

Effective Governance in Challenging Environments

MIREILLE AFFA'A MINDZIE, GEORGE MUKUNDI WACHIRA, AND LUCY DUNDERDALE



Cover Photo: Malians look for their names to confirm their polling station in Kidal, northern Mali, during the 2013 presidential election. July 28, 2013. UN Photo/Blagoje Grujic.

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The report draws from desk research and the outcomes of a regional workshop on "Effective and Inclusive Governance in Africa: Bridging the Gap between Norms and Performance" organized by the African Union Commission's Department of Political Affairs, the International Peace Institute, the United Nations Development Programme's Regional Service Centre for Africa, and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), which took place on August 5 and 6, 2014, in Accra, Ghana. The report also fed into the 2014 AU High Level Dialogue on Democracy, Human Rights and Governance in Africa, which focused on "Silencing the Guns: Strengthening Governance in Resolving Conflicts in Africa," held on October 30 and 31 in Dakar, Senegal.

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Foreword

It is a great pleasure for the Department of Political Affairs of the African Union Commission and the International Peace Institute to collaborate on the publication of this important analytical report on “Effective Governance in Challenging Environments.” The report draws on the findings and recommendations of a joint seminar on “Effective and Inclusive Governance in Africa: Bridging the Gap between Norms and Performance” convened in Accra, Ghana, on August 5 and 6, 2014, and the High-Level Dialogue on Democracy, Human Rights, and Governance in Africa convened by the African Union in Dakar, Senegal, on October 30 and 31, 2014, with the theme of “Silencing the Guns: Strengthening Governance in Resolving Conflicts in Africa.”

These meetings and the conclusions of this joint report highlight the centrality of effective democratic governance as the key to preventing and resolving conflicts and enhancing social and economic development on the African continent. There is clear agreement among African leaders, African civil society representatives, the United Nations, and the broader policy community on the challenges ahead. Africa has made great progress in moving toward effective democratic governance as reflected in an ever-larger number of free and fair elections, the adoption of new constitutions containing term limits and constraints on unlimited power, and the African Union’s refusal to recognize regimes that come to power through military coups. Yet there is a candid awareness of continued ethnic and sectarian conflict. The rise of new rebel groups and radical militias and their conquest of vast expanses of uncovered territories in the Sahel and elsewhere on the continent raise concerns. Far too many Africans are still denied their human rights—lacking protection against violence, basic education, health services, and economic opportunities.

Five case studies—the Central African Republic, the Democratic Republic of the Congo, Mali, Rwanda, and South Sudan—highlight key governance challenges, including poor resource management, disconnects between citizens and leaders, the use of ethnic or religious identities to incite violence, poor service delivery, and limited accountability. The report contains a number of important policy recommendations, calling for a new unified strategy to advance long-term peace and stability and the adoption of a new social contract for accountability and inclusiveness. These are identified as essential prerequisites to Africa’s transformation and the creation of an enabling environment for sustainable peace and development. Finally, the report calls on the African Union Commission, AU member states, and Regional Economic Communities to take the lead in establishing and implementing agreed norms for democratic governance, and to assume responsibility for ensuring African citizens’ participation in the endeavor to build this new social contract.

This report reflects the longstanding partnership and cooperative relationship between the African Union and the International Peace Institute in seeking to advance the continent toward the twin goals of democratic governance and sustainable development. This partnership builds on IPI’s early work with the Organisation of African Unity in the 1990s, which continued through the transition to the African Union more than a decade ago. We are confident that this relationship, based on our respective analytical capabilities and our shared commitment to a better future for the people of Africa, will continue in the years ahead.

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Commissioner for Political Affairs, African Union

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President, International Peace Institute

Introduction

The “Africa rising” narrative has gained traction in recent years.¹ Yet a very important question remains: who is rising? While statistics point to a continent whose fortunes have improved, many African citizens remain at the margins of socioeconomic development. In what has been termed growth without transformative development, there is a heightened focus among African states on translating promising statistics into better livelihoods for citizens.² Citizens’ uprisings in North Africa and in Burkina Faso provide a fresh reminder of the danger in touting impressive economic growth statistics while the majority of a country’s population remains excluded from democratic governance processes and development. It is also widely believed that development failures and governance deficits lie “at the heart of Africa’s violent conflicts.”³ Africa will only achieve its full potential and live up to the Africa rising narrative if it can strengthen its systems of governance; promote inclusive, equitable, and participatory development; and embed a culture of democracy and peace.⁴

Most states in Africa have made significant progress over the last two decades in terms of democratic governance. There are now more elections than military coups in Africa, unlike in the 1960s and 1970s. With new constitutions and legal and institutional reforms, effective governance in many African countries is on the rise, partly driven by the positive values enshrined in many of the African Union’s and the regional economic communities’ normative frameworks and instruments. The evidence can be seen in the progressive stabilization of Somalia and the continued consolidation of peace in Liberia, Sierra Leone, and post-genocide Rwanda.

However, many challenges persist, and pockets of regression are evident. A growing youth bulge and the widespread marginalization of young

people, enduring underdevelopment, and persistent inequalities are among the social and economic challenges that are negatively impacting efforts to improve governance.

