The Road Ahead for the African Governance Architecture: An Overview of Current Challenges and Possible Solutions

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ABSTRACT

Following a range of previous commitments to improve the status of governance in Africa, in 2011 the African Union (AU) established the African Governance Architecture (AGA) as the flagship initiative of its 'shared values' agenda. The AGA was designed to be a framework to co-ordinate the existing initiatives of different actors in the realm of governance, thereby prompting an integrated continental approach. Two years into its creation, this promising initiative now faces a number of challenges.

This paper focuses on two such challenges and puts forward tentative policy recommendations. Firstly, there are currently weak synergies between the AGA and the African Peace and Security Architecture (APSA). It is crucial to secure operational linkages in light of the growing political appetite for the governance-security nexus in Africa and with the aim to trigger a much-hoped-for integrated response to the continual governance and security crises in the continent. In this context, the AGA holds the potential to become a support mechanism for the APSA, highlighting governance gaps in Africa that have implications for the peace and security of a given country or region.

Secondly, there is a need to define the role of the African Peer Review Mechanism within the nascent AGA. In particular, the APRM can support the AGA by keeping track of the implementation and ratification of shared values instruments in African countries, an area in which the APRM has already shown tangible value. This paper puts forward tentative recommendations to overcome these two challenges and carry the shared values agenda forward, with a focus on the transition of the AGA from a set of scattered instruments and actors into a fully-fledged architecture with continental legitimacy.

ABOUT THE AUTHORS

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ABBREVIATIONS AND ACRONYMS

ACHPR	African Commission for Human and People's Rights
AfDB	African Development Bank
AGA	African Governance Architecture
AGP	African Governance Platform
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASF	African Standby Force
AU	African Union
AUC	African Union Commission
CEWS	Continental Early Warning System
CRM	Country Review Mission
CRR	Country Review Report
DPA	Department of Political Affairs
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
NEPAD	New Partnership for Africa's Development
NPCA	NEPAD Planning and Co-ordinating Agency
NPOA	National Programme of Action
OAU	Organisation of African Unity
PAP	Pan-African Parliament
PSC	Peace and Security Council
RECs	Regional Economic Communities

INTRODUCTION

In the last two decades, Africa has taken tangible steps to improve its democracy and governance record. A range of continental declarations and charters was complemented by pan-African initiatives focusing on governance and democracy, culminating between 2010 and 2011 in the launch of the African Union's (AU) 'shared values'[1] agenda and the creation of the African Governance Architecture (AGA). 'Shared values' as framed by the AU include the basic right to life, participation in governance, equality of persons, justice, adherence to the rule of law, sovereignty and the interdependence of states. The term 'architecture' indicates building a coherent framework of well-functioning, co-ordinated institutions. The AGA is a praiseworthy endeavour that shows a growing commitment to shared values in African political circles. Although it is in its early years and yet to be fully defined, it is important to examine its challenges. The AGA is confronted with a number of hurdles, whether normative, operational or sheer political support. This paper focuses on two such hurdles, namely the weak linkages with the African Peace and Security Architecture (APSA) and the lack of clarity on the role of the African Peer Review Mechanism (APRM) in the AGA construct. The analysis further suggests ways to address these issues in order to move the AGA from a paper commitment into a functioning continental architecture.

The first section of this paper gives a descriptive overview of previous continental efforts that paved the way for the creation of the AGA. Thereafter, the paper sketches out the AGA, the African Governance Platform (AGP) and the Charter for Democracy, Elections and Governance. The paper then discusses the AGA's operational challenges in terms of linkages with existing processes, with a focus on the APRM and the APSA. It concludes by identifying key recommendations on the basis of the previous sections.

HISTORICAL BACKGROUND: CONTINENTAL GOVERNANCE INITIATIVES IN AFRICA

In the immediate post-colonial era, African states were chiefly concerned with safeguarding their territorial and political sovereignty. As a result, the principles that guided the Organisation of African Unity (OAU) were those of respect for the sanctity of national sovereignty and non-interference in domestic affairs.[2] The 'non-interference' approach was instrumental to entrenching African countries' sovereignty over their own territories, sheltering them from external re-colonisation and intra-African territorial annexations. It was, in this sense, a successful paradigm if measured against its ultimate aim of entrenching the gains of decolonisation that unfolded in the late 1950s and 1960s.

Nevertheless, the 'non-interference' approach also deterred the OAU from stepping in where there were cases of large-scale human rights abuses, and the continental body lacked the operational tools to match its ambitious vision. This aspect constituted a stumbling block to any attempt to promote democratic governance principles on the continent. Over time, many came to realise that the continuation of the status quo would perpetuate the poor governance record of most African countries, to the detriment of the pan-African agenda as envisioned when the OAU was established in 1963. A complete shift in thinking and approach was therefore needed. The post-Cold War period, with the

concomitant end to long-standing ideological divides, provided a window of opportunity to reverse the 'non-interference' paradigm.

