INTERNATIONAL
IDEA
INSTITUTE FOR
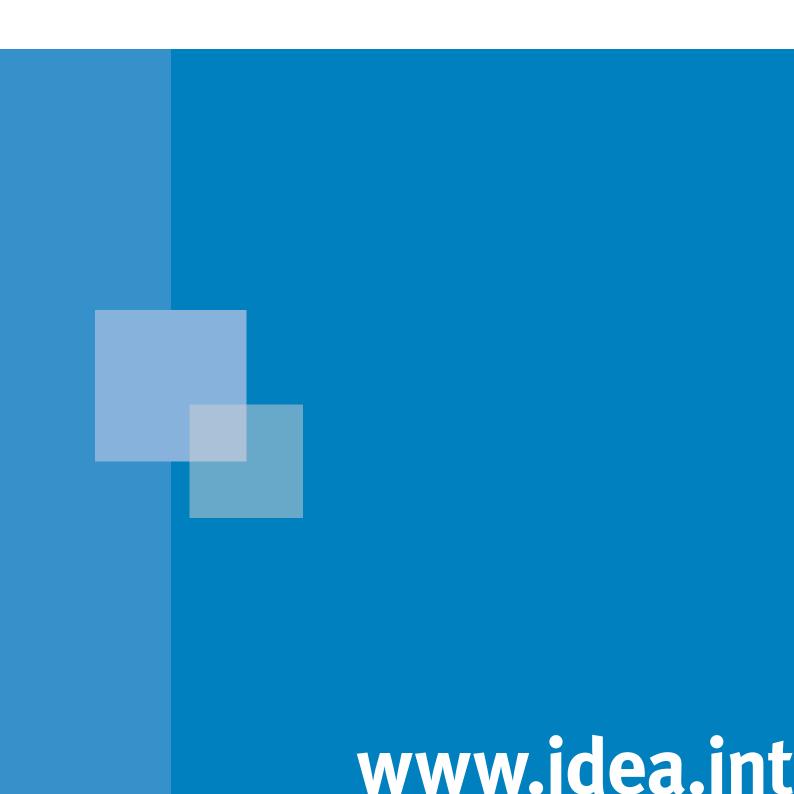DEMOCRACY AND
ELECTORAL
ASSISTANCE

Coordination between the African Union and the Regional Economic Communities

www.idea.int

COORDINATION BETWEEN THE AFRICAN UNION AND THE REGIONAL ECONOMIC COMMUNITIES

Kai Striebinger

CONTENTS

INTRODUCTION

The African Union (AU) is one of the world's most advanced regional organizations in terms of its mandate and instruments to create, protect and promote democracy in its member states. Although other continental organizations—including the Organization of American States (OAS) and the Council of Europe (Börzel and van Hüllen 2015)—may have previously created mandates to shape the political systems of their member states, the AU is continuously expanding its mandate, as well as the various instruments at its disposal to entrench democratic political systems in its member states.

This Discussion Paper has two purposes. First, it provides an overview of the mandates and instruments that the AU has at its disposal. Recommendations address identified gaps with regard to these mandates and instruments. Second, the paper addresses the issue of coordination between the AU and African regional economic communities (RECs). The impact of the AU in furthering democracy is illustrated by looking at unconstitutional changes of government (UCG). Coordination between African actors is crucial to the AU and the RECs having a substantial impact on democracy. Based on this analysis, recommendations are made as to how to improve the coordination between the AU and the RECs and thereby increase the overall effectiveness of the AU's efforts to further democratic systems in its member states.

1. THE AFRICAN UNION'S MANDATES AND INSTRUMENTS

The AU has many instruments with which it can create, protect and promote democracy in its member states. In general, the literature on external democracy promotion has identified three types of instrument that can be used by external actors to influence the political systems of states (Beichelt 2012; Börzel and Risse 2012; Schimmelfennig 2009). First, external actors can use coercive force (e.g. through military operations) in order to change the behaviour of a target regime. The second mechanism addresses cost-benefit calculations of the target regime by providing positive and negative incentives to the target states. These can be either positive or negative material incentives (e.g. economic sanctions) or immaterial incentives (e.g. publicly condemning certain behaviour and thus potentially incurring social costs). Finally, external actors have the possibility to persuade a target regime that its behaviour is inappropriate.

