Consolidating the African Governance Architecture

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RECOMMENDATIONS

• Enhance ownership and participation of the AGA processes and initiatives by Member States, AU organs and institutions, RECs, civil society, African citizens and stakeholders through advocacy, communication and sharing of information, capacity strengthening and knowledge management.

• Avoid the current compartmentalised approach, and facilitate regular dialogue and cohesive consultation among AGA Platform members and stakeholders to ensure efficiency and effectiveness, avoid duplication, and to maximise impact.

• Cultivate a common understanding of what the AGA is and that it is an African people-centred process, and thus mobilise African youth and women to contribute, influence and be involved.

• Use empirical data and continual analysis and evaluation of, and feedback on, the democratic governance environment at the AU and Member State level to drive the AGA's strategic interventions.

• Strengthen the human, financial and technical capacity of the AGA Secretariat for effective co-ordination, communication, research, dissemination, engagement, and monitoring and evaluation of the impact of the AGA.

EXECUTIVE SUMMARY

Collaboration and co-ordination among African Union (AU) and Regional Economic Community (REC) organs and institutions with the mandate to strengthen governance, human rights and democracy have been ad hoc and unpredictable. The results have been inefficiency, ineffectiveness, and duplication of efforts and resources.

Although significant progress has been made in articulating and establishing common frameworks, challenges remain. The level of compliance and implementation of African shared values as elaborated by AU and RECs norms and standards is of particular concern. Engagement and participation of African citizens in continental and national initiatives to strengthen and consolidate democracy are equally wanting. The establishment of the African Governance Architecture (AGA) and African Governance Platform is aimed at addressing this deficiency. Working closely with the African Peer Review Mechanism (APRM) will enhance governance improvements on the continent.

INTRODUCTION[2]

The AU is currently producing a long-term development strategy dubbed 'Agenda 2063'. The draft framework identifies democratic deficit and weak governance as root causes of conflict and impediments to sustainable development. Agenda 2063 aims to:[3]

[engender] equitable and people-centred growth and development; eradicate poverty; develop human capital; build social assets, infrastructure and public goods; empower women and youth; promote lasting peace and security; strengthen and develop effective, strong democratic developmental states; [and enhance] participatory and accountable governance institutions to fulfil the African Dream.

Central to Agenda 2063 is the AU's normative and institutional framework. Enhancing democracy, popular participation, good governance, and protecting and promoting human and peoples' rights are core objectives of the AU.[4] However, despite progressive norms and policy pronouncements by the AU and RECs, compliance and effective implementation by Member States are fraught with significant challenges. Lack of coherence, co-ordination and synergy among AU organs and RECs is a major constraint. Therefore, in 2011 the AU called for the establishment of an AGA and African Governance Platform as a framework for dialogue and co-ordination among stakeholders.[5]

THE AGA: MANDATE AND OBJECTIVES

Inspired by the AU Constitutive Act of 2002, and the Declaration by the AU Assembly on Shared Values in 2011, the AGA is conceived as the overarching framework for promoting and sustaining democracy, governance and human rights in Africa. It is the overall political and institutional co-ordinating framework that embodies the aspirations of African peoples, and their determination to improve their lives with dignity by consolidating democratic values and principles.

The AGA complements the African Peace and Security Architecture (APSA), which addresses the AU's peace and security agenda. The AGA and APSA acknowledge that democratic governance, peace and security are interrelated and mutually reinforcing imperatives. 'Without democracy, there may not be sustainable peace. Without peace, democracy is rooted on a weak foundation.'[6] The AGA Platform, which is discussed further below, provides a bridge for co-ordination, joint programming and interventions by the two architectures in situations that require a consolidated response from the AU and RECs.

