

Regional Integration and Democracy in Africa

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Abstract

In the absence of sound Democracy, the realisation of Regional Integration in Africa will just be a cosmetic. To meet/address Democratic Governance challenges such as accountability, transparency, respect for human rights, competition, efficient and economical uses of resources and maximum output, constitutionalism must central in all African Countries without which Regional Integration will just be an illusion. No one country can do it all by itself as no one is an island and this makes Regional Integration very crucial for the rapid development of African Countries and Africa as whole in order to achieve the human development of Mama Africa. There is a need to institute and implement sound policies, laws and strong institutions for realising democratic norms and values to facilitate the Regional Integration process of the African Continent. Africa must integrate within itself first before thinking beyond the borders. Without African countries integrating meaningfully among themselves all other integration schemes may not be sustainable in addressing African Problems.

Keywords: Democracy; Governance; Regional Integration; Constitutionalism; Government; Conflict, Charters; Treaties; Laws

1. Introduction

The former president of South Africa Thabo Mbeki in an inaugural conference of the African Union (AU) in July 2002, Durban once said “this is a moment of hope for our continent and its peoples’ the time has come to end the marginalisation of Africa through our actions, let us proclaim to the world that this is a continent of democracy, a continent of democratic institutions and culture.

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Indeed, a continent of good governance where the people participate and the rule of law is upheld” as quoted from author in [1]. Democracy, elections, and good governance stand very prominent amongst the numerous challenges facing Africa in the 21st century. Reading from the political geography of Africa, there is no doubt that democracy and good governance are vital prerequisite for to stability, peace, and sustainable development as argued by author in [1]. On this basis, the continent need curative and progressive measures to move out of the current “ghetto” and be part of a community of industrialized and peace loving nations cited from the arguments of author in [1].

This paper seeks to argue that, any constructive leadership should integrate democracy, good governance and political participation into its public policy planning and socio-economic policies for an apt foothold in regional integration and the realisation of democracy within Africa.

Depending on the depth of integration more especially where countries tend to share their sovereignty to create a union, moving from simple cooperation to deep integration, a political union becomes the end product which is often seen as the final phase of integration. This brings about the integration of law-making processes under the patronage of a supranational authority which becomes applicable within the member states. For example, African Charter on Democracy, Elections and Governance **Article 2** on the objectives of this Charter lays emphasis on this matter. Thus, this discussion would be focus on the relationship between Regional Integration and the promotion of democracy in Africa (within Member states).

2. Definition of Terms

2.1 Regional Integration

Regional Integration can be define as the process situation where countries in a defined geographical area voluntarily surrender their sovereignty in one or more areas to carry out specific transactions, in view of achieving a goal(s) or enjoying specific benefits to a higher degree than they would individually as defined by author in [2].

If we look at Ernst Haas, the founder of neo-functionalism (1958, 16) he defined regional integration as: “Political integration is the process whereby political actors in several distinct national settings are persuaded to shift their loyalties, expectations and political activities to a new centre, whose institutions possess or demand jurisdiction over pre-existing national states. The end result is a new political community, superimposed over the pre-existing ones.” Accordingly, regional integration is a process transferring loyalty, expectations and political decision making power, or (with an out-dated but still popular concept), ‘sovereignty’ to a new centre.

According to author in [3], Karl Deutsch on the other hand defined regional integration as “[...] a relationship among units in which they are mutually interdependent and jointly produce system properties which they would separately lack.”

2.2 Democracy

Due to the various styles and practices of democracies of several governments in the world today, our definition on democracy will be based on two major terms:

2.2.1 African democracy

In order to differentiate the term African democracy from liberal democracy as used in this discussion, according to Ahluwalia all the African leaders of post-independence Africa such as Nyerere of Tanzania, Nkrumah of Ghana, and Kenyatta of Kenya, dismissed multiparty democracy, a fundamental principle of liberal democracy, as incompatible with the African traditions, as cited from author in [4]. They argued that a system of one-party government was African and an essential part of the African tradition. Therefore, according to their definition, “an African democracy is a form of government based on one-party rule. Political parties may exist nominally- but may not freely organise political activities in opposition to the rulers and the ruling party”.