Throughout the 1990s, a number of African leaders became responsive to domestic demands from African societies and public opinion, and embraced the notion that democratic systems are conducive to enduring development outcomes. In particular, the notion of good governance – how governments manage and regulate public resources and how this shapes their relationship with the governed – began gaining ground.[3]

Africa was at a crossroads. In the transition from the OAU to the AU from the late 1990s until 2002, under the leadership of South Africa's President Thabo Mbeki and Nigeria's President Olusegun Obasanjo, two key changes are worth noting. Firstly, in terms of approach and areas of work, the AU builds on the notion of 'non-indifference', set out in Article 4 of the Constitutive Act of the AU,[4] in stark contrast with the previous OAU approaches centred on state sovereignty.[5] Moreover, the Constitutive Act enshrined governance and democracy into its objectives (Article 3). The shift from 'non-interference' to 'non-indifference' mirrored the need to endow the AU with operational agency in cases of large-scale human rights violations and threats to democratically elected governments, a role that the OAU had been unable to take up.

Secondly, at the institutional level, the newly born organisation was endowed with an executive body to steer its policies, namely the African Union Commission (AUC).[6] This was a major shift away from the OAU, whose Secretariat was mainly tasked with administrative duties. Unlike its predecessor, the AU therefore had room for manoeuvre to steer processes that would safeguard the spirit of its Constitutive Act.

The momentum built up with the adoption of the AU Constitutive Act, enabling the new continental institution to expand its competencies to areas that were seen to be strictly the realm of sovereign countries. In spite of, or perhaps in response to, the normative vacuum regarding AU competencies in the fields of democracy and governance, the early 2000s witnessed the establishment of the Pan-African Parliament (PAP), the New Partnership for Africa's Development (NEPAD) and its APRM, all of which placed democracy and governance issues among their priorities. Almost a decade later, the AGA seeks to act as an overarching framework for the initiatives of these actors. It is, however, important first to understand the AGA.

Before digging into the challenges the AGA faces, the following section gives an overview of its structure and discusses the AGP. It then sketches out the African Charter for Democracy, Elections and Governance (henceforth 'the Charter'), which came into effect in 2012 and which represents yet another valuable tool as it holds the potential to legally bind African countries to common values and standards.

THE AGA AND ITS PLATFORM: AN UMBRELLA FRAMEWORK FOR AN INTEGRATED APPROACH TO GOVERNANCE

A few years into the creation of the AU, a realisation gained ground that the many democratic, governance and human rights initiatives in Africa often had overlapping mandates and were disconnected from one another. The absence of cross-linkages among the existing instruments represented a major obstacle to pan-African governance agendas.[7] In response to these concerns, African heads of state mandated the AUC to work on

governance, democracy and human rights as pillars for future development strategies as enshrined in the AUC Strategic Plan 2009–2012, which placed an emphasis on the promotion of African 'shared values'.[8] Following four years of groundwork, the AU then devoted the January 2011 Summit to African 'shared values' and endorsed the governance architecture.[9]

As mentioned, the AGA is an evolving framework to bring together existing governance institutions and instruments so as to enhance operational linkages among them. This, in the hopes of the AUC, could usher in an integrated approach to the multi-faceted governance challenges that confront Africa. Importantly, the AGA was conceived along the lines of the APSA, a similar initiative in the domain of peace and security.

The AGA is based on three pillars, namely:

I   a vision, building on shared standards and norms,
II   governance institutions and actors to carry forward said vision; and
III processes and interactions to ensure synergies among the actors involved.

In terms of vision, the AGA draws on the AU commitment to supporting shared values in Africa.[10] As regards pillar II, namely the institutions and actors involved, the AUC retains a co-ordinating role in the AGA framework through its Department of Political Affairs (DPA). Other actors involved include

• The PAP;
• AU member states' representatives;
• The Peace and Security Council (PSC) of the AUC;
• The Conflict Early Warning System (CEWS);
• The Economic, Social and Cultural Council (ECOSOCC);
• NEPAD;
• The AU Advisory Board on Corruption;
• The Democracy and Electoral Assistance Fund;
• The African Commission on Human and People's Rights (ACHPR);
• The African Court on Human and People's Rights;
• The APRM Secretariat; and
• Regional Economic Communities (RECs).[11]

A strength of the AGA framework is that its membership reflects the need to balance bottom-up institutions like ECOSOCC[12] with judicial bodies like the African Court on Human and People's Rights and decision-making organs like the PSC. Such a wide spectrum of actors can guarantee a blend of approaches and competencies to advance the continental governance agenda. However, the workflows and relationships among the above actors within the AGA are still far from clear at this stage. In other words, the third pillar of the AGA, outlining the modalities of interaction among AGA actors, calls for immediate policy attention. The AGA is not yet a fully-fledged architecture as it lacks an internal task division and a set of processes to match its underlying vision. Defining such aspects is the main purpose of the AGP, an informal body without decision-making powers[13] that aims to facilitate dialogue among AGA actors and outsiders[14] and co-ordinate activities among governance decision-making bodies. The DPA acts as the AGP's Secretariat.[15]

The informal dialogue and information-sharing dimensions are central to the activities of the AGP, and can determine its added value within the broader framework of the AGA. Monitoring effective implementation and compliance to shared values instruments is another key area of work for the AGP. Furthermore, the AGP provides a space to ensure synergies between the different continental bodies and programmes involved in governance promotion.