New rebel groups and radicalized militias are controlling vast expanses of ungoverned territories, becoming astute service providers in competition with the state. In certain contexts, these nonstate actors, heavily armed, are taking advantage of technology and globalization in their attempts to redefine the manner in which power is acquired, exercised, and maintained. Some of them abuse religion by claiming it legitimizes new forms of brutal authoritarianism, as illustrated in Somalia, the Central African Republic, northern Nigeria, northern Mali, and Libya. As a result, the monopoly of violence is no longer the sole preserve of the state, creating major risks for governance and leadership at national and continental levels. In addition, many of these groups marshal local discontent with “bad politics” and take advantage of an absence of state authority due to weak institutions at the local level.

Indeed, marginalization and exclusion form part of a long list of challenges to governance, peace, and stability in Africa, which also includes mismanagement of natural resources; failure to adhere to the rule of law; violations of human rights; inequality and extreme poverty; youth unemployment; inadequate postconflict reconstruction, development, and reconciliation; and shortcomings in disarmament and reintegration of ex-combatants back into their communities.⁵

Recent reverses in peace and security across Africa illustrate the persistent gaps that exist between the aspirational norms of democratic governance and their implementation. Yet, in the face of these setbacks, policy responses tend to focus on the violent symptoms of insecurity rather than addressing one of the primary root causes of these conflicts: poor governance. As a result, Africa’s mixed peace and security record can be

1 “Africa rising: A hopeful continent,” *The Economist*, March 2, 2013, available at www.economist.com/news/special-report/21572377-african-lives-have-already-greatly-improved-over-past-decade-says-oliver-august.

2 United Nations Conference on Trade and Development, *Economic Development in Africa: Catalysing Investment for Transformative Growth in Africa* (New York and Geneva: United Nations, 2014), available at http://unctad.org/en/PublicationsLibrary/aldcafrica2014_en.pdf.

3 The Third Annual AU High Level Dialogue on Democracy, Human Rights and Governance in Africa: Trends, Challenges and Prospects, Dakar, October 30–31, 2014. See www.dgtrends.org.

4 Ibid.

5 Ambassador Fatuma Ndangiza at the Accra regional roundtable meeting on “Effective and Inclusive Governance in Africa: Bridging the Gap between Norms and Performance,” August 5–6, 2014.

seen in both the progress in economic growth and peace consolidation, and the enduring security risks that find their roots in multilayered democratic governance deficits.

To overcome this ambivalent record, Africa needs a unified strategy to address the continent's governance challenges and advance long-term peace and stability. Effective, inclusive, and accountable governance; visionary leadership; and solid democratic institutions are critical to ensuring Africa reaches its potential in ever-challenging environments. Thus, restoring and strengthening governance in fragile and conflict-affected contexts calls for a new social contract built on accountability and inclusiveness—of institutions, politics, economic growth, natural resource management, and the delivery of public services. This new social contract, which is an essential prerequisite to Africa's transformation, has the potential to facilitate the kind of socio-economic development and responsive, inclusive politics that leads to an enabling environment for sustainable peace and stability. As the continent's leading body, the African Union (AU) Commission, along with AU member states and regional economic communities (RECs), must take responsibility for establishing and implementing norms for democratic governance. Such responsibility should include building capable, effective, and legitimate states, and ensuring the participation of all African citizens in the endeavor to build this social contract.

Contributing to the development of this new social contract, this report examines the governance deficits that drive conflict on the continent and offers practical ways to address them. It draws from a regional workshop on “Effective and Inclusive Governance in Africa: Bridging the Gap between Norms and Performance” organized by the African Union Commission's Department of Political Affairs, the International Peace Institute, the United Nations Development Programme's Regional Service Centre for Africa, and the Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ), which took place on August 5 and 6, 2014, in Accra, Ghana.

The first part of the report identifies five main governance challenges that constitute potential crisis factors on the continent, arguing that a lack of implementation of norms and standards prevents the realization of the normative and institutional frameworks for promoting democracy and the rule of law in Africa. For each of these challenges, a country case study illustrates recent trends. The second part of the report gives a brief overview of the continental, regional, and national responses developed to advance inclusive and accountable governance, particularly in fragile and conflict-affected countries. It shows that in light of limited coordination, there are gaps between institutions and citizens, as well as political, resource, and capacity constraints. The third part of the report provides a series of policy options and recommendations that focus on three main priorities: enhancing democracy, governance, and human rights; bridging the divide between governance standards and performance; and promoting effective governance from the ground up.

Africa's Governance Challenges

Governance has been defined as “the provision of the political, social and economic goods that a citizen has the right to expect from his or her state, and that a state has the responsibility to deliver to its citizens.”⁶ According to Ghana's former president, John Kufuor, good governance encompasses

state-society relations that are democratic, including respect for human rights and the rule of law. They are developmental and allow for the management of the economy in a way that enables economic growth, structural change, and the judicious use of available resources in a sustainable manner; they are socially inclusive, in particular of minorities and ethnic or religious diversity.⁷

Embodied in effective governance are the processes, mechanisms, and policies that deliver essential public goods and services that citizens have come to expect.⁸ These public goods and services range from safety and security to political

⁶ “Ibrahim Index of African Governance,” available at www.moibrahimfoundation.org/iiag/.

