



AGA
African Governance Architecture



THE AFRICA GOVERNANCE REPORT

Promoting
African Union
Shared Values

**EXECUTIVE
SUMMARY
AND RECOMMENDATIONS**

2019



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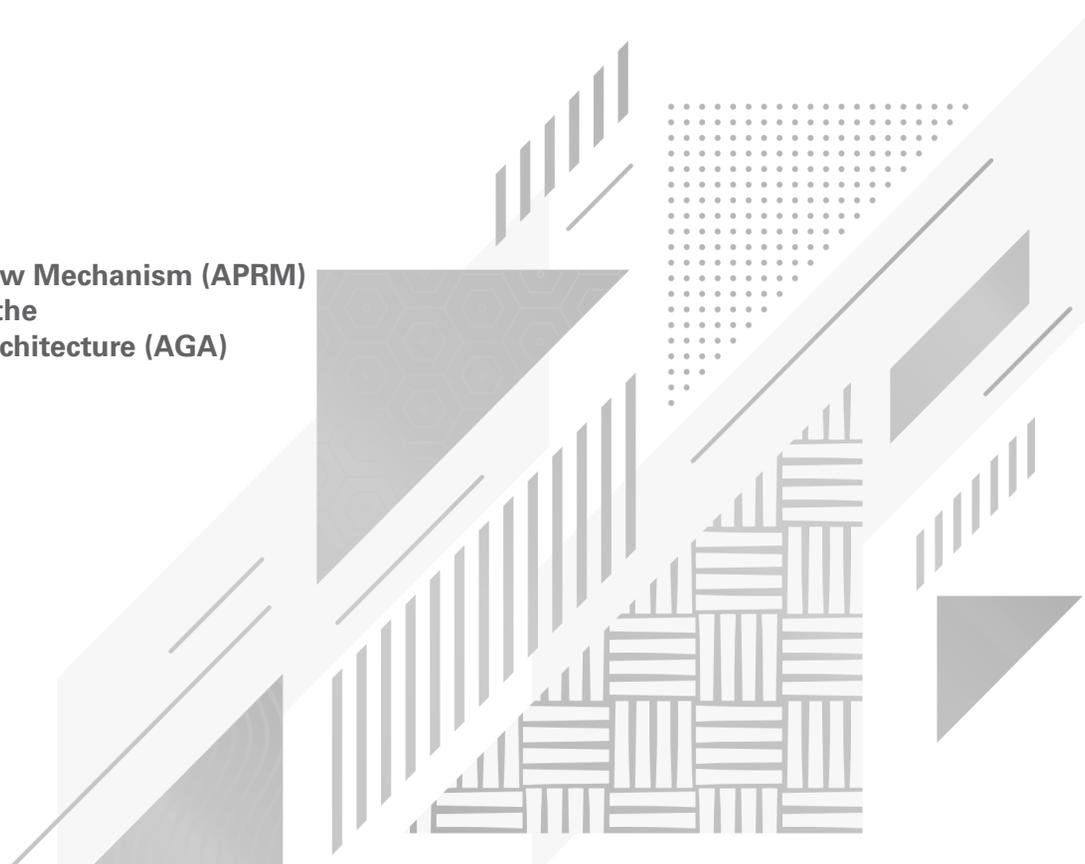
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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Prepared by
The African Peer Review Mechanism (APRM)
In Collaboration with the
African Governance Architecture (AGA)
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EXECUTIVE SUMMARY