The Charter on Democracy, Elections and Governance

The Charter, adopted in 2007, entered into force in February 2012.[16] It brings together previous African commitments to democracy and governance[17] in a single and consistent legally binding document. Importantly, the Charter has a wide thematic coverage in an attempt to move beyond the traditional focus on unconstitutional changes of government (UCGs). It envisages sanctions in instances of refusal to relinquish power after an electoral defeat, and features provisions to deter practices that do not fall under conventional definitions of UCGs in the strictest sense, such as undue prolongation of government mandates (Article 23). The Charter is an ambitious instrument that can do a great deal to enhance and strengthen the implementation of the shared values agenda in the coming years. In particular, it has the potential to endow the AGA with a legally binding anchor determining concrete actions in cases of electoral mismanagement and threats to democratic rule.

Looking ahead, it will be important to base the agenda of the AGP on promoting compliance to the values enshrined in the Charter. Most importantly, it will be crucial to link the Charter's enforcement to other key processes on the continent, notably the APSA.

The Road ahead: Challenges to the AGA

Two years into the existence of the AGA, there is a growing urge to define its operational priorities and the role that existing governance instruments and actors can play to support its agenda. This would lead to a gradual fulfilment of the ambition of the AGA to co-ordinate activities at various levels in the field of governance. The obstacles that lie ahead on the road to emerging governance architecture are of a varied nature, but two seem to bear particular political importance at this stage.

Weak linkages between the AGA and the APSA

Given the growing emphasis on the governance-security nexus in Africa, the first challenge identified is to achieve effective operational linkages between the AGA and its peace and security counterpart. The role of the Charter as a normative bridge between the two Architectures is in this sense vital.

Lack of clarity on the role of the APRM within the AGA

The APRM is formally part of the AGA, but the scope of its contribution is still unclear. The APRM has proven useful in highlighting country progress on the shared values instruments and could provide substantial value in this area, as explained later.

The following section of this paper expands on these issues, and identifies a number of policy recommendations.

The AGA and the APSA: siblings under the same roof

The AU, its member states and RECs have become increasingly aware of the intertwined nature of governance and security issues. This nexus has rapidly risen to the top of African policy agendas in Addis Ababa, REC headquarters and various African capitals. Stakeholders call for linkages between the two relevant instruments on the continent, ie, the APSA and the newly born AGA. These demands come from both within and outside Africa, as international donors too now consider this nexus as paramount in a war-prone and poorly governed continent.[18] Close interaction between the two Architectures in instances of potential crisis would usher in an integrated African approach to crisis management, to the benefit of actors involved in both continental frameworks and, more importantly, of African people themselves.

There are challenges to this agenda, as turf wars and institutional tensions might occur between actors belonging to the two frameworks. The potential for contradictory approaches is real, as shown by the different responses of governance and peace and security mechanisms during the Côte d'Ivoire crisis. In that instance, the critical stance of the ACHPR on human rights abuses by pro-regime forces clashed with the PSC's fence-sitting attitude, undermining the AU's ability to support the Economic Community of West African States (ECOWAS). It is in the interest of governance and security mechanisms to find ways to cohabit in harmony.

Box 1: Actors of the APSA, as per the Protocol establishing the PSC

The PSC itself, as the central decision making organ, comprises 15 rotating members without veto powers, representing African regions. The PSC is supported by the following actors:

- The **Panel of the Wise** (Art 11): A consultative body composed of five 'highly respected African personalities' appointed on a geographical basis and serving for three years each. It works to avoid having crisis situations escalate into conflict by providing opinions to the PSC.

- The **CEWS** (Art 12): A 'preventive' tool used to gather information and data, aimed at flagging situations that might escalate into conflict. It provides timely advice to the PSC and gives practical guidance to the African Standby Force (ASF) in troop deployment. In addition, it has been linked to the early warning systems of African RECs.

- **ASF** (Art 13): The ASF, under the supervision of the Military Staff Committee, is made up of five regional African military forces, with both a civilian and a police component.

- **Africa Peace Facility Fund** (Art 21): The Fund provides the financial resources needed for peace support missions.

Main features and track record of the APSA

The AU established the APSA in 2002, by virtue of its mandate on peace and security issues and its right to interfere in member states' affairs under exceptional circumstances such as genocide and crimes against humanity. The aim was to provide Africa with a swift and effective mechanism to prevent conflict situations and, when necessary, address them through targeted interventions and co-operation with regional bodies, in accordance with the principle of subsidiarity (where the most appropriate actor closest to the incident takes the required action).

Initially, the APSA was nothing more than a loose set of unco-ordinated peace and security instruments, supported by a fair degree of political will from AU member states. The AU put a considerable effort into making the APSA operational and effective, in order for it to live up to its ambitious commitments. The PSC entered into force in 2003 through an ad hoc protocol stipulating in detail its composition, powers, functions and procedures. The Protocol furthermore established the five permanent organs for the APSA, as sketched out in Box 1. Another distinctive element of the APSA is the level of co-ordination with pre-existing regional mechanisms of RECs in the field of peace and security. This is to ensure that interventions can fully exploit both the international legitimacy of the AU and the inside knowledge of regional actors. Thanks to a well-defined governance structure and a good deal of political will supporting it, the APSA has emerged as an innovative framework able to deal with a number of crises[19] and endows the AU and RECs with ownership over their interventions. Notwithstanding co-ordination and financing challenges, so far the APSA has provided a solid structure to prevent and manage conflict in a number of cases.[20]