This paper presents the African Union's main policy protocols and documents with regard to the mandate and these three types of instrument.[1] This will provide readers with a comprehensive picture that covers both the sorts of situations to which the AU can react and the instruments that it can use in doing so. The following documents were consulted for the analysis found in this paper:

- Lomé Declaration on the framework for an Organization of African Unity (OAU) response to unconstitutional changes of government (OAU 2000);

- Constitutive Act of the African Union (AU 2000);

- Declaration on the Principles Governing Democratic Elections In Africa (AU 2002a);

- Protocol Relating to the Establishment of the Peace and Security Council of the African Union (AU 2002b);

- African Youth Charter (Commission of the African Union 2006a);

- Policy on Post-Conflict Reconstruction and Development (Commission of the African Union 2006b);

- African Charter on Democracy, Elections and Governance (AU 2007); and

- Protocol on the Statute of the African Court of Justice and Human Rights (AU 2008).[2]

---

[1] These documents will not be presented chronologically. Others have done so already (Engel und Porto 2010; Leininger forthcoming). Here, it is important to provide an overview of the current legal mandates and instruments, not their development over time. This will provide the basis for an evaluation of whether the overall legal framework is appropriate for dealing with different situations involving the creation, protection and promotion of democracy.

[2] Documents such as the African Union Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (AU 2003), or others that only refer to state responsibilities without mandating the AU's supranational organs with specific tasks, are not analysed here.

Perhaps no other international organization has such comprehensive provisions concerning the political systems of its member states. While the Economic Community of West African States (ECOWAS) might be on a similar level, other organizations including the Organization of American States (OAS) and the Council of Europe cover certain aspects but do not provide such a comprehensive framework. In contrast, the AU's mandates and its instruments cover nearly every imaginable aspect. The provisions are comprehensive, and there is little to add. Nevertheless, the purpose of this Discussion Paper is to point out certain areas where improvements can nonetheless be made.

The AU's mandates can be arranged according to the type of problem they address. Theoretically, states can find themselves in three situations. First, there are democracy-protection activities addressing breakdowns of democratic order. Second, there are democracy-promotion activities aimed at furthering the consolidation of existing democratic structures. Third, there are democracy-creation activities addressing those states where there are no or very few existing democratic structures (consolidated autocratic regimes and civil war situations). Does the AU have provisions in place and instruments at hand to address each of these three situations equally?

DEMOCRACY PROTECTION TO RESTORE DEMOCRATIC ORDER

The AU's activities to protect democracy in its member states include the 'condemnation and rejection' (AU 2000: article 4p) of so-called unconstitutional changes of government (UCGs). The 2000 OAU definition of an UCG included '(i) military coups d'etat against a democratically elected Government, (ii) intervention by mercenaries to replace a democratically elected Government, (iii) replacement of democratically elected Governments by armed dissident groups and rebel movements, [and] (iv) the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections' (OAU 2000). In 2007 the AU altered the OAU definition to include 'any amendment or revision of the constitution or legal instruments' (AU 2007: article 23.5).

Once the AU condemns a UCG in one of its member states, the violating country is obliged to 'restore constitutional order' within a six-month transition period (OAU 2000). From a substantive point of view, exactly what constitutes such a constitutional order is unclear, and it seems that this is determined by means of negotiations on a case-by-case basis following every UCG (Witt 2012). That said, the relevant AU documents explicitly mention three relevant obligations: (a) to obey the principle of democratic change and recognize a role for the opposition (AU 2000s: v); (b) to organize free and regular elections in conformity with existing texts (AU 2000s: vi); and (c) to ensure that perpetrators are not allowed to participate in elections held to restore the democratic order or hold any position of responsibility in their country's political institutions (AU 2007: article 25.4). Considering the wide variety of other AU documents that exist, however, it is possible to infer many more requirements for how such a constitutional order should look—for example, with regard to the inclusion of women or youth in government (AU 2003; AU 2006a).

In the event of a UCG, the AU has several instruments at its disposal that it can use in an attempt to restore constitutional order. What these instruments have in common is that they are all aimed at inflicting either material or immaterial costs on the target country—that is, the country where the UCG took place—or on the perpetrators

of the UCG. The best-known instrument is the suspension of membership in the AU. According to the Constitutive Act of the African Union (AU 2000: article 30), 'governments which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the Union'. This is the first instrument that the AU can use to cause immaterial or social costs. The idea is that the suspension of the offending state's membership will isolate the target country internationally. This will only work, however, if the target government actually wants to belong to the AU and values the social approval of its peers. In addition to suspension, AU bodies are also supposed to engage with the perpetrators of a UCG to try to convince them to restore constitutional order. The Peace and Security Council (PSC) and 'subsidiary bodies may include ad hoc committees for mediation, conciliation or enquiry, consisting of an individual State or group of States' (AU 2005b: 5). Furthermore, 'the Secretary-General should seek the contribution of African leaders and personalities in the form of discreet moral pressure on the perpetrators' (OAU 2000).

