



OCCASIONAL PAPER NO 172

Governance and APRM Programme

January 2014

Red Flags Ignored: Governance Values and Practices in Africa

Gedion G Jalata

South African Institute of International Affairs

African perspectives. Global insights.

ABOUT SAIIA

The South African Institute of International Affairs (SAIIA) has a long and proud record as South Africa's premier research institute on international issues. It is an independent, non-government think tank whose key strategic objectives are to make effective input into public policy, and to encourage wider and more informed debate on international affairs, with particular emphasis on African issues and concerns. It is both a centre for research excellence and a home for stimulating public engagement. SAIIA's occasional papers present topical, incisive analyses, offering a variety of perspectives on key policy issues in Africa and beyond. Core public policy research themes covered by SAIIA include good governance and democracy; economic policymaking; international security and peace; and new global challenges such as food security, global governance reform and the environment. Please consult our website www.saiia.org.za for further information about SAIIA's work.

ABOUT THE GOVERNANCE AND APRM PROGRAMME

SAIIA's Governance and African Peer Review Mechanism (APRM) programme aims to place governance and African development at the centre of local and global discussions about the continent's future. Its overall goal is to improve the ability of the APRM to contribute to governance reforms, institutions and processes. The programme focuses on: Enhancing meaningful and authentic participation of non-state actors in Country Self-Assessment Review (CSAR) and National Programme of Action (NPOA) processes; increasing knowledge amongst key decision-makers of the need for Country Level Institutions to be functional, have political support and enjoy legitimacy; increasing the capacity and functionality of official APRM institutions; and contributing to the identification of critical issues for governance reform in Africa through the APRM.

SAIIA has been working on the APRM since its inception in 2003. The programme has previously undertaken work in 22 African countries, developed an online APRM Toolkit with vital information on the APRM process, produced an extensive body of innovative research on governance and the APRM and has frequently commented on African governance issues in South African and international media. The programme is funded by the Swiss Agency for Development and Cooperation (SDC).

Programme head: Steven Gruzd, steven.gruzd@wits.ac.za

© SAIIA January 2014

All rights are reserved. No part of this publication may be reproduced or utilised in any form by any means, electronic or mechanical, including photocopying and recording, or by any information or storage and retrieval system, without permission in writing from the publisher. Opinions expressed are the responsibility of the individual authors and not of SAIIA.

Please note that all currencies are in US\$ unless otherwise indicated.

ABSTRACT

Values are essential to set up normative standards that are indicative of the qualities of governance. This paper describes and analyses trends of governance values and practices in Africa using secondary data. There are positive and negative governance values in Africa. To reverse the negative governance values, which are entrenched in traditions and practices in politics and governance, the member states of the African Union (AU) outlined a compelling vision for the norm of democratic governance values on the continent in its different instruments. These initiatives reflect the changing governance values and practices on the continent, and distinguish the AU from its predecessor the Organisation for African Unity (OAU). Yet the member states of the AU have not committed themselves equally to own or work towards ratification, domestication and compliance with these standards. There is also a lack of political commitment to regional standards. Hence, this research recommends that the African Union member states address these problems. In addition, more attention must be paid to building democratic governance as African challenges are rooted in governance problems driven by negative values. In so far as values are universal, they can also be particular to a specific region or country. In this regard, governance values that are intrinsic to Africa, such as peer review, solidarity, consensus and communalism, which are deeply rooted in African culture, have not been communicated effectively at a regional and international level. Communicating and establishing appreciation for African particularities, contexts and perspectives would enhance the image of the continent in the development and application of positive governance values. This requires strengthening Africa's engagements on regional and global dialogue platforms. In this regard, it is vital to consolidate action on the African Peer Review Mechanism (APRM) and the African Governance Platform to facilitate information flows, co-ordination and evaluation of the implementation of common normative rules and standards that promote governance values on the continent. The role of political leadership is paramount, as Africa's greatest deficit is its dearth of moral leadership that adheres to ideal governance values and shows real commitment towards social transformation.

ABOUT THE AUTHOR

Gedion G. Jalata has been a consultant on policy analysis of governance and development at the United Nations Economic Commission for Africa (UNECA), Governance and Public Administration Division (GPAD) since 2008. He currently works in the Macro Economic Division. He previously lectured at government and private universities in Addis Ababa, Ethiopia. He has published extensively on governance, development and public administration issues in Africa; globalisation and Africa; AU-related issues; and on China/India–Africa–Ethiopia relations. He holds an MA in International Relations. This article was written in his personal capacity. Email: gediongam@yahoo.com

ABBREVIATIONS AND ACRONYMS

ACDEG	African Charter on Democracy, Elections and Governance
ACHPR	African Commission on Human and Peoples' Rights
AGR	African Governance Report
APRM	African Peer Review Mechanism
AWR	African Women's Report
AU	African Union
AUC	African Union Commission
AUCPCC	African Union Convention on Preventing and Combating Corruption and Related Offences
ECA	Economic Commission for Africa
ECOWAS	Economic Community of West African States
GDP	gross domestic product
GPAD	Governance and Public Administration Division
NEPAD	New Partnership for Africa's Development
OAU	Organisation for African Unity
PAP	Pan-African Parliament
REC	Regional Economic Community
SADC	Southern African Development Community
UNDP	UN Development Programme
UNECA	UN Economic Commission for Africa