Why closer? The mutual benefits of APSA-AGA linkages

The emergence of the security-development nexus in Africa has not been matched at the institutional level with an operational dimension. The present disconnect between the APSA and the AGA is to some extent normal given the different natures of the two frameworks. These have been designed at different times, with different aims, and under the pressures of different actors. The APSA has rallied support over time and contributed to bridging the AU and RECs' activities on peace and security. The AGA has arrived later on the stage and has been confronted with uneven commitment by African countries, as well as less political and financial backing from donors and a minor human resource endowment at the AUC level.[21]

However, reconciling the two frameworks is overdue, given the benefits of an integrated approach to crisis in Africa: One could look at some of the weaknesses that the APSA has demonstrated, in order to identify areas in which the AGA can fill some of the voids of existing peace and security mechanisms. For instance, despite the existence of the CEWS, the potential of the APSA to prevent conflict has remained unfulfilled, which undermines its future relevance. The AGA can fill that void by providing assessments of governance situations across the continent, through the AGP report and APRM reviews. To do so, security and governance initiatives must be complementary and relevant bodies ought to engage in regular dialogue. Given that the CEWS – like the PSC – belongs to both Architectures, its position is central to this process. With an arrangement based on these premises, the AGA would gain a strong operational capability to address governance issues in cases of potential escalation to conflict. The APSA would then manage to act not only

after the outbreak of crises, but even during their build-up or at any earlier stage. This would set in motion a much-needed transformation of the APSA from a reactive tool into a truly pre-emptive mechanism.[22]

The recent ratification of the Charter can give impetus to the process of securing linkages between the two Architectures. The Charter can act as a bridge between the two frameworks. In particular, it envisages a strong role for the PSC to maintain constitutional order in cases of coups d'état and to institute political and economic sanctions, if needed, under Articles 23–25. It is therefore crucial to ensure that the work of the PSC in potential crisis contexts is complemented by an active role for relevant AGA institutions.

A recommendation for the AUC would be to charge particular AGA structures with the systematic monitoring of compliance with the Charter; assessing breaches thereof and bringing them to the attention of the PSC and other APSA structures for concrete action. One of these could be the APRM, as further discussed below. The AGA would support the APSA by highlighting country- or region-specific governance issues that might affect peace and security.

In terms of workflow, the AU's DPA (which is taking the lead in co-ordinating the AGA) and the PSC have launched discussions on how to strengthen the link between the APSA and the AGA. So far, discussions on mutual co-operation have taken place through occasional informal meetings (typically through joint DPA-PSC retreats). Establishing mechanisms to intensify dialogue and collaboration between the AGA and the APSA structures would avert future reoccurrence of the kind of setbacks experienced in the recent crisis in Côte d'Ivoire. Although the PSC changed its initial non-interventionist stance, that was an instance of remarkable discrepancy between the continental security and governance mechanisms.[23]

Instances of breaches of the Charter's principles could be fed back to the PSC in case of potential threats to security. This, if done systematically, could secure operational synergies in interaction between APSA and AGA bodies. Other avenues of action are also being explored, and the increased exchange of views between the PSC and the DPA on this matter seems to confirm the appetite for a closer and more structured interaction between the two frameworks.

Breaches to the Charter's principles, one could argue, may not necessarily pose immediate threats in terms of peace and security. A country might well infringe the Charter without any immediate repercussions for its domestic stability and security. In the long term, the AGA is doomed if it does not find ways to handle these cases too, as a continental governance framework limiting itself to fire-fighting would be narrow in scope. Governance issues ought to be tackled not only when they turn into sources of instability, but also as a particular country or government's state of democratic malaise. 'Soft' mechanisms of action and dialogue with countries, perhaps with the involvement of relevant African actors such as the NEPAD Planning and Co-ordinating Agency (NPCA), the African Development Bank (AfDB) or the APRM itself should be explored in the years to come.[24] Yet, at this early stage of existence, it is essential for the AGA to prioritise and focus its action on the most burning concerns related to threats to peace and security, so as to show tangible value added to existing frameworks. Once these mechanisms are well oiled, the AGA could then look at a more comprehensive approach to issues of democracy and political governance, going beyond immediate threats to security in Africa.

Strengthening linkages between the AGA and the APRM

The APRM is Africa's governance assessment and monitoring instrument, established in 2003 as an offshoot of NEPAD. It has been part of the AGA construct since the onset, but its exact scope for contributing to the AGA still needs to be clarified. The role of the APRM should be understood along the lines of its own distinctive features, such as voluntary membership, a participatory approach to governance, the peer-learning dimension and full African ownership. In particular, the APRM could contribute to the emerging AGA in the areas where it has demonstrated real value, such as monitoring African countries' ratification of and compliance with shared values instruments.