After a period of six months, if constitutional order has not been restored, instruments aimed at imposing negative material incentives can be used, including 'visa denials for the perpetrators of an unconstitutional change, restrictions of government-to-government contacts, trade restrictions, etc' (OAU 2000). This was later reaffirmed in the African Charter on Democracy, Elections and Governance, which states: '[the] Assembly may decide to apply other forms of sanctions on perpetrators . . . including punitive economic measures' (AU 2007: article 25.7). In addition to the mentioned visa denials, other negative material incentives can be applied that target the whole country, with the AU's assumption being that such broad sanctions targeting the entire population will translate into costs for the government, which will then decide to restore constitutional order as a result. In 2007, the AU complemented these broad sanctions with more targeted sanctions aimed directly at the perpetrators of a UCG, for example, making perpetrators face trial before an AU court (AU 2007: article 25.5), or prohibiting member states from giving them asylum (AU 2007: article 25.8). Instead, member states should 'bring to justice the perpetrators of unconstitutional changes of government or take necessary steps to effect their extradition' (AU 2007: article 25.9).

To summarize, the AU is well equipped, from a legal point of view, to acknowledge situations that threaten the existing democratic order in its member states. The definitions that it uses are sufficiently precise yet broad enough to cover a range of issues. Regarding the instruments at its disposal to address these situations, it is striking that they are almost exclusively based on providing negative incentives—both material and immaterial—to perpetrators. It might also be worthwhile to consider providing material and immaterial positive incentives to, and engaging with, those actors and institutions fighting for the restoration of constitutional order in their own countries.

DEMOCRACY PROMOTION TO PREVENT THE BREAKDOWN OF DEMOCRATIC ORDER

While the AU's mandates to prevent the breakdown of democratic order and to restore democratic order are similar, its approach to each situation is very different. Instead of using negative incentives to entice a particular type of behaviour, it has established principles that apply throughout the continent, and it relies on states themselves to follow them in good faith. These principles include the following:

- promoting democratic principles and institutions, popular participation and good governance (AU 2000: article 3g);

- respecting the member states' respective constitutions and other laws (OAU 2000: ii);

- respecting the separation of powers and independence of the judiciary (AU 2000: article 4m);

- promoting political pluralism, other forms of participatory democracy and the role of African civil society, including enhancing and ensuring gender balance in the political process (OAU 2000: iv);

- guaranteeing freedom of expression and freedom of the press, including access to the media for all political stakeholders (OAU 2000: vii);

- guaranteeing and promoting human rights (AU 2000: article 3h);

- enacting constitutional recognition of fundamental rights and freedoms in conformity with the 1948 Universal Declaration of Human Rights and the 1981 African Charter on Human and Peoples' Rights (OAU 2000: viii);

- holding democratic elections as the basis of the authority of any representative government (AU 2002a: II-1); such elections should be conducted:

  - freely and fairly;

  - under a democratic constitution and in compliance with supportive legal instruments;

  - under a system of separation of powers that ensures, in particular, the independence of the judiciary;

  - at regular intervals, as provided for in national constitutions;

  - by impartial, all-inclusive, competent, accountable electoral institutions staffed by well-trained personnel and equipped with adequate logistics (AU 2002a: II-4).

The main responsibility for meeting these principles lies—legally and practically—not with the AU as a whole but rather with its individual member states. Indeed, it is up to the political actors in each country to breathe life into these ideas, to transform them into true guiding principles for a democratic state. Given the fact that the onus is on the states themselves, the AU has only three main instruments for encouraging compliance. First, the AU acts as an educational forum by bringing together individuals and institutions from a variety of backgrounds to share expertise and best practices among its member states and by inducing change through socialization processes (e.g. AU 2007: article 44.2A; AU 2006a: article 28). While this long-term approach does not guarantee compliance with the above-mentioned principles because of its lack of hard enforcement instruments, it is widely used.

The second instrument, election observation, takes a more direct approach, although it is based on the same mechanisms as the above-mentioned educational approach. Member states can request fact-finding or election-observation missions, as well as other types of guidance, throughout the entire electoral process (AU 2002a: v; AU 2007: article 18).

The third, and much more coercive, instrument is the African Court of Justice and Human Rights. Once its Protocol has been ratified, the Court could be used to elicit compliance when member states violate AU protocols and policies that they have signed. The use of the Court can be seen as a negative material incentive in that judgements may include the payment of compensation and may also inflict social costs on the target state because a breach of obligations would be officially established.

