of Westphalian sovereignty was constructed on the principle of non-intervention (Gupta 2015:9-10; Deng 2010:2). The adoption of universal human rights after the Second World War was the relevant condition justifying intervention, in terms of constructionists, denoting a shift in the idea of state sovereignty (Ndubuisi 2016:51-52). For the first time the concept of intervention had a locus standing in international law; thus opening the door for democracy promotion by international organisations (Ndubuisi 2016:47; Gupta, 2015:9). Non-intervention was an

expressed principle of the OAU (Deng 2010:2). Two factors could be surmised to have contributed to the attraction of Westphalian sovereignty for the OAU. The first is the fact that the newly liberated states wanted to exercise their newfound status of statehood and self-determination without hindrance. The second is that after a protracted history of colonialism foreign intervention was considered as mimicking the actions of the colonisers, who had colonised the continent. It is no wonder that democracy and human rights promotion by the OAU was on the back burner. These states who are parties to the establishment of the AU, some argue to a notable degree, imbued the regional body with the practice akin to that of the OAU, despite the expressed commitment towards the Constitutive Act of the AU (Yimer 2015:132; Omotola 2014:9).

The Right to Protect (R2P) is a relatively new concept in “international society” that places an obligation on individual states to take action to obviate humanitarian crises, failing which, the international community should react. This could be diplomatic intervention, sanctions and even through offensive measures where the lives of people are threatened. The international community referred to includes regional organisations and sub-regional economic communities, such as SADC (Dzimiri 2017:53). According to Dzimiri (2017:54), R2P imposes the specific obligations, as per its pillars, that may in essence promote democracy and human rights. The first pillar is to “prevent” internal conflict and humanitarian crises. Pillar two says that the international community must promptly “react” by instituting one or some of the actions alluded to, such as diplomatic intervention or sanctions. The third and final pillar is post-conflict intervention to “rebuild” and possibly resettle those affected by the conflict and address the causes of the conflict. These include ensuring justice for the victims. The notion of R2P presupposes shared values globally. Interventions on the part of the AU have tended to be measured, such as in the case of Zimbabwe. This is described as having failed to impress some observers who have made unfavourable observations of what they term as “timid action” in the face of empirical crises. Hodzi (2017:2) draws attention to what is a strategy of crises containment through mediation, rather than resolution, as was the case with the disputed elections during the Presidency of Laurent Gbagbo in Côte d'Ivoire. This strategy is commonly referred to as silent diplomacy, with some proclaiming it an African approach to the challenges of the continent. This lack of appetite for R2P in its entirety detracts from the fact that the AU was the first regional organisation to embed the R2P within its Constitutive Act. The timid action in Côte d'Ivoire led to skirmishes with one thousand people dying. Concurring with Muneno (2016:43), Kioko (2003:808-809) rejects quiet diplomacy as foreign to the conceptualisation of African solutions. Landsberg

(2016:127) disagrees with them on a substantive point by pointing out that quiet diplomacy indeed entails a strategy of containment, but it is in effect characteristic of the African approach of resolving conflict.

Moreover, there is debate as to the extent to which individual countries may unilaterally take offensive action, particularly to realise the second pillar of R2P, described as the responsibility to react. This is a debatable subject, given the fact that as far as R2P is concerned it is anchored in shared values and curtailment of the sovereignty of states. It imposes a duty on states to react in the case of war crimes, crimes against humanity and genocide – as recognised in the Constitutive Act of the AU (Msimang 2003:19). Thus, sovereignty is reconstructed and construed as the responsibility of “international society” and states (Dzimiri 2017:54). The concern in Africa arises based perceptibly on the history of colonisation and what has been viewed as Western hegemony abusing resolution 1973 of the UN by invading Libya. When disagreeing with external intervention, the AU has always resorted to criticism of Western power matrices and called for the primacy of the intervention via APSA in the resolution of African problems (Nathan 2013:50).

This debate about R2P reached a crescendo following the intervention of the United States of America (USA) and some European powers in Libya leading to the demise of the Gadhafi regime. The inaction of both the AU and the UN in the case of the Rwandan genocide is the other side of the coin, which for practical reasons may justify unilateral action on the part of hegemonic states. The question of intervention as an extreme form of protecting and promoting democracy and human rights is complicated further by the fact that there is a lack of clarity pertaining to the role of the UN and regional organisations as far as intervention is concerned. The UN has the primary responsibility to maintain global peace and security (Williams and Boutellis 2014:258), while the AU wants primacy in dealing with particular conflicts on the continent (Nathan 2013:50). In an attempt to create stability and not be viewed as mimicking the institutional behaviour of the colonisers against fellow incumbent elites on the continent, African hegemony has tended to act within the framework of the AU and respective sub-regional communities such as SADC, often waiting until consensus is reached. Many tensions need careful navigation in these filial relationships in the context of an intervention. In sub-regional context, there are often domestic and policy implications for the affected hegemon. A case in point is the South African foreign policy tensions that arose domestically in its engagement with Zimbabwe on behalf of SADC and the AU at various stages of the development of the conflict (Landsberg 2016:127). Deng (2010:1) states the deconstruction and reconstruction of the concept of sovereignty is important in

the context of embedded coloniality. This is especially so in the circumstance of the nuanced relations between the African elite and their subalterns, including relations with “international society” broadly.

The AU essentially defines itself as an intergovernmental regional organisation by virtue of its architecture and practices. While its architecture sought to mimic that of the EU, it is not adequately resourced or authorised to act independently, with the authority resting in the Assembly of Heads of State and Government (Ibrahim, 2012:33). This intergovernmental character also reflects the fragmentation of the continent based on many schisms, not least the history of colonisation. It has some supranational features, such as the establishment of the African Court, the principle of non-indifference as opposed to non-interference, and the purported establishment of an ASF, amongst others. Notably, the AU has intervened on several occasions by sending deputations to promote democracy and human rights, such as in Zimbabwe, Burundi, Côte d'Ivoire and South Sudan. Another means of democracy promotion that has gained currency in terms of the manifest actions of the AU is election observer missions. The criticism is that these observer missions have tended to be short term, thus not observing what occurs pre- and post-election (Williams and Boutellis 2014:265-268). This encroachment at face value describes activism and connotes a narrowing of the boundaries of the nation state's sovereignty (Yimer 2015:132). Many have argued that the debatable sluggish performance of the AU in terms of democracy promotion is because it lacks the appetite to give effect even to the rights it has in terms of regional and international law (Nkosi 2010:82).

3.10. Conclusion

The world is undergoing fundamental changes. These are not posited as linear progression, but reflect the political discourses that are shaping “international society”. This has contributed to the birth of the AU and its often-tumultuous relations in its partnership with the UN. Some of the major discourses are the promotion of democracy and human rights. These in their multifaceted nature represent one of the major strands of the changes that have been shaping the world; hence, the notion of the third wave of democratisation. The AU reflected this general change in favour of democratic governance and human rights. There is a greater predisposition on the part of the AU to take action in promoting democracy and human rights, especially in the instances of coups d'état and gross human rights violations. To a degree, this change of policy is described as empirically supported.

There is also evidence of continued norm contestation in the construction of the ideal role of the AU in promoting democracy and human rights. This continued norm contestation has resulted in the AU being timid and indecisive in respect of the full implementation of some of these norms. The AU has thus been circumspect in its intervention in member states in order to obviate the plausible accusation of institutional mimicry of the former colonisers. This reluctance is also reflected in the lack of rapid transition towards a regional supranational authority, which would be better suited in terms of democracy promotion and human rights. In practice, this has moderated the choices and options that the AU has exercised in terms of democracy promotion. The literature has pointed out that in most instances the nature of the intervention has been through diplomatic and negotiated settlement of the crises. In rare instances, the AU has imposed sanctions in order to restore democratic rule.

CHAPTER 4

THE AFRICAN UNION: DEMOCRACY AND HUMAN RIGHTS PROMOTION IN ZIMBABWE

4.1. Introduction

This chapter describes the role of the AU in manifestly promoting democracy and human rights in Zimbabwe. It provides an account of what has been termed the Zimbabwean crisis. This was done in order to depict a lineage of the intersection of various factors, not least the colonial legacy that has affected the genes of both the Zimbabwean crisis and the manifest role of the AU. These are factors that have influenced the ineffective norm implementation and evaluation, inadvertently resulting in what has been termed the crisis containment strategy with which the AU has been increasingly associated in the instance of a political and humanitarian crisis as a result of governance challenges. The manifestation of the crisis in Zimbabwe has primarily been about the stagnation and reversal of the democratic transition – a factor conjoined with persistent coloniality. The elements of the crisis containment strategy include mediation, a government of national unity, and quiet diplomacy. Various critiques have been posited regarding how this impacts, and is described, in respect of the role of the AU in promoting democracy and human rights. This critique extends to describing the extent to which this either buttresses the coloniality of relations manifested by the empirical global power matrices or the politico-military elite coalition that dominates Zimbabwean politics. These two reflect the duality of social forces manifesting coloniality, which are antithetical to democratisation, and how these have distinctly shaped the role of the AU in Zimbabwe.

4.3. Brief iteration of the Political Crisis and Persistent Coloniality in Zimbabwe

Decolonial theorists state it is important to understand the root causes of the current crisis in Zimbabwe in order to interpret and describe the adequacy of the solutions posited by the AU. Ndlovu-Gatsheni (2013b:184) avers, attempts to “use the present to explain the present” provide a distorted and ahistorical picture. Elsewhere, Ndlovu-Gatsheni (2017:108) argues, “[A] Mugabe centric explanation of the Zimbabwe crisis... is simplistic and inadequate” in solving the crisis. This is borne out by the latest outbreak of violence following huge price

increases in goods, especially of fuel, as a result of the phasing out of the bond notes by the Minister of Finance, this following the assumption of power by President Emmerson Mnangagwa (Ankomah 2019:70). This means that describing the manifest role of the AU will have to be more contextual, as an interpretation of the regional responses to the problems of democratisation and human rights in Zimbabwe, thereby providing a contextual understanding and scholarly critique of the crisis and what the AU has manifestly posited as “African solutions to African problems”.

Zimbabwe is a political society that is a product of several interwoven trajectories of the history of Southern Africa. It is built on the ruins of earlier civilisations in Southern Africa. It also represents the tributaries of early ethnic African societies whose identities were chiselled from wars, defeats, incorporation, assimilation, and later nationalist sentiment. It is equally a product of colonisation (Mlambo and Raftopoulos 2010:1; Muzondidya and Ndlovu-Gatsheni 2007:277), with the result that several disparate communities with varying racial and ethnic identities became objects and subjects of the colonial state. Scholars indicate that Zimbabwe is a country of competing narratives. Its current borders resulted from Western imperial imposition; the democratisation project has since uneasily ran parallel to nation-building. These ethnic social identities, according to Muzondidya and Ndlovu-Gatsheni (2007:278), were transformed into political identities. This resulted from the intersection of the colonial and nationalist project. Like most of Southern Africa, Zimbabwe is a multi-racial and multi-ethnic country caught in the throes of the onerous task of democratisation and establishing a culture of human rights, with the attendant difficulties identified by democratisation theory that democracy does not develop in a linear fashion; it is contextual (Mlambo 2013:54; Mlambo and Raftopoulos 2010:2).

The liberation movement in Zimbabwe split according to the dominant tribal identities in the course of the struggles for liberation, reflecting a confluence of the legacies of emergent virulent nationalism and coloniality in its continued politicisation of ethnic identity. This, amongst many other creations, resulted in the birth of the two major political parties during the liberation struggle, namely, the Zimbabwe African National Union (ZANU), largely supported by the Shona, and the Zimbabwe African People’s Union (ZAPU), largely supported by the Ndebele (Muzondidya and Ndlovu-Gatsheni 2007:281). Following the demise of the Smith regime’s rule, the continued consecration of race and ethnic political identity as the trope of the new elite was exemplified in the Shona-constituted Fifth Brigade, which killed 20 000 Ndebele in Matabeleland, a stronghold of ZAPU (the then official opposition). This resulted from skirmishes that took place from 1982 to 1987 (Mlambo and

Raftopoulos 2010: 5). It was in this context that Mbembe (2017:7), in his seminal work “Critique of Black Reason”, posed the lingering question in response to multiple simulacrum realities that reflect the double consciousness of the historically oppressed: “At what point does the project of a radical uprising in search of autonomy in the name of difference turn into a simple mimetic inversion of what was previously showered with malediction”.