The APRM in a nutshell

The APRM was established in the early days of the AU as an innovative tool to sustain the nascent momentum for governance promotion. It was designed as a voluntary process with no conditionality attached, and open to all AU member states. Its aim is to review signatory countries' progress in a broad range of governance issues, grouped along four clusters or 'thematic areas':
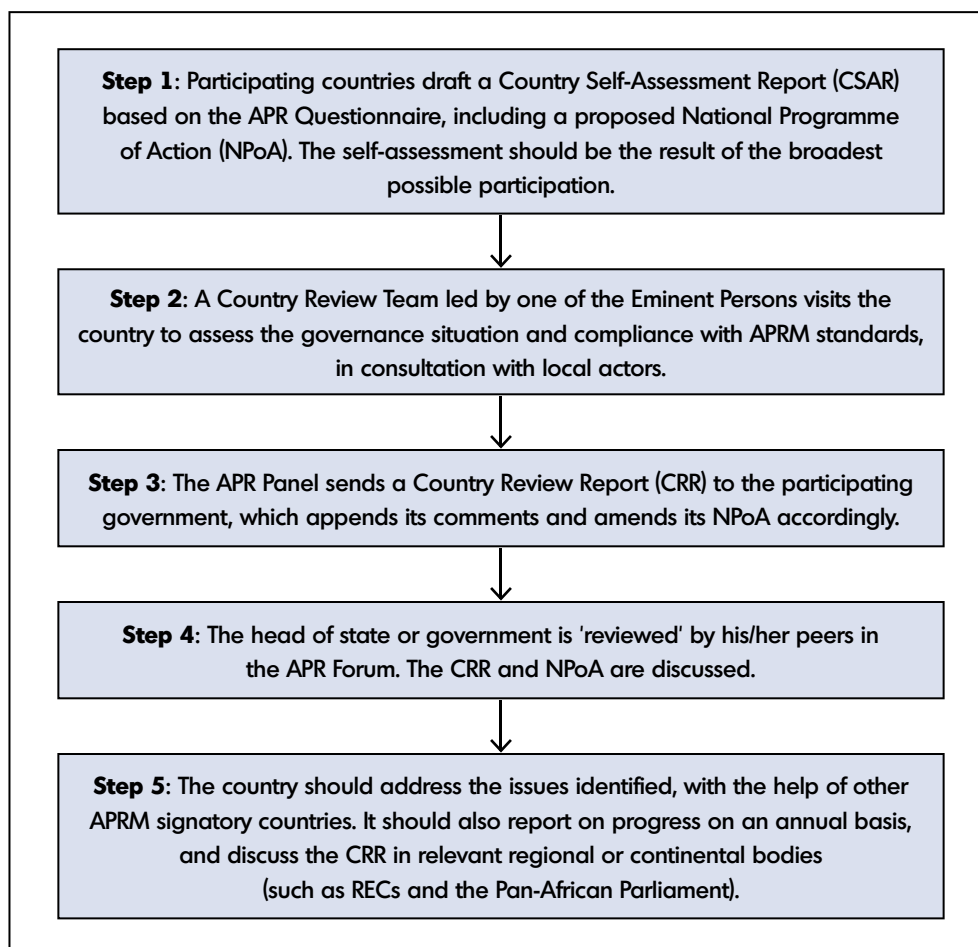
- democracy and political governance;
- economic governance and management;
- corporate governance; and
- socio-economic development.

Its approach to governance draws on the principles set out in the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance.[25] The APRM unfolds through a participatory process of country review, briefly sketched out in Figure 1. The aim of the review process is to provide a snapshot of the challenges to governance enhancement in a particular country so as to foster the adoption of relevant policies. This is done through peer learning and experience-sharing on best practices among African countries.

The APRM is composed of the following actors at continental level:

- the APR Forum, or Participating Heads of State and Governments that have acceded to the APRM, which is the ultimate decision-making body of the APRM;
- the APR Panel of Eminent Persons, with an oversight on the APRM process; and
- the Continental APR Secretariat, based in South Africa, which co-ordinates the administrative work of the APRM.

National-level actors are also involved, with a primary role for the country Focal Points, typically government ministers, who exercise oversight of the national APRM process and are responsible for the outcome of the review. Other country-specific institutions include a national commission or governing council, an independent body composed of a wide range of actors; a national APRM Secretariat for administrative support; and technical research institutions to administer the APRM Questionnaire and compile the Country Self-Assessment Report.

Figure 1: The APRM review process

Step 1: Participating countries draft a Country Self-Assessment Report (CSAR) based on the APR Questionnaire, including a proposed National Programme of Action (NPoA). The self-assessment should be the result of the broadest possible participation.

Step 2: A Country Review Team led by one of the Eminent Persons visits the country to assess the governance situation and compliance with APRM standards, in consultation with local actors.

Step 3: The APR Panel sends a Country Review Report (CRR) to the participating government, which appends its comments and amends its NPoA accordingly.

Step 4: The head of state or government is 'reviewed' by his/her peers in the APR Forum. The CRR and NPoA are discussed.

Step 5: The country should address the issues identified, with the help of other APRM signatory countries. It should also report on progress on an annual basis, and discuss the CRR in relevant regional or continental bodies (such as RECs and the Pan-African Parliament).

Source: Reconstructed on the basis of the APRM founding documents

Need for linkages between the AGA and the APRM

A key test for the AGA in the coming period is that of showing added value in terms of diagnosing the governance situation on the continent to support other continental processes (for example, the APSA, as discussed above) and help ensure compliance with shared values instruments (African declarations, standards, codes and charters that embody shared values, such as the rejection of unconstitutional changes of government, democracy and fraternity). Monitoring if and how a given country is implementing and domesticating the shared values instruments is key to the functioning of the AGA.