To summarize these mandates and principles, the legal framework is exhaustive, and probably needs very little adjustment. Also, the instruments at the AU's disposal seem to be appropriate for the task at hand. Still, more direct and (legal) coercive instruments could be more effective in eliciting compliance. Research suggests that legal decisions have much more direct (legal) effect on domestic change. For example, the successful attempt by members of the Southern African Development Community (SADC) to shut down the SADC tribunal because it gave an unwelcome ruling, the failed attempt by members of ECOWAS to shut down the ECOWAS Court of Justice, and the criticism by some AU member states of the International Criminal Court (ICC) show that court rulings can have wide-ranging consequences for political processes. If the AU were to tap into the potential of the African Court of Justice and Human Rights to systematically further democracy in its member states, more direct change (as opposed to learning processes) can be expected. The risk of a backlash against activities and the need for corresponding resources should, however, be taken into account.

DEMOCRACY CREATION IN UNDEMOCRATIC REGIMES

Finally, there are situations where member states have undemocratic political systems or are in a state of civil war. In both cases, the AU's task could be to establish democratic order. While the creation of a stable and secure environment might be prioritized over creating an ideal democratic order in cases of civil war, both situations are extraordinary, as they require the establishment of a new political order. This task is comprehensive, and the extensive existing literature on external state-building suggests that it is fraught with a myriad of problems. Notwithstanding the large amount of resources needed, the difficulties inherent in peacekeeping and peacemaking missions are also related to issues of legitimacy and the interests of the intervening body (which might be different from those of the target population).

The obligations related to maintaining democratic order as they pertain to established democracies are also relevant for these situations. The question then is to what extent the AU has instruments at its disposal to enable the required regime change. The Protocol relating to the Establishment of the Peace and Security Council of the African Union (AU 2002b) creates a variety of bodies that could take it upon themselves to fulfil the 'restoration of the rule of law, establishment and development of democratic institutions and the preparation, organization and supervision of elections in the concerned Member State' (AU 2002b: article 14.1). These bodies include the Panel of the Wise, the Continental Early Warning System, and the African Standby Force, which can be 'preventive[ly] deploy[ed] in order to prevent (i) a dispute or a conflict from escalating, (ii) an ongoing violent conflict from spreading to neighboring areas or States, and (iii) the resurgence of violence after parties to a conflict have reached an agreement' (AU 2002b: article 3d).

While the use of coercion is thus possible, and has been mandated in several cases, the Policy on Post-Conflict Reconstruction and Development (AU 2006b) outlines instruments based on material and immaterial considerations to ensure peaceful and democratic reconstruction and development. Here the AU Commission is conceptualized as a facilitator providing immaterial support, but also encouraging international partners to provide material support for both ongoing and new post-conflict programmes, as well as other forms of assistance (AU 2006b: article 50c). In addition, the AU tasks individual bodies to follow up on progress in concerned member states, to provide material and immaterial support for policy adoption and implementation, and to coordinate with the United Nations.

Considering the AU's mandates with regard to protecting, promoting and creating democracy in its member states, the overall picture is impressive and comprehensive. It has highly developed policies for many different political situations, clearly defined responsibilities and precise definitions. Where the AU lacks a direct mandate, however, is in situations of established autocratic countries. Although a mandate could be constructed by combining the individual member states' obligation to be democratic and the possibility of the PSC to become active in 'preventing a dispute from escalating', this would be a stretch, as the spirit of the protocol is very much focused on peace and security, and not so much on democracy itself.

In summary, the AU has a large number of instruments at its disposal (see Table 1), but in order to complement the mainly negative-incentive-based approach in situations of a UCG, positive incentives for democratic actors during a UCG could also be adopted. Also, in order to complement the socialization approach in democracy promotion situations, material incentives and even legal coercion could be more forcefully used in order to increase compliance. In addition, instruments for state-building could give a larger role to the AU than that of facilitation only. This is based on the idea that using more instruments addressing different actors and relying on different mechanisms increases their overall effectiveness and the likelihood of change.

Table 1. The African Union's mandates and instruments

	Problem to be addressed		
	Democracy protection (in case of an unconstitutional change of government)	**Democracy promotion (to consolidate democracy)**	**Democracy creation (in case of civil war or autocracy)**
Mandate of the AU	Precise definitions, broad coverage, all-encompassing	Precise definitions, broad coverage	Only indirect mandate, more stability and peace than democracy oriented
Instruments of the AU	Mainly negative incentives (e.g. sanctions)	Mainly learning processes facilitated by AU	Military force in exceptional circumstances and learning
Recommendation	Also work with positive incentives for democratic opposition actors	Also use legal instruments (e.g. the African Court of Justice and Human Rights) to ensure compliance with principles	Develop more clear democracy mandate and draw on positive incentives for change

However, even if implemented, these recommendations regarding the legal framework will not guarantee quick success on the ground. One main inhibiting factor for effective change is the presence of other (international) actors that might have quite different priorities.