INTRODUCTION

Values are imperative to modern African states as they provide the guiding norms, moral standards and principles in politics and governance on the continent. There are positive and negative values and practices in a particular governance culture that promote or hinder governance. Some negative values that adversely affect governance in Africa are, among others, lack of transparency and accountability; a poor human rights record; corruption in politics and governance; political clientelism and patronage; patriarchy in politics; marginalisation of women in politics; and election rigging. To reverse these negative values, which are entrenched in traditions and practices in politics and governance, the member states of the African Union (AU) outlined a compelling vision for the norm of democratic governance values on the continent. They did this through documents and institutions such as the AU's founding Constitutive Act; the African Peer Review Mechanism (APRM); the African Union Convention on Preventing and Combating Corruption (AUCPCC); the African Charter on Democracy, Elections and Governance (ACDEG); and the African Commission on Human and Peoples' Rights (ACHPR). There is also a growing continent-wide consensus on zero tolerance for unconstitutional change of government. The continent has further set up a functional peace and security architecture to respond to conflict situations, which encompasses promoting governance and democracy in the context of solidarity, reconciliation and harmony.

The paper is divided into four sections. Section one provides a conceptual framework and a brief synopsis of governance trends in Africa. Section two analyses values and their impact on governance in Africa. Section three looks at continental norms and frameworks aimed at improving governance values and practices in Africa. Finally, section four presents concluding remarks and suggestions on how positive governance values may be strengthened.

Defining values in governance

Values are developed by a community towards the achievement of goals, and can be institutional and esteemed by individuals and by a group of people. For this reason, values are embedded at the individual, societal, regional, continental and global levels, and they ultimately tend to influence attitudes, behaviours and actions. Values reflect 'norms, principles and practices that have been developed or acquired, which provide the basis for collective actions and solutions in addressing ... political, economic and social challenges'.¹ Values, therefore, refer to the desirable ends, goals or modes of action that orientate and also determine human behaviour. Defining governance has become a contentious issue and has led to diverse definitions. Here 'governance' can be defined as the effective management of state institutions in a technical sense. In a broader framework, governance can be seen as embracing the state and non-state actors such as civil society and the private sector towards the realisation of collective national goals. The state, civil society and the private sector have their own respective role in the governance process.²

The shift from the notion of 'governance' to 'good governance' encompasses a normative dimension, addressing the polity and its leadership. It also extends beyond the capacity of the public sector to the rules that create a legitimate, effective and efficient framework for the conduct of public policy. The core principles and practices of good

governance include the rule of law, respect for human rights and legitimate exercise of state authority based on the consent of the governed. It also includes accountability, transparency, integrity and responsiveness of the political and administrative system in addressing the needs and concerns of the people. These are more or less similar to ethical codes prescribed by the International Institute for Public Service and the African Charter on Public Service. Accordingly, good governance embraces ethics and values. Good governance also comprises a set of concurrent policy processes and has several dimensions such as economic governance, which includes decision-making processes affecting a country's economic activities and relationships with other countries; political governance, which is the process of decision-making to formulate policies and laws; and administrative governance, which is the system of policy implementation.³ A concept closely related to good governance is 'democratic governance', which is concerned with electoral competitiveness, legitimacy of the government, political freedom and human rights, and removal of discrimination as central objectives.⁴

BRIEF SYNOPSIS OF TRENDS AND PRACTICES OF GOVERNANCE IN AFRICA

In the immediate post-independence period, governance was improving in Africa as most of the first generation of African leaders came to power through competitive elections. The trend, however, was soon replaced with bad governance, especially in the 1970s and early 1980s. Many leaders assumed power through coups d'état, and instituted one-party rule. The majority of the population was marginalised and segregated by dictatorial and autocratic rulers. Authoritarian rulers commonly divert state revenue in order to maintain the support bases of their regimes, and government serves as a means for wealth accumulation and access to resources, jobs, credit, subsidies and market opportunities. Most African leaders were orientated towards personal and political concerns. The result was poor economic performance, continual civil wars, population displacements, a heavy external debt burden, recurring fiscal crises, diminished private investment and deepening poverty in many countries. As a consequence, bad governance was the principal cause of popular protest in the late 1980s and early 1990s in many African countries.⁵

With the end of the Cold War after 1989, the intensification of popular struggles and movements for freedom and good governance forced autocratic regimes either to give in to the forces of change or adjust to new developments. Hence, a wave of democratisation began to gain ground in a gradual and piecemeal manner in Africa. The confluence of favourable internal and international situations changed old habits and practices of administration. By the end of the 1980s, the World Bank identified the lack of governance as a feature of state–society relations in Africa, and as the major culprit that nurtured the different ills of polities and societies across the continent.⁶ Accordingly, since the early 1990s, there have been considerable efforts to transform Africa from one-party authoritarian systems to multi-party systems with full respect for the rule of law, human rights, and other democratic principles and values.⁷

