

Good Governance in Africa: Progress Achieved and Challenges Ahead

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Africa is a continent on the margins of world politics. This is even more the case today, with world public opinion and policy makers more tuned into developments in the Middle East and elsewhere. Over the last few years, donors' aid to the continent has declined markedly, due to the international economic crisis. Still, the continent's struggle to address its developmental challenges continues tirelessly. Since its establishment in 2002, the African Union (AU) has spearheaded common African efforts to this effect. Indeed, the real conundrum in Africa is not lack of resources, but rather lack of good governance. Africa is rich in natural resources, but cannot exploit them adequately and properly, in spite of recent achievements. This is first and foremost due to governance problems such as weak institutions, absence of rule of law and rampant corruption. This short essay will attempt to draw a map of the progress the continent has so far achieved in its quest for good political governance, before shedding light on current barriers and challenges ahead.

Africa's Long Road towards Good Governance

This year, 2012, is the year of shared values in Africa, as foreseen by the AU summit in January 2011 in Addis Ababa. Notably, the strategic plan of the AU Commission for the years 2009-2012 has a separate program on

shared values. According to AU official documents, shared values include human rights, democracy, good governance, rule of law, cultural values and endogenous knowledge. The AU seeks to promote these values at national, regional and continental levels, as means to further integration and unity. The emphasis on shared values in 2012 symbolizes Africa's long road towards good governance and the strategic priority it consecrates to political reform.

Today, there is a large governance infrastructure in the continent, covering political, strategic, legal and institutional aspects. In the political field, Africa often shows an unwavering commitment to good governance. This is clearly reflected in the volume of relevant AU summit and ministerial decisions, spontaneous statements on developments in member states, fact-finding missions, mediation efforts and meetings, workshops and training courses. In this regard, there is usually coordination, division of labor and burden sharing between the AU and African regional economic communities (RECs). The AU and RECs usually also coordinate efforts with international partners, including the United Nations and its Security Council. In essence, Africa believes that a failed election could be a lot more expensive than a successful one and that there cannot be sustainable development without peace and security,



which in turn require good governance. At the same time, it believes that peace and security are causally and effectively related to good governance.

A particularly revealing development is election observation and monitoring. This has become an outstanding area of excellence in the AU. An annual list is published on the Internet website of the AU Commission with observation missions to be deployed through the year, which usually generates media excitement. In general, AU observation missions are welcomed throughout the continent, including in countries known for rejecting foreign observers. Drawing on years of experience, AU observation reports have become internationally recognized as reliable. A special unit, Democracy and Electoral Assistance Unit, is entrusted with this task inside the AU Commission. It works in tandem with international partners, including outstanding cooperation with the European Union (EU), with the latter providing funding to a special AU fund through its Democracy Facility established in 2006. The special unit has developed guidelines for election observation and monitoring missions. It provides training at regional and national levels, in cooperation with such partners as the International Institute of Democracy and Electoral Assistance (IDEA). There are also efforts underway to establish a database of election management bodies (EMBs) in the continent, publish a reference book on these EMBs, develop an electoral early warning and risk management mechanism and organize post-election audit workshops on a sub-regional basis.¹

To further advance the cause of good governance, the AU adopted the Human Rights Strategy for Africa (HRSA) in

April 2011. Though poorly drafted, the strategy provides a comprehensive approach for the enhancement and protection of democracy, good governance and human rights in the continent. In addition, it attempts to harness and coordinate all efforts in these areas. It also gave birth to the African Governance Architecture (AGA), as a political, legal and institutional framework of governance in the

continent. The executive arm of the AGA, the African Governance Platform (AGP), is a network of relevant stakeholders, including the AU Commission, the Pan-African Parliament, the AU Economic, Social and Cultural Council, other AU organs, RECs, member states, NGOs and development partners, with a central hub at the AU Commission. The AGP is entrusted with the task of monitoring, evaluation and reporting to AU policy organs on the implementation of the HRSA. The HRSA also includes an action plan for the years 2012-2016, and there are efforts underway to break this plan down to annual implementation roadmaps by the AU Commission and RECs.

The legal framework of good governance is largely in place and it is in some respects a much-coveted one. In particular, the AU Constitutive Act is the only binding international instrument that authorizes intervention in member states in cases of war crimes, genocide and

crimes against humanity. Otherwise, there is the African Charter on Human and Peoples' Rights, in force since 1986. This is a rich instrument in what relates to the rights of peoples and groups and their duties towards the society. It mandated the establishment of the African Commission on Human and Peoples' Rights (ACHPR), seated in Banjul, Gambia, which reports to the AU Assembly of Heads of State and Government (hereinafter the Assembly). The ACHPR receives communications from states, NGOs and individuals, which makes it a unique international mechanism. If a complaint by an NGO or an individual satisfies the criteria of admissibility,

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¹ AU Commissioner for Political Affairs, "Opening Statement of the 2nd AU Continental Election Management Bodies Meeting" (Lusaka, 11 June 2012).



the ACHPR immediately brings it to the knowledge of the state party concerned. And if it finds that a complaint reveals a pattern of massive violations of human and peoples' rights, it draws the attention of the AU Assembly to the case, which may enjoin a detailed investigation. With the exception of its annual report of activities, ACHPR's reports are confidential and can only be made public by decision of the Assembly, which is rarely the case. And, on their way up to the Assembly, there could be political compromises on some reports. Nonetheless, these reports still make a significant tool of pressure on member states.