2. IMPROVING COORDINATION BETWEEN THE AFRICAN UNION AND THE REGIONAL ECONOMIC COMMUNITIES

The African Union is not the only organization involved in creating, protecting and promoting democracy in its member states. Although the degree to which other African and non-African organizations and countries are present and active varies from region to region, the phenomenon is known all over the continent. The AU's goals and instruments may be similar to, or different from, those of other actors, which can either improve or inhibit overall effectiveness (Brosig 2010; Brosig 2011).

The Memorandum of Understanding: an unclear legal basis

The AU has noted the issue of several organizations with similar mandates and overlapping memberships. In 2008, the AU and eight RECs therefore signed a memorandum of understanding (MOU) to coordinate their activities with regard to peace and security. The eight RECs are the Community of Sahel-Saharan States (Communauté des Etats Sahélo-Sahariens, CEN-SAD), the Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), the Economic Community of Central African States (ECCAS), ECOWAS, the Intergovernmental Authority on Development (IGAD), SADC and the Arab Union of the Maghreb (Union du Maghreb Arabe, UMA). Under the MOU, all of the signatory organizations should 'adhere to the principles of subsidiarity, complementarity, and comparative advantage' (AU 2008b: article 4.4). The memorandum's main prescriptions are that the signatory organizations should 'cooperate' or 'work together' (AU 2008b: article 7). The MOU also explicitly mentions the mandate to create, protect and promote democracy as areas of common interest.

The MOU is, however, open to interpretation as to which organization takes precedence whenever there is a conflict of interest or when organizations take different approaches to an issue. While the principle of subsidiarity favours the level of the regional economic communities by stipulating that the higher level—in this case the AU—should only become involved when the lower level cannot effectively resolve a particular issue, the modalities of interaction between the signatory parties foresee a 'primary role' for the AU (AU 2008b: article XX) in resolving conflicts. In a conflict situation, both the AU and the involved REC can therefore legitimately claim to be the focal point in any democracy-creation, protection or promotion activity.

The only instruments that the MOU provides in order to enhance coordination between the AU and the RECs are regular information and personnel exchanges between the parties to the memorandum. Civil servants taking part in these information and personnel exchanges are expected to better understand the other organizations' work

cultures and perspectives. The personnel can impart this knowledge in their home institution and lobby for taking into account the other organization's point of view, thereby creating more possibilities for effective coordination. Although this is a laudable approach, it is questionable to what extent this can replace clear guidelines as to who does what, as well as when and how to do it. The willingness to learn about new cultures and perspectives by those not part of the personnel exchange might be limited, or at least trumped by their own perspectives. Changing identities through learning processes generally take a lot of time, if they can be achieved at all.

Considering the highly precise and very encompassing mandates and instruments of the AU and some of the RECs to create, protect, and promote democracy, it is surprising that the MOU does not clearly specify the responsibilities of each signatory organization but falls back on general terms such as subsidiarity and coordination. There is thus substantial room to specify rules for engagement, to distribute competencies and, more generally, to make the MOU more precise so that it provides for a clear plan of action for the involved actors. In order to get a better idea how exactly the MOU could be developed, a cursory look at best practices at the history of (non-)coordination between the AU and RECs can be useful.

REFORMING THE MEMORANDUM: BUILDING ON EXPERIENCE

In an ideal world, the MOU between the AU and the RECs should lead to a coordinated and combined effort to create, protect, and promote democracy by the organizations in their member states. As the MOU only mentions the two general principles of subsidiarity and coordination, and does not provide for a clear distribution of competencies, the following cases of UCGs in West Africa since 2008 provide examples of how to reform the MOU in order to increase the joint effective action for democracy.[3]

Togo: Adopting complementary policies

One challenge for the coordination between the AU and RECs is the adoption of contradictory policies. Although all signatory organizations to the MOU are (more or less) formally committed to creating, protecting, and promoting democracy, disagreement over the best approach to achieve these goals can materialize. One situation illustrating such contradictory policies occurred in Togo. In February 2005, Togo's long-time President, Gnassingbé Eyadéma, died. Contrary to constitutional provisions that stipulated that the President of the National Assembly should take over the office in case of the death of the President, the military leadership announced that the son of the late President, Faure Gnassingbé, should become President. The reaction by the AU and the responsible REC, ECOWAS, was immediate and strong. Both condemned this unconstitutional change of government.