⁷ John Kufuor, former president of Ghana, “Strengthening good governance in Africa,” speech delivered at G8 Deauville Summit, May 2011.

⁸ Youssef Mahmoud, Accra regional roundtable meeting on “Effective and Inclusive Governance in Africa: Bridging the Gap between Norms and Performance,” August 5–6, 2014.

participation, the rule of law, and human development, among others.

At continental, regional, and national levels, numerous norms and frameworks have been adopted to promote democracy and the rule of law in Africa. However, a persistent delivery deficit prevents these norms from being transformed into reality. While governance challenges in Africa do not originate uniquely from the continent, the reality is that ongoing African initiatives to address these crises, as in the Central African Republic or South Sudan, have often been insufficient.

Five challenges to effective governance in Africa stand out: diversity and the current identity crises; service delivery; management of natural resources; citizen engagement and the participation of women and youth; and coordination and accountability.⁹

DIVERSITY AMID IDENTITY CRISES

Building on colonial rule's multilayered identities of first-, second-, and third-class citizens, newly independent African countries regarded ethnolinguistic diversities entrenched in divergent political opinion as detrimental to unity and contrary to the nation-building project. They sought to dilute them in various systems of common-identity, single-nation projects and one-party systems.¹⁰ The failure to accommodate multiple community identities constitutes a critical challenge that poses severe threats to lasting peace, stability, and development, with particular importance in fragile and conflict-affected contexts.

In these challenging environments, the diversity of the social fabric often leads identity groups (based on kin, religion, or ethnicity) to believe—rightly or not—that they are excluded from political power and thus access to and control of national resources.¹¹ Urban centers, where the principal ethnic groups live side by side, often become battlegrounds for defining national identity and testing the state's capacity to balance the demands of competing political communities. Where ethnic minorities coexist with winner-takes-all electoral systems, these groups are almost

certain never to access power, preventing electoral processes from bridging social cleavages.

Obstacles to participation in local government structures, combined with the absence of independent mechanisms for preventing and resolving conflicts and ensuring accountability, make Africa's diversity a fertile ground for identity-based tensions. The mobilization of geographic, ethnic, and religious differences as a means of achieving political power was evident in the Rwandan genocide, the crisis in Darfur, the violent aftermath of elections in Côte d'Ivoire and Kenya, and the political implosion in the Central African Republic and South Sudan, among other cases. In addition, three years after the demise of former Libyan leader Muammar Qaddafi, the current crisis in Libya illustrates society's tendency to retreat to parochial, subnational, and tribal identities in the absence of a functioning nation-state, and the consequences of failing to build a state based on an identity larger than tribal groupings. In the horn of Africa, the exploitation and fracture of Somalia's clan identities contributed to the breakdown of the Somali state—notwithstanding the African Union's efforts to rebuild the country—with attendant ramifications for global security. As a result, new border disputes have emerged, along with citizenship contestation among ethnic minorities like the Toubous, an ethnic group that lives in southern Libya but also in northern Chad, northeastern Niger, and northwestern Sudan.

The absence of a national identity poses further risks to the impartial provision of social services to all groups, threatening recovery, stability, and development in conflict-affected and postconflict contexts. Various social, political, and economic relations may result in the exclusion of certain groups from access to social services on the basis of age, gender, ethnic, or religious differences. As a result, these multiple identities make it difficult to foster an improved relationship between state and citizens, and weaken the social pressure needed to mobilize the state's response.¹²

9 Alfred Nhema and Paul Tiyambe Zeleza, eds., *The Roots of African Conflicts: The Causes and Costs* (Ohio University Press, 2008). See also, High Level Panel on Fragile States, *Ending Conflict and Building Peace in Africa: A Call to Action* (Tunis: African Development Bank, 2014).

10 United Nations Economic Commission for Africa, "African Governance Report 2013: Elections and the Management of Diversity," July 2013, available at www.uneca.org/sites/default/files/publications/agr3-executive-summary.pdf.

11 Center for Strategic and International Studies, "Private-Sector Development in Fragile, Conflict-Affected and Violent Countries," CSIS Working Group on Private Sector Development in Fragile States, June 2013, available at http://csis.org/files/publication/130617_Hameed_PrivateSecDevel_WEB.pdf.

12 Samuel Carpenter, Rachel Slater, and Richard Mallet, "Social Protection and Basic Services in Fragile and Conflict-Affected Situations," Working Paper 8, Overseas Development Institute, Secure Livelihoods Research Consortium, October 2012.

Case Study 1: South Sudan

South Sudan has more than sixty different ethnic groups with a long history of communal coexistence. In the past, issues such as cattle rustling, competition over grazing land, and water access rights were managed by traditional conflict resolution mechanisms and reconciliation processes. However, the country's diverse communal identities have increasingly become a political weapon in the power struggles and infighting within the governance and security institutions of the country's Sudan People's Liberation Movement (SPLM) and Sudan People's Liberation Army (SPLA). The intertwining of ethnic identity and political differences can be seen in the country's current internal crisis, whereby political disunity within the SPLM and SPLA have spread outward to the population at large, contributing to outbreaks of violence along ethnic lines. These dynamics—the political mobilization of power bases along ethnic lines—form part of the unresolved political fissures that were also at play in the 1991 SPLM factional split and its resultant ethnic violence.