Africa has recorded remarkable progress in the governance arena in the last two decades; for instance, the political space has been liberalised with multi-party democratic

politics taking root, more political parties being established, and enhanced freedom of association and freedom of expression. The media landscape has been fundamentally altered with the licensing and establishment of private print and electronic media, which has contributed to greater openness in societies. Progress has also been made in promoting human rights, the rule of law and women's empowerment. However, this progress is more pronounced in some countries such as Benin, Botswana, Cape Verde, Ghana, Mauritius, Namibia, São Tomé and Príncipe, and South Africa. These countries have performed well on various governance indicators, including respect for the rule of law, transparency, accountability, effective checks and balances, corruption control, civil society participation, and political representation.⁸

The large majority of African countries, nonetheless, are still experiencing some sort of a transition. The attempt to establish democracy and good governance in the majority of countries is grappling with remnants of authoritarianism. Many countries are wavering between fully-fledged democracy and outright authoritarianism. Countries that are in transition and are sometimes called 'hybrid regimes' hold a series of multi-party elections characterised by the mushrooming of weak political parties, the lack of real competition, little chance of a change of government, and an environment with state-controlled media. Similarly, the majority of African countries failed to institute good governance, as the 'big man' syndrome continues to dominate, with several African leaders changing constitutions in order to run for an indefinite number of terms. Furthermore, human rights violations have spread dangerously and corruption is on the rise. Despite this negative trend, such states have partially opened the political space and made limited progress in good governance, which should be recognised and strengthened since it provides opportunities for further improvement.⁹

Finally, there are countries that have retained authoritarian systems, banning a free press, political parties and curtailing political participation. This is the case in Eritrea, The Gambia, and the Republic of Congo. In this category one also finds countries such as Madagascar, Mali, Mauritania and Niger which all reverted to authoritarian rule after recent military coups against elected governments. As indicated in the Economic Commission for Africa's (ECA) latest report¹⁰ many countries in Africa still scored very low on control of corruption, transparency, accountability, and respect for the rule of law and human rights. The report further indicated that the overall trend has been marginal progress on governance within the past five years. According to the report, party and electoral systems remain weak and poorly institutionalised, with elections emerging as a conflict trigger marred by violence, rigging and intimidation, rather than a conflict resolution mechanism.

VALUES AND GOVERNANCE DEFICITS IN AFRICA

There are positive and negative values in a particular governance culture that either promote governance or adversely affect it. Negative values in Africa, among others, are lack of transparency and accountability; a poor human rights record; corruption in politics and governance; political clientelism and patronage; the marginalisation of women; and election rigging. Each of these values is analysed in detail below.

Lack of transparency and accountability

Transparency and accountability of the government to the citizens are positive governance values, which derive, among others, from the principle of separation of powers between the executive, the judiciary and the legislature. The constitutions of most African states have sought to strike a balance between these branches of state power, giving each one specific responsibilities. In most cases parliament has been empowered to exercise political checks and balances, and the judiciary to ensure the appropriateness of laws and administrative acts. Together, these branches of government seek to ensure transparency in the management of public goods. Mechanisms, including inspections and audit systems, were also devised to check on government organs. Non-state actors, including civil society organisations and the mass media, are also expected to promote the same objective.

The overall situation of accountability and transparency, however, looks bleak in Africa. For instance, according to the African Governance Reports, the majority of people still do not regard public services as transparent or accountable, especially in Chad, Ethiopia, Kenya and Swaziland. There is an apparent lack of transparency in the selection, promotion and rewarding of public servants, and the operations of public services are cloaked in secrecy. The commitment, loyalties and actions of public servants are guided more by political, ethnic or social factors than by professionalism. Mechanisms of accountability within public services are largely ineffective.¹¹

Most African countries do not entertain alternative policies and programmes, and avoid active involvement of non-state actors in the policymaking and implementation sphere. As a result, popular participation and the influence of non-state actors on policies, programmes and conflict resolution is highly limited. Moreover, they have very little demonstrated ability and influence in promoting accountability and transparency. In general, the governments in most African states are viewed as only fairly accountable and transparent.¹²

Poor human rights record

The scope and progressive positions of the African human rights framework often exceed international instruments. There are constitutional guarantees to protect basic civil liberties and political rights in most African states. Human rights commissions were also established to protect these rights. The problem lies in the fact that pertinent legal provisions are often not translated into action in a consistent manner; for example, laws and policies to redress discriminatory practices against women's access to justice are not adopted. Moreover, watchdog organisations can be relatively ineffective in promoting and protecting citizens' rights. There is also a reporting gap – the record of many African countries in preparing their human rights reports has been poor. Only a few countries regularly produce and submit human rights reports to the treaty bodies, which would allow those bodies to know what the issues, problems and challenges those countries face and how to assist them. As succinctly noted by the African Governance Report II, 'too few countries have improved the overall human rights situation ... there is uncertainty and equivocation about human rights in Africa'.¹³

Corruption in politics and governance

Corruption challenges the integrity of government and has a crippling effect on development in Africa. It is anathema to good governance and economic growth because it erodes trust and faith in government. Corruption in Africa has led to the diversion of scarce state resources for personal use, widespread unemployment, inequitable distribution of wealth and the erosion of moral values. Corruption within the institutions of government hinders their effectiveness. Corruption in Africa is estimated to cost more than \$148 billion per annum or 25% of the continent's gross domestic product (GDP). Moreover, according to the African Development Bank, 50% of tax revenue and \$30 billion in aid for Africa was lost to corruption.¹⁴ Political or grand corruption is mainly dominant on the continent and many high-ranking government officials use political office to amass personal gain; for instance, African heads of state are estimated to hold more than US \$420 billion in Swiss banks, while the continent is suffering from debt amounting to US \$300 billion.¹⁵ Petty administrative or bureaucratic corruption is also prevalent on the continent.¹⁶