Notably, “international society” closed its eyes to that catastrophe, indirectly sustaining a colonial culture of impunity and violence in Zimbabwe. State violence is described as being a key sign of coloniality in so-called former colonies. The gruesome act of an outdrawn massacre in Matabeleland took place two years after the Lancaster House Agreement, which resulted in the emergence of Zimbabwe as an independent state in 1980. The actions of the Fifth Brigade were in response to a few armed dissidents opposed to the new regime (Mlambo 2013:50). This gave ZANU the reason to fictionalise the actions of the dissidents to realise its long-term objectives of political hegemony, not dissimilar from the strategies of intervention that have characterised the West to attain their political objectives. The US invasion of Iraq and Libya exemplifies this. The new state in Zimbabwe had thus taken its first major step towards its future path – it can be argued by emblazoning its purported sovereignty through coercion, marked with the blood of its citizens, and in the process bludgeoning prospects for democratisation and human rights. This depicted what Nicolaidis, Sèbe and Maas (2015:3), Ndlovu-Gatsheni (2013a:11) and Grosfoguel (2003:7) historically argued are continuities in colonial relations in the former colonies – the sustenance of a hierarchy of races and tribes.

This laid the seeds for co-option through brute force and patronage of a loose coalition of societal forces under the aegis of the ZANU PF’s political and military elite; a coalition whose majority were liberation war veterans, rural peasants and proletarian classes, with the new regime professing liberation while evidencing coloniality. This loose coalition of forces constituted the motive forces of the neo-colonial Leviathan under a new nationalist regime (Ndlovu-Gatsheni 2013b:193). These uneasy relations persisted largely suppressed until the explosion of the latest prolonged crisis following forceful land seizures more than a decade ago. This was informed by a burgeoning radical nationalism, which perhaps partially sought to delink with the Euro-American colonial matrices. Attempts at realignment through new coalitions by all protagonists within Zimbabwe exacerbated the political crisis by creating uncertainty within the system (Ndlovu-Gatsheni 2013b:193). Scholars state that the privatisation endeavours of the early 1990s had won the ZANU PF regime acclaim in the West as a model of state and democratic consolidation – a process at the centre of which

has been the neo-liberal economic model pursued by ZANU PF that favoured coloniality in economic relations, despite claims to the contrary (Hwami 2010:64). This had the effect of immiserating the peasants and urban poor as the economy rapidly contracted, inaugurating the shift in the social coalitions that were initially behind the banner of ZANU PF (Cameron and Dorman 2009:2; Raftopoulos and Eppel 2008:3; Bekoe 2002:15). Scholars assert it was only when the regime tacitly permitted the land grabs of white farmers that a sweeping backlash was occasioned by Europe and America (Amir 2017:7; Ndlovu-Gatsheni 2013b:182), a backlash that is empirically described by “credit ratings downgrading and sanctions”. Hereby the omnipresent hand of the global power matrices, which manifest coloniality in perpetuity after formal liberation, was shown (Ndlovu-Gatsheni 2017:109-110).

The global hegemon, who were initially pleased with the fact that the new regime had kept its bargain of the Lancaster House Agreement (which is dealt with in detail hereunder), regarded what they interpreted as a grotesque action of violent seizure of the property of white farmers as perhaps a price worth the value of scuttling the relative “peace”. This points to the complex nature of coloniality, manifested in the political and economic challenges that have given birth to what is defined as the Zimbabwean crisis. The current upshot of the crisis, particularly located in the context of the violent land seizures, coincided with the processes leading to the founding of the AU (Amir 2017: 7; Ndlovu-Gatsheni 2013b:182). Scholars avow that the multiple origins of the political crisis in Zimbabwe impacted immensely on the prospects for the consolidation of democracy, human rights and state-building and have their genealogy in colonialism, coloniality and the triumph of virulent ethnic nationalism (Ndlovu-Gatsheni 2011:60). It also has its origins in what Cameron and Dorman (2009:2) have termed the collapse of the disparate coalition of forces that the nascent nationalism sustained through the distribution of patronage. The state and party resorted to increasingly asserting legitimacy through brute military force and the instigation of fear, dominantly depicting what can be interpreted as the gruesome side of the two-faced Janus, modernity. This enhanced the colonial features of the neo-colonial state while undermining the prospects of democratic transition. Notably, democratisation theory emphasises stable governance and rule of law as a precondition for the consolidation of democracy (Amir 2017:5; Cameron and Dorman 2009:2).

Cameron and Dorman (2009:9) argue that part of the coalition of forces that were disintegrating constituted themselves as a block against the state. Interestingly, Cameron and Dorman (2009:9) name internal economic weaknesses rather than SAPs as the pivot of the economic crisis, implying that the political and economic crisis had its genesis

domestically. This disregards the fact that from 1991 part of the emaciation of the capacity of the state in Zimbabwe resulted from, firstly, devaluing its currency to attract investments and, secondly, to focus on exports when the local market could not even meet some of the primary needs of Zimbabweans. This, it is averred, happened in an attempt to satisfy Western impositions and demands, including satisfying the fetishes of the new local elite as an important feature of coloniality, post-formal independence. Thirdly, the political and economic choices were being directed by extant coloniality with the primary roots posited in the empirical power matrices of the Euro-American axis (Tucker 2018:5; Muneno 2016:35; Zondi 2016:23). Zimbabwe was thus echoing the coloniality of the neo-liberal economic model of extant “international society” (Hwami 2010:64). With the collapse of the post-liberation broad coalition, demands for popular participation increased, resulting in a resurgence of popular structures on the ground, composed of the middle class, proletarian and rural masses. Amongst others, the birth of the Movement for Democratic Change (MDC) was occasioned. This is important to state because it begins to locate the people of Zimbabwe’s agency in the struggles for democracy and human rights; including a disobedient critique of the crisis of modernity in the country. It recognises the critique by Raftopoulos (2006:209), which attempts to describe and interpret the crisis in Zimbabwe by stating that it neglected the role of popular forces in perhaps partially shaping the radical choices of the state in the late 1990s. As a result, the interventions by SADC and AU manifestly failed to include the people as a prominent solution. Thus, it failed to break with coloniality as an elite governance model that continues to exhibit intractable challenges that hinder democratisation.

4.3. The Lancaster Agreement and Persistent Coloniality

The Lancaster House Agreement was designed with the guidance of the USA and Britain. It is indicative of a long trend of elite agreements to the exclusion of the people of Zimbabwe, thereby failing to construct solid foundations for the promotion of democracy and human rights. The intention of the Americans and British was to ensure that the seemingly radical liberation movement did not smash the colonial state in Zimbabwe, but that it was inherited largely intact, despite the inherent ramifications this had for democratisation. The success of this endeavour created firm foundations for the persistent coloniality that underpins the political edifice in Zimbabwe (Ndlovu-Gatsheni 2011:60, Adolfo 2009:33). The new domestic elite persisted, though uneasily, with this arrangement for a considerable period, until the rupture occasioned by the demise of the original loose coalition of forces that had kept ZANU

PF's power and control intact and unchecked. In retrospect, we can describe the objective of the nationalist leadership as to seize the state and exercise its power in the interests of its own socio-political objectives (Adolfo 2009:9). Amongst the key concessions made by the emergent political elite at the time was to stall any prospects for transforming property relations for a period of ten years (Dzinesa 2012:2). Thus, the property relations that were brought about by the British settler regime were not tampered with. This had the effect of perpetuating the ethnic and racial deprivations. These were later to facilitate the process of the nascent and indeterminate democratic project falling apart at the seams (Walker 2013:29; Ndlovu-Gatsheni 2011:60).

Even after the lapse of the decade that precluded the fundamental transformation of property relations, in terms of the Lancaster House Agreement, the ruling ZANU PF did not undertake any significant transformative measures for a considerable period thereafter. It sought to persuade Britain to fund the land redistribution project, as was agreed at Lancaster. The Lancaster House Agreement proved to be a Gordian knot that could not be untangled (Makaye and Dube 2014:233; Mbaya 2005:40). In the discursive discussions below it will become evident that the AU and SADC have not dealt with the problems occasioned by settler colonialism as the root causes of the crisis in Zimbabwe. In the preceding chapter, it was argued that the AU has consistently preferred conflict settlement as opposed to conflict resolution, which dictates dealing with the underlying causes of conflict. This factor would help expose the colonial intricacies in the challenges of democratisation in many African polities (Oguonu and Ezeibe 2014:326).

4.4. 2008 Zimbabwean Elections and AU intervention and Coloniality

In 2008 the incumbent government, then led by President Robert Mugabe, suffered its first recorded electoral defeat (Matyszak 2017:2; Makaye and Dube 2014:233). The opposition's Presidential candidate Morgan Tsvangirai subsequently refused to participate in the Presidential run-off due to increased intimidation and violence. State violence echoes the coloniality of the Zimbabwean regime, based on its assumed right to govern in perpetuity, a latent virulent nationalist ideological strand that it is surmised preponderates in the AU. This point is pursued in discursive discussions hereunder based on the described approach of the AU in dealing with conflict situations, which exhibits tendencies of the regional organisation being afflicted or being significantly hamstrung by coloniality (Hwami 2010:60). Because of the withdrawal of Tsvangirai in 2008, Mugabe had an uncontested electoral

runoff and declared himself victorious (Walker 2014:47; Raftopoulos and Eppel 2008:1). The AU failed to intervene until late in the day (Ndlovu-Gatsheni 2011:15). This is despite the fact that the Pan African Parliament (PAP) had issued an early warning about the plausible impending catastrophe of state-led violence and electoral fraud (Dzimiri 2017:63). Both the SADC and AU did not agree with the election results, which proclaimed ZANU PF as the victor; at the same time, neither did they activate pillar two of R2P, as expected. Their concern with the results was amongst others due to the gross human rights violations that started before the elections – what the PAP had essentially warned about. It is surmised this reality depicted the coloniality of the face of the nationalist regime (Walker 2013:48; Raftopoulos and Eppel 2008:1). However, the AU and SADC chose to err on the side of caution, in favour of the ZANU PF regime at the expense of the subalterns. This was further buttressed by the interventions, which had as their logic power sharing, with the preponderance of the balance of power in the AU favouring ZANU PF (as described hereunder). Thus, the AU patently opted for a stance based on African solidarity, which markedly undermined the prospects unravelling coloniality in Zimbabwe (Dzimiri 2017:62).

The notion of African solidarity, based on a crude form of sophist brotherhood, trumped democracy and human rights promotions, conversely reinforcing the colonial relations between the citizens and the party and the state, on the other hand. SADC, and more generally the AU, continued to recognise the incumbent Zimbabwean government despite it not adhering to the SADC Principles and Guidelines Governing Elections of 2004 and the AU Principles and Guidelines Governing Elections of 2002 (Zinyama 2012:143; Glen 2012:155). Instead, both SADC and the regional body belatedly intervened and sought to engineer a political agreement between the major parties. Notably, contrary to the unyielding stance of the AU on coups d'état's, the AU appears to tolerate low-intensity subversion of democracy and human rights violations in the name of African solidarity. In this instance, the democracy subversion found expression in fraudulent elections, while accompanied by heightened state sanctioned violence (Ibrahim 2012:61; Omorogbe 2011:138); thus, in practice manifesting the largely antiquated Westphalian doctrine of non-interference (Gupta 2015:9-10; Deng 2010:2). Interestingly, Dzimiri (2017:61-64) described the approach taken by the AU in Zimbabwe as diplomatic non-indifference, despite it being fundamentally inconsequential in terms of the promotion of democracy and human rights.

This bolstered the critique against both SADC and the AU as being a club of incumbents. The malfeasance that characterised the 2008 elections had taken root in 2002 when there were already allegations of election rigging (Walker 2013:33). In both instances there is little

convincing that had the African Charter on Democracy, Elections and Good Governance (ACDEG), which came into effect in 2012, been in place the AU would have acted differently. The regional body abrogated its responsibility in terms of the AU Guidelines Governing Elections. Its response in instances of electoral fraud has been rather circumspect, often settling for mediation between the contending parties, notably excluding the people who are supposed to be the direct beneficiaries of the democratic entitlement. The people are the actual primary motive forces for decoloniality, democracy, human and people's rights. There were no consequences in respect of the deviations of Zimbabwe from the established normative framework, encapsulated in several treaties, some of which predate the AU (Adolfo 2009:25). Scholars variously point to the strength of Article 3 and Article 4 of the Constitutive Act of the AU as making adequate provision for the active promotion of democracy and human rights.