The coordinated action by the AU and ECOWAS finally led Faure Gnassingbé to commit to elections within 60 days and resign as interim President until these elections occurred. However, once Gnassingbé resigned, a contradiction in policies between the AU and ECOWAS materialized. On 25 February 2005, ECOWAS removed its sanctions in order to reward the resignation of Faure. On the same day, the Peace and

---

[3] For more information on these and other cases see Hartmann (2008; 2013) and Striebinger (2015).

Security Council of the AU introduced sanctions against Togo. This rift between the two organizations sent a mixed signal to Faure Gnassingbé, who had to understand that, for ECOWAS, it was sufficient to step down for the interim period, whereas for the AU it was also necessary to hold free and fair elections.

In the end, the contradictory policies contributed to a political stalemate in Togo. While the 2005 presidential elections eventually took place, there were serious allegations of manipulation in favour of Faure Gnassingbé, who was re-elected in 2010 and again in 2015. Considering the disastrous effects contradictory policies can have, the AU and RECs should invest much more time and effort in coordinating their actions. International Contact Groups (ICG) that unite not only the AU and RECs but also other international bilateral and multilateral actors have proven useful in similar circumstances, and can contribute to avoiding these contradictory policies. It could be worthwhile to introduce ICGs into the MOU and think about more binding power and formalized decision-making procedures for these groups.

Côte d'Ivoire: Making more credible threats

A second way to increase the effectiveness of joint AU–REC action is to make threats more credible. It is a truism to acknowledge that a threat can only work when it is credible. When one organization makes a threat and the other does not concur with this threat, then this is problematic for the credibility of the threat. This is especially the case when the original threat-making organization does not have the capacities to respond to the threat alone.

The most striking example in this context relates to military intervention after the electoral crisis in Côte d'Ivoire in 2010. The outgoing President, Laurent Gbagbo, and electoral contestant Alassane Ouattara were both claiming to have won the presidential election. A wide range of international actors, among them the AU and ECOWAS, estimated that Ouattara had actually won the elections. On 24 December, ECOWAS then made a threat to intervene militarily in Côte d'Ivoire in order to secure Ouattara's accession to power. This threat was, however, not credible.

Although ECOWAS member states might have had enough military capabilities to win the war in Abidjan, the AU and the UN—which have important political and military influence, respectively, in Côte d'Ivoire—did not back up the military intervention threat. Therefore, the ECOWAS threat was counterproductive, made the division among international actors visible and thereby indirectly supported Gbagbo. Gbagbo was removed from power only when the AU supported a military solution, and French and UN forces supported Ouattara forces. Again, coordination was crucial. One lesson from this example could be that the AU and the RECs should only threaten certain instruments such as military intervention if all actors whose support is necessary for implementation agree on their adoption.

Sequencing the adoption of measures

A third related way to increase the effectiveness of joint AU–REC activities is to prescribe a sequencing approach. Sequencing the adoption of measures has the effect of keeping pressure over longer periods, retaining political options of escalating pressure, and thereby increasing the likelihood of impact. Although 'big-bang' reactions might

prove successful in extreme circumstances, the history of UCGs shows that a UCG usually triggers political processes that develop over several years. If 'all bullets are fired' in the first days after a UCG, less options remain for the remainder of the crisis, which makes it more difficult to react to new challenges.

After a UCG, the initial reaction by some actors usually is to suspend the membership of the country in the organization (as in the AU and ECOWAS), or to suspend official development assistance (as in the European Union and the United States). Although this might be useful in individual instances, a more clear sequencing between the AU and RECs could add additional leverage to the process. After an UCG in West Africa, for example, ECOWAS as responsible REC (as the UCG takes place in an ECOWAS member state) could undertake the first missions. After a certain time without progress, or when the attempt at crisis resolution fails, the AU could step in. This clear sequencing would avoid duplication of efforts, would entail a more efficient use of resources, and would provide for a step of escalation to the next (AU) level that in and of itself could constitute an incentive for norm violators to reconsider their behaviour.

3. RECOMMENDATIONS

The African Union's mandate and instruments with regard to democracy creation, protection and promotion are among the most advanced in the world. Nonetheless, this paper has identified two areas for improvement regarding the mandate and instruments to create, protect, and promote democracy.

First, the African Union Commission should seek a revision of the mandate that attributes a more active role in the creation and promotion of democratic structures in its member states to the Commission. Although the AU has been delegated substantive powers when it comes to democracy protection, other cases where democratic governance is non-existent or is already established but not consolidated are much less subject to continental competency. Here, the main task of implementation falls on member states, with the AU Commission having only a facilitating role. Considering the importance of these activities, this is not adequate. The AU Commission could use its independence from member states as an asset to work closely with civil society organizations and interested political actors in promoting the consolidation or creation of democratic structures. A revision of the mandate in this sense would increase the likelihood for sustainable democratization as a politically more independent institution can oversee and shape the process in the direction of democracy.