Africa is, therefore, losing a significant amount of money and resources that could be used for development, reduction of poverty and enhancing governance. This makes corruption a critical factor hampering the socio-economic development of Africa. As the ECA's African Governance reports the performance of many African countries in corruption control has barely improved in the past seven years. Since 2005, only Botswana, Mauritius and Cape Verde consistently scored above five in the index (on a scale of 10, with 10 being least corrupt), while the remaining Sub-Saharan African countries are perceived to be corrupt and failed to improve their ranking considerably.¹⁷ Hence, corruption diverts resources that can be utilised to satisfy the basic needs of Africans and achieve sustainable development. Many African countries have not made substantive progress in reducing corruption because of an apparent lack of political will, while some countries are simply challenged by a lack of resources and weak institutions of governance.¹⁸

Political clientelism and patronage

Political clientelism and patronage are another manifestation of negative governance values, entrenched in informal de facto traditions and practices in Africa. Political clientelism, also known as the 'patron-client system', is 'a political system based on conditional loyalties and involving mutual benefits, in which individuals of unequal power are linked together through the exchange of favours'.¹⁹ In Africa, elites in the political, bureaucratic and private sectors are interconnected, with intertwined control over resources and political power. 'Political patronage' refers to the distribution of government resources to political allies irrespective of their qualifications. The superior or the patron provides security, and allocates benefits in the form of jobs, rents, power and prestige, development projects and so forth, and the inferior or client, in turn, provides military services, voting, economic labour power and information. The state in most African countries is a prize over which several groups engage in a continual struggle. Political patronage networks and associated resource allocation policies create inequality and perpetuate social cleavages. The importance of a network for the beneficiaries is not only to control the state's distributive machinery, but also to mobilise other corrupt networks

and perpetuate the system. Incrementally, those beneficiaries form their own networks and have become extremely sensitive to any radical change that might alter their privileges. This is one of the main underlying causes of the lack of genuine democratic governance in post-colonial Africa. The consolidation of democracy in some African countries, however, has been deterring political clientelism and patronage.²⁰

The marginalisation of women in politics

Women have been largely marginalised in the political processes of Africa. Women represent over half of the African population, yet they are seriously under-represented in the political arena. As indicated in the ECA's African Women's report (AWR)²¹ women are also considered in 'many African countries as "domestic beings", not intended to operate [in] the public sphere or political arena'.²² For instance, under the Milton Obote regime, women in Uganda were not represented in parliament or local councils. During the despotic regime of Idi Amin, women were not only denied inclusion in governance, but women's organisations were banned in 1973.²³

Chazan, quoted in Paxton and Hughes, has captured the marginalisation of women in Africa as follows: '[T]he female experience in African politics during the past century is ... one of exclusion, inequality, neglect, and subsequent female consolidation and recreation'.²⁴ Women find it difficult to engage and influence the policy process in most African countries. They face a variety of barriers to their participation in politics and decision-making such as discriminatory political structures, and economic and cultural barriers. Hence, most African women still do not have access to equal opportunities to engage in their country's politics, especially in decision-making processes. While progress has been made in setting up laws, and the fact that Africa now has two women presidents in Ellen Johnson Sirleaf of Liberia and Joyce Banda of Malawi, significant work remains to be done in order to achieve the goals and commitments that African countries have agreed upon, since there is low visibility and involvement of women at national and local governance level, and in state and non-state institutions.

The patriarchal nature of African societies often hinders women's participation in political processes, and promotes discrimination against women and abuse of their basic human rights. The ECA's AWR states that²⁵ women's roles should not revolve around the home with public activities reserved for men. Lack of political will, affirmative action, quota reservations, electoral systems that do not favour women, and negative perceptions of women in the public domain are reasons for the low participation of women in politics. Accordingly, women are still under-represented in the highest political decision-making institutions in Africa. In the majority of African countries less than 20% of ministerial positions are occupied by women. According to the AWR, 'women are appointed to ministries that are considered 'soft', such as health, education, social services, gender and human resources and they are rarely appointed to 'hard' ministries such as defence, justice, foreign affairs, economy, finance, trade and energy'.²⁶

In addition, as the trend in Africa shows, the vast majority of political parties are dominated by a group of elitist males. Women and the youth remain marginalised in political life. Mozambique, for instance, which has one of the highest representations of women in parliament and public sector participation in Africa, has no women in leadership positions in political parties.²⁷ The low proportion of women in political parties

has a direct effect on the representation of women in political decision-making processes in Africa. The focus of political parties in Africa is more on ethnic, geographic and political leanings than gender, hence the representation of women in politics is minimal. In addition, political parties lack gender-sensitive policies.²⁸