This study has in fact argued and described the democratic entitlement as an empirical rule of extant "international society", albeit contested (Kuhner 2012:40). However, the AU has been inconsistent in terms of taking a tough stance in the case of promoting democracy and human rights in Zimbabwe. Arguably, ZANU PF has been a major beneficiary of this. The ruling party in Zimbabwe has continued to act as if though democracy is an act of benevolence, as opposed to an entitlement of the people as the constituents of the sovereign. This is an expression of coloniality in the purportedly decolonised state, with the new elite maintaining the vertical hierarchy in terms of state privileges and rights at the expense of the subalterns (Tucker 2018:2). As stated above, the trend on the part of the AU has been to act decisively in the case of coups d'état's, but being indecisive in the instance of low-key constitutional subversions, including electoral fraud often resulting in mediation, while in the former, drastic action such as suspension from the AU and sanctions are implemented (Ibrahim 2012:61; Omorogbe 2011:138). With no action on the part of the regime and the AU in terms of norm implementation, Zimbabwe has failed to internalise the ACDEG (Tumbare 2014:38). The AU's indecisiveness is akin to the European modernist state during the era of colonial expansion; European 'democracies' and their citizens rested comfortably on the global colonial edifice on which they were founded. It can be surmised that this tendency depicts the colonial nature of extant "international society" and its attended organisations, such as the AU. The system of states is structured such that it favours the ruling elite. Even after the adoption of the ACDEG and its coming into effect in 2012, the hybrid regimes that thrive on electoral fraud and constitutional subversion have persisted.

4.5. The Global Political Agreement – was it Democratic Transition ensnared by Coloniality?

In 1997, following electoral violence in Kenya, the AU through the mediation efforts led by the former Secretary-General of the UN, Kofi Anan, resulted in the formation of a Government of National Unity (GNU) (Walker 2013:12). It was a GNU involving the two main protagonists, Mwai Kibaki as President and Raila Odinga as Prime Minister. Mapuva (2010 in Tumbare 2014:9) states that a GNU “is a power-sharing government made up of different and opposing political parties as a strategy for addressing conflict”. In addition, voters do not elect a GNU as a collective; the parties in a GNU may be individually elected, as was the case in Zimbabwe in 2008. It is often an outcome of a political stalemate; it is frequently seen as a deadlock-breaking mechanism between competing elites, who are commonly striving for state power. To that extent, establishing a GNU as a strategy has an element negating the popular will and full participation of people in determining their government. The government that comes about may not necessarily be in tandem with the wishes of the people (Tumbare 2010:10-11).

In Kenya, the GNU strategy brought relative peace after more than a thousand people had died and huge numbers were affected by internal displacement (Tumbare 2014:10). The AU went further to object to the involvement of the ICC, arguing that this was going to negatively affect the long-term conflict resolution – in a way arguably realising the concern raised by Ingange Wa Ingange (2010:84) that cultural relativism should not be used to evade democratic accountability for the exercise of political power. It has been surmised that the SADC mediation in Zimbabwe can be interpreted as an expressed goal of obviating accountability on the part of Mugabe and ZANU PF for a string of human rights violations (Walker 2013:34). This is supported by the observation that in many instances the AU, through former South African President Thabo Mbeki, strove to stall the discussions of the Zimbabwean crisis in international forums (Dzinesa 2012:8). The difference on the potential for success of the mediation has also been on the filial ties that the political elite had to nurture in the African region. The historical choice of South Africa to lead the engagements with Zimbabwe has this point as a major Achilles heel. The ruling ANC in South Africa only established ties with ZANU in 1980 after they had won the elections, but it had historical relations with ZAPU from the time of the liberation struggle in Zimbabwe. In essence, South Africa had multiple realities to navigate in its role as both SADC and AU emissary (Ndlovu-Gatsheni 2011:11). ZANU PF is also said to have shelved its plans for a radical programme of land redistribution in the early 1990s so as not to jeopardise the transfer of political power

to the ANC in South Africa. This arguably served to create reciprocal relations that guaranteed the desired outcomes of the AU's approach (Ndlovu-Gatsheni 2011:11). This resulted in the effacement of alternative politics that could carry a potential for decolonial praxis. The elite pacts that survived based on the filial politics that preponderated in the AU advertently and inadvertently served the extant power matrices of coloniality that marginalised the significance of popular rule (Tucker 2018:10).

In this instance, the result was that of the ZANU PF regime reducing the entire process to a façade. This was done through dishonest engagements and false commitments, which the AU did not take issue with, buttressing the view that the mediation was undertaken with the objective of regime survival. A pointer to ZANU PF's façade was the unilateral appointment of ambassadors to the EU and South Africa, a decision in contravention of the Global Political Agreement (GPA). SADC through Mbeki requested the Movement for Democratic Change – Tsvangirai (MDC-T) to stall discussions on the matter; the matter remained unattended until the end of the term of the GNU. This was one of the many violated terms of the GPA, which served as the foundation for the formation of the GNU (Zinyama 2012:144). The result was that it made the prospects for genuine democratic transformation onerous to be realised (Walker 2013:76). Essentially, the point being made is that similar to the crisis in Kenya, in the wake of the highly disputed 2008 Presidential Elections in Zimbabwe, the SADC with the expressed support of the AU deployed the same strategy of containment of political crises, which is now characteristic of the regional body (Landsberg 2016:127). Dzinesa (2012:8) notes that the mediation process did not deal comprehensively with issues of transitional justice, perhaps not to scuttle the prospects of a settlement. Inadvertently, the questions of truth, justice, and reconciliation thus were jettisoned in favour of peace. It was momentary peace without democracy and the rule of law. This also resulted in the political balance of power remaining in the hands of ZANU PF as part of the price for rapidly reaching a settlement (Tumbare 2014:22; Ndlovu-Gatsheni 2011:15). MDC-T appealed to Western “international society” for salvation, having lost hope in the AU's SADC-driven intervention. Conversely, Phiri and Matambo (2017:328) state that interventions from Western countries tended to buttress the system that gave rise to current conflicts, thus, equally failing to institutionalise long-term peace, similar to the critique levelled against efforts by the AU to promote democracy and human rights in Zimbabwe. This evidences what scholars persistently comment on, that manifestly the AU has promoted regime survival, often at the expense of democratic transition (Ibrahim 2012:61; Omorogbe 2011:138).

Hence, the question: Are solutions African solely because they are pursued by Africans? In response to this question, Phiri and Matambo (2017:333) state the following, “[w]hen Fanon is criticising African leaders for failing to live up to their promises, he is implicitly criticising the colonial methods used to domesticate the black people to unconsciously appreciate violent and oppressive methods of leadership. From this background, the poor performance of African leadership would be understood as a psychological disability created by colonial practise. That this leadership has not alleviated African problems makes foreign intervention to solve African problems appear as a necessity”. It is averred, with pervasive coloniality as the political determinant in Zimbabwe, the subalterns are politically immiserated on both sides of the Rubicon. It does seem as if, whether the people of Zimbabwe turned to the AU or ultimately extant “international society”, it remains déjà vu.

4.5.1. Coloniality buttressing ZANU PF incumbency

By 15 September 2008, the parties had signed the ill-fated Global Political Agreement (GPA), which settled the dispute about the 2008 elections. It nevertheless did not resolve the foundational issues of democracy and human rights that fermented the crisis. The Agreement engineered by the AU was described as “not having gone the whole hog” – at least establish the conditions in terms of an adequate state of affairs for popular rule and a deconstructive decolonial discourse versus coloniality. It has been implicitly and explicitly argued that the achievement of democracy and human rights are intertwined with the need to challenge coloniality (Tucker 2018:11-13). The GPA iterated the need for a road map to develop a new constitution, a process that was to be led by Zimbabweans themselves, with the AU hoping that this will lead to the resolution of the underlying causes of the conflict (Tumbare 2014:23). The fact that the role of the AU even through SADC became paltry in the aftermath of the GPA gives credence to the notion that the intervention sought to obviate possible intervention led by other international state bodies and global hegemony outside the region – a situation that favoured the status quo, described as an expression of coloniality (Walker 2013:44). As stated above, from the onset the attempts by SADC and the AU to achieve a political settlement through quiet diplomacy was vehemently criticised, with some scholars pointing out that political settlements that do not immediately address the underlying causes of conflict often do not lead to state and democracy consolidation. Critics go to the extent of pointing out that Zimbabwe has had three negotiated settlements, including the GPA; none have been able to lead to the deepening of democratisation and a human rights culture or, at the least, permanently hold the peace. This refers to the

Lancaster House Agreement, the settlement between ZAPU and ZANU, and finally the GPA. None of these sought to address the coloniality of relations that shape the politics of Zimbabwe (Tapfuma 2016:49; Ingange Wa Ingange 2010:84).

The GPA did not address the underlying structural features defined by “political power, strategic resources, state control, belonging and citizenship as well as mode of governance” (Gatsheni-Ndlovu 2013b:187). Thus, the coloniality of relations of the Zimbabwean state, which manifests in regular violence as a means of control, were not dealt with by the GPA (Mlambo 2013:60). The GPA had the effect of allowing the incumbent ZANU PF regime to exploit the weaknesses of the MDC and recover from its shock electoral defeat; echoing the sentiment of the MDC that the playing fields were not levelled. This is supported by the observation that the military continued to play a huge role in the political and civic matters of Zimbabwe. This development potentially placed future mediation efforts on the continent in jeopardy as it is seen as a way of renewal and buttressing the power of incumbents and coloniality (Tumbare 2014:22; Ndlovu-Gatsheni 2011:15).

4.5.2. Ensnared democratic transition in Zimbabwe

The AU and SADC by design had little agency in the implementation of the GPA. This is contrary to the intervention of the OAU and subsequently the AU in Burundi, wherein, in the light of the conflict and democratisation crisis the AU and its predecessor the OAU established a significant presence through a permanent mission to facilitate the implementation of agreements between the contending parties (Oguonu and Ezeibe 2014:329). This is what can be described as diplomatic non-indifference, a concept that Dzimiri (2017:61-64) invoked in the case of Zimbabwe, based on the response of the AU. In Burundi, noting the ability of the military to stall the democratic transition with the democratic transition precariously balanced, as in Zimbabwe, the OAU asked Julius Nyerere (as an elder statesman) to intercede on its behalf between the parties to implement the mediation agreement on the Convention government (Tieku 2011: n.p.). On its establishment, the AU sent a peace mission to Burundi – its first peace mission to ensure that all the parties implement the settlement that was finally negotiated by the former South African President, Nelson Mandela (Oguonu and Ezeibe 2014:329; Tieku 2011: n.p.). Based on the description of the Zimbabwean situation, Tieku (2011: n.p.) says that in such instances it is important for regional organisations to draw lessons from experience.

Notably, there were little interest by the broader “international society” to find a niche in the resolution of the Burundian conflict; even the UN put conditions for its involvement. This was unlike in Zimbabwe, where the manifestation of the conflict partly challenged the interests of the empirical colonial supranational authority, denoted by the interests of Western powers in the conclusion of the Lancaster House Agreement. Thus, it is surmised, the broader “international society” took much greater interests in the situation in Zimbabwe given its propensity to set a precedence for polities with similar settler communities in Southern Africa (Ibrahim 2012:61; Omorogbe 2011:138). In the case of Zimbabwe, the AU has played a minimal role after the signing of the GPA – the idea being that Zimbabweans must ultimately find home grown solutions, as often asserted by Mbeki, by implication a deduction from “African solutions for African problems” to “Zimbabwean solutions for Zimbabwean problems” (Tapfuma 2016:67-68). According to Dzinesa and Zambara (2010 in Kudzai 2014:16), this ignored the deep fissures amongst the contending parties. ZANU PF and the MDC were described as being poles apart, a factor that was about raising questions about what it meant to be Zimbabwean – which is a question that needed to be understood and inclusively responded to by the contending parties in order to collectively speak about a concept of Zimbabwean solutions to Zimbabwean problems. This also ignored the fact that the culmination of the latest crisis was reflective of the manifestation of a calamity occasioned primarily by coloniality. The response from SADC and the AU thus tended to buttress the coloniality of relations in the post-colony. The instantaneous recognition of coloniality in concrete sites of struggle, whether it emerges through evasion, as seen in the conduct of the AU after the signing of the GPA, or conversely in the vertiginous interests of Western powers, is critical for decolonial praxis. It is critical to understand the conjoined historical legacies in how coloniality expresses itself in buttressing extant political power (Tucker 2018:11).