State policies have further exacerbated rather than reconciled ethnic cleavages in the nation. Disarmament operations have frequently been undertaken in an ethnically selective way, leaving disarmed groups vulnerable to attacks by neighboring groups. Significant state-level land policies have made ethnic identity the basis for access to customary lands. Local government policies have also made ethnic identity the basis for local government units. The new nation's management of ethnic diversity and consolidation of collective identity is severely hampered by politicization and militarization along ethnic fault lines.

Thus, the militarization of ethnic identity, the targeting of civilians on the basis of ethnicity by

armed groups, and the increasingly ethnic lens applied to the state's politics have made the diversity of ethnic identities a fragmenting factor for the future of South Sudan's political stability and national unity. The South Sudanese case reveals that credible, legitimate, and impartial democratic institutions matter more for effective governance than charismatic individuals. Betty Ogwaro, a former minister of agriculture in South Sudan, sums it up aptly: "We always thought Sudan was the problem, and only two years into our independence we now know the problem is ourselves—we have to fix our own democratic institutions to withstand abuse by elites along ethnic lines."¹³

PUBLIC SERVICE DELIVERY

Public service delivery and social protection are increasingly seen as critical components of development strategies to tackle poverty and build more stable societies.¹⁴ The delivery of basic services is considered a tangible and important source of the state's "performance legitimacy,"¹⁵ and an opportunity for a government to establish its credibility.

Manipulation of identities, insecurity, and limited state capacity, as well as corruption and lack of accountability, are factors that restrict the provision of social services, impacting government credibility and legitimacy. During conflict, high levels of insecurity and violence hinder the introduction and implementation of social assistance. This is particularly the case when government loses part or full access to certain parts of the country, which negatively impacts the provision of services such as health, education, water, sanitation, housing, telecommunication, transport, security, and justice, as well as employment generation initiatives. In postconflict contexts, weak government capacity increases risks of violence and prevents governments from responding to the most basic needs of the popula-

13 Hon. Betty Ogwaro, remarks at the Gender Pre-Forum to the High-Level Dialogue on Democracy, Human Rights, and Governance in Africa, held in Kigali, Rwanda, October 6–7, 2014.

14 Governance and Social Development Resource Center, "Service Delivery and Stabilisation," Helpdesk Research Report, GSDRC, Birmingham: June 2009; OECD, "Service Delivery in Fragile Situations. Key Concepts, Findings and Lessons," offprint of the *Journal on Development* 9, No. 3 (2008); Derick Brinkerhoff, Anna Wetterberg, and Stephen Dunn, "Service Delivery and Legitimacy in Fragile and Conflict-Affected States," *Public Management Review* 14, No. 2 (March 2012); Carpenter et al., "Social Protection and Basic Services."

15 Claire McLoughlin, "When Does Service Delivery Improve the Legitimacy of a Fragile or Conflict-Affected State?" *Governance*, March 2014.

tion. It also exacerbates existing fault lines and delays attainment of peace dividends that could be obtained in the early recovery processes.

Furthermore, sound financial and economic governance is a necessary condition to strengthen the trust of African citizens in their governments and to ensure the delivery of much-needed public services. In fragile contexts, corruption may help people access public goods and services by facilitating black markets and informal service delivery. However, corruption generally has an overwhelmingly negative effect on access to and quality of public services. Corruption undermines equality and limits access to key services through favoritism or by imposing bribes. Ultimately, corruption undermines the very fabric of national and local government institutions, preventing their effective functioning and the nondiscriminatory delivery of basic services to populations.

In fragile and postconflict contexts, government responsiveness can be seen through signals affirming that privileges will not be given to specific groups or segments of society. Preferential prioritization, if and when it does occur, should happen only after specific needs of marginalized groups are transparently identified, to close the gap from below rather than widening it from above.

Case Study 2: Central African Republic

In the Central African Republic today, conditions of insecurity and inequality that are significant factors in the country's political instability are underpinned by decades of weak governance and chronic underdevelopment—with limited state capacity, a lack of stabilizing state institutions, and the state's resultant inability to provide basic services to its people. The state has been largely absent outside of the capital Bangui, and there is a lack of basic services such as healthcare, water, roads, education, and security for the population in large parts of the country. In particular, the northeastern region has long lacked public goods and a state security presence, and this regional marginalization has

further exacerbated ethnogeographic instability in the Central African Republic.

Under such conditions, the legitimacy of the state has been severely tested. In a situation of almost permanent insecurity, Central Africans have largely had to fend for themselves in the face of threats from bandits, criminals, militias, and rebel groups. Importantly, the underlying grievances of the people—unmet needs and a lack of social protection and economic opportunities—have contributed to the militarization of the country. Social and economic disparities have fueled communal tensions between Christians and Muslims, with Muslim traders perceived to be unfairly advantaged in comparison to the rest of the population. A security vacuum due to the state's lack of security presence has enabled the emergence of rebel groups based in the north and other nonstate armed actors. The state's inadequate provision of security and basic services has created a breeding ground for recruitment into militia groups, as local populations in rural and northern areas seek protection and economic opportunity that the state is unable to provide.