Election rigging

Despite the transition to democracy in most African countries, the performance, credibility and outcomes of Africa's elections are not even across the continent. In states such as Botswana, Ghana, Mauritius, South Africa and Zambia, ruling elites were voted out of office with relatively free and fair elections. Nonetheless, in the large majority of African states, the political change that occurred in the early 1990s was not sustained by the elections held in the past two decades. Rather, elections were often manipulated by the incumbents to maintain their hold on political power. These regimes are neither democratic nor fully autocratic. Some observers call them 'electoral authoritarian regimes', while others refer to them as 'hybrid regimes', or characterise the system as 'competitive authoritarianism' or 'semi-authoritarianism'. Electoral authoritarian regimes outstrip liberal democracies in Africa. Such regimes are found in Angola, Burkina Faso, Burundi, Cameroon, Central Africa Republic, Chad, the Democratic Republic of Congo, Ethiopia, The Gambia, Guinea-Bissau, Kenya, Sudan, Togo, Uganda and Zimbabwe. In general, elections in many African countries are not effective instruments of political change and genuine democratisation. Instead of serving as conflict resolution mechanisms, in extreme cases such flawed, rigged and stolen elections sparked bloody violence, as in the case of Ethiopia (2005), the Democratic Republic of Congo (2006), Kenya (2007), Zimbabwe (2008) and Côte d'Ivoire (2010). Contested presidential elections in Kenya in 2007 resulted in the killing of 1 200 civilians and the displacement of 350 000 people.²⁹

REGIONAL NORMS AND FRAMEWORKS FOR IMPROVING GOVERNANCE IN AFRICA

African positive governance values have been reflected in the numerous instruments, decisions and declarations of the OAU and the African Union Commission (AUC). These values express Africa's common conviction and shape the criteria, codes, norms and standards by which to assess Africa's governance progress. For instance, all the member states of the AU have adopted the values enshrined in the Constitutive Act that emphasise the significance of democratic governance, the rule of law, human and peoples' rights, and sustainable socio-economic development. Governance values in Africa are drawn from an array of treaties, charters and decisions promulgated by the OAU and the AU. The lists are an amalgamation of universal values, but some such as solidarity, consensus and communalism are deeply rooted in African culture. These African values are also reflected in international engagements on development, governance and human rights.³⁰

Within the framework of governance and democracy, positive values are reflected in the Constitutive Act of the AU, which emphasised the principles of good governance, popular participation, the rule of law and human rights. Drawing on this Act and the New Partnership for Africa's Development (NEPAD), the AU developed additional governance

instruments such as the APRM; the AUCPCC; ACDEG; and the ACHPR. There is also a continent-wide consensus on zero tolerance for unconstitutional changes of government. Furthermore, the continent has set up functional peace and security architecture to respond to conflict situations, which encompasses promoting governance and democracy in the context of solidarity, reconciliation and harmony. Before these initiatives, in the 1990s, African states introduced constitutional guarantees with provisions for periodic elections, the effective transfer of power and the renewal of leadership. Promoting governance values was also one of the strategic objectives of the AU's 'year of shared values' in 2012.

The African Peer Review Mechanisms

A bold, unique and innovative approach to elevate Africa's governance standards has been the introduction of the APRM. It is rooted in African values of individual responsibility to the collective and seeks to commit African countries to good governance values. The mechanism is a mutually agreed instrument voluntarily acceded to by the member states of the AU, designed and implemented by Africans for Africa. It is aimed at monitoring participating countries' progress towards adopting and implementing NEPAD's priorities and programmes, particularly on democratic and political governance, economic governance, corporate governance, and socio-economic development. The mechanism is open to all member states of the AU. Currently, 33 AU member states have signed the memorandum of understanding on the APRM,³¹ of which 17 have already undergone the review process,³² and are focused on implementing the national programmes of action that emerged from it.

The mechanism is one of the core frameworks for upholding and deepening the governance values of the AU. The process of peer review is premised on the establishment of institutions, structures and systems that are based on AU values, codes, norms and standards in political, economic and social governance; human rights; and the rule of law. The process is reinforcing regional norms for democratic governance as participating states are expected to have democratic governance values as a basis for their claims on authority.³³

The African Union Convention on Preventing and Combating Corruption and Related Offences

The AU has also enacted the AUCPCC. The convention was adopted in 2003 and came into force on 5 August 2006. It has been ratified by 34 African states.³⁴ It is made up of 28 articles, and includes important guidelines for fighting corruption such as prevention, punishment, co-operation and education. The AUCPCC is not only designed to control corruption, but also to complement continental efforts to promote good governance, democracy and development. The convention is the latest and most comprehensive of the regional conventions, and represents continental agreement on the importance of addressing corruption.³⁵ The AUCPCC is largely phrased in mandatory terms and in particular has binding provisions on combating private sector-driven corruption and regulating political party funding. In addition, it obliges state parties to incorporate laws on asset declaration by public officials and restrictions on immunity of public officials;

covers both the ‘supply’ and ‘demand’ side of corruption; and requires public sector internal auditing and accounting, and whistleblower and witness protection systems with broad jurisdictional provisions. At the national level, many African countries have adopted anti-corruption laws, and established anti-corruption bodies such as an auditor general, anti-corruption commission, parliamentary committees and an ombudsman to tackle the problem. Combating corruption, however, has proven difficult in practice in Africa, and is affected by factors such as limited political will, scarce resources and weak governance institutions.³⁶

The African Charter on Democracy, Elections and Governance

The ACDEG, to a large extent, speaks to the governance values of the AU. It is a milestone in the development and work of the AU in providing a normative framework for member states by institutionalising values of good governance such as transparency, accountability and participatory democracy. The charter also aims to promote a political culture of change based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies. ACDEG was finalised in 2007. When the requisite 15 countries completed the ratification process, the charter entered into force in February 2012. This creates an obligation among member states to respond to unconstitutional actions within other AU member states. Hence, it provides an excellent standard by which to measure progress towards governance and democratic values, and promotes the constructive management of diversity and competitive politics.