The principal goals of the AGA are to connect, empower and build the capacities of AU organs, RECs and stakeholders, including civil society, in order to enhance good governance and democracy in Africa. Its specific objectives seek, among other things, to deepen synergy, co-ordination and co-operation among AU organs, institutions and RECs on these goals; foster effective implementation of AU organs decisions and norms, and deepen popular participation and citizen engagement in the attainment of democracy, governance and respect for human and peoples' rights; promote African shared values; enhance the capacity of AU stakeholders to support Member States to strengthen governance and consolidate democracy; and co-ordinate evaluation and reporting on implementation and compliance with AU norms as envisaged by articles 44, 45 and 49 of the African Charter on Democracy, Elections and Governance (ACDEG). It also seeks to foster dialogue and share comparable lessons on trends, challenges, opportunities and prospects for improving governance and democracy among Member States; generate, manage and disseminate knowledge on good governance and democracy in Africa; and facilitate joint engagement in strategic interventions: preventive diplomacy, conflict prevention and post-conflict, reconstruction and development in Africa.[7]

STRUCTURE

The AGA structure is based on three interrelated, mutually reinforcing and dynamic components: (1) AU shared values (norms and standards); (2) AU and RECs treaty-monitoring institutions (the AGA Platform); and (3) mechanisms and processes of interaction.

NORMS AND STANDARDS

The AGA takes at least 24 different norms and standards into account, including the AU Constitutive Act; the ACDEG; the African Charter on Human and Peoples' Rights; the AU Convention on Preventing and Combating Corruption; the African Youth Charter; and the Algiers and Lomé Declarations on Unconstitutional Changes of Government. They also cover issues such as refugees, public service and administration, gender equality, and post-conflict reconstruction and development.

INSTITUTIONAL FRAMEWORK: THE AGA PLATFORM

The institutional framework of the AGA comprises all treaty-monitoring bodies of the AGA norms and standards. The bodies include the AU and RECs organs and institutions with a formal mandate to promote and sustain democracy, governance and human rights in Africa. The AGA Platform's main goal is to harness, co-ordinate and deploy comparative advantages of these institutions to achieve the AU vision of 'an integrated,

prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena'.[8]

The AGA Platform 'does not assume or duplicate the functions established by other policy organs. Rather, it provides a framework for coherence, synergy, co-ordination, interaction, active engagement, synthesis, share of practice and convergence.'[9]

The platform is organised in two main concentric circles. The first includes representatives of the following AU organs, institutions and RECs: the AU Peace and Security Council; the AU Commission (AUC); African Court and Commission on Human and People's Rights; Pan-African Parliament; APRM; Economic, Social and Cultural Council; AU Advisory Board on Corruption; African Committee on the Rights and Welfare of the Child; AU Commission on International Law; and the New Partnership for Africa's Development Planning and Co-ordination Agency. The second circle draws on continental stakeholders in the private sector, partners, civil society and the diaspora.

The AGA Platform is organised along five thematic clusters: (1) democracy, (2) human rights (including transitional justice), (3) governance, (4) constitutionalism and the rule of law, and (5) humanitarian affairs. Each is obliged to mainstream the cross-cutting issues of knowledge and data generation and management, gender equality and empowerment, youth empowerment, and citizen participation.

As an evolving mechanism, the AGA invites and would benefit from critical feedback from all stakeholders, especially Member States, African citizens, members of civil society, think tanks and academia.

MECHANISMS AND PROCESSES OF INTERACTION

The AGA Platform performs the following specific functions: co-ordinates a systematic exchange of information on democracy, governance, elections, human rights and humanitarian assistance across the continent; creates a framework for dialogue and cross-fertilisation of ideas and comparable lessons and experiences among the AGA Platform members; facilitates and supports the elaboration of African shared values and strengthens the capacity of the AU organs and institutions to monitor and assess compliance with, democracy, elections, governance, human rights and humanitarian assistance across the continent and within the AU system, and supports the effective implementation of these standards by AU Member States; initiates action and makes recommendations and proposals to policy organs for the progressive development and refinement of the African democracy, human rights and governance agenda; and it promotes common understanding and coherence on governance matters in the international fora and dialogue processes with partners.[10]

THE AGA SECRETARIAT

The Department of Political Affairs of the AUC serves as the hub of the AGA Secretariat, which includes designated focal persons from each platform member. In that capacity, the Secretariat is responsible for collating and processing the platform outcomes for presentation to, and consideration by, AU policy organs. The platform co-operates with, and draws appropriate input from, other African role-players and stakeholders within the two concentric circles elaborated earlier.