Establishing formal linkages between the AGA and existing diagnostic instruments such as the APRM would further this objective. The wider context seems favourable, as there have been recent high-level calls for a monitoring framework for shared values instruments. In particular, the AU Summit of January 2011 requested the AUC to 'put in place measures and modalities to support member states to establish the required capacities and processes for monitoring and review of domestication efforts' and to ensure that 'there is ongoing review of progress in the implementation of adopted shared values instruments'.[26] This is a particularly important work area that would help in the

consolidation of shared values across the continent within the framework of the AGA. Past experience shows that through its questionnaire, the APRM has proved extremely effective in reviewing the level of compliance of member states to shared values instruments while providing some insights into the reasons behind slow ratification and implementation, as shown in Box 2. These are wide-ranging, including typically a lack of internal monitoring systems on the domestication of international instruments; red tape and cumbersome bureaucracy slowing down domestication; lack of enforcement standards; lack of or insufficient public information on shared values instruments; and inadequate co-ordination among line ministries. The APRM could play a central role in terms of unpacking country-specific factors affecting the implementation of shared values instruments, including best practices in successful instances. This will allow the APRM to provide a meaningful contribution to the envisaged AGP report on the state of governance in Africa, while regaining some of the momentum that the APRM appears to have lost along the way since its inception in 2003.

Box 2: APRM CRRs on compliance with shared values instruments

Ghana APRM Country Review Report, 2005: 'Although Ghana has been enthusiastic in acceding to, and ratifying regional and global standards and codes, including human rights instruments, a number of key human rights instruments recommended by the African Union (AU) remain to be ratified.' ... 'The country consultations were dominated by discussions on the need for Ghana to ratify outstanding standards and codes and to domesticate them. State parties to the African Charter on Human and Peoples' Rights are required to submit state reports to the African Commission pursuant to the Charter every second year. After having avoided this [reporting] obligation for a number of years, Ghana submitted its second report to the Commission in March 2000. Since then, the country has not been to the Commission. This is a major weakness in the internal systems of the Ministries of Foreign Affairs and Justice. These ministries normally are the focal points in dealings with international bodies on the implementation of human rights obligations.'[27]

Rwanda Country Review Report, 2006: 'The tardiness in the ratification of some optional protocols, as well as compliance of ratified standards and codes are explained by lack of resources and insufficient capacity.'[28]

Kenya Country Review Report, 2006: 'The CRM [Country Review Mission] observed that although Kenya had signed and/or ratified some of the above instruments, it had not yet entrenched them through legislation.' ... 'Even where the codes and standards have been domesticated, there is a demonstrable lack of enforcement capacity.'[29]

Algeria Country Review Report, 2007: 'The CSAR indicates that Algeria has applied itself to aligning its internal legal system with undertakings arising from its adherence to these international legal instruments. It should be mentioned that their implementation has not met with any particular constraint in terms of capacity.' ... 'Algeria has signed and ratified

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most of the legal international and African instruments that impact on the enjoyment of human rights. Some reservations were, however, made on some of the instruments.'[30]

Benin Country Review Report, 2008: 'To date, Benin has signed all the treaties or conventions of the Organisation of Africa Unity (OAU) and of the AU. However, a number of standards have not yet been ratified and the incorporation of most of these instruments into national law has been dragging.' ... 'The CRM was informed that a large number of ratification authorisations are still pending at the offices of Parliament. The official explanation given for these delays is that the commissions, to which these projects are submitted, need to organise awareness workshops on the issues so that MPs can understand the texts and vote responsibly.'[31]

Uganda Country Review Report, 2008: 'The country has, however, not signed or ratified some important instruments, such as the Second Optional Protocol to the International Covenant on Civil and Political Rights, aimed at the abolition of the death penalty; the Optional Protocol to the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; the African Union Convention for the Elimination of Mercenaries in Africa; and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, also known as the Maputo Protocol. The biggest challenge has been domesticating the signed treaties and meeting the reporting obligations of the different treaties. Many of the reports are still overdue. There does not appear to be a clear and coherent framework for acceding to standards and codes, and for following up on their implementation.' ... 'Many standards and codes have not been systematically recorded for dissemination to state and non-state stakeholders'. ... 'The APR Panel recommends that Uganda should undertake a comprehensive review of standards and codes identified for ratification and implementation. The country should also create an easily accessible database of signed, ratified or domesticated standards and codes with a view to their monitoring.[32]

Mozambique Country Review Report, 2010: 'Mozambique has signed and ratified many relevant APRM standards and codes, but many more remain to be signed. In addition, many of those ratified are not being fully implemented or observed.' ... 'The level of enforcement and implementation of international codes and standards unfortunately remain unsatisfactory. This is partly due to low levels of awareness amongst those responsible for its enforcement such as lawyers, judges, public prosecutors, members of parliament and the general public.'[33]

Lesotho Country Review Report, 2010: 'The CRM found that Lesotho has signed and ratified a substantial number of international agreements, but that there is a problem with domestication and implementation. The reporting in the CSAR is incomplete, as the register does not indicate the status of implementation of the various agreements entered into.' ... 'Reporting on the implementation of international standards and codes is either sporadic or, in many instances, has not been carried out at all.'[34]

The APRM should thus establish itself as a diagnostic tool for AGA on compliance with shared values. Parallel to that, at the dawn of its second decade, the APRM should also address some of its internal challenges. Among the various obstacles facing the APRM, its narrow membership basis hampers its continental legitimacy. As things stand, APRM coverage is limited to 34 out of 54 AU countries. The promotion of APRM membership in non-signatory countries would thus be an important deliverable of the AUC that has just taken office. This is not a trivial task, as there is an urgent need to reinvigorate the initial momentum of the APRM through the delicate work of consensus-building over the next few years.