Other international and regional policy instruments

To address the marginalisation of women, African countries have adopted international and regional policy instruments that promote the participation of women in governance and political processes. At the continental level, the following measures are in place: Article 4(1) of the Constitutive Act of the African Union; the Dakar Platform for Action (1994); the African Plan of Action to Accelerate the Implementation of the Dakar Platform; the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003); the African Union’s Solemn Declaration on Gender Equality in Africa (2004); and the ACDEG (2007).³⁷ At sub-regional level, the governments of the Southern Africa Development Community (SADC) have adopted a protocol on gender equality, and also raised the target for the representation of women in all political and decision-making structures from 30% to 50%.³⁸ The Economic Community of West African States (ECOWAS) has put a gender policy in place to guide its member states in accelerating delivery.

However, while the effective participation of women in political decision-making and governance structures and processes is showing some improvement, it still lags far behind that of men in Africa. Therefore, deliberate effort needs to be made to ensure inclusive political representation in the executive and legislature, and in the various tiers of government. Since changes in society can come through the political process, the need for women to be among those who make policies and decisions at all levels of government is critical if their plight is to be adequately addressed. It is also crucial to understand that the representation of women in political decision-making needs long-term strategies, such

as increasing the literacy rate, and improving functional skills related to civic and political participation. In addition, changing laws and other policy frameworks to encourage female participation in politics and strong advocacy on gender equality are also necessary.

ESTABLISHMENT OF PAN-AFRICAN INSTITUTIONS PROMOTING GOOD GOVERNANCE VALUES

In addition to the aforementioned initiatives to promote democracy and good governance, the AU has made progress towards the establishment of Pan-African institutions focused on the achievement of good governance values. These include the Pan-African Parliament (PAP), the African Court of Justice and Human Rights; the ACHPR, APRM, and the Regional Economic Communities (RECs). All of these institutions are embraced under the African Governance Architecture, which is an attempt to better co-ordinate and streamline the actions of institutions dealing with governance issues on the continent.

Attempts by African countries to improve their governance processes have resulted in incremental, though gradual, progress in democratic governance; for instance, elections are increasingly regular and numerous on the continent. 'Between mid-2011 and the end of 2012, 14 presidential, 30 parliamentary elections and three national referenda were scheduled. On average, two to three national elections are being held on the continent every month',³⁹ though they were not bereft of challenges as indicated in the *African Governance Reports*.⁴⁰ Moreover, 'as new democratically elected leaders come into office, they are further shifting the standards and priorities of this sub-regional body.'⁴¹

CONCLUSION

Overall, Africa has been showing marked progress towards democratic governance over the past two decades. As the recent 'Arab Spring' or North African 'revolution' showed, important structural factors such as a growing youth bulge, information and communications technologies, urbanisation, expanded awareness of global governance norms, a more sophisticated civil society, and emerging institutional checks and balances have positioned Africa for more robust democratic governance than ever before. The recent revolution in Tunisia demonstrates that a seemingly stable autocratic model that delivered economic growth at the expense of democracy is not sustainable. Nevertheless, some African countries still continue to follow this model. Chief among these are Eritrea, Ethiopia, Rwanda and Uganda. However, this model is not viable in the long term because of resentment about corruption, inequality, and the absence of democratic governance values such as transparency, accountability and non-partisan service delivery to the citizenry.⁴²

To reverse negative governance values that are entrenched in informal de facto traditions and practices in politics and governance in Africa, the AU demonstrated a compelling vision towards a guiding norm of democratically orientated governance values in its founding Constitutive Act. These principles reflected the changing views on governance on the continent and distinguish the AU from its predecessor, the OAU. To this effect, the AU enacted important normative rules and standards, developed

institutions, and emphasised shared values in the commitment towards democratic governance. The AU stresses the unity and integration of Africa through commonly shared values, and there are commendable efforts among some African countries to uphold these principles and standards. However, the basic challenge the AU is facing is with ratification, domestication and implementation of relevant democratic governance instruments. This problem exists because of the particularities and preferences of each member state, and the limited capacity of the AU to enforce these instruments in sovereign states. There are also challenges in harmonising AU values with national laws and regulations and with RECs. Therefore, the AU, RECs and member states should enhance co-ordination and harmonise their policies and programmes.

