

## General Introduction

*Balingene Kahombo\**

This special volume of the journal 'Law in Africa' focuses on the African Union's experience in resolving constitutional crises in Africa. How are the African Union's efforts to resolving such crises contributing to the consolidation of peace and democracy – and therefore constitutionalism – in Africa?

The study flows from the assumption that the African Union (AU) is an agent of democratization in the continent. Such an assumption has a long background. At the end of the Cold War, African states were forced to change from authoritarian to democratic governments, the rule of law and the respect for human rights, as ruling regimes had lost their foreign allies who could no longer support dictators. The post-Cold War 'democratic revival' paved the way for the adoption of numerous regional instruments that framed and promoted common standards of democratic governance that African states should observe. This is the case with the AU Constitutive Act (2000), the Protocol establishing the AU Peace and Security Council (2002), the African Charter on Democracy, Elections and Governance (2007), the Grand Bay (Mauritius) Declaration (1999), the Lomé (Togo) Declaration on Unconstitutional Change of Government (2000), the Solemn Declaration on a Common African Defence and Security Policy (2000), and the Declaration on the Principles Governing Democratic Elections in Africa (2002). Democratic standards provided for in these instruments were largely encapsulated into post-1990 African constitutional documents and legislation that governed transitional and post-transitional periods. Domestic courts – mainly courts with constitutional jurisdiction – were empowered to enforce these standards, by, *inter alia*, ensuring that actions by state organs and officials, and sometimes individuals and private entities, comply with them.

However, the democratic revival promises did not sufficiently meet most peoples' expectations in practice. In many states, such as Burundi, Chad, Comoros, Republic of Congo, Côte d'Ivoire, Liberia, Central African Republic (CAR), the Democratic Republic of the Congo (DRC), The Gambia, Rwanda, Sierra Leone, Somalia, and Sudan, competition for accessing or maintaining political power turned into violence, instability and armed conflicts.<sup>1</sup> The adverse effect of this situation has been the failure of domestic governance

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<sup>1</sup> *Balingene Kahombo*, La démocratisation dans l'ombre de crises et violences politiques en Afrique: rétrospective et prospective sur le rôle des opérations de maintien de la paix, paper submitted to

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## **Table of Contents General Introduction**

1. Understanding the eBook General Introduction
  - The Rise of Digital Reading General Introduction
  - Advantages of eBooks Over Traditional Books
2. Identifying General Introduction
  - Exploring Different Genres
  - Considering Fiction vs. Non-Fiction
  - Determining Your Reading Goals
3. Choosing the Right eBook Platform
  - Popular eBook Platforms
  - Features to Look for in an General Introduction
  - User-Friendly Interface
4. Exploring eBook Recommendations from General Introduction
  - Personalized Recommendations
  - General Introduction User Reviews and Ratings
  - General Introduction and Bestseller Lists
5. Accessing General Introduction Free and Paid eBooks
  - General Introduction Public Domain eBooks
  - General Introduction eBook Subscription Services
  - General Introduction Budget-Friendly Options
6. Navigating General Introduction eBook Formats

- ePub, PDF, MOBI, and More
  - General Introduction Compatibility with Devices
  - General Introduction Enhanced eBook Features
7. Enhancing Your Reading Experience
    - Adjustable Fonts and Text Sizes of General Introduction
    - Highlighting and Note-Taking General Introduction
    - Interactive Elements General Introduction
  8. Staying Engaged with General Introduction
    - Joining Online Reading Communities
    - Participating in Virtual Book Clubs
    - Following Authors and Publishers General Introduction
  9. Balancing eBooks and Physical Books General Introduction
    - Benefits of a Digital Library
    - Creating a Diverse Reading Collection General Introduction
  10. Overcoming Reading Challenges
    - Dealing with Digital Eye Strain
    - Minimizing Distractions
    - Managing Screen Time
  11. Cultivating a Reading Routine General Introduction
    - Setting Reading Goals General Introduction
    - Carving Out Dedicated Reading Time
  12. Sourcing Reliable Information of General Introduction
    - Fact-Checking eBook Content of General Introduction
    - Distinguishing Credible Sources
  13. Promoting Lifelong Learning
    - Utilizing eBooks for Skill Development
    - Exploring Educational eBooks
  14. Embracing eBook Trends
    - Integration of Multimedia Elements
    - Interactive and Gamified eBooks

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