There is also the Charter on Democracy, Elections and Governance, adopted in 2007 and in force since February 2012. This instrument basically targets unconstitutional changes of regimes. Given their record vulnerability to *coups d'état*, Africans developed this instrument to address their root causes. It is an ambitious legal instrument, with strong commitments to good governance in its political, economic, social and cultural dimensions. In particular, the charter refers to "total rejection of unconstitutional changes of government" and sets the floor for the AU Peace and Security Council to impose sanctions in such cases, including suspending concerned member states and referring perpetrators to an envisaged AU Court of Justice. In addition, the AU Assembly could impose sanctions on any other involved member state. The charter also requests the AU Commission to develop benchmarks of implementation and a mechanism of evaluation of compliance by states party. Moreover, it obliges members to submit biennial reports on implementation and to welcome AU monitoring of national elections.

There are several other important legal instruments in this area. Notably, there is the AU Convention on Preventing and Combating Corruption, adopted in 2003 and in force since 2006. This convention led to the establishment of the so-called AU Advisory Board on Corruption (AUABC) to coordinate anti-corruption efforts. In addition, there is the African Charter on Values and Principles of Public Service Administration, adopted in January 2011 and yet to enter in force. There is also a remarkable convention inherited from the predecessor Organization of African Unity on the elimination of mercenarism, adopted in 1977 and in force since 1999. The above instruments form integral parts of a vast legal infrastructure on good governance, including instruments on universal human rights, rights of children, women, youth, refugees and internally displaced persons. Notably, the 2010 AU Convention on the Protection and Assistance of Internally Displaced Persons is the only such legally binding instrument of its kind in the world today.

On the institutional front, in addition to the above-mentioned ACHPR, AGP and AUABC, there are two other noteworthy components: the New Partnership for Africa's Development (NEPAD), with its African Peer

Review Mechanism (APRM), and the African Court on Human and Peoples' Rights (AfCHPR). Established in 2003, the APRM is yet another unique feature in African politics. It peer reviews member states in the areas of democracy and political governance, economic governance, corporate governance and socio-economic development. Submission to reviews is voluntary and involves no conditionality. As of January 2011, there were 30 member states, 14 of them already reviewed. Along the lines of the NEPAD, the governing structure of the APRM includes summit-level meetings, in the APR Forum, which highlights the importance African heads of state attach to good governance. As for the AfCHPR, it satisfies an important judicial necessity in the area of human rights. Established in 2006 and currently seated in Arusha, Tanzania, the court has jurisdiction over cases submitted by the ACHPR and states party to the court's founding protocol. It also hears complaints from NGOs and citizens of states party that have made declarations accepting its jurisdiction. A merger is envisaged between this court and a future African Court of Justice (ACJ), according to a protocol yet to enter in force. If and when this merger occurs, the resulting court will also serve as an administrative court for the staff of AU organs.

Clearly, the above analysis reflects a strong political will and a developing infrastructure of good governance in Africa. This infrastructure is indeed making a tangible difference in the continent, especially in the sub-Saharan region. This is partially why sub-Saharan Africa has so far shown immunity to the so-called 'Arab Spring'. A case in point is the last presidential elections in Senegal in February 2012. These elections were touted as a harbinger of democratic relapse and chaos in Senegal. Shortly before the elections, the then-incumbent President Abdoulaye Wade managed a constitutional ruling awarding him the opportunity to run for a third term despite public protest. It was also thought that the elections would be rigged in Wade's favor and that he would not hand over power to his adversary Macky Sall. But these pessimistic predictions proved false and Senegal turned out as a good case of how public will can prevail. Furthermore, the elections were widely recognized to be orderly, fair and transparent. The episode of Senegalese presidential elections is only an indication of a huge leap of good governance in Africa. There are many other examples, including recent elections in Libya, Egypt, Lesotho, Gambia, Gabon, the Democratic Republic of the Congo and Tunisia. On the economic front, improved governance, underpinned by widespread democratization, is acting as a driving force behind better economic growth rates, with many African countries showing growth of 5% or more since the year 2000.²