The capacity to implement, the pace of implementation, the efficacy of institutional arrangements and the measurement of actual progress in implementing the ratified instruments continue to be big challenges for AU member states. For instance, the problem of xenophobia against African migrants was identified in the 2007 South African APRM Country Review Report, yet the government did not heed the warning and violence flared up in 2008. The same can be said about the 2007–2008 Kenyan post-election violence which was predicted in the Kenyan APRM Country Review Report, yet was also ignored. Accordingly, for values to be genuinely shared, compliance monitoring is necessary, as indicated in the 18th Ordinary Session of the Executive Council of the AU. At the same time, member states should equally commit themselves to own and work towards the ratification, domestication and compliance with these instruments. The lack of political commitment to regional standards must be relinquished. Many African challenges are rooted in democratic governance problems driven by flawed electoral processes; failure to appreciate and manage diversity; recurrent military coups d'état; and autocratic and despotic regimes. Therefore attention must be paid to building governance institutions.

Governance values that are intrinsic to Africa such as peer review, solidarity, consensus and communalism are not being effectively communicated, and the continent is often marginalised at the international level. Communicating and establishing appreciation for African particularities, contexts and perspectives would enhance the image of the continent in the development and application of governance values. This requires the strengthening of Africa's engagements in regional and global dialogue platforms. In this regard, it is vital to consolidate action on the African Governance Platform as a mechanism to facilitate information flows, co-ordination and implementation of common normative rules and standards pertinent to promoting good governance on the continent. The platform comprises of the AU organs, institutions and RECs, as well as other civil society involved in governance on the continent. The platform is not only expected to strengthen normative governance values, but would also serve to provide a solid basis for enhanced harmonised and complementary actions. Furthermore, this platform will, among other things, serve to facilitate ratification and domestication of treaties and standards, and create firm links between governance institutions and the values they seek to promote. In this way, as the EU demonstrates, effective regional governance also requires supra-national institutions through which cohesion could be nurtured between regional governance values and national practices.

In all of the above discussion, the role of political leadership is paramount. Yet, arguably, Africa's greatest deficit is its dearth of moral leadership that adheres to ideal governance values and that is committed to social transformation. It is crucial to ask

how such an enormous challenge might be taken up in small steps in Africa; and, are the emerging African Governance Platform and the APRM steps in the right direction to foster both the emergence of positive values and the means to track compliance?

ENDNOTES

- 1 Economic Commission for Africa (ECA) and African Union Commission (AUC), *African Governance Newsletter*, 1, 2 and 3, April–September 2011, p. 4.
- 2 Adejumbi S, ‘Democracy and good governance in Africa: Theoretical and methodological issues’ in Bujura A & S Adejumbi (eds), *Breaking Barriers, Creating New Hopes: Democracy, Civil Society and Good Governance in Africa*. Asmara: Africa World Press, 2002, pp. 6–7; Ssonko DKW, ‘Ethics, Accountability, Transparency, Integrity and Professionalism in the Public Service: The Case of Uganda’, paper presented at a conference on Enhancing Professionalism of Human Resource Management in the Public Service in Africa, Cotonou, Republic of Benin, 12–16 April 2010, p. 1.
- 3 World Bank, *World Development Report: The State in a Changing World*. Washington, DC: World Bank, 1997; United Nations Development Programme (UNDP), *Governance for Sustainable Human Development*. New York: UNDP Policy Document, Management Development and Governance Division, Bureau for Policy and Programme Support, 1997; and UNDP, *Reconceptualising Governance*, Discussion Paper 2. New York: UNDP Management Development and Governance Division, Bureau for Policy and Programme Support, 1997, pp. 2–3.
- 4 UNDP, *Human Development Report: Deepening Democracy in a Fragmented World*. New York: Oxford University Press, 2002 p. 92; Abdellatif AM, ‘Good Governance and its Relationship to Democracy and Economic Development’, paper presented at Global Forum III Fighting Corruption and Safeguarding Integrity, Seoul, South Korea, 20–31 May 2003, p. 10.
- 5 ECA, *African Governance Report I (AGR I)*. Addis Ababa: ECA, 2005, p. 55; Wohlmuth K, *Good Governance and Economic Development: New Foundations for Growth in Africa*. Institute for World Economics and International Management, 1998, pp. 95–96, <http://www.wiwi.uni-bremen.de/iwim>.
- 6 World Bank, *Sub-Saharan Africa: From Crisis to Sustainable Growth*. Washington, DC: World Bank, 1989.
- 7 Van de Walle N, ‘The Impact of Multi-Party Politics in Sub-Saharan Africa’, *Forum for Development Studies*, 1, 2001, p. 11.
- 8 ECA, AGR I, *op. cit.*, p. 55; ECA, *African Governance Report II (AGR II)*. Oxford: Oxford University Press, 2009, pp. 18–19, 50; Mo Ibrahim Foundation, *The Ibrahim Index of African Governance, 2010 to 2013*, <http://www.moibrahimfoundation.org/iiag/>; Freedom House Surveys, 2010 to 2013, <http://www.freedomhouse.org/report-types/freedom-world#.Ut4xUPvfpkh>.
- 9 ECA, AGR, II, *op. cit.*, p. 121.
- 10 *Ibid.*, pp. 17–18.
- 11 *Ibid.*, pp. 142–143.
- 12 *Ibid.*, pp. 158–159.
- 13 ECA, AGR II, *op. cit.*, Chapter Six: Human Rights and the Rule of Law.
- 14 African Development Bank, ‘Combating Corruption in Africa: Issues and Challenges’. Concept Note Paper for the 2006 Annual Meetings, Ouagadougou, Burkina Faso, 2006, p. 7.