2.2.2 Liberal democracy

While the holding of regular elections is one of the necessary prerequisites for creating and sustaining a democratic regime, liberal democracy (also called western liberal democracy) is, as both Obama and Clinton have pointed out, “more than just holding elections” quoted from author in [4]. According to Clapham, “it is not sufficient to measure democracy by simply looking at whether elections are held regularly and according to national standards”. Clinton and Clapham are of the view that, in order to ensure good and sustained governance, a true democratic system needs more than regular elections as argued by author in [4].

Therefore democracy as a system of government in our opinion, have four principal elements, That is;

- A political system for choosing and replacing the government through free and fair elections.
- The active participation of the people, as citizens, in politics and civic life.
- Protection of the human rights of all citizens.
- A rule of law, in which the laws and procedures apply equally to all citizens.

3. Theoretical Framework

Neo-Functionalism:

Ernst Haas, founder of neo-functionalism, took as his starting-point a criticism of David Mitrany's functionalism from the 1940s. Haas combined functionalism with inspirations from Jean Monnet's pragmatic approach to European integration. Contrary to the functionalists, Haas and his followers looked at regional integration, not universal, and they understood the integration process as political, not merely functional or technocratic. Haas' original background conditions for regional integration were that the entities should possess

pluralistic social structures, be substantially economic and industrial developed, and there should be a common ideological pattern among participating units. In other words Haas' approach was limited to explaining integration in pluralistic democracies as claimed by author in [3].

Author in [5] pointed out that, in cooperation with Philippe Schmitter, Haas tried to loosen the theory's close binding to the European integration-project and give neo-functionalism a general applicability. The result was a model with background conditions (size of unit, rate of transactions, degree of pluralism, elite complementarity); conditions at the time of economic union (governmental purpose, powers and functions of the new institutions), and process conditions (style of decision making, growth rate of transactions, actors adaptability). Thus, cultural considerations are part of the framework, especially in the concepts of 'pluralism' and 'style of decision making'. Culture also plays a part in Haas and Schmitter's analysis of possibilities of Latin American unity but as a less important factor.

A central concept of the analysis was '*spill-over*', the claim that agreement on integration in one economic area would or could over time cause other economic policy areas to integrate too, in order to secure the full benefit of the integration in the first policy-area. Over time, the integration would become political. But, according to author in [6], Haas recognised that a political impetus in the right direction might be necessary, and that a high authority, looking after the integration project's common interest – not that of the individual member states – would be needed. The motives, the driving forces of integration would be the pursuit of the politicians' interests.

In this regard, with the help of an active and resourceful secretariat and support from the organized interests affected by such externalities, national governments might learn and agree to change their original positions. Therefore, this approach, integration is an intrinsically sporadic and conflictual process, but one in which, under conditions of democracy and pluralistic representation, national governments will find themselves increasingly entangled in regional pressure and end up resolving their conflicts by conceding a wider scope and developing more authority to the regional organizations they have created. Eventually, their citizens will begin shifting more and more of their expectations to the region and satisfying them and will increase the likelihood that economic-social integration will '*spill-over*' into political integration.

4. The Relationship between Regional Integration and Democracy:

Below is a diagrammatic illustration of the relationship that exists between regional integration and democracy with reference made to the various member states, RECs and AU (the regional organisation).

Explanatory Notes on the above Diagram

- The light blue up long rectangular box represents the various African states in questions labelled A.
- The black arrows indicate the adherence of the various member states to the AU, the blue dotted is the exception of Morocco not being a member state of the AU.
- The blue arrow indicates share sovereignty and commitments to the AU labelled B while the blue dotted arrow indicates the exception of Morocco not being an AU member state. Thus the black arrow indicates full level commitments to the AU refers to as (**Trend 1**).

4.1. Mechanisms to address the issue of Democracy in Africa through Regional Integration

When states parties have agreed to come together, they create a union or a bloc moving towards a deeper integration. This leads to the creation of a political union often seen as the final phase of integration to which states surrender part of their sovereignty so as to transcend union law within the member states. This brings about the integration of the legislative, socio-economic and other processes which becomes applicable to state parties at national level. Thus, the creation of a supranational authority (e.g. The African Union) within the framework of Integration in the Africa seeks to promote democracy through the following mechanism as would be discussed in the preceding paragraphs.