2 Jeffrey Herbst and Greg Mills, "Africa's Third Liberation" (New York Times, 29 July 2012).



However, there continue to be reasons for concern. Presidential elections in Guinea-Bissau in March 2012 are a vivid example. After a heated first round, one of the two main contenders, Kumba Ialá, called for a boycott of the runoff. Shortly afterwards, military elements staged a *coup d'état* and they still hold on to power. Guinea-Bissau is a particularly troubling case, because of chronic security sector problems and notorious drug trafficking and crime networks. Hence, the country has remained mired in a vicious circle of military coups over the last few years. Recently, the UN Security Council imposed targeted sanctions against leaders of the military regime. However, regional and international stakeholders disagree about the way forward, which does not help resolve the conflict. The presidential elections in Côte d'Ivoire in 2010 and the *coup d'état* in Mali in March 2012 ahead of presidential elections scheduled there are also examples of democratic breakdown. Additionally, the forthcoming elections in Angola in August 2012 are worth special attention, given recent protests against the regime of President José Eduardo dos Santos.

Problems and Challenges Ahead

Democracy requires more than free elections. Beyond elections, the quest for democracy and good governance in Africa often snags on structural problems, including state fragility, institutional weakness, tribalism and ethnic discrimination, vested interests, crime networks, corruption and lack of democratic culture. These are all demanding problems that need concerted action. The AU is in the vanguard on these efforts, with its sophisticated kit of political, strategic, legal and institutional tools. Yet, African efforts in this domain face another set of daunting challenges. First, peace and security are essential requirements for sustainable democracy and good governance. However, endemic security problems in the continent plague democratization efforts with insurmountable hurdles

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and hobble established democratic systems. They also tend to haunt countries in post-conflict situations, often perpetuating violence and sabotaging nascent democracies. In this regard, many African countries need to enact long-overdue security sector reforms, build professional defense institutions and subject military and security forces to the full control of civil authority. Education and media also play important roles in forging civic attitudes, raising awareness and combating militarism. Last but not least, the capacities

of intervention in accordance with the AU Constitutive Act, beside those of peacemaking, peacekeeping and peacebuilding should be enhanced at continental and regional levels in cooperation with the UN and other development partners.

Second, Africa lacks financial and qualified human resources to enhance good governance. This leaves the AU and African countries dependent on foreign assistance, which comes at a price. In parallel, foreign conditionality creates a sense of apprehension from aid recipients, especially when it comes to governance. Instead, Africa needs to grow more self-reliant and build its own financial and human capacity in this and other developmental fields. Recommendations to this end include public-private partnerships and better cooperation between

governments and intergovernmental organizations on one side, and civil society, including academic institutions, think tanks and NGOs on the other side. In an attempt to address these challenges, the AU established a high-level committee to examine alternative sources for funding its activities. The Committee is still in action, considering ideas such as special taxes in tourism, telecommunications and aviation sectors. But since its inception, proposals by the committee have faced opposition from countries with special interest in these sectors. In addition, the AU is trying to outreach to African Diaspora for more support and investment in the



continent, using its Economic and Social Council and a special unit in the AU Commission in charge of relations with the Diaspora. It has also developed a broad network of partnerships for capacity building and human-resource development.

The third challenge is more of a set of interrelated administrative weaknesses. These include proliferation of official documents on legal, institutional and policy aspects of good governance; excessive meetings at different levels with huge resource outlays; and lack of information and transparency. In addition, as the HRSA rightfully notes, continental, regional and national efforts in this domain suffer from inadequate coordination and collaboration, insufficient implementation and enforcement, limited public awareness and meager access to remedies. Instead, there should be more focus and clarity in terms of vision, plans and programs. A result-oriented approach is also in the interest of efficiency. Lack of information and transparency could be partially due to lack of means, but information is an extremely important requirement to raise awareness, create a sense of ownership and encourage stronger commitment and participation from different stakeholders. Information is also necessary to ensure the best use of resources and quell any corruptive practices. As for coordination among institutional structures at continental and regional levels, this is a particularly thorny issue. For instance, Africans

have been bickering about the integration of the NEPAD in AU structures since 2001. And relations between the AU and RECs sometimes involve competition over authority and resources. Put simply, Africa needs more cohesion and better division of work and burden sharing.

Conclusion

Africa has come a long way to good governance. Its experience in this field is even exemplary in some cases, especially in view of its widespread underdevelopment. Africa has the right to take pride in its achievements. Yet, it should strive to build on them, address structural problems and confront future challenges. In this regard, it is most decisive to win the battle for peace and security, as a must for good governance and development. It is also imperative that Africa invests more in developing its own financial and human resources in line with the principle of African ownership. In addition, efforts in this field at continental, regional and national levels should be better coordinated, focused and monitored, with emphasis on delivering concrete results and ensuring efficiency. While the continent is assuming leadership in addressing these challenges, it also needs support from development partners and international organizations, financially, politically and technically. In fact, this support is badly needed. However, it should be made more responsive to Africa's needs.

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