The absence of state institutions and services has, therefore, created conditions for instability, insecurity, and internal conflict. In a tragic vicious cycle, this has further weakened the state and hampered governance capacity—which means a continual situation of vulnerability to violence, infectious disease, and poverty for the Central African people.

NATURAL RESOURCE MANAGEMENT

Africa is rich with valuable natural resources.¹⁶ African countries export billions in natural resources to the rest of the world. African trade with China has risen from \$11 billion to \$166 billion over the past decade.¹⁷ Beyond the current levels of resource extraction, Africa's access to natural resources is poised to increase. With continued exploration and development, oil and gas reserves could inject almost \$3 trillion into the

16 Charlotte J. Lundgren, Alun H. Thomas, and Robert C. York, "Boom, Bust, or Prosperity? Managing Sub-Saharan Africa's Natural Resources," IMF, Departmental Paper No. 13/2, August 27, 2013.

17 "Africa rising," *The Economist*.

economies of African countries.¹⁸ As agricultural technologies and innovation spread throughout the continent, there is huge potential for this increase in natural resources to translate into higher tax receipts for governments as well as improved services and increased employment for local communities.¹⁹

While these economic opportunities present exciting possibilities for development and growth, history has shown that natural resources can be catastrophic for democratic governance and peace. Referred to as the “resource curse,” many countries in Africa have found that resource wealth manipulates incentives, causing corruption and competition for resources, which leads to a breakdown in governance structures and can cause conflict. As Paul Collier points out, rebellions must be feasible in order to succeed, and resources provide material feasibility and motivating factors for armed groups.²⁰ Even if groups have legitimate grievances against one another, the “greed” factor is a powerful one. The combination of local mistrust in the current government and the opportunity for material gain present a recipe for violent conflict. Just as colonial powers developed systems focused on extracting resources from the continent to fund their own empires, local elites often use the profits from natural resources on the continent for their own ends.

At the heart of the resource curse are issues of democratic governance. Without accountable institutions, the wealth from natural resources corrupts elites and thwarts democratic governance. Even as governance and democracy are making significant progress on the continent, mismanaged natural resource wealth has the potential to thwart those efforts. Many emerging democracies in Africa do not have the capabilities to protect their societies from corruption and exploitation by local

elites and foreign interests. Accordingly, effective management of natural resources requires regional and continental coordination and mutual cooperation so that the side effects of exploitation and competition over resources are mitigated. The African Mining Vision presents progressive strategies for continental and regional efforts to help African countries avoid the resource curse.²¹ Disagreements over resources can quickly escalate to war. Foreign investment can also complicate the situation, with companies making decisions that can threaten the rights of small-scale farmers and local communities.²² Many African countries fail—either by design or default—to negotiate competitive mining deals and contracts, or even fail to collect commensurate taxes from the extraction of natural resources, leading to multibillion dollar losses each year.²³ Managing the tensions caused by foreign influence requires strong national and regional democratic governance institutions that are not solely concerned about the elite decision makers but can protect the rights of citizens.

Poor management of natural resources has local consequences as well. One of the root causes of tension has to do with land rights. As a legacy of colonialism, it is unclear in many African countries who owns the land, particularly when people have been forced off their land due to conflict and then return. Women are often excluded from land ownership, making them particularly vulnerable to land seizures and the concomitant loss of their livelihood. Land ownership and tenure are at the center of conflicts across the continent.²⁴ Effective democratic governance is needed to protect the rights of minorities and vulnerable populations when it comes to their land and their livelihoods. Deals with multinational corporations often fail to take into account traditional land rights. Competition over land aggravates tensions

18 Larry Diamond and Jack Mosbacher, “Petroleum to the People: Africa’s Coming Resource Curse—and How to Avoid It,” *Foreign Affairs* 92, No. 5 (September/October 2013).

19 Jakkie Cilliers, “Securing Africa’s natural resources to avoid conflict,” *ISS Today*, June 6, 2013, available at www.issafrica.org/iss-today/securing-africas-natural-resources-to-avoid-conflict.

20 Paul Collier, “Economic Causes of Civil Conflict and their Implications for Policy,” April 2006, available at <http://users.ox.ac.uk/~econpco/research/pdfs/EconomicCausesofCivilConflict-ImplicationsforPolicy.pdf>.

21 African Union, “African Mining Vision 2009,” February 2009, available at http://pages.au.int/sites/default/files/Africa%20Mining%20Vision%20english_0.pdf.

22 International Fund for Agricultural Development (IFAD), “IFAD and Land Issues: Land Tenure Security and Poverty Reduction,” available at www.ifad.org/english/land/index_full.htm.

23 Africa Progress Panel, “Equality in Extractives: Stewarding Africa’s Natural Resources for All,” Africa Progress Report, 2013, available at http://africaprogresspanel.org/wp-content/uploads/2013/08/2013_APR_Equity_in_Extractives_25062013_ENG_HR.pdf.