4.1.1. The African Charter on Democracy, Elections and Governance (ACDEG)

Chapter 2 on the Objectives of African Charter on Democracy, Elections and Governance in its **Article 2 (1)(2)(3)(4)(6)(7)(10)(11)(12)** seeks to persuade state parties to adhere to respect the principles of democracy; the supremacy of the Constitution and constitutional order in the political arrangements of the State Parties; Promoting the holding of regular free and fair elections, reject and condemn unconstitutional change of government in any Member State; nurture, support and consolidate good governance by promoting democratic culture and practice; building and strengthening governance institutions and inculcating political pluralism and tolerance; equally to encourage effective coordination and harmonization of governance policies amongst State Parties with the aim of promoting regional and continental integration; to foster citizen participation, transparency, access to information, freedom of the press and accountability in the management of public affairs; further, to Promote gender balance and equality in the governance and Development processes; and to enhance cooperation between the Union, Regional Economic Communities and the International Community on democracy, elections and governance. For example, the unconstitutional change of government in Central Africa Republic (2013), Mali (2012), Guinea Bissau (2009/2012), Niger in 2010 Guinea Conakry (2008), and Mauritania (2008) etc. to that respect they were all suspended to attend and participate in the functions of AU and the RECs until the reinstatement of a constitutional government.

In addition, the coups and unconstitutional changes of government in Africa with specific reference to the Economic Community of West African States (ECOWAS) swiftly condemned them and imposed sanctions (except in the case of Mauritania, which had pulled out of ECOWAS in December 2000).

4.1.2. The NEPAD (New Partnership for Africa's Development)

NEPAD was launched with much fanfare in Abuja, Nigeria, in 2001, the result of a mandate given to five African leaders of Algeria, Egypt, Nigeria, Senegal, and South Africa by the Organization of African Unity (OAU) to work out a programme to spearhead an African Renaissance as stated by the author in [7], with the main aim of Contributing to Democracy and Good Governance in Africa.

NEPAD emerged not in a vacuum but as the result of a series of historical circumstances that included the end of colonialism and the first steps towards regional policy integration in Africa in the 1960s and 1970s, the structural adjustment programmes in the 1980s, and the end of the Cold War and the democratic reforms in the

1990s, thus, formulated on the basis of the successes and failures of earlier attempts at promoting regional policy integration in Africa, that is the creation of the OAU, the Monrovia commitments, the Lagos Plan of Action, and the Abuja Treaty as quoted from author in [7].

NEPAD should be credited for conceiving the Africa Peer Review Mechanism which, despite criticism and implementation challenges, remains an innovative mechanism for building democracy and good governance. Peace, security, democracy, good governance, human rights, and sound economic management as conditions for sustainable development are placed at the centre of NEPAD.

4.1.3. Regional Economic Communities (RECs)

The author in [8] asserted that with respect to the various treaties, agenda and protocols, the Regional Economic Communities (RECs) are meant to foster or act as building blocks for regional integration in Africa. As it has been argued in another context, the extent to which the RECs can really be considered to act as catalyst for effective regional integration is actually a function of the extent to which African member states harbour political commitment (ECA, 2000). Arguably, demonstration of political commitment is important on the part of ruling elites at union level. Hence, the AU and RECs technically avoids commitment with any unconstitutional changed government so as to encourage the rapid return to democracy for good governance.

4.1.4. Abuja Treaty and the constitutive Act of AU

From the 1960s to the 1980s, issues of good governance and reform did not dominate the agenda of the regional organization and the Organization of African Unity (OAU). During this time the plausibility of the emergence of supranational institutions in Africa was minimal. This was largely due to the fact that the goal of Africa as a collective was centred predominantly on ending colonialism and apartheid stated by author in [9].

However, between 1990 and 2000, African regionalism experienced critical developments such as, the need for economic and structural reform in the OAU received attention with the Abuja Treaty. International pressure for governance reforms added impetus to the overhaul of the continental regional integration and regional economic efforts. At the regional level, this Treaty included in the sixth stage of its strategic plan "...the setting up of the structure of the Pan-African Parliament (PAP) and election of its members by continental universal suffrage" quoted from author in [9].