- 15 United Nations, 'Global study on the transfer of funds of illicit origin, especially funds derived from acts of corruption', Ad Hoc Committee for the Negotiation of a Convention Against Corruption, UN Document A/AC.261/12, 2002.
- 16 Jalata GG, 2013, draft article, 'Comparative analysis of the UN Convention Against Corruption vs the AU Convention on Preventing and Combating Corruption and Related Offences', p. 2.
- 17 Transparency International, Transparency International Corruption Perception Index, Berlin, 2005–2012, <http://cpi.transparency.org/cpi2013/>, accessed 25 January 2013.
- 18 ECA, *AGR II*, *op. cit.*, p. 234.
- 19 Brinkerhoff DW & AA Goldsmith, 'Clientelism, Patrimonialism and Democratic Governance: An Overview and Framework for Assessment and Programming', paper prepared for USAID, Office of Democracy and Governance, 2002, p. 2.
- 20 Van der Walle N, 'The Democratisation of Political Clientelism in Sub-Saharan Africa', paper prepared for delivery at the Third European Conference on African Studies, Leipzig, Germany, 4–7 June 2009.
- 21 ECA, *African Women's Report (AWR)*. Addis Ababa: ECA, 2009, p. 24.
- 22 ECA, *AGR I*, *op. cit.*, pp. 30–31.
- 23 *Ibid.*, p. 31.
- 24 Paxton P & MM Hughes, *Women, Politics and Power: A Global Perspective*. London: Pine Forge Press, 2007, p. 237.
- 25 ECA, *AWR*, *op. cit.*, p. 192.
- 26 *Ibid.*, p. 171.
- 27 *Ibid.*, p. 174.
- 28 ECA, 'A Fifteen-Year Review of the Implementation of the Beijing Platform for Action in Africa (BPFA) + 15'. Addis Ababa: ECA, 2010.
- 29 Jalata GG & K Mulugeta, 'Elections and Electoral Systems: The African Context', unpublished paper, 2013, p. 8.
- 30 AUC, 'Towards Greater Unity and Integration Through Shared Values', Declaration on Theme of the Summit, 2011; AUC, 'Towards Greater Unity and Integration Through Shared Values', Discussion Paper, Addis Ababa, 2010, p. 2.
- 31 These countries are Algeria, Angola, Benin, Burkina Faso, Cameroon, Chad, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Liberia, Malawi, Mali, Mauritania, Mauritius, Mozambique, Niger, Nigeria, Republic of Congo, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Tunisia, Uganda and Zambia. See <http://aprm-au.org/>, accessed 12 May 2013.
- 32 They are, in the order in which they completed their reviews, Ghana, Rwanda, Kenya, South Africa, Algeria, Benin, Uganda, Nigeria, Burkina Faso, Mali, Mozambique, Lesotho, Mauritius, Ethiopia, Sierra Leone, Zambia and Tanzania. Accessed 12 May 2013.
- 33 ECA and AUC, *African Governance Newsletter*, 1 January–March 2011, p. 5.
- 34 To date, 34 African states have ratified the African Union Convention on Preventing and Combating Corruption and Related Offences. See African Union, *African Convention on Preventing and Combating Corruption: Status List*, Addis Ababa, <http://www.au.int/en/sites/default/files/Corruption.pdf>, accessed 21 January 2014.
- 35 Webb P, 'The United Nations Convention against Corruption: Global Achievements or Missed Opportunity?', *Journal of International Economic Law*, 8, 1, p. 203.
- 36 ECA, *AGR II*, *op. cit.*, p. 234.
- 37 The African Union Commission, <http://www.au.int/en/treaties>, accessed 14 December 2012.

- 38 See ECAs *AGR II*, 2009, p. 26.
- 39 Africa Centre for Strategic Studies, 'Africa and the Arab Spring: A New Era of Democratic Expectations. Washington, DC: Africa Centre for Strategic Studies, 2011, p. 23.
- 40 *Ibid.*, p. 23.
- 41 *Ibid.*, p. 43.
- 42 *Ibid.*

SAIIA'S FUNDING PROFILE

SAIIA raises funds from governments, charitable foundations, companies and individual donors. Our work is currently being funded by, among others, the Bradlow Foundation, the UK's Department for International Development, the European Commission, the British High Commission of South Africa, the Finnish Ministry for Foreign Affairs, the International Institute for Sustainable Development, INWENT, the Konrad Adenauer Foundation, the Royal Norwegian Ministry of Foreign Affairs, the Royal Danish Ministry of Foreign Affairs, the Royal Netherlands Ministry of Foreign Affairs, the Swedish International Development Cooperation Agency, the Canadian International Development Agency, the Organisation for Economic Co-operation and Development, the UN Conference on Trade and Development, the United Nations Economic Commission for Africa, the African Development Bank, and the Open Society Foundation for South Africa. SAIIA's corporate membership is drawn from the South African private sector and international businesses with an interest in Africa. In addition, SAIIA has a substantial number of international diplomatic and mainly South African institutional members.

South African Institute of International Affairs
Jan Smuts House, East Campus, University of the Witwatersrand
PO Box 31596, Braamfontein 2017, Johannesburg, South Africa
Tel +27 (0)11 339-2021 • Fax +27 (0)11 339-2154
www.saiia.org.za • info@saiia.org.za