As a consequence of ZANU PF and the state supplanting one another (Matyszak 2018:2), it is argued that the neo-colonial state in Zimbabwe would have had to possess the political will to transform itself out of existence in order to fully implement the GPA – hence, to exemplify the fact of the state supplanting the party. Onslow (2011:10) controversially points out that in 2008 the press stated that the army commanders confronted Mugabe about his succession plan. This indicates that the process of capturing the state was so absolute that the party lost its essence in the process. This is underscored by the military supported coup d'état' of 2017 that in more than one way brought to light the manoeuvres of the military in Zimbabwe. To a great degree, the situation in Zimbabwe is described as requiring the

reconstitution of the state and the implementation of new norms that recognise the value of popular participation and human rights. The colonial edifice on which coloniality manifests requires much more gravitas and a nuanced approach to approximate a decolonial perspective. Otherwise, the state may continually transit the extant challenges without fundamentally transforming – a factor evidenced by the Mnangangwa regime today, which has continued to visit unpopular policies on the citizens (Ankomah 2019:70). It is averred that it is inconceivable that a regime that fears retribution for its past atrocities and failed to hand over power after an electoral defeat could be expected to negotiate itself out of power (Tumbare 2014:28; Makaye and Dube 2014:234; Dzinesa 2012:9)

It is in this respect that the strategy of mediation and skirting around the controversial issues that underlie the crises in Zimbabwe, to the exclusion of all other possibilities at the disposal of the AU and SADC, became the undoing of the GPA (Walker 2013:48). This is consistent with the democratisation theory that argues that democracy implies a change in the form and substance of the state. It can be argued that the state had largely subsumed ZANU PF. In essence, a fundamental transformation of the state was required, including the amendment of a battery of laws, including the Electoral Act, the Broadcasting Services Act, the Official Secrets Act, the Interception of Communication Act, the Public Order and Security Act, which buttressed the power of the state (Tumbare 2014:2-3; Zinyama 2012:146). There seems to have been no deadlock-breaking mechanism in the GPA. This resulted in a cantankerous process in which state violence continued unabated. Thus, the SADC and AU driven Zimbabwean democracy and human rights promotion was criticised as lacking thoroughgoing transformation (Tumbare 2014:28; Dzinesa 2012:9). It falls foul to the critique of “projectivising” labyrinthine challenges such as the promotion of democracy and human rights, rather than viewing it as a ceaseless incremental process (Kagoro 2012:8).

4.6. Description and Critique of AU’s Democracy Promotion

Scholars have stated and exemplified that some regional organisations, such as the European Union (EU), have a strong influence in shaping the domestic affairs of state parties in order to facilitate norm implementation and evaluation. This is not the case in the instance of the AU, especially in the case of Zimbabwe. Räsänen (2018:11) points out regional organisations, such the EU, are particularly strong on the implementation and evaluation of their normative framework. The EU implements obligatory democratisation measures on

state parties and those aspiring to join the EU by promoting democracy and human rights within member states. As an example, the EU used the European Instrument for Democracy and Human Rights (EIDHR) in Turkey to promote democracy and human rights. The EU Neighbourhood Policy and Pre-Accession instrument are other measures at its disposal that were simultaneously implemented in Turkey. These instruments also allocate funds to strengthen civil society. This reflects the extent that the EU, as a supranational organisation, has authority to influence the governance systems of countries in the EU, at the same time empowering the people as the constituents of the sovereign (Räsänen 2018:11; Makaye and Dube 2014:229). One of the greatest challenges that Europe has had to navigate hitherto is that of social regulation versus and/or social emancipation to establish relationships of equality within its polities (Sousa Santos 2002:39).

Hodzi (2014:6) has described a phenomenon of the security establishment control over the political system that has emerged and taken hold in Africa. This has made democracy promotion, with a focus on civil society, a particularly onerous endeavour in polities such as Zimbabwe, thereby buttressing coloniality. The preponderance of the security establishment in the domain of politics is mainly because of the reluctance of political elites to facilitate the transfer of political power via elections, with the result that their hold on political power is prolonged. This phenomenon is birthed by a coalition between the security forces and the political elite, with the security establishment as the guarantors of the political system, akin to the colonial period – a period when the gun and ‘*sjambok*’ served as symbols of authority and power. This has often been at the behest of the political leaders, as is the case in Zimbabwe. It is therefore pivotal to assert that the AU, in terms of the promotion of democracy and human rights, must also be “pursued alongside decolonisation of power, statehood, and state-citizen relations” (Zondi 2017:109). Even when elections are undertaken, it is not with the purpose of continuously democratising political power (Phiri and Matambo 2017:328). The objective of elections in many countries, such as in Zimbabwe, Cameroon and the DRC, is patently intended to legitimise the regime – a situation representing a simulacrum of the one-party states that dominate African politics. This connotes a perpetuation of coloniality as the extant politics continue to entrench subalternisation that underlines the fault lines of African politics (Hodzi 2014:3). The preponderance of the security establishment in maintaining the control of the conjoined military-politico establishment may be regarded as obviating the kind of focus on civil society that is seen in the EU. The role of civil society is also vertiginously limited in its effect until an irruption is occasioned within the ruling elite, as was the case in Zimbabwe when Mugabe

was overthrown. For a brief period, civil society seems to come into its own, with the masses controlling the streets. In the instance of the usurpation of political power from Mugabe, the role of the military was key in re-establishing the faulty structural and institutional weaknesses that obviate the transition to democracy. In the context of coloniality, buttressing the status is not inadvertent; the global political edifice tends to support such, including the alliances of the global hegemons that they tend to form with subaltern countries. The extent of the institutional weaknesses of the AU has been indicated, a factor the regional body has been open about (Kagame 2017:13-14).

Moreover, the AU is described as being unable to simultaneously undertake multiple offensive missions. Mlambo and Raftopoulos (2010:20) argue that SADC and the AU collectively did what was plausible under the circumstances in Zimbabwe. To contextualise their argument, it is not to say, where necessary, the AU must skirt around the objectives of R2P rather than intervene, as required. It is simply to describe the fact that in the case of Zimbabwe the AU seems to have limited its options in accordance with the strategic security context. This means that in the realisation of African solutions, the options of the AU were manifestly dictated to by resource deficits. Of course, deficits should be understood in the context of North and South, as a social construct of coloniality, bequeathing riches and deficits. The deficits in the South, even at the level of regional organisations, have implications for the democratic entitlement and dividends. This constitutes that a paucity of enabling factors for effectiveness partly dictates what happens between the crisis and the democracy ideation of the SADC and the AU (Kagame 2017:13-14).

4.6.1. South Africa – a proxy for AU politics in Zimbabwe

Critiques generally acknowledge that the AU has not been a completely absent player in the promotion of democracy and human rights in Zimbabwe. Following the AU Assembly Resolution 1 (XI) of July 2008 and the subsequent SADC intervention, the contending parties in Zimbabwe agreed to the mediation role of South Africa (Kudzai 2014:3). Agbu (2006 in Kudzai 2014:24) stated that mediation is a voluntary process in which the parties to a dispute involve another party to mediate and ensure agreement between the warring parties on the resolution of the dispute. The political strength of states and their organisations, such as SADC and the AU, in respect of human rights and democratic norms creation, diffusion implementation and evaluation, is preponderant to the economic and political power of the protagonists (Phiri and Matambo 2017:324). Weak African states and

consequently a weak AU manifestly also have implications for the capability and options in respect of democracy promotion, including what is possible within the realm of the strategic political environment – a factor described above. The choice of South Africa by both SADC and the AU as a mediator in many of the disputes on the continent is not least because of its economic strength – the idea being that it is well endowed as a proxy for the AU to realise the ideal of “African solutions for African problems”, which perhaps was partly the case in Zimbabwe (Phiri and Matambo 2017:324).

The limitations with sub-regional organisations and hegemons when they intervene, as was the case of South Africa in Zimbabwe, are that they may pursue quick settlements to prevent conflicts from spilling over into their territories. This means that such interventions are not wholly altruistic; they also are driven by self-interests. It would be fundamentalist to assume that such interventions are not at all driven by the domestic interests of the hegemons, among other factors. This in itself is not a problem, except when the actions and goals of the mediator are inconsistent with the principles and practices of the regional body. Scholars have been markedly split on this in the case of South Africa’s role in Zimbabwe (Walker 2013:13). Some described how South Africa played a role in resolving conflicts across the continent at the behest of the AU and UN, indicating a sense of commitment to collective responsibility on its part to address the challenges of the continent. This can be interpreted as an expression of a Pan-African benevolence, especially on the part of its political leadership, to act as part and in the interest of the African continent (Landsberg 2016:130; Nathan 2013:53).

Various studies have dealt with the phenomenon of the selection of one or two countries to act on behalf of the AU in various conflicts on the continent. They proceed with the objective of sketching the approach, the reasons for intervention, and the prospects of success based on both objective and subjective factors. In this sense the role of South Africa on behalf of SADC and the AU, in particular in Zimbabwe, was not unique. Scholars have argued that the approach of Mbeki and Jacob Zuma in the mediation between the contending parties has reflected the position and general ethos of the position of SADC and the AU. They ascribe South Africa’s intervention to the agency of the AU (Dzimiri 2017:62; Ndlovu-Gatsheni 2011:6; Adolfo 2009:9) as South Africa with its global aspirations, including being desirous of a permanent seat on the Security Council, did not want to be seen as an epistemic voice of the West in the region; not an unfamiliar critique, thus it kept largely to the AU script (Adolfo 2009:28; Bekoe 2002:17). In 1998, Zimbabwe, Angola and Namibia were critical of South Africa and Botswana’s intervention in Lesotho and this was a lingering

thought in South Africa's approach. It was reticent to act outside the framework of SADC and the AU and be accused of being a proxy for Western imperialism, read coloniality (Bekoe 2002:17). It has been adequately argued that often the counter pressure for drastic action, against the seemingly moderate AU and SADC stance against Zimbabwe, was rationalised to a significant degree based on the perceived political interests of the West in Zimbabwe. It was argued that the West wanted regime change, which by implication became antithetical to the overall objective of the AU (Amir 2017:7; Ndlovu-Gatsheni 2013b:182).

Adolfo (2009:23-24) argues that while "indifference" and "non-indifference" are important markers of the historically shifting relations within the African region, once the West becomes involved, African solidarity takes precedence. This is also understood in the context of the North and South relations in terms of the decolonial perspectives. However, these tensions can also be described as not always reflective of a combative decolonial discourse. They can merely be reflective of intra elite contest for the spoils of the neo-colonial state. The stance of South Africa, acting at the behest of the AU in Zimbabwe, was based on African solidarity, shared by many countries in the region (Ndlovu-Gatsheni 2011:6). This African elite pact has not had the desired effect in terms of the historical concept of self-determination, especially the promotion of democracy. Democracy and human rights have been secondary to elite self-preservation; this was palpable in both Mbeki and Mugabe's concerns about obviating regime change, especially considering that the liberation movement in Southern Africa and Africa largely faces the same challenges pertaining to hybrid and fragile democracies respectively (Ndlovu-Gatsheni 2011:6; Adolfo 2009:9).

4.6.2. Quiet diplomacy in the case of Zimbabwe

Walker (2013:44) has surmised that the political intervention by SADC most likely was undertaken at the behest of the AU with the objective of crowding out possible EU and UN intervention in Zimbabwe. Nonetheless, the political tendencies in regional and sub-regional organisations in Africa are not homogenous but reflect a particular preponderance of perspective – there are dominant trends and persistent norm contestation. This emerges based on the ideological reading of the strategic political and security environment by individual countries and sometimes sub-regional communities. It also reflects the colonial legacies of the schism between Anglophone and Francophone, amongst many other divisions (Phiri and Matambo 2017:326). Thus, the reading of the political and security

environment as a process of social construction did not produce unanimity in the AU and SADC. It was however sufficient for the AU to adopt *modus operandi* that accorded with the emergent strand of Pan-Africanism professing anti-colonialism and desirably a decolonial praxis.

The approach of the AU that found expression in SADC in terms of quiet diplomacy was contested by some countries in the region. These contestations even became public, with some Heads of State criticising quiet diplomacy. These public contestations represented a break with the concept of quiet diplomacy (Adolfo 2009:13), which resonates with Muneno (2016:43) when he argues that quiet diplomacy, which has been the hallmark of the intervention in Zimbabwe, was not even akin to “African solutions for African problems”. He, in essence, implied that this did not connote a decolonial praxis. After all, his entire thesis on Zimbabwe is based on a decolonial approach. Nathan (2013:52) agrees with the general view that quiet diplomacy is inconsistent with a uniquely Pan-African perspective; in essence saying the approach was akin to that used in European diplomacy. He pointed out the prolonged crisis as a failure of quiet diplomacy in Zimbabwe. This has led to the characterisation of the situation in Zimbabwe as seemingly unresolvable, symptomatic of the general African crises of governance when more drastic action could have been taken (Kobbie 2009:3). Scholars point out that the AU had greater space to manoeuvre, especially immediately after the 2008 elections when the regime in Zimbabwe was vulnerable, with Mugabe being malleable to accede to greater reforms before the military essentially instructed him to resist change. However, the AU opted to pursue a political solution, which is described as favouring the incumbent regime. According to Dzimiri (2017:56), timid reforms have occasionally been posited as solutions by SADC and the AU in the face of much greater possibilities. Some argue it inaugurated mediation with already the solution of a GNU, rather than regime change; hence, it obviated the involvement of other international role players to take the lead (Ibrahim 2012:61; Omorogbe 2011:138; Adolfo 2009:8).