1. During the 28th Ordinary Session of the African Union Assembly of Heads of State and Government, held on the 30-31 January 2017 in Addis Ababa, Ethiopia, Member States of the Union (hereinafter Member States) resolved in its decision Assembly/AU/Dec. 631(XXVIII) to seize the African Peer Review Mechanism (APRM) with the responsibility to “play a monitoring and evaluation role for the African Union Agenda 2063 and the United Nations Sustainable Development Goals Agenda 2030”. Subsequently, the African Governance Architecture (AGA) Platform Retreat of March 2018 agreed on a work plan and strategic framework that identified priorities for 2018. The APRM was identified as the lead institution for the preparation of the Africa Governance Report (AGR). The Assembly at its 11th Extraordinary Summit in November 2018 reaffirmed the need to strengthen the capacity of the APRM to deliver on its expanded mandate and enhance its functional autonomy, including developing a report on the state of governance in Africa in collaboration with the AGA. It also requested the APRM to present an update on the state of governance in Africa report to the 32nd Ordinary Session of the Assembly scheduled to take place in February 2019.
2. The AGR assesses the state of governance in Africa with a view to providing Member States with a comprehensive baseline to assist governments to enhance governance. Whilst there already exist assessment reports on the state of governance in Africa that are publicly available in public discourse, these reports have largely been developed by multilateral organisations and independent think-tanks across the continent and abroad. The AGR is commissioned by the Assembly of the African Union Heads of State and Government.
3. The imperative for the development of an African-generated governance report is three-fold: first, this home-grown report is consistent with previous decisions of the AU Assembly to take control of its own development agenda and accountability

mechanisms; secondly, the research methodology in this report benefits considerably from consultations with the AU Organs and Institutions, Regional Economic Communities; and unfettered access to Member State informants and state-held data; thirdly, the report is generated by Africans for Africa, which improves prospects for the implementation of its recommendations.

4. This inaugural report is meant to be a foundation for future analysis of governance trends on the continent. The report highlights shared values and how they can help galvanize governance in the continent. It establishes a basis for measurement, analysis, and projection of future trends.
5. The governance assessment focuses on five key thematic areas of priority, namely: (a) transformative leadership, (b) constitutionalism and the rule of law, (c) peace, security and governance (Silencing the Guns), (d) the nexus of development and governance, and e) the role of the regional economic communities (RECS) in African governance.
6. The structure of the report is as follows:
 - Chapter 1** is an Introduction that reflects on the concept of governance, provides a background and context, explains the purpose and methodology of the report, and introduces the relevant structures of the AU.
 - Chapter 2** outlines the African Governance Policy Framework, including the African Union Shared Values, within the context of the AU Agenda 2063.
 - Chapter 3** is about Transformative Leadership.
 - Chapter 4** discusses Constitutionalism and the Rule of Law
 - Chapter 5** deals with Peace, Security and governance.
 - Chapter 6** is on the Nexus Between Development and Governance.
 - Chapter 7** considers the role of the Regional economic communities in Governance.
 - Chapter 8** delivers a comprehensive range of Recommendations for the consideration of AU Member States.
7. Each chapter provides a comprehensive reflection and assessment of the State of Governance in Africa by focusing on the relevant instruments, notable progress in implementation, challenges and enablers of good governance, as well as best practices, and proposes recommendations for improvement.
8. The state of governance in Africa has generally improved. The strongest performance has been registered in socio-economic development, while the least gains have been recorded in democracy and political governance. Member States have also recorded satisfactory performance in the area of economic governance and management and corporate governance.



Transformative Leadership

9. Transformative leadership is critical to the realization of the African Union and Member States' objectives. African political and administrative leadership is at various levels: continental, regional, national and sub-national (such as that in civil society, business, community and social organizations). The leadership at Member State level is central because sovereignty is vested in national entities, and this leadership mediates both intra-state and international social, political, and economic relationships.
10. Transformative leadership drives progressive change and has attributes or qualities including vision, innovation, integrity, inclusivity, responsiveness and effectiveness. Additionally, such leadership should be oriented toward achieving the AU Agenda 2063 aspirations and global UN 2030 (SDG) objectives.
11. African transformative leadership has made significant progress towards consolidating the practice of democracy and formulating National Visions. In addition, the African public appreciates democratic principles and practices, as manifested in their active participation in civil society and through the electoral processes.
12. The following are proposed recommendations for enhancing transformative leadership: Member States should: (a) continue to align their National Visions with the AU Agenda 2063 and UN SDGs, their National Development Plans, and in some cases, their National Action Plans (from the APRM self-assessment process); (b) end all forms of discrimination and exclusion; (c) promote democratic principles and institutions, popular participation and good governance; and (d) promote and protect human and peoples' rights.