The resultant AU Constitutive Act created the opportunity for civil participation, responsive agency and accountability in the AU through its organs such as the PAP. If the Abuja Treaty laid the foundation for structural reform in African integration, the AU Constitutive Act provided the necessary tools to begin its implementation. The significant point of departure in the Abuja Treaty and the AU Constitutive Act is that, while incorporating the economic and development objectives of the Lagos Plan of Action, these treaties also detail the institutional, democratic and governance framework to support the process of integration in relevant protocols such as the Protocol establishing the PAP, the Court of Justice, the Economic and Social Council.

4.1.5 OHADA

The *Organisation pour l'Harmonisation en Afrique du Droit des Affaires* ("OHADA"), which translates into English as the "Organisation for the Harmonization of Business Law in Africa" is an exclusively business-related legal framework that was created on 17 October 1993 in Port Louis, Mauritius. Initially established pursuant to a treaty adopted among 14 Member States (the "OHADA Treaty"), OHADA membership has grown to 17 since 1993. OHADA enacts, among other provisions, Uniform Acts that have direct effect and supersede contradictory national laws, subject to any transitional provisions stipulated by the Uniform Acts. The OHADA Treaty also created a supranational supreme court with jurisdiction over the areas of law covered by the Uniform Acts (the *Cour Commune de Justice et d'Arbitrage* or CCJA), in English the Common Court of Justice and Arbitration, to ensure uniformity and consistency of legal interpretation across the Member States as stated by author in [10]. The said treaty/law can contribute immensely to the integration and development of Africa but its content must take into consideration the Common Law and also its working language should change strictly from French to cover other official languages of the continent. In addition the law should also incorporate democratic values in its general operations and being a requirement for membership.

5. Challenges of the implementation of Democracy within the context of Regional Integration Africa

One of Africa's foremost advocates of regional integration as indicated by author in [11], who was the former Executive Secretary of the UN Economic Commission for Africa (ECA) from 1975 through 1993, and he was also a key participant in other regional bodies for integration. He highlighted some militating factors against regional integration in Africa as follows:

- lack of political will to establish effective and dynamic intra-national institutions and to implement agreed treaties and protocols;
- lack of sanctions against non-performance;
- inadequate mechanisms for equitable sharing of the costs and benefits of integration;

In addition to the above;

- The overlapping memberships state parties to which many members are unable to manage effectively and inability to raise adequate fund to meet up with financial commitment for various RIAs programmes; and
- The over ambitious goals, improbable timeframe and the non-observance of the rule of law and good governance provokes undemocratic change of government leading to conflicts which affects regional integration processes.

In a similar vein, author in [12] stated that Abass Bundu, the former Executive Secretary of ECOWAS had also drawn attention to some impeding factors to regional integration in Africa, including the absence of an integration/development culture within the countries of the region, differences in ideology and approaches among the various African leaders, the encumbrance arising from obsolete colonial institutions and structures,

and enduring socio-economic crisis, among others affects the promotion of democracy in Africa through regional integration.

6. Conclusion and the Way Forward

Regional Integration Arrangements (RIAs) can be a very important mechanism in improving political institutions. Regional Integration blocs with strong rules can help in the promotion of democratic reforms in member states/countries. Membership in an RIA can increase the likelihood of achieving or upholding democracy, especially if the bloc includes large and developed democratic countries whereas less politically developed countries may gain from joining an RIA that includes a large developed country or countries if accession is part of a strategy to pursue political, economic or social reforms that would not be feasible without the conditionality embodied in the RIA's rules which often include democracy and human rights.

6.1 *Proposals for the Way forward*

- The Regional Integration bodies should institute stiff sanctions on countries that failed to amend their constitutions through a referendum and also stiffen the sanctions on unconstitutional change of governments.
- There should be benefits attached to the establishment of effective and dynamic supranational institutions for member states
- Member states should create the political will to incorporate, domesticate and implement all agreed treaties and protocols by the regional bodies.

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