RELATIONSHIP WITH THE APRM

To fulfil its aim of greater coherence and co-ordination of governance efforts, the AGA seeks to avoid duplication. One platform mandate is to facilitate assessment, monitoring and evaluation of compliance with, and implementation of, AU norms on governance and democracy and, in particular, review of state reports as envisaged by the ACDEG. The AGA also has the mandate to harmonise procedures, benchmarks and tools for review of the ACDEG state reports.

This mandate is closely related to that exercised by the APRM. The major difference is that its platform members execute their functions on legally binding instruments, while the APRM is non-binding and voluntary. Indeed, the reporting structure and processes of the AGA Platform members are directly linked to AU policymaking processes, while at present the APRM remains dependent on its voluntary reporting processes.

Granted, there is significant synergy between the AGA and the APRM. The APRM is a crucial AGA Platform member and an active participant in its operationalisation processes. It is therefore imperative for both bodies to enhance greater co-operation and

co-ordination. Indeed, while the APRM has made great strides in developing democracy and governance assessments tools, methodologies and indicators, the AGA Platform is just starting that process and it should learn from APRM experiences rather than reinvent the wheel. Likewise, the APRM is equally bound to gain from the unique opportunity of close collaboration with AU and RECs organs to ensure that its recommendations are implemented at national level.

AGA STATUS

The process of operationalising the AGA has gained momentum with the establishment of a Secretariat in the Department of Political Affairs. Important milestones include the launch of the AGA Platform in Lusaka in 2012; the development of base and background documents including state reporting guidelines on the basis of article 44, 45 and 49 of the ACDEG; and convening of technical meetings of the AGA Platform. However, the Secretariat faces the challenge of inadequate human and financial resources.

One of the crucial functions of the AGA Platform from 2014 will be evaluating compliance and implementation of the ACDEG by Member States on the basis of article 45(c). Members of the AGA Platform will function as the review mechanism for the State Reports as envisaged in article 49 of the ACDEG. Of equal importance is the AGA Platform's role in facilitating a space for frank, open and inclusive dialogue on how to improve governance, consolidate democracy and foster effective realisation of human rights. The Platform convenes annual high-level dialogues that examine current trends, challenges, opportunities and prospects for improving democratic governance in Africa.[11]

CONCLUSION

The AGA and AGA Platform are in prime positions to play a pivotal role in improving governance, democracy and respect for human and peoples' rights in Africa. Much will depend on how they will deepen co-ordination, synergy, coherence and co-operation among the various institutions with a governance and democracy mandate, and how they will enhance greater citizen engagement and participation.

Assessment of progress made and support for Member States to comply with and implement AU and RECs' shared values instruments will determine the AGA's success. That will undoubtedly include how well it co-operates and co-ordinates with the APRM, which has made significant progress with reviewing and assessing governance and democracy challenges of participating members. The AGA has the potential to expand the scope and reach of such reviews, given the binding nature of treaty commitment of members and the link to AU decision-making processes.

ENDNOTES

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2 This policy brief is mainly based on background documents on the evolving AGA. The author thanks colleagues at the Department of Political Affairs, AU Commission for critical feedback and comments. Views, errors and omissions are solely those of the author.

3 Agenda 2063, 'A Shared Strategic Framework for Inclusive Growth and Sustainable Development, African Union Commission, December 2013', Addis Ababa: AU Commission, p. 10, http://au.int/en/sites/default/files/Agenda2063_IED.pdf, accessed 16 June 2014.

4 AU (African Union), 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, entered into force in 2001, Article 3(g), (h).

5 See AU, Assembly/AU/ Decl.1 (XVI) 'Declaration on the Theme of the Summit: "Towards Greater Unity and Integration Through Shared Values"', 30–31 January 2011. Addis Ababa: AU.

6 African Governance Architecture and Platform background documents, 2013, in file with the author.

7 *Ibid.*

8 See AU Vision at http://www.au.int.

9 AGA background documents, *op. cit.*

10 *Ibid.*

11 See http://www.dgtrends.org, accessed 10 May 2014.