Second, the AU should consider broadening the range of instruments it uses to further democracy in its member states. The AU already successfully uses a wide array of instruments—for example, it enables learning processes and uses negative material incentives in cases of unconstitutional changes of government. While this is a good basis for successful democratization, other instruments in the toolbox might generate additional change. There is also the possibility to elicit compliance by member states through court proceedings or using positive material incentives to support democratic actors when an unconstitutional change of government occurs. Relying on all possible instruments to enable democratic change in situations of democracy protection, promotion, and creation is more likely to have an impact than focusing on a limited number of instruments.

One main condition for the successful creation, protection and promotion of democracy in member states is coordination with other international actors that have a similar mandate, especially the regional economic communities. In this respect, the paper has first analysed the legal basis for cooperation between the AU and the RECs: the MOU. The memorandum provides a basis for institutionalizing exchanges and for enabling a learning process between the civil servants of the involved organizations. However, its formulation is ambiguous and therefore does not provide specific guidelines to use in conflict situations.

Bearing in mind examples of varying coordination between the AU and ECOWAS in cases of unconstitutional changes of government in West Africa, the AU and the RECs could reform their MOU in at least three ways. First, the AU and the RECs should avoid contradictory policies. International Contact Groups have proven to be a good mechanism to achieve this. The MOU could institutionalize these groups and upgrade their activities with more formalized decision-making procedures. Second, if individual organizations make non-credible threats, this has a counterproductive effect on all international efforts to protect democracy. Again, coordination is key, and a clause that prescribes prior approval by all actors tasked with implementing the threat could guarantee unity and credibility of the threat beforehand. Third, clear sequencing of activities can help increase effectiveness. Following the principle of subsidiarity, the REC should act first, followed by the AU and then the UN. This would not only limit the potential for contradictory policies but also ensure a sustained and increasingly powerful pressure on the norm-violating country.

REFERENCES

African Union (AU), 'Constitutive Act of the African Union adopted by the Thirty-Sixth Ordinary Session of the Assembly of Heads of State and Government', 11 July 2000, Lomé, Togo

—, 'African Union Declaration on the Principles Governing Democratic Elections in Africa', AHG/Decl.1 (XXXVIII), 2002a

—, 'Protocol Relating to the Establishment of the Peace and Security Council of the African Union', adopted by the 1st Ordinary Session of the Assembly of the African Union, Durban, 9 July 2002b, <http://www.peaceau.org/uploads/psc-protocol-en.pdf>, accessed 7 January 2016

—, 'Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa', adopted by the 2nd Ordinary Session of the Assembly of the African Union, Maputo, 11 July 2003, <http://www.achpr.org/instruments/women-protocol/>, accessed 7 January 2016

—, 'African Charter on Democracy, Elections and Governance', adopted by the 8th Ordinary Session of the Assembly of the African Union, Addis Ababa, 30 January 2007, <http://www.achpr.org/files/instruments/charter-democracy/aumincom_instr_charter_democracy_2007_eng.pdf>, accessed 7 January 2016

—, 'Protocol on the Statute of the African Court of Justice and Human Rights', adopted at the AU Summit, Sharm El-Sheikh, 1 July 2008a, <http://www.african-court.org/en/images/documents/Court/Statute%20ACJHR/ACJHR_Protocol.pdf>, accessed 7 January 2016

—, 'Memorandum of Understanding on Cooperation in the Area of Peace and Security between the African Union, the Regional Economic Communities and the Coordinating Mechanisms of the Regional Standby Brigades of Eastern Africa and Northern Africa', 2008b, <http://www.peaceau.org/uploads/mou-au-rec-eng.pdf>, accessed 7 January 2016

Beichelt, T., 'The research field of democracy promotion', *Living Reviews in Democracy*, 3/0 (2012), <https://www.lrd.ethz.ch/index.php/lrd/article/view/27/40 >

Börzel, T. A., and Risse, T., 'From Europeanisation to diffusion: Introduction', *West European Politics*, 35/1 (2012), pp. 1–19

T. A. Börzel and V. van Hüllen (eds), *Governance Transfer by Regional Organizations* (Houndmills: Palgrave Macmillan, 2015)

Brosig, M., 'The multi-actor game of peacekeeping in Africa', *International Peacekeeping*, 17/3 (2010), pp. 327–42

Brosig, M., 'Overlap and interplay between international organisations: theories and approaches', *South African Journal of International Affairs*, 18/2 (2011), pp. 147–67

Commission of the African Union, *African Youth Charter*, July 2006a, <http://www.
   africa-youth.org/charter>, accessed 10 October 2015