CONCLUSION

Although the current governance performances of African countries are far from optimal, over the last two decades there has been steady progress in a number of areas. One telling fact illustrates this broad trend. In the decades from 1960 to 1991, only one African country had a ruling party voted out of government in a peaceful and democratic manner (Mauritius). From 1991 until now, that has been the case on more than 30 occasions. Coups d'état are still a regrettable feature of African politics, but they are now much less likely to remain unpunished than 20 years ago,[35] as credible continental and regional mechanisms are in place to deter UCGs. With increased external and internal backing, the wider continental environment for the promotion of good political governance and democracy has notably improved. However, massive challenges persist as Africa is still home to some of the world's most ruthless dictatorships, six out of the first ten failed states in the world, and ten countries with heads of state that have been hanging on to power for more than 20 years.[36]

It is in this context of patchy progress that the AU has been trying to carve out policy space for the development of a continental governance agenda. In Addis Ababa there is awareness that a well-functioning continental framework can do a great deal to accompany demands for improved political governance at country level. Since its establishment the AU has come a long way in setting norms and standards, but the disconnect among existing instruments has thus far hampered the shared values agenda. The AGA was in this sense a timely initiative to address this issue and prompt processes of continental political integration.

Among the various hurdles that the AGA is confronted with, this paper has discussed two of the most pressing short-term challenges. Were these challenges to be tackled in due time, Africa would arguably enjoy aligned continental security and governance frameworks, and the AGA could benefit from a systematic monitoring of adherence to Africa's shared values instruments through the APRM. The choice of these issues is admittedly arbitrary and not exhaustive, as the emerging framework might stumble into other obstacles that deserve future attention.

- There is a risk of a leadership vacuum in supporting future governance initiatives at the continental and regional level. Nigeria's Obasanjo and South Africa's Mbeki have long left office and the death of Ethiopian Prime Minister Meles Zenawi (August 2012) has deprived the APRM of one of its greatest supporters. As political guidance

from African leaders is a fundamental driver of political integration, Africa needs new leaders to champion governance promotion. This would also be instrumental in the empowerment of supranational bodies, since the ability of continental and regional organisations to promote democracy and governance is ultimately a function of the level of support of individual member states for such policies.[37]

• At the AU level, the level of ambition of the new AUC will also be an important variable. Early statements from the Commissioner for Political Affairs[38] and the AUC Chairperson[39] have shown support for the shared values agenda, but it remains to be seen whether this initial commitment will translate into concrete action to boost the AGA. Also, the recent turmoil in North Africa has raised the issue of how to deal with upheavals against established autocracies: are these to be addressed as UCGs even though they reflect a broad popular demand for change? The AU was caught unprepared by the events in North Africa and opted for defending the status quo at the early stage of the Arab upheavals. Will it do so if similar situations occur elsewhere in the future?

In times of steady economic performance, improvements in African political governance are vital in ensuring that the benefits of the present growth accrue to African people. The establishment of the AGA, the ratification of the Charter and the launch of the AGP have given a renewed boost to the AU's shared values agenda. The tools to match this long-term vision are there, but if the challenges discussed are neglected there is a concrete risk that the AGA will slowly inch towards irrelevance.

ENDNOTES

1   See Department of Political Affairs, African Union Commission, http://www.africansharedvalues. org/en/content/page/share-our-values.

2   Oxfam, *African Union Compendium*. Addis Ababa: Modern Centre for Business Services, 2012.

3   Gruzd S, 'African Governance Architecture: Reflections on the African Peer Review Mechanism', Policy Brief 54. Johannesburg: Centre for Policy Studies, 2011.

4   AU (African Union), Constitutive Act, 2000.

5   Sarkin J, 'The role of the United Nations, the African Union and Africa's Sub-Regional Organizations in dealing with Africa's human rights problems: Connecting humanitarian intervention and the responsibility to protect', *Journal of African Law*, 53, 1, 2009, pp. 1–33.

6   As per the 'Statutes of the African Union Commission', http://www.au2002.gov.za/docs/ summit_council/statutes.pdf, accessed 10 December 2012.

7   AU, *The African Governance Architecture*. African Union: Addis Ababa, 2010, p. 7.

8   AUC (African Union Commission), *AUC Strategic Plan 2009–2012*. African Union: Addis Ababa, 2009.

9   Decision by the AU Assembly/AU/Dec.304 (XV).

10 AU, Framework of the African Governance Architecture. African Union: Addis Ababa, 2011, p. 2.

11 The ones recognised by the AU, namely the Intergovernmental Authority on Development (IGAD), East Africa Community (EAC), Southern African Development Community (SADC),

Community of Sahel-Saharan States (CEN-SAD), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), Common Market for East and Southern Africa (COMESA), and the Arab Maghreb Union (AMU).