24 Deborah Horan, “Why Land Matters for Conflict Resolution,” *Devex*, September 19, 2013, available at www.devex.com/news/why-landmatters-for-conflict-resolution-81843.

between families and groups, making it easy for local conflicts to become national ones. The issues of land management must take into account complicated networks and claims, and this can only be accomplished when institutions are participatory and robust.

Climate change, an issue that affects every member of the global community, further complicates efforts in managing resources and resolving conflict. With the onset of desertification, for example, water scarcity increases the risk of conflict. There is a strong role for institutions and governments to play in minimizing such risks through mediation and agreements. A scarcity of resources caused by climate change does not necessarily cause conflict. However, strong institutions and democratic governance mechanisms are necessary to navigate the tensions and challenges inherent in changing environments.²⁵ Governments need to be perceived as legitimate, so when states are weak, the failure to manage the scarcity of water and other natural resources caused by climate change can create a multifaceted risk.

Case Study 3: Democratic Republic of the Congo

The Democratic Republic of the Congo (DRC) is a prime example of natural resources being a “curse.” It illustrates why credible and legitimate democratic institutions are pivotal in the effective management of natural resources of any country. Such institutions are crucial in order to regulate and manage natural resources in a way that benefits the entire population, not simply the elites. DRC has had one of the most intractable and difficult conflicts fuelled and sustained by mismanagement, abuse, and exploitation of natural resources such as gold and coltan (used in electronics). The country’s vast and rich natural resources have supported armed groups throughout the civil war. Foreign vested interests within and beyond the continent have exacerbated the situation in a country where the national government has little if any control over significant swathes of territory.

DRC is a country the size of Western Europe, and the government in Kinshasa—already weak after years of corruption during the presidency of Joseph Mobutu—has not had a strong presence in the eastern part of the country. Control over the mines is thus a competition between armed groups, who use the money from the mines to continue funding the war.

Efforts to curb the illegal sale of natural resources to fund the conflict have varied. Global initiatives have focused on tracing conflict minerals, sanctioning leaders, and preventing the sale of arms to criminal and rebel groups, but the efficacy and success of these measures have been limited due to the absence of regional coordination and cooperation in this regard. Global awareness campaigns and international pressure on countries that are allegedly fuelling the conflict in DRC to enrich themselves with the country’s spoils has prompted increased attention on natural resource supply chains. However, challenges abound. Corruption and complicity among multinational corporations and foreign governments is rife throughout the natural resources sector, calling into question the feasibility and credibility of international efforts. The military and security forces’ ability to protect civilians is also questionable. As a result, efforts to prevent the sale of natural resources from funding conflict are incomplete. The DRC provides a vivid example of the need to establish credible and legitimate democratic governance institutions, participatory and inclusive governance at a local level, and coordinated action and cooperation at the regional level—an area in which the AU and other actors could take the lead.

CITIZEN ENGAGEMENT

Citizen participation is an essential element of democratic governance. It allows populations to stay informed and express their views about the challenges they face. Citizen participation can take the form of institutionalized information sharing, consultation, dialogue, representation, volunteering, or questioning and monitoring.²⁶ However, the gaps between citizens and their elected leaders

25 Hugh Miall, “Global Governance and Conflict Prevention,” in *Global Governance, Conflict and Resistance*, edited by Feargal Cochrane, Rosaleen Duffy, and Jan Selby (Basingstoke: Palgrave, 2003), pp. 59–77.

26 The Panos Institute West Africa and the United Nations Development Programme, “E-governance and Citizen Participation in West Africa: Challenges and Opportunities,” March 2012, available at www.undpegov.org/sites/undpegov.org/files/UNDP-IPAO-Report-English.pdf.

appear to be widening, often stemming from governments' inability to deliver expected goods and services to populations combined with exclusionary governance practices. Distrust, and in some cases outright rejection, of organized politics—especially among the youth, who constitute a significant proportion of Africa's population—is a challenge that impacts social cohesion and is at the root of social unrest in various parts of the continent. This further contributes to emerging threats such as radicalization and religious extremism.

Beyond the growing disconnect between citizens and their leaders, there is also a need for visionary and adaptive leadership in Africa to improve policy development and financial and information management in what are complex and rapidly changing environments.²⁷ Ruling elites' monopolization of power and national resources has pushed citizens to mobilize for increased civil society monitoring and open questioning of governments. For example, in pre-crisis Mali a lack of accountability shielded the government from criticism of its failures until the day it collapsed. In general, increased scrutiny is required in a number of areas: redistribution of economic growth, inclusive and participatory systems, human rights, gender equality, independence of the media, access to information, and government capacity for service delivery. Improved dialogue between the state and its citizens can contribute to responsive leadership and participatory governance, in turn addressing and preventing potential conflicts.