As an example of the norm contestation referred to, Adolfo (2009:13) states that countries governed by post-liberation politics in SADC, such as Malawi, Zambia and Botswana, openly criticised Harare. This reflected the extent of the contestation of the nature and substance of norms of “international society”, even in the historically oppressed block of countries (Spies 2016:40). Tiekou (2011: n.p.). states that ideally interventions by the AU require that it iterate and describe its strategic policy objectives. Such a documented approach will create a structure and system, an entry and exit plan, rules of engagement, and iterate the required support and objectives to be attained. Quiet diplomacy tended to obfuscate what

was meant by “African solutions to African problems”; this was the case in Zimbabwe, especially in respect of democracy and human rights promotion. Bekoe (2002:6) says there is a lack of transparency in the approach of the AU. The criticism of quiet diplomacy by states such as Botswana and Malawi depicts the nuanced differences that rarely play themselves out publicly within the Pan-African regional block (Adolfo 2009:25). This contestation enabled the ZANU PF regime and the AU to project a façade of anti-imperialism, thus buttressing the undeclared process of obviating Western intervention, which plausibly could have changed the strategic approach to mega-phone diplomacy, effective political transformation and/or regime change (Ndlovu-Gatsheni 2011:14; Cameron and Dorman 2009:1). Adolfo (2009:22) asserts that the national liberation historiography has a significant confluence with Pan-Africanism; it thus, perhaps, won the day with the ZANU PF regime being projected as a victim of imperialism by member states of the AU.

The converse is that it manifestly resulted in timid elite-driven efforts in terms of human rights and democracy promotion. Thus, through a nuanced reading, it is possible to conclude that the discourse of the coloniality of the African elite was given empirical evidence by the pursuance of a strategy that entailed regime survival from the onset. The MDC-T and its coalition of civil society organisations were considered with great scepticism from within the AU as conduits for imperialists interests, while paradoxically, the Zimbabwean state remained itself fundamentally neo-colonial in relation to its subalternised populace. Thus, the mediation involved the two MDC formations, namely MDC-A and MDC-T, and ZANU PF. The mediation process excluded civil society to not strengthen the flank of the opposition. Thereby, the complementarity of pressure from below in Zimbabwe was stifled in efforts to cajole the ZANU PF regime to make greater concessions in respect of democracy and human rights. By virtue of the intervention being undertaken under the aegis of the AU, the regional organisation arguably buttressed the continued coloniality of the neo-colonial state (Kudzai 2014:79).

The exclusion of the people and the continued human rights violations, paradoxically justified the EU and America’s unilateral imposition of sanctions, with the unintended consequence of inadvertently validating the critique of coloniality of the construct of the Euro-American axis. Much more significantly, their direct interests in the situation in Zimbabwe and plausibly broadly in Southern Africa, where there are substantive numbers of settler communities, in that way strengthened the hard line stance of the AU against what many in the region termed “imperialists sanctions” (Kudzai 2014:21). This resulted in Western countries’ disquiet. This kind of strain reflected the dialectic of a tension between

the continental and global elite, who both in substance sustain subalternisation in the globe. The approach of the AU has tended to be manifestly subtle, while the modernist empire that operates at arm's length tended to be more hawkish, protected by distance from the debris of the impact of coloniality, with both SADC and the AU drawing the EU's ire. Europe and America were sceptical about the objectives and prospects of quiet diplomacy (Tumbare 2014:44), in terms of which Mbeki as the peace broker blocked criticism of Mugabe and his regime in international forums. This palpably choked Western pressure for the democratisation of political power in Zimbabwe; as surmised, it was the likely intention of the AU. It is averred that this continued to promote coloniality in the politics of Zimbabwe; thus, it prevented any prospects for pluriversal solutions to the crisis in the country (Walker 2013:44; Dzinesa 2012:8). The approach adopted by the AU in this regard was based on self-interests and self-preservation of the African political elite, rather than the interests of the people of the continent. It can thus be interpreted as crude sophism. This is not to validate the sometimes-nefarious intentions of global hegemony, as observed in the case of Libya (Ingange Wa Ingange 2010:84). This only helps to exemplify how the colonial and nationalist's interlude continues to enact coloniality in the politics of Zimbabwe. The approach of the AU has tended to buttress these (Muzondidya and Ndlovu-Gatsheni 2007:276).

The quiet diplomacy that was applied by both the AU and SADC in the resolution of the Zimbabwean crisis sought to maintain the real and imaginary symbolism of African solidarity, while this was the public manifestation of the manoeuvres to resolve the problems of Zimbabwe. Behind closed doors, occasional attempts were being made to soften the stance and approach of President Mugabe on a number of issues. As early as 2002, following the disputed elections, the SADC Heads of States and Government resolved that Zimbabwe would no more longer serve as the Deputy Chair of SADC, which is a position held in anticipation of taking over the position of Chairperson. This was in keeping with the policy of quiet diplomacy to do things behind closed doors, supposedly not to embarrass the elder statesman in the eyes of the world (Adolfo 2009:24; Bekoe 2002:14). To exemplify the need to maintain the image of African solidarity, Mugabe is himself reported to have told Ian Khama, the then President of Botswana, "...your father would never have criticised me in public" (Adolfo 2009:28).

4.6.3. Did the AU act like a club of incumbents in Zimbabwe?

For many quiet diplomacy, as opposed to megaphone diplomacy, had the effect of validating the notion of a club of incumbents. There is perhaps an element of truth in this, to the extent that the nationalist liberation ideology reflects the dominant political outlook of the AU expressed in unyielding Pan-African solidarity at state level. This ideological density, it is surmised, is not necessarily numerical in terms of number of states but reflects the hitherto legitimating ideology within the AU, in particular. Hence, even the political elite such as Mugabe, when cornered, occasionally seized on it, besmirching even imaginary imperial designs as an appeal for African legitimation of the ethnic nationalist cause of ZANU PF (Ndlovu-Gatsheni 2011:14). This happened to the extent that governance by African leaders are predatory, mimicking the erstwhile colonisers, like in the case of Zimbabwe, and are antithetical to the democratisation project in Africa. It can be described as depicting the Fanonian double consciousness. Phiri and Matambo (2017:322) state, “Double consciousness is a state which displays a contradictory way of understanding one’s identity. It is when one assumes a non-essential identity which is imposed by external forces. The colonial brainwashing of the Western powers on black people constitutes the chief and primary cause of double consciousness according to both Fanon and Dubois”. The Afro solidarity empirical rule amongst the elite is permissive of this, as exemplified by the stance of the AU and African leaders to foreground African solidarity ahead of governance accountability, observing the will of the people and human rights. By so doing, they inadvertently buy into the colonial enterprise to the disadvantage of the subalternised populace – a populace suffering from domestically manifested colonial relations and global imperial designs, as is the case in Zimbabwe.

It is often pointed out that President Mbeki, as mediator, regularly avoided condemning the human rights abuses and constitutional transgressions of Mugabe in order not to scuttle the prospects of an amicable settlement (Dzinesa 2012:8). Critics have even pointed to Mbeki’s failure to underscore the principles of protection of human rights contrary to the proclamations of the AU (Tumbare 2014:22; Matyszak 2010:15). It has however been noted by many scholars that he acted at the behest of the AU. Walker (2013:11-12) argues that this evidences the fact that Mbeki and the AU had excluded regime change as an option. She states that Mbeki invoked Kissinger’s argument of the USA during the Cold War, as utilising the human rights discourse to discredit the Soviet Union, which he argued is what was happening in Zimbabwe. This was interesting to note in the context of the proclaimed aphorism of “African solutions to African problems” (Tumbare 2014:22). African solidarity

and regime survival in practice eclipsed the promotion of democracy and human rights. This sensitivity of African leaders has been partially cultivated by the proliferation of rebel groups and coups d'état' and the historical experience of colonisation, characterised by the nefarious intentions of largely external role players (Adolfo 2009:8). The reticence of the AU in condemning the ZANU PF regime takes us back to the critique of Muneno (2016:43), that quiet diplomacy was not akin to African solutions, echoing Justice Ben Kioko that when there is a fire at the neighbour's house you ought to react. In the context of the clamour for democratisation by civil society, the AU's approach through its sub-regional proxies buttressed the militaristic regime, in the name of anti-imperialism at the expense of demands for popular change.

4.7. The AU response to internal impediments towards democratisation

It has been argued that one of the fundamentals of democracy and human rights promotion is the transformation of the state. The state is ultimately the guarantor of democracy and human rights. According to scholars, states that are weak in terms of providing the common good and often operate with impunity are a hindrance to democracy promotion and are likely to enforce their legitimacy in unconventional ways that violate human rights. Thereby hinder the prospects for democratic transformation. The AU, as noted in the previous chapter, has established many treaties and created and diffused norms on democracy and human rights, concurred to by state parties (Walker 2013:9). These, according to Raftopoulos (2011 in Walker 2013:9), relate to norm creation, diffusion and implementation. He avers there is a lack of norm implementation and evaluation, described as the Achilles heel of the realisation of the objectives of the AU in Zimbabwe. A fundamental task of the AU is viewed as building state predictability, the observance of human rights, and the capacity to execute the required state functions. One of many other possible, especially positive, outcomes thus prevent the concentration of power in the security sector, as is the case in Zimbabwe (Maru 2012:7; Mlambo and Raftopoulos 2010:4).

The AU and SADC were not geared towards occasioning such a transformation to balance the power within the state. Exemplified by their mediation that was essentially geared towards regime sustenance, the emergence of popular sovereignty would be onerous. This inherently leaves the colonial matrices intact. The strengthening of corporate governance, which notably was never undertaken by the AU, was going to be a critical marker in the re-orientation of the state in Zimbabwe. Weak states, it is averred, are vulnerable to nefarious

and external interests. The Zimbabwean state, because of its weaknesses, became a victim of internalised coloniality, which the AU could not obviate because of its own recorded deficits. This gave rise to a patrimonial regime with marked military involvement in civil and political affairs. Zinyama (2012:148) argues that the AU and sub-regional organisations were connotatively weak in terms of norm implementation in Zimbabwe.

Maru (2012:8) states that greater investment in the state will attract the best mandarins. Such a programme on the part of the AU it is surmised will allow for sharing of best practices amongst African states in respect of finding African solutions. To amplify what Maru (2012) states, it is asserted that corporate governance, and by implication good governance, is one of the critical dimensions of NEPAD. Good governance is essential to democracy and human rights promotion. Notably the APRM, a key aspect of NEPAD, has not been effected in Zimbabwe, despite the grave human rights violations described above, because it is optional. The voluntary nature of the APRM and the lack of enforcement mechanisms have ensured that the AU and SADC do not possess measures to facilitate the transformation of political power in Zimbabwe (Dodo 2016:26). The AU, in that sense, does not differ much from what critics have termed as the periodic existence of its predecessor, the OAU (Gottschalk 2012:9; Eregha 2007:208).

According to Ndlovu-Gatsheni (2012:3), these continuities in the paucity of the political will and effective promotion of democracy and human rights; "...cannot be reduced to simple real-life problems... scarcity and poverty, as if these were untouched and unshaped by broader questions of power, epistemology, representation and identity construction". The new elite through double consciousness, a phenomena constructed by coloniality, continue to reproduce the colonial relations that make elite coalitions a primary determinant of the form and essence of governance. Thus, the constituents of sovereigns of African states never have been engaged through a referendum to determine whether they agree with their countries not acceding to the APRM (Akokpari 2004:252). Oguonu and Ezeibe (2014:329) rationalise such by saying, "These institutions are not legitimately the outcome of African cultural realities and were not structured by African cultural values but are rather products of global capitalist values and principles". It is however asserted that the APRM and what is termed the soft aspects of democracy and human rights promotion are much less costly forms of norm implementation and evaluation than many offensive measures (Yimer 2015:132).