Constitutionalism and The Rule of Law

13. Constitutionalism and the rule of law refer to recognition of the supremacy of the law, whereby the law is the basis for political decision-making and administrative action. In concrete terms, it entails: (a) respect for law; respect for the rights of human beings; (b) the separation of governmental powers; (c) public participation in governance; (d) accountability of the three arms of government to the public; (e) independence of the legislature and the judiciary; (f) accountability and effectiveness of the bureaucracy; and (g) access to justice.
14. There are signs of progress in African constitutionalism and the rule of law, including:
 - a. Encouragement of democratization.
 - b. Generally, respect for presidential term limits.
 - c. Respecting human rights.
 - d. Introduction of institutional checks and balances, including systems of judicial review.
15. However, some constraints and challenges still require action, such as (a) the Member States establishing strengthening mechanisms to monitor and evaluate the effectiveness of integrity and anticorruption programmes and strategies; (b) incorporating local and customary practices in their formal criminal justice systems; and (c) the Member States consistently submitting the periodic reports required by the instruments they have committed to.



Peace, Security and Governance

16. There are various instruments for ensuring good peace, security and good governance. At the continental level, the AU has committed to implementing decisions and actions that would lead to peace, security and good governance, to “Silencing the Guns” by 2020. There have been several efforts by the AU, RECs, and Member States to prevent and mediate conflict and establish stability.
17. Although the number of large-scale inter-state wars has declined, instances of intra-state conflicts, violence, unrest, and terrorism appear to have increased in the last two decades.
18. Various recommendations are proposed to promote peace, security and governance. The Member States should: (a) sign, ratify and domesticate all the crucial instruments; (b) improve harmonization of functions between the AU and RECs; and (c) fast-track the rapid deployment capability of the Africa Standby Force.



Nexus of Development and Governance

19. The AU Agenda 2063 is closely related to the 2030 Agenda for Sustainable Development (UN SDGs). Many Member States formulate national development plans that aim to translate National Visions into programmes and projects for ensuring national development and social and human progress. However, the implementation of the plans faces several obstacles and challenges, including that they are not adequately aligned with the AU Agenda 2063 aspirations and objectives of the UN SDGs.

20. These are the proposed action items by Member States: (a) ensure alignment of their National Development Plans, their National Visions, and in some cases, their National action Plans (cf. APRM Country Review report) with the AU Agenda 2063 and UN SDGs; (b) make plans and programmes that aim at inclusive human development; and (c) formulate realistic plans that ensure prudent and sustainable utilization of scarce natural resources.



Role of the RECs in African Governance

21. The Regional Economic Communities (RECs) are voluntary associates that have functions relating to continental unity, development, economic cooperation and integration, and promotion of democracy and peace and security. Additionally, the AU works with Regional Mechanisms (RMs) that aim to enhance continental efforts at realising shared values.

22. Although regarded as the building blocks for continental unity and development, there is a need to further work on the harmonization and coordination of the functions and responsibilities of the RECs with the AU.

23. The proposed recommendations are: (a) to enhance collaboration between the AU and RECs, in line with the decisions of the African Union Assembly, in particular the Eleventh Extraordinary Session of November 2018, and (b) to ensure that all the RECs align development plans with the AU Agenda 2063 and UN SDGs.

SUMMARY OF RECOMMENDATIONS

NOTE: The recommendations are not meant to be prescriptive, but to form a basis for discussions regarding the most crucial issues for reform to enhance governance at continental, regional, and Member State levels.