While regular elections are considered essential to building democracy, democracy cannot be reduced to a ballot. In recent years, there has been renewed interest in models for ensuring citizen participation in governance. Highly contested elections and recent cases of election-related violence, as in Kenya, have highlighted the need to give consideration to both the technical and political aspects of the electoral processes. Such concerns seek to minimize ill-timed and poorly organized elections by ensuring agreement on adopted electoral laws, the establishment of impartial and independent election-management bodies, adequate funding of electoral processes,

and the involvement of all relevant actors—including opposition political parties, civil society, and the media—during the appropriate phases of electoral cycles. It is clear that winner-takes-all electoral systems lead to the exclusion of minority groups within a country, with attendant ramifications on peace and security. As such, consociational democracy, which gave rise to a government of national unity in Kenya, is worth considering once more.

In Libya after the fall of Qaddafi, attempts to rebuild the state happened without clear plans for the future. The international community quickly moved to organize elections, raising hope for a smooth transition to democracy. However, the elections opened a dramatic window of vulnerability and divisions that could not be reconciled in the absence of effective public institutions and a legitimate civil society. In a context of increased religious radicalization and widespread circulation of arms, Libya illustrates that elections without national governance structures are doomed to fail.

States' renewed engagement with civil society should focus on those so often excluded from power, particularly women and youth. Women are disproportionately affected by conflict in society, and their contributions to conflict prevention, peacemaking, peacebuilding, and development remain largely overlooked. In postconflict countries like Burundi, South Africa, and Rwanda, women have made remarkable strides in political representation and the promotion of gender-responsive legislations. Affirmative policies have also encouraged greater women's participation in countries like Senegal, where a 2010 parity law facilitated an increase from 18 to 43 percent representation of women in parliament. However, in Senegal as in many African countries, male political elites' continued monopoly on power, driven by a lack of political will, socioeconomic challenges, and patriarchal norms, continues to limit the formal and meaningful involvement of women in governance, security, and development processes.

For civil society to serve as an effective government watchdog, it will need to address its own challenges of capacity, resources, competition,

²⁷ United Nations Department of Economic and Social Affairs, "Governance Progress in Africa: Challenges and Trends," DPADM Discussion Paper, November 2005, available at <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan021509.pdf>.

internal governance, representativeness, and legitimacy. In Senegal, where nongovernmental organizations regularly receive substantial financial support, several social movements have been established. However, questions have been raised about how some of these movements function, as they increasingly appear to represent a narrow elite. In Libya, decades of dictatorship prevented the emergence of a strong civil society. As a result, religious radicalization and tribalism have occupied the vacuum left by the 2011 revolution, and the engagement of civil society, which has a role to play in the country's political and national dialogue, remains ad hoc.

Case Study 4: Mali

Effective state-society relations in Mali have been undermined by the lack of genuine political opposition and political diversity. There is also a widening gap between political elites and the citizenry, with a civil society that is perceived to be aligned with the political class rather than serving as a bridge between the population and its leaders. This has been exacerbated by the historical political exclusion of the country's north, limited decentralization of governance, and perceptions of government corruption and complicity with criminal groups. Malian democracy has thus been seen as largely hollow, with effective governance hampered by the constraints of key dimensions of citizen engagement—a vibrant civic culture, an actively engaged citizenry, and an effective civil society.

Mali's civic culture under Amadou Toumani Touré's regime was characterized by consensus politics. While this was a source of pride, linked to Mali's culture of consensus-making and dialogue, it also led to the co-optation of political opposition, the stifling of democratic debate, and—toward the end of Touré's rule—a trend toward absolutism. This system has fueled public perceptions of government corruption, impunity, and patronage by political elites. In fact, the political class is increasingly seen as out of touch with the needs and concerns of the Malian people. Despite the formal trappings of democratic practices, such as regular

elections, the lack of genuine checks and balances or political alternatives deeply undermined citizen trust in the democratic process in Mali, and the citizenry became increasingly disengaged. Civil society in Mali has found itself bound up in the political elite, rather than serving as a counterweight to it, acting as a wedge rather than a bridge for state-society relations. Citizens distrust many civil society organizations, seeing them as extensions of political power and state patronage, associated with one or another political leader and discredited by links to elite politics.

In Mali, an ineffective civil society and a disengaged citizenry that increasingly lacks interest, participation, and trust in state processes and institutions have further weakened effective governance.

ACCOUNTABILITY

As countries emerge from violent conflict, one of the critical questions is how to address issues of accountability, reconciliation, and justice in the face of mass atrocities. Africa is home to several experiments, both successful and unsuccessful, when it comes to holding perpetrators accountable in postconflict situations—from conditional amnesty provisions in South Africa, to a refusal of blanket amnesty for international crimes in Sierra Leone, to a variety of cases and situations at the International Criminal Court.

Addressing impunity on the continent demands national, regional, and international coordination and innovation. Justice should not be limited to prosecutorial and punitive justice; it must also be geared toward national healing, reconciliation, and reintegration of perpetrators and victims, with a view to national unity and reconstruction. Transitional justice processes can combine accountability with community-based and traditional justice, truth telling, reconciliation, reparations, institutional and legal reforms, memorialization, and socioeconomic and gender justice.²⁸

In order for effective transitional justice to take place, it must be guaranteed by credible and legitimate democratic governance institutions so that

²⁸ African Union, Centre for the Study of Violence and Reconciliation, and Kingdom of Belgium, "African Union Transitional Justice Policy Framework in Practice: Implementing Accountability Measures," available at <http://pa.au.int/en/content/african-union-transitional-justice-policy-framework-practice-implementing-accountability-mea>.

victims and perpetrators have confidence in the outcomes.