4.8. 2013 to 2018 Zimbabwean elections – democratic transition deferred

In the light of the outcome of the GPA and the subsequent massive electoral victory of ZANU PF in the 2013 elections was a transient moment that was an epochal marker of change in the world's view of the Zimbabwean crisis. The situation was characterised as having reached a turning point, inversely one largely favouring the regime, albeit the continuing tensions and internal struggles, characterised as depicting the internalised coloniality. Inadvertently, regurgitated by the AU's strategic approach. It can be said the West retained a measure of scepticism regarding the approach of the AU and the ZANU PF regime, reflected in continued sanctions (Phiri and Matambo 2017:329), the interregnum in the form of the GPA facilitated by the AU sanctioned mediation had averted what could have led to the common ruin of the contending parties in Zimbabwe and possibly to emergence of a decolonised and none Eurocentric regime. In the end, this set the scene for the ZANU PF elite to settle its own internal scores against one another without risking the transformation of political power, in fact recalibrating the neo-colonial state. This ultimately resulted in the arduous process of ousting Mugabe. It has been stated that the democratisation of political power in Zimbabwe of necessity desires the destruction of the current neo-colonial state. The AU tacitly acceded to the unseating of Mugabe as President, without digressing, which also resulted in him being replaced simultaneously as the leader of ZANU PF, buttressing the earlier point that the state had supplanted the party. In essence, the AU, by accommodating this elite transition without transformation, has continued to perpetuate coloniality in Zimbabwe at the expense of the popular sovereignty of the people.

At the beginning of 2018, the AU Chairperson thanked the people of Zimbabwe for what he termed "a peaceful transition" (AU 2018:1). What has emerged since the unseating of Mugabe is an intra elite transfer of power facilitated by the military, with Mnangagwa, ironically referred to as the crocodile, replacing Mugabe (Uwizeyimana 2012:141). It is argued that it reflected a temporary defeat of the democratisation agenda with much of the gratitude of ZANU PF due to the AU. There has paradoxically been a relative thawing of attitudes towards the regime reflected in the return of multiple election observations missions to Zimbabwe in 2018 (Matyszak 2017:2).

4.8.1. Observations of the role of the AU based on the experiences of the 2013 elections

By 2013, the crisis within the MDC, state terror and the populist policies of ZANU PF had consolidated its power base. These factors contributed to a resounding two-thirds majority “electoral routing” of the MDC (Matyszak 2017:3; Alexander and McGregor 2013:761). The MDC manifestly wanted the AU to play a prominent role, especially in the implementation of the GPA and the preparations for the elections. This was however not the intent of the AU mediation effort (Tapfuma 2016:67-68). It is surmised that the culmination of the Colour Revolution in 2011 and the patent regime change agenda of the North Atlantic Treaty Organisation (NATO) in Libya under the guise of the UN further helped rationalise the conduct of inactivity on the part of the AU in as far as the implementation of its normative framework is concerned. NATO’s unilateralism overtly raised the spectre of latent coloniality afflicting African governance (Nathan 2013:51). The manoeuvres of the ZANU PF regime were further aided by the fact that the world’s eyes were cast on North Africa, in lieu of the Colour Revolution, and to inter alia the economic meltdown that had engulfed countries such as Greece and Portugal (Phiri and Matambo 2017:329; Kudzai 2014:79).

Thus, in 2013, through a sleight of hand, the ZANU PF regime recovered spectacularly from its 2008 defeat. Once again the regime had failed to comply with both the AU’s and SADC’s Principle and Guidelines Governing Democratic Elections and ACDEG, which had come into effect the previous year (Kudzai 2014:85). In effect, this again was aided by the AU, which endorsed the outcome (Ibrahim 2012:52). Alexander and McGregor (2013:762) in their analysis of the massive electoral victory of ZANU PF following the 2013 elections concluded, “[I]n the resurgent language of an authoritarian nationalism and anti-imperialist Pan-Africanism, claims to sovereignty and economic redistribution were de-linked from claims to rights and the struggle for a broad democratic agenda was made much harder”. This also manifestly describes the fact that despite the efforts of the AU in terms of norm diffusion, it has not unravelled the neo-colonial state, a state buttressed by coloniality at the cost of deepening democratic change. It thus meant, with the aid of the AU, through inaction in respect of norm implementation, ZANU PF had again effectively sidestepped the issue of human rights and democratic norms implementation. The virulent form of nationalism that had become dominant in Zimbabwe thus continued to hold sway. In respect of the promotion of democracy and human rights norms, the AU has not yet succeeded to ensure that “the law in theory is the law in practice” (Omotola 2014:12). In the process, it has established a

sense of legitimacy for a particular brand of politics, which this study hereunder reflects on in the context of the 2018 elections.

4.8.2. Observations of the role of the AU based on the experiences of the 2018 elections

Scholars state that the AU and many other organisations outside Zimbabwe have come to the conclusion that Mugabe is the problem in Zimbabwean politics, denoting a “Mugabe-centric” rather than a systematic solution to what is a historical crisis of the intersection of intersubjective historical variables (Ndlovu-Gatsheni 2017:108; Cameron and Dorman 2009:2). This amounts to a mechanical solution, rather than a robust deconstruction of the epistemic and existential factors underlying the crisis in Zimbabwe (Ndlovu-Gatsheni 2012:8). Clearly, some of the international bodies that monitored the 2018 elections were to a degree still concerned about the legal framework of 2013, which is indicative of a systemic crisis. Yet this concern was expressed in much more moderate language compared to 2008. This is palpable in the statement of the Commonwealth, briefly referred to hereunder. The assumption of the international community, especially the AU that implicitly backed the coup d’état’, was that the Mnangagwa Presidency would inaugurate significant political changes that accord with the norms of extant “international society”. This is because the world and the AU had reduced the systemic problems of Zimbabwe to a single cause, namely the persona of Mugabe (Ndlovu-Gatsheni 2017:108).

In 2017, the military forced Mugabe to “resign” in a largely bloodless coup d’état’ (Räsänen 2018:19). Once again the connivance of the AU, through a strategic choice of silence in the light of a largely peaceful coup d’état’, indicated pragmatism rather than principle. What this disregard is the long-term damage to the democratisation agenda that was ushered in by the Lomé Agreement. The AU may have opened the door for de jure coups by its tacit support of the military in Zimbabwe. Roessler (2017: n.p.) stated that the AU “would not have faced the unpalatable choice of greenlighting the forcible removal of a sitting head of state if it committed to building a more balanced regime of constitutionalism, in which incumbent subversions of democracy are addressed as vigilantly as coups by anti-incumbent forces. Through the violation of term limits, the emasculating of free and fair elections, and the persecution of their opponents, rulers are eviscerating the institutions that are essential to building a new political equilibrium in which the use of force is not needed to hold incumbents accountable”. In this instance, the AU tacitly accepted what at the least constituted a popular coup d’état’, as opposed to the situation in Mauritania referred to

earlier (Omorogbe 2011:142-151). Arguably, this sets a difficult precedence for norm creation within the region, especially in light of the many unpopular leaders, perhaps inadvertently affirming a historically prominent role for the military in the politics of Zimbabwe. This buttresses the continuities that underlie coloniality in Zimbabwe, in terms of which democracy and human rights remain a mirage (Ndlovu-Gatsheni 2013:3). The continuities of the neo-colonial state thus remained firmly entrenched as the state transitioned from one ruler of the old order to another. The words of Du Bois (2010:169-170) best characterises the epoch when he stated, "...the swarthy spectre sits in its accustomed seat". This amounted to the Leninist aphorism, "[o]ne step forward and two steps backward". Effectively, tacit permission was given by the AU and SADC for the military to continue to meddle in Zimbabwean politics. Secondly, the Mnangagwa regime inherited the entire neo-colonial edifice of the state that has obviated democratic transition; a state that has presided over human rights violations from its inception. ZANU PF capped this with a significant "electoral victory" for the politics of regime and elite survival at the expense of the democratisation of the exercise and essence of transforming political power in Zimbabwe.

In its preliminary statement on 30 July 2018, the African Union Election Observation Mission (AUEOM) indicated that it had both short-term and long-term observers to observe the latest election in Zimbabwe. This marked a shift compared with previous elections when the AU only had short-term election observations – a reality often credited to resource constraints. The long-term observation of elections, prior to elections day and reasonably long after the actual elections, allow observers to observe the behaviour of parties and state institutions, such as the police and state or the public-controlled media outside the glare of the international media (AUEOM 2018:2). The observations of AUEOM were that the 2018 Constitution provided an improved legal context in terms of which the elections were conducted. This also showed in the improved participation in terms of the number of candidates. The third rule of Knutsen's (2011:52) minimalist conception of democracy emphasises the space for political contestation by opposing parties. The 2018 Zimbabwean elections were characterised by the participation of 23 candidates, who contested the Presidential elections, four of them women. The Commonwealth Observation Mission pointed out that although there has been an opening of the political space, there is room for improvement, especially in as far as women participation in politics is concerned (AUEOM 2018:4). However, the default position of the entire process has hinged on the distortion and obviation of the will of the people, the swivel of substantive democracy, the preferred definition of this study (Sesay 2014:14; Ibrahim and Cheri 2013:60).

Matyszak (2017:2) has argued that since 2013 there has been a gradual shift from the West towards re-engagement with Zimbabwe, despite the transitions that have not occasioned transformation. This implies that the colonial edifice that subalternised the populace, evidenced by stalled and reversed democratic change and the subversion of human rights, is the history, the present and the foreseeable future condition of Zimbabwe. Some scholars averred that the failure of the AU to ensure an inclusive process of constitutional change has maintained the imperial Presidency, what Zinyama (2012:149) termed “an unhealthy political force”. Hodzi (2014:2) states that the violence that is associated with elections has the effect of delegitimising elections as an important marker for democratisation. As previously argued by Matyszak (2017:2), having observed the same trends in the post-election violence unleashed by the army, we should expect more of the same in terms of what we have witnessed since 2008 – a democratic deficit, state engineered violence, and perhaps timid if not silent action by the AU (Abaya 2018:1).

4.9. Conclusion

This chapter has described the largely ineffective approach in terms of democracy and human rights promotion that have implications for durable peace in Zimbabwe. The swivel of the AU’s approach, described as diplomatic non-indifference, has been asserted and interpreted as one that strove for regime survival in the case of Zimbabwe. The AU has had to limit its options both as a consequence of resource capacity, an outcome of coloniality, and African brotherhood to obviate external intervention. The latter reasoning indicates a policy choice in the manifest role of the AU in the promotion of democracy and human rights. As proffered earlier, the situation in Libya and its rapid degeneration towards a failed state after the West’s military intervention aided the justification of the form and content of diplomatic intervention in Zimbabwe, with the effect that thoroughgoing transformation towards popular rule was ensnared in attempts to ensure regime survival in Zimbabwe at the expense of possible intervention by the Western hegemonic empire states.

The neo-colonial state that arose on the edifice of the colonial settler regime has elicited mixed responses in the region in terms of democracy promotion. However, strategies that ensure regime survival have trumped other legally provided options. It has been argued that this in a way buttressed the politics of elite pacts and coalitions, with political power being transferred through the vices of the military intra ZANU PF. This exemplifies what has been asserted, that at the head of the neo-colonial state that the AU has helped to re-assert,

perhaps inadvertently, sits a military political complex. This manifestly rendered the democratisation and human rights promotion lukewarm as it disconcertingly based itself on elite transition, without transformation based on the popular will and participation, as promised by the normative framework to which the AU unequivocally subscribes to in theory.

CHAPTER 5

5.1. Summary

This study focused on the role of the African Union in promoting democracy and human rights. It took the form of a desktop case study of Zimbabwe, a country that has experienced incessant political conflict since the founding of the AU in 2002. Thus, it was ideal in respect of iterating the role of the AU pertaining to democracy and human rights since its founding in 2002. The study noted that the state in Africa has been defined by fragile democracies and human rights abuses. Hence it focused on the role of the AU in promoting democracy and human rights, a case study of Zimbabwe. The topic was justified in lieu of the mandate of the AU, amongst others, namely to promote democracy and human rights, as stated in its Constitutive Act.

The qualitative research methodology was chosen because it potentially adequately interprets and describes social phenomena – the subject of this study. In this instance, it provided a deeper understanding that would have evaded a quantitative methodology and methods; grasping the subtleties and nuances of coloniality and a crisis of democratisation as an ongoing cause of the political and economic distemper in African governance. The study triangulated the data by applying various primary and secondary sources. These included treaties, protocols, resolutions and documents on the UN, AU and SADC, research dissertations and theses, academic journals, and reports on the work of the AU and SADC.

As stated social constructivism has gained prominence as an approach, which locates the interpretation and description of a phenomenon in a constructed reality. This prominence it was stated has been occasioned by an increasing number of studies focussing on the roles of international and regional organisations. This is supported by literature indicating the growing application of constructivism, especially as it relates to decolonial theorists. It is in this context that it was established democratisation theory and decolonial theory provided a suitable theoretical framework for a critique of the extant coloniality in Zimbabwe. The study noted a dearth of research on human rights promotion by the AU, and a gap in the study of the manifest role of the AU in the promotion of democracy, as opposed to the proclaimed organisational objectives in its Constitutive Act.