—, *Policy on Post-Conflict Reconstruction and Development* (Addis Ababa: Conflict
   Management Division, Peace and Security Department, 2006b), <http://www.
   peaceau.org/uploads/pcrd-policy-framwowork-eng.pdf>, accessed 7 January 2016

Hartmann, C., 'Regional organizations and the promotion of democracy in sub-Saharan
   Africa', in R. Schmitt-Beck, T. Debiel and K.-R. Korte (eds), *Governance and
   Legitimacy in a Globalized World* (Nomos: Baden-Baden, 2008), pp. 207–27

—, 'Governance transfer by the Economic Community of West African States: A B2
   Case Study', Freie Universität Berlin Collaborative Research Centre, Governance in
   Areas of Limited Statehood Project Working Paper no. 47, February 2014, <http://
   www.sfb-governance.de/publikationen/working_papers/wp47/index.html>, accessed
   7 January 2016

U. Engel and J. Gomes Porto (eds), *Africa's New Peace and Security Architecture: Promoting
   Norms, Institutionalzing Solutions* (Farnham: Ashgate, 2010)

Leininger, J., 'African Union case study', Freie Universität Berlin Collaborative Research
   Centre, Governance in Areas of Limited Statehood Project Working Paper
   (forthcoming)

Organization of African Unity (OAU), 'Lomé Declaration of July 2000 on the
   Framework for an OAU Response to Unconstitutional Changes of Government',
   AHG/Decl.5 XXXVI, 2000

Schimmelfennig, F., 'Europeanization beyond Europe', *Living Reviews in European
   Governance*, 4/3 (2009), pp. 1–22

Striebinger, K., *Should I Stay or Should I Go? The Influence of International Actors on the
   Degree of Military Involvement After Coups d'Etat in West Africa, 1990–2014*, PhD
   Dissertation, Freie Universität Berlin, 2015

Witt, A., 'Jointly working for democracy? The African Union and unconstitutional
   changes of government', Paper presented at the Annual Congress of the German
   Political Science Association (DVPW), Research Group on Comparative
   Regionalism, Tübingen, Germany, 24–28 September 2012

ABOUT THE AUTHOR

Kai Striebinger is a researcher at the German Development Institute (Deutsches Institut für Entwicklungspolitik) in Bonn. He holds a PhD in political science from the Freie Universität Berlin and the Berlin Graduate School for Transnational Studies. His work centres on political regime developments, coups d'etat, and comparative regional integration in Africa. He has published on interventions by ECOWAS to promote democracy, the establishment of democracy standards by ECOWAS, and the influence of external actors on decisions by military governments to withdraw from power. He has studied at Sciences Po Paris, Freie Universität Berlin and Yale University. He has also conducted research in Guinea, Côte d'Ivoire, Togo, Niger and Nigeria. He is currently working on a project on the conditions of successfully promoting democratic values.

ABOUT INTERNATIONAL IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization that supports sustainable democracy worldwide. International IDEA's mission is to support sustainable democratic change by providing comparative knowledge, assisting in democratic reform, and influencing policies and politics.

What does International IDEA do?

In the fields of elections, constitution-building, political parties, gender in democracy and women's political empowerment, democracy self-assessments, and democracy and development, we undertake our work in three activity areas:

1. providing comparative knowledge derived from practical experience on democracy building processes from diverse contexts around the world;

2. assisting political actors in reforming democratic institutions and processes, and engaging in political processes when invited to do so; and

3. influencing democracy building policies through the provision of our comparative knowledge resources and assistance to political actors.

Where does International IDEA work?

International IDEA works worldwide. Based in Stockholm, it has offices in Africa, the Asia-Pacific, and Latin America and the Caribbean. International IDEA is a Permanent Observer to the United Nations.

<http://www.idea.int>

ABOUT THE INTER-REGIONAL DIALOGUE ON DEMOCRACY

The Inter-Regional Dialogue on Democracy (IRDD) is a platform for engagement among regional organizations on democracy, and is facilitated by International IDEA.

Regional organizations participating in the IRDD include the African Union, the Association of Southeast Asian Nations, the Council of Europe, the European Union, the League of Arab States, the Organization of American States, the Pacific Islands Forum and the South Asian Association for Regional Cooperation.

International IDEA acts as the IRDD Secretariat and also hosts the Inter-Regional Democracy Resource Centre, a virtual resource for democracy at the regional and inter-regional level.

<http://www.idea.int/democracydialog/>

International IDEA
SE -103 34 Stockholm
Sweden
Phone + 46 8 698 37 00
Fax + 46 8 20 24 22
Email: info@idea.int
Website: http://www.idea.int