Transformative Leadership

The Member states should endeavour to:

1. Align their National Visions with the AU Agenda 2063 and the UN SDGs. Specifically:
 - a. The AU Agenda 2063 Aspiration 1 (A Prosperous Africa, based on inclusive growth and sustainable development) and Aspiration 6 (An Africa whose development is people driven, relying on the potential offered by people, especially its women and youth, and caring for children).
 - b. The UN SDG 5 (Gender equality), 6 (clean water and sanitation), 7 (affordable and clean energy); UN SDGs 11-15 (sustainable cities and communities; responsible consumption and production; climate action; life below water; life on land).
2. End all forms of discrimination and exclusion.
3. Promote democratic principles and institutions, popular participation and good governance.
4. Promote and protect human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant human rights instruments.
5. Establish regular National Governance reviews to assess the performance of governance.



Constitutionalism and The Rule of Law

Respect for the Rule of Law

6. The Member States are encouraged to ratify all the shared values and instruments, and comply with the decisions of the legal organs.
7. The Member States are encouraged to establish mechanisms both on the national and continental level to assess and evaluate the effectiveness of anticorruption programmes and strategies.

Promotion and Protection of Human Rights

8. The Member States are invited to submit periodic reports relevant to the African Charter on Human and Peoples' Rights.
9. The Member States are encouraged to comply with the decisions of the African Commission on Human and Peoples' Rights and the African Court on Human and Peoples' Rights.
10. The Member States are encouraged to establish NHRIs.

Public Participation In Governance

11. The Member States are invited to ratify the African Charter on Values and Principles of Public Service and Administration.
12. The Member States are encouraged to adopt inclusive electoral systems, including proportional representation
13. The Member States are encouraged to ensure the independent administration of elections, and fair and speedy resolution of electoral disputes, in accordance with ACDEG.
14. The commission assigned for formulating the constitution must be composed of all categories of the society, including the marginalized groups, women and the disabled.

Accountability of the Executive

15. The Member States are encouraged to adopt inclusive electoral systems.
16. The Member States are encouraged to ensure the independent administration of elections, and fair and speedy resolution of electoral disputes, in accordance with African Charter on Democracy, Elections and Governance.

Effectiveness and Accountability of the Public Service

17. The Member States that have not ratified the African Charter on Values and Principles of Public Service Administration are encouraged to do so.
18. The Member States are encouraged to strengthen their national integrity systems.

Independence and Accountability of the Legislature

19. The Member States are encouraged to ensure the independence and accountability of the legislature.
20. The Member States are encouraged to ratify the Protocol to the Constitutive Act of the African Union Relating to the Pan African Parliament.

Independence and Accountability of the Judiciary

21. The Member States are encouraged to ensure the independence and accountability of the judiciary.
Access to Justice
 22. The Member States are encouraged to facilitate access to justice by adopting and implementing continental and universal principles and guidelines.
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Peace, Security and Governance

23. The Member States are encouraged to ensure signature, ratification and implementation of all relevant instruments for peace, security and stability.
24. The AU should operationalize the African Standby Force, and increase efforts to secure sustainable funding of peace and security activities.
25. The Member States are encouraged to strengthen the Peace and Security Council (PSC) as recommended by the Assembly of The African Union Eleventh Extraordinary Session of November 2018 (Ext/Assembly/2(XI)).



Nexus Between Development and Governance

26. The Member States are encouraged to formulate development plans and programmes that aim at inclusive human development.
27. The Member States are encouraged to align their national development plans with AU Agenda 2063 and UN SDGs.
28. The Member States are encouraged to ensure the sustainable and prudent utilization of natural and other resources to allow for their full utilization for the benefit of the people of the continent and future generations.



Role Of RECs In African Governance

29. The AU and RECs should improve the coordination and harmonization of their policies, programs and activities.
30. The Member States are encouraged to sign and ratify the Agreement Establishing the African Continental Free Trade Area.
31. All RECs are encouraged to align their plans with Agenda 2063 and UN SDGs.





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