Chapter one which serves as an introduction to this study set the objective of interpreting and describing the manifest role of the AU in promoting democracy and human rights. It was stated that the study sought to describe the role of the AU from an interpretivist point of view,

based on democratic and decolonial theory as a framework. This was successfully pursued in the chapters that followed; indicating the impact of socially constructed factors on the mandate of the AU. The main research question that enabled the facilitation of the study was iterated as describing and interpreting the continuing challenge of fragile democracies and the attendant abuse of human rights by African states. Hence, the question: How is the African Union fulfilling its mandate of promoting democracy and human rights within the polities of its member states? The following two questions supported the main question: What is the gap between the mandate of the AU and its manifest role? What is the genesis of this? Notably, the study had three sub-questions to guide adherence and coherence in responding to the purpose of the research. Notably the process of decolonisation facilitated African states to enter “international society” proper, not as colonies under European administration, albeit in the context of being neo-colonial states that were significantly at a formative stage. The AU’s role in terms of the decolonisation theory is construed as the completion of the nation-building and democratisation projects that prominently found expression in the age of the third wave of democratisation, the aftermath of the end of the Cold War.

Chapter two posited democratisation and decolonial theory as an appropriate theoretical framework for this interpretative and descriptive study of the role of the AU in promoting democracy and human rights. Sufficient description was provided for the theoretical framework. The theoretical framework responded to the first objective of the study, underscoring the social construction of the AU’s inhibitions of contributing towards successful democracy and human rights promotion in Zimbabwe. It also helped to locate the role of the AU within “international society”. It provided an analytical approach, conceptualising democratisation and human rights. The study settled for the substantive definition of democracy, namely, “a government by the people for the people”, as plausibly best representing a decolonial turn in democratic theory (Sesay 2014:14; Ibrahim and Cheri 2013:60); pointing out that democracy hinges on constitutionality and the rule of law. The literature has shown that the process of dismantling direct colonial administration left a lasting legacy of colonial relations, which have implications for countries such as Zimbabwe. More relevant, coloniality also served to calibrate the AU’s interventions in the instance of democracy and human rights challenges. This found expression in the approach characterised as the AU pursuing a strategy of regime survival as opposed to the transformation of political power. The study, through the application of the theoretical framework and relevant concepts, therefore profoundly established that modernity denotes

the continuity of colonial relations with definitive adverse implications for democratisation and human rights. Both from the centre, represented by the social construct constituted as the Western empire and within the historically colonised territories. There exists a duality, representing a primary schism with the subalterns existing below the abysmal line in relation to both the political elite in their states and in the empire. Secondly, with the subalterns being at the receiving end of the aggravations of the new political elite as exemplified by the politics of Zimbabwe. In essence the new political elite, within the AU, manifestly vacillate between democracy promotion and patrimony, constructed through the sustenance of hybrid and fragile democracies. This is described as representing double consciousness, reflected in the clamour for African solutions while inversely contributing to epistemicide and the circumstances of perpetual crises of democracy and human rights in African polities.

In Chapter three the study described how coloniality impacts on the institutional practices and challenges of the AU. The external influences and the internal contradictions of states posited on foundations constructed on coloniality of relations, according to decolonial theory, has implications in terms of the manifestation of their conduct in international affairs. Their conduct, as in the case of the AU, tends to delimit such organisations, even in the context of acting collectively. This connotes the challenges related to the creation of an intergovernmental, rather than a supranational, organisation. The latter would be more effective in terms of democracy and human rights promotion as it would have inherent authority, enabling it to desirably depart from the elite self-preservation practices. The creation of a supranational organisation by implication is dependent on the consolidation of the emergent state in order to manifest the democratic choices of the people. Due to the common democracy deficiency of modern African states, it is established they have tended to favour Westphalian principles of non-intervention – a factor that has hindered effective interventions on the side of both SADC and the AU. As a result, there has been a patent failure on the part of the AU in particular to implement pillar two of the Right to Protect (R2P) in terms of the affected states (including Zimbabwe). This described the implications of coloniality as the cause for the hybrid states and democratic reversals in Africa. Indicating this as part of the genesis of the democratisation challenges for the AU and the region. It therefore responded to the question of describing the role of the AU in promoting democracy and human rights, indicating that it was being hindered by a failure to undo the persistent coloniality. In this regard the study was thus able to adequately address the objective of understanding decoloniality and democratisation.

The second objective of the study sought to establish, describe and interpret the specific AU organs and institutional mechanisms that are relevant to realise the goal of democracy and human rights, as part of AGA. Patently, coloniality is described as having impacted on the nature and functioning of the AU. The organisational weaknesses and institutional effectiveness was dealt with responding to the of describing the role of the AU in respect of democracy and human rights promotion. These are underpinned by resource limitations, timid implementation of the AU stated normative framework, or even deviation from such. This is manifestly clear when considering the various AU treaties and their timelines in terms of specific planned milestones. The AU organs referred to include the Assembly of Heads of States and Governments, the PSC, and the Panel of the Wise. These were found to be debilitated by many deficits, such as the lack of financial and human resources to effectively promote democracy and human rights promotion. The delay in the establishment of some of the organs and material failure to implement resolutions of the AU tended to reproduce the environment of coloniality, resulting in fundamental democratic deficits.

The process of the establishment of the AU and the inclusion of the citizens of the continent within its operations were also characterised as a challenge. This helped to explain the manifest role of the AU in promoting democracy and human rights. It also begins to explain the challenges that hinder the transformation of political power. The fact that potentially critical technologies for human rights promotion, such as the NEPAD Peer Review Mechanism were voluntary, blunted the AU as an effective instrument for democratisation. This replicated coloniality, which has the effect of subalternising the interests of the people. The manifest interventions of the AU are described as having largely revolved around mediation and the formation of GNUs as part of what others have argued denote “African solutions to African problems”. Secondly, there is a tendency amongst the political elite to favour regime survival, which renders certain policy proclamations of the AU and its sub-regional organisations markedly impotent. The results also show that there are major ideological and strategic fault lines that obviate the promotion of democracy and human rights. Extant coloniality hinders the pursuance of democratic transformation.

The chapter also described the above as the manifest schism between the normative framework of the AU and its practices in so far as democracy and human rights promotion is concerned. The norm contestation also plays itself out within individual polities, resulting in environments of political distemper. This is occasionally manifested within the AU by countries such as Botswana publically breaking ranks with the majority view on the handling of the Zimbabwean situation (Adolfo 2009:24; Bekoe 2002:14). The study also dealt with the

question: What is the AU's manifest attitude towards the R2P? Patently since 2002 it can be established that while the adoption of the R2P represented a significant change, there has not been a fundamental departure in asserting democratic transition as an overarching strategic approach. Regime survival has been central to the politics of the AU. Chapter four also dealt extensively with this, focusing on the elite-driven politics of strategies informed by regime survival, which tends to undercut democratic transformation and the observance of human rights.

The third objective sought to understand and describe the role of the sub-regional communities in terms of their role in the promotion of democracy and human rights. The role of sub-regional organisations are also dealt with in chapters three and four as integral to the mandate and operations of the AU. In the case of Zimbabwe, the operations of the AU and SADC are described as being seamless. The study adopted the posture of Gottschalk (2012:14), arguing that these ought to be seen as integral to the architecture and structure of the AU, which is particularly manifestly the case in the Zimbabwean situation

In Chapter four, a brief historical background to the political crisis in Zimbabwe was posited, in order to contextualise the extant political within the theoretical framework of decolonial theory. It took into account the echoes of coloniality that continue to inform the current "international society" and how this has impacted on the often contradictory actions of the AU. This was undertaken to assist in contextualising democracy promotion in Zimbabwe in the setting of the historical internal impediments – particularly the racial and ethnic hierarchies that represent a confluence of multiple factors reproducing and simultaneously manifesting coloniality. The study in this chapter was also able to fulfil the objective of determining what has been the role of the sub-regional economic communities, such as SADC, in fulfilling the Mandate of the AU, especially in as far as democratisation and human rights are concerned. By design it focused on SADC's role in Zimbabwe. Through the interpretation and description of the AU's role in Zimbabwe a clear picture has been sketched of the regional organisations shortcomings in respect of promoting democracy and human rights. Notably, through a failure to ensure that ZANU PF commits to a genuine transformation programme the AU asserted the status quo. The nature of intervention that the AU undertook through SADC is described as akin to Westphalian. This found expression through African solidarity, in terms of which the intervention of "international society" was obviated. It prized the interests of the virulent nationalist movements in Southern Africa as pre-eminent to the democratic project.

In this regard this Chapter is significant in simultaneously meeting the fourth and final objective. Namely, stated as describing the actual challenges that hinder the promotion of democracy in Zimbabwe and the apparent experiences in the application of the concept of sovereignty in African Governance. This was done in the context of the pre-eminent role of SADC as an integral component of the regional body, in what the study aptly called “the Zimbabwean crisis”. As mentioned before, the context of the operations of SADC within the specific Zimbabwean environment, and the manifest policy stance and strategies of the AU have justified it being interpreted as one of the organs of the AU. The study has rationalised the fact that SADC acted at the behest and with the expressed mandate of the AU in its mediation role in Zimbabwe. Many scholars such as Gottschalk (2012:14) agree with this interpretation and description based on the manifestation of roles. This is the context in which this chapter further helped to achieve the third objective of describing the role of sub regional organisations. The implications of the colonial contexts application were thus applied *mutatis mutandis* on both the SADC and AU. The manifest involvement of the AU in Zimbabwe has been described as delayed, timid and based on the notion of quiet diplomacy. Scholars concur that the objective of the AU seems to have been directed towards the establishment of a GNU, a mechanism towards buttressing regime survival, and conversely obviating the realisation of popular rule (Ibrahim 2012:61; Omorogbe 2011:138; Adolfo 2009:8).

This study was able to contextually interpret and describe the role of the AU in promoting democracy and human rights. It pointed out that the turn of the century occasioned a paradigm shift towards democratisation, underlined by the AU’s adoption of a normative framework that supported both the promotion of democracy and human rights. The normative framework is described as not being without its critics. This is exemplified by the critique against NEPAD, with some scholars arguing that its loci are based on coloniality. This view emanated based NEPAD’s its reliance on western benign development support. However, limited action towards completing the transformation of the African colonial state and domination by imperial matrices is described as having hindered democratic transition.

The neo colonial state has produced a political elite whose very survival depends on coloniality. This has in return resulted in African states failing to ensure that the AU is decisive in promoting constitutional democracies and advance popular rule. Visibly, the lack of supranational authority has been described and interpreted as a major factor abetting the strategic choices and weaknesses in implementation that manifest in the AU. The resource paucity of the regional organisation has also added to the gap between what it avers and its

manifest actions in so far as democracy and human rights promotion is concerned. The failure to engage in a consistent decolonial discourse at a regional level has occasioned the persistence of fragile democracies and human rights abuses. With the AU experiencing significant challenges pertaining to resource paucity and its often-timid actions have negatively affected the work of the AU, especially in Zimbabwe. The timid action is described as having been concomitant to a concerted approach underlined by regime survival, as primary as opposed the stated norms in the AU Constitutive Act and various other treaties and protocols. This necessarily created a situation described as perpetuating the continuities of coloniality, which undermines democracy and human rights. It undermines democracy and human rights because its bedrock is structural violence as one of the technologies for subalternisation and legitimation.

5.2. Key findings

The key findings of this case study, particularly responding to the aims and objectives, are iterated hereunder. These findings relate directly to the aim and objectives of this study, which was to describe and interpret the role of the AU in promoting democracy and human rights. The key findings are elucidated hereunder:

5.2.1. Democratisation, human rights and decoloniality

In respect of norm creation and diffusion, the study generally indicates that the AU can be described as having done extremely well in the region. In certain instances, the AU exceeded what is currently found in the normative frameworks of other regional organisations, such as the Organization of American States (OAS) and the EU. The AU's success in this regard has been aided by the milieu of the third wave of democratisation and perhaps the fact that it started from a low base compared with its predecessor, the OAU (Ballestrin 2014:211). The example in respect of norm creation and diffusion is the development of an expansive normative framework at a regional level. This largely broke new ground. The notion of people's rights was also unique and progressive, echoing a subaltern's geo-political jurisprudence through concepts such as "people's rights". It is possible to venture and interpret the notion of people's rights as a coalescence of the democratisation project and decoloniality. Another example is the incorporation of R2P in the general APSA regulatory framework; thereby in theory re-orientating the form and

content of sovereignty from a right and privilege, which accrues to individual states in “international society”, to a responsibility (Dzimiri 2017:54). Properly implemented this has the prospect of enhancing the accountability of national elites for human and even people’s rights violations in their polities. The creation of norms, which enable the promotion of democracy and are favourable for democracy promotion, is important in terms of the elements of a democratisation theory. Democratisation, understood as asserting the popular sovereignty of the people. The latter is described as a notion that is central to a decolonial praxis, one that definitively goes beyond being a mere critique of the legacy of colonialism exerted by the extant Western global power matrices and their allies in the form of regional and local political elites.