12 A federation of African civil society organisations.

13 Discussions are underway to change the status of the AGP from an informal to a formal body. This would allow it to directly inform decision-making bodies of the AU such as the Peace and Security Council. See: AU, 'The African Union Peace and Security Council and the Department of Political Affairs consultations on ensuring greater synergy between the African Governance Architecture and the African Peace and Security Architecture', press release, September 2012, http://www.peaceau.org/uploads/psc-and-dpa-banjul-retreat-press-release-sept-2012.pdf.

14 Most notably, the AGP comprises non-ECOSOCC civil society organisations and the UNECA.

15 AU, Consultative Meeting on the Action Plan of the African Governance Platform and the Strategic Orientation of the Implementation of the African Charter on Democracy, Elections and Governance, African Union: Addis Ababa, 2012.

16 This followed the ratification of the Charter by the requested minimum of 15 member states, therefore making the Charter a legally binding instrument applicable to members of the AU.

17 Including, but not limited to the African Charter on Human and People's Rights (1981), the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2002), the solemn Declaration on Gender Equality in Africa (2004), and the AU Constitutive Act (2000).

18 For African perspectives, see 'Opening statement by HE Mrs Julia Dolly Joiner, Commissioner for Political Affairs, on the occasion of the retreat between the PSC and the DPA on ensuring greater synergy between the African Governance Architecture and the African Peace and Security Architecture as part of the year of shared values', Banjul, the Gambia, 8 September 2012. For international donor perspectives, see Barroso JM, 'A common future for EU-Africa: Towards a dynamic partnership', *ECDPM Great Insights*, 2, 5, September 2013.

19 For example, Burundi (2003), Comoros (2006) and Darfur (2006).

20 Brosig M, 'Ten Years On and Still Under Construction: African Peace and Security Architecture', http://www.e-ir.info/2012/09/19/ten-years-on-and-still-under-construction-the-african-peace-and-security-architecture/, accessed 3 November 2013.

21 Lotze W, Ng J & A Stensland, 'An Early Spring? Regional responses to crisis in Côte d'Ivoire and authoritarianism in Myanmar', paper presented at the UNU-CRIS/UNECA conference After the Arab Spring: Rethinking the Role of Regional Organisations in supporting Democratic Governance, Brussels, 22–23 November 2012 (forthcoming).

22 Claessens P, 'The missing link: African Governance and Peace and Security architectures', ECDPM Talking Points Blog, 11 April 2013, http://www.ecdpm-talkingpoints.org/the-missing-link-african-governance-and-peace-architectures/, accessed 20 October 2013.

23 *Ibid.*

24 Habibu Yaya B, 'Reviewing the role of ECOWAS in the promotion of democratic governance in West Africa: An institutional approach', paper presented at the UNU-CRIS/UNECA conference After the Arab Spring: Rethinking the Role of Regional Organisations in supporting Democratic Governance, Brussels, 22–23 November 2012 (forthcoming).

25 NEPAD, Declaration on Democracy, Political, Economic and Corporate Governance. Midrand: NEPAD Secretariat, 2002.

26 AU, Press Release 12, 16th AU Summit, January 2011.

27 *Country Review Report of the Republic of Ghana*. Midrand: APRM Secretariat. June 2005, pp. 16–17.

28 *Country Review Report of the Republic of Rwanda*. Midrand: APRM Secretariat. June 2006, p. 12.

29 *Country Review Report of the Republic of Kenya*. Midrand: APRM Secretariat, May 2006, p. 61.

30 *Country Review Report of the People's Democratic Republic of Algeria*. Midrand: APRM Secretariat, September 2007, p. 57, 7.

31 *Country Review Report of the Republic of Benin*. Midrand: APRM Secretariat, January 2008, pp. 65–66.

32 *Country Review Report of the Republic of Uganda*. Midrand: APRM Secretariat, January 2009, pp. xxxviii, xlvii, l.

33 *Country Review Report of the Republic of Mozambique*. Midrand: APRM Secretariat, July 2010, pp. 30–31.

34 *Country Review Report of the Kingdom of Lesotho*. Midrand: APRM Secretariat, September 2010, pp. 49, 51.

35 Carbone G, 'Leadership Turnover in Sub-Saharan Africa: From Violence and Coups to Peaceful Elections?' ISPI – Istituto per gli Studi di Politica Internazionale, Analysis 192, 2013.

36 Data retrieved from Foreign Policy, 'Failed States Index 2012', http://www.foreignpolicy.com/failed_states_index_2012_interactive, accessed 15 December 2012.

37 McMahon E, 'Regional organisations and the promotion of democratic governance: The value of collective action', paper presented at the UNU-CRIS/UNECA conference After the Arab Spring: Rethinking the Role of Regional Organisations in supporting Democratic Governance, Brussels, 22–23 November 2012 (forthcoming).

38 See speech by Aisha Abdullahi at the AU retreat between the ACHPR and the PRC of the AU, 28–30 October 2012, Arusha, http://auc.au.int/~au/en/dp/pa/sites/default/files/COMMISSIONER%20AISHA%20ABDULLAHI-ARUSHA%20SPEECH.pdf, accessed 10 December 2012.

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