The AU, since it was established in 2002, has done significantly better than its predecessor in terms of manifest actions to promote democracy and human rights. It has not resisted intervening in various polities; sometimes less successful than in others. Yet, a key determinant of the democratisation project has been whether it goes all the way in respect of democracy and human rights promotion. The vested interests of the political elite, who sit at the top of the structures of the AU, such as the PSC and the Assembly of Heads of States and Governments, have substituted genuine democratisation with coloniality of political power. The AU has not manifestly taken efforts to democratise political power. The continued mimicry of the colonial rulers in terms of the scepticism of the role of civil society in the promotion of modern governance is a hindrance to the institutionalisation of democratic governance. The process of the formation of the AU and the duration of the intervention in the Zimbabwean crisis depicts a discomfort of democratising political power by involving the citizens broadly.

Critics poignantly point out that civil society and the citizens of the region played a minimal role in the establishment of the AU. This goes against the grain of the concept of “African solutions to African problems”, which it is surmised is underpinned by amongst others, the philosophy of Ubuntu – a concept derived from the meaning of the primacy of the people. It is a concept Kioko (2003:808-809), invoked from the early years of the AU justifying intervening in the interests of the people and promoting democracy. It has been stated that democracy is ultimately about the will of the people. While the scenario on the continent manifests tensions between the global and regional elite, in the final analysis it may be argued this conflict is often about the extent of each’s stake in the colonial enterprise, which is the neo-colonial state. It is not about popular sovereignty on the basis of which the legitimate authority of the AU, whether as an intergovernmental or supranational

organisation of states, may be constructed. In essence, the strategies of democracy and human rights promotion of the AU are not yet responding to what Tucker (2018:11-13) defined as the concrete sites and practices of coloniality. Hence, the deficit in terms of democratic norms implementation – the promotion of popular democracy is not manifestly a priority. This as a result perpetuates the state of varied democratic deficits and human rights abuses that echo the legacy of coloniality.

5.2.2. Persistent coloniality in Zimbabwe - a source of democracy deficit

Primarily, the situation in Zimbabwe has shown that the seeming dichotomy between decolonial theory and democratisation, as a practice emerging from democratisation theory, is rather metaphysical. The combined description and interpretation of the two concepts in the context of Zimbabwe helped to emaciate the critique by Ballestrin (2014:219), namely that decolonial theory is abstract. Thoroughgoing and ceaseless democratisation at a global, regional, and local level is the ultimate act of decolonising. It has been shown that through democratisation, the potential exists for the AU to help assert popular rule, the quintessence of democracy, and simultaneously obviate coloniality. The decolonial perspective and the democratic transition are described as able to set in motion the forces to socially reconstruct the colonial state into a democratic state – a state set on a continuum of deepening human rights and civilian rule in which the military's role is limited by the transformation of political power.

It has been stated that by implicitly pushing for regime survival the AU asserted the current colonial relations that subvert the voices and actions expressed from the geo-political locus of the subalterns. At a certain degree of consideration, the nuances point to the fact that there are still major weaknesses in the manifest realisation of the commitment to democratisation and human rights. There was eminently also a lack of capacity within the AU to strengthen the capability of the state in Zimbabwe to deepen democratic transition and ensure civilian control of the military. In fact, the leverage in terms of political power has remained in favour of the military, despite the historical intervention. It is not an exaggeration to associate the situation of democratic deficit with the colonial power matrices whose role survives political transition. Hence, the notion of transition without transformation is seen as a proper characterisation of enduring coloniality in Zimbabwe (Ndlovu-Gatsheni 2013a:14). The measures in terms of democracy promotion essentially tended not to go the whole way

to build momentum for ceaseless transformation towards democratisation. This led to what was termed transition without transformation, akin to the modernist farce of decolonisation (Ndlovu-Gatsheni 2013a:14).

5.2.3. State sovereignty versus democratic transformation

The tensions that arise between the purported sovereignty of African states and the preponderance of the empirical power of the colonial matrices indicate that the African state is still in the process of becoming a state proper. Yet, coloniality continues to be perpetuated by the colonial edifice on which the new elite have arisen. Thus, the nationalist's politics of and amongst states in Africa indicate that even the created and diffused norms remain highly contested. They are contested by the past, the present, and the future. Consequently, manifestly the AU has been found wanting in a number of respects in terms of norm implementation and evaluation, such as in the implementation of critical aspects in the normative framework that relates to the R2P, especially pillar two. This indicates that the colonial state, especially in Zimbabwe, has been inherited intact. This has given rise to a phenomenon of reciprocal support for regime survival by both local and regional elites. This preponderant tendency in the AU is based on a form of virulent nationalism (Ndlovu-Gatsheni 2011:60).

5.2.4. Regime survival and sustenance of coloniality

The approach of the AU, which according to scholars had the intended effect of buttressing the rule of the ZANU PF state, is described as pursuing a strategy of regime survival. This inadvertently also led to the perpetuation and persistence of the eminent role of the military in the civic and political affairs of Zimbabwe. In the circumstances of persistent coloniality, the role of the military has not been benevolent towards the Zimbabwean people. This role of the military, its mimicry of the colonial empire, empirically describes itself as violent and obstructive to the civic and popular forces whose political involvement has the potential to occasion democratic transition. Thus, the expression of African brotherhood, occasioned through regime survival, actually buttressed obstacles towards democratic transition, inadvertently resulting in sustaining the role of the military in the politics of Zimbabwe.

Dodo (2016:21) affirms that the principle of civilian control of the security establishment, especially the military, is cardinal to democratic governance. By design of the approach of the AU in Zimbabwe, the outcome in this instance can be described as also having had the inadvertent effect of promoting the neo-colonial state of the incumbent regime, in particular in relation to the many citizens whose citizenship is rendered void through denial of the democratic entitlement. In this context, it can be surmised that the maxim “African solutions for African problems” has not yet reached the stage where it unravels the fundamental coloniality of the social relations in the post-independent Zimbabwe and perceptibly African polity in general. Alternatively, this is perhaps not the goal of the maxim, which clearly still needs to be succinctly described in terms of its intention (Nathan 2012:55). In that context the AU must in practice continue to remodel its role in extant “international society”.

5.2.5. Decolonial critique of resource paucity

A major factor that has underlined the discursive views regarding the role of the AU in promoting democracy and human rights is the extent to which the AU exercised particular choices informed by resource constraints. Both independent scholars and assessments done by the AU have concluded that the resource constraints place a marked restriction on the realisation of its goals. The study undertaken by Paul Kagame (2017:5), the President of Rwanda, accentuates this point. Greater integration and supranational authority is required, which will enable the AU to achieve two things: independently raise capital, and be able to undertake independent political action to promote democracy and human rights. This will ensure that it gains legitimacy by providing the citizens and inhabitants with tangible democratic dividends by qualitatively asserting their democratic entitlement. It has been argued that the citizens of Europe were prepared to transfer their sovereignty to the EU, by means of the ballot, because they had experienced the value of the continental body. The AU and SADC have largely been unable to justify their existence, thereby enhancing their legitimacy, in particular in the eyes of the Zimbabwean electorate and the people because it lacked the resources and political will to be bold. This is especially true in the face of the recalcitrant Zimbabwean political elite who failed to hand over political power. Notwithstanding, the AU instead continued to recognise the ZANU PF government, a situation almost akin to the European colonial administrations that gained political mileage out of their colonies. Instances such as these, characterised as soft coups, are a blot on the ideation to promote continental democracy and human rights through the AU.

5.2.6. General AU democratisation challenges in Zimbabwe

The role of SADC in terms of democracy and human rights promotion in Zimbabwe has to a great degree been based on and informed by the collective position of the AU, unlike in the case of Côte d'Ivoire, where the position of the AU is reported to have diverted from that of the ECOWAS (Hodzi 2017:2). The position of the AU and that of SADC can be described as synchronised to the extent that they utilised a single mediator to resolve the governance challenges in Zimbabwe. While this study indicates that there is continued norm contestation in “international society” and in the region, the dominant norms in SADC and the AU manifestly were similar in the case of the intervention in Zimbabwe. As a result, the role of SADC and the AU in the Zimbabwean crisis can be described as complementary, if not at best singular.

There seems to be growing fatigue in respect of the persistence of what has been termed “the Zimbabwean crisis”; this is within the SADC, the AU and beyond. This has resulted in the occasional acceptance of solutions and responses that seem proper, but are not adequate for the long-term resolution of the Zimbabwean crisis. This can be equated to the Lancaster House Agreement that simply posited solutions that resulted in a temporary political settlement, postponing the effects of the distemper that resulted from continued coloniality. The endorsement of the 2013 elections that did not fully comply with the ACDEG and the GPA, and the 2017 coup against Mugabe, effectively buttressed the authority of the military in the civil and political affairs of Zimbabwe. The fairness of the 2018 elections, amid its endorsement and recognition by SADC and the AU, needs further academic exploration, including the standards of fairness that are necessary for legitimate governance to be constituted. Compared with the previous elections, even the purportedly largely peaceful elections of 2013, the 2018 elections were more peaceful, apart from the post-election violence. The latter has raised the spectre of continued militarisation of the politics of Zimbabwe, a key manifestation of what has characterised coloniality in the neo-colonial state.

5.3. Recommendations

The manipulation of election outcomes and the tendency of political elites in power to undertake seemingly constitutional manoeuvres for term elongation is the hallmark of hybrid democracies today. As recommended by Alemu (2007:44), the AU should act decisively in

all the instances described as undemocratic elections that do not adhere to the AU Principles and Guidelines Governing Elections of 2002 and the ACDEG.

Greater transparency and reporting of the work of AU organs, such as the Panel of the Wise, is required. This will enhance scholarly research and much needed critique to improve the efficacy and even integration of the work of the different organs of the AU. The AU has also been criticised on the grounds of a lack of transparency. Not much was recorded about the work of the Panel of the Wise in Zimbabwe; releasing periodic reports publicly will go a long way in this regard.

Consistent with the above, the AU and sub-regional economic communities should clearly iterate their objectives when intervening in a crisis, such as in the case of Zimbabwe. Norm creation, diffusion, and implementation as it pertains to democracy and human rights desires openness and clearly stated goals. It has been stated above that when an intervention is framed in that manner it will create a structure and system, an entry and exit plan, and rules of engagement, and iterate the required support and objectives to be attained.

A decolonial democratic discourse desires that the AU increasingly foster the involvement of civil society and the citizens of member states in its efforts to promote democratisation in the region. Social technologies that have the potential to strengthen the participation of citizenry and the processes by which the normative framework of the AU would be realised, such as the APRM, should be regularised and be peremptory for member states.

The continuing role of the military, particularly in Zimbabwe, to obviate democratic transition and the emergence of a culture of human rights is an area of interest that may need further scholarly research. This will have to be undertaken taking into account the plausible challenges regarding sources of information, including the paucity of relevant literature.

5.4. Conclusion

The main topic of the study was to investigate the role of the AU in promoting democracy and human rights – a case study of Zimbabwe. This was approached using as a theoretical framework democratisation theory and decolonial theory. The study has been able to contribute in terms of the interpretation, description and understanding of what has been termed “the Zimbabwean crisis”, utilising the latter theoretical framework. The study has shown that there has been a shift in the normative framework of the AU, compared to the OAU. This shift has been informed by developments in the recent history of “international

society” such as the trend towards democratisation. It was given impetus by the adoption of a new normative framework, one that in theory supported the promotion of democracy and human rights. This has resulted in the AU’s manifest action to promote democracy and human rights in Zimbabwe and other polities. It has been asserted that coloniality has created objective challenges for the AU within an international system dominated by the Western empire. Consequently, the efforts of the AU have been framed within the contestation of the global normative framework. This took place within a changed strategic security environment after the end of the Cold War. This, amongst others, according to democratisation theory, accelerated the third wave of democratisation. Yet, continuities of the past that are associated with coloniality have defied efforts of the AU towards democratisation and even stunted some of these efforts. Some of the key continuities are historical resource scarcity, deep-seated social conflicts, and a weak institutional framework. The AU as a social construct of the environment and the states that founded it has also been birthed into coloniality, with the political elite mimicking their erstwhile colonisers. This has empirical implications for the choices and approach in terms of democracy and human rights promotion.

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