One of the more recent controversies relating to impunity and ensuring accountability for those who bear the greatest responsibility for atrocities surrounds the situations before the International Criminal Court (ICC). The court's purpose is to try perpetrators of mass atrocities and crimes against humanity, and to work in contexts where the local courts do not have the capacity and or are unwilling to try war criminals. The ICC is criticized for what is perceived as political bias and technical incompetence, especially in conducting investigations and protecting witnesses.²⁹ Despite initial massive support from African member states, which constitute the largest single block from any particular region, there is a growing perception that the court targets weak countries and may be pursuing a neocolonial agenda.

Perceptions and controversies aside, African countries must work to end the pervasive impunity gap, both individually and collectively. The importance of strong democratic governance institutions, including national courts of law and innovative local conflict resolution tools as the first dispenser of justice, cannot be overemphasized. It is also critical to note the adoption of a new protocol by the African Union extending the jurisdiction of the African Court on Human and Peoples' Rights to include an international criminal mandate. It is hoped and expected that if and when the new protocol comes into force—after garnering fifteen ratifications—African states will make good on their promise to address the impunity problem for international crimes, which has been the hallmark of the transition from the Organisation of African Unity to the AU.

The AU is also in the process of developing an African transitional justice policy. Innovative transitional justice experiments in Africa were made popular following South Africa's Truth and Reconciliation Commission (TRC). Tasked with addressing the crimes of the apartheid era, the commission, led by Desmond Tutu, gave perpetrators amnesty in exchange for telling the truth about human rights abuses. While the commission faced criticism for not doing enough to address the

economic divisions within South Africa, it has been heralded as a success for its ability to confront the crimes of the apartheid era on a massive scale.

Local transitional justice mechanisms require strong organization and citizens' confidence in their government—in other words, effective democratic governance. Citizens need to trust that their government can protect witnesses, accurately record testimonies, and sufficiently punish those found guilty. TRCs are only valuable when local participation is inclusive, which democratic institutions and processes can guarantee. Without effective democratic governance, efforts to promote accountability are unlikely to be implemented sufficiently at the local, regional, or international level.

Case Study 5: Rwanda

In 1994, Rwanda experienced one of the worst genocides of the twentieth century, with over a million people killed based on their ethnic identity. While an International Criminal Tribunal for Rwanda was established to try the worst perpetrators of the genocide, thousands of ordinary Rwandans participated in the slaughter, raising difficult questions of responsibility and justice. In response, the Rwandan government established the *gacaca* courts. Since 2001, the *gacaca* courts have prosecuted 400,000 suspected perpetrators of the genocide in 1994. Communities elected community judges (*inyangamugayos*) to hear the trials of those accused of all crimes excluding the planning of genocide. If the suspect sought reconciliation with the community, the courts gave a lower sentence. Rwanda's experience is not without criticism. Many commentators argue that it has given amnesty in a way that has not satisfied many of the victims, leaving brewing animosity against perpetrators. Critics also raise questions over fair trial rights of the accused. Yet the *gacaca* courts are celebrated for combining justice, national unity, and reconciliation as opposed to the conventional criminal trials that focus on retributive justice.

The Rwandan case serves as a reminder of the importance of local involvement and investment in national democratic governance institutions to

29 Max du Plessis, Tiyanjana Maluwa, and Annie O'Reilly, "Africa and the International Criminal Court," *International Law*, Chatham House 2013/01 (July 2013).

ensure accountability and justice, along with addressing the injustices committed by perpetrators at all levels. Not all crimes against humanity require a solely international response. Even with their challenges, the *gacaca* courts in Rwanda serve as an example of alternative ways to address impunity, particularly when much of the violence was carried out within communities.

African Solutions in Challenging Environments

In fragile countries emerging from conflict, embracing diversity, improving service delivery, strengthening accountability, managing natural resources effectively, and fostering citizen participation are critical to advancing effective governance toward a conflict-free Africa. With increased stability, economic growth, and development gains, African countries—individually and collectively—are establishing the frameworks needed to tackle the governance challenges faced by fragile and conflict-affected countries.

The regional efforts at the AU and REC levels complement the normative and institutional developments initiated at the international level. These include the Millennium Development Goals and follow-up discussions on the Post-2015 Development Agenda, as well as the New Deal for Engagement in Fragile States, launched in Busan, South Korea, in 2011, among others. The African Union Commission's Department of Political Affairs, the United Nations Development Programme's Regional Bureau for Africa, and the United Nations Economic Commission for Africa, among others, have spearheaded the governance debate on the continent, stressing the centrality of governance and the interrelationship between democratic governance, peace and security, and sustained socioeconomic development.³⁰

REGIONAL RESPONSES: NORMS AND FRAMEWORKS FOR EFFECTIVE GOVERNANCE

The AU has adopted several norms and standards to promote governance, democracy, and human rights on the continent. A key component of this framework is the African Governance Architecture (AGA) established in 2011 to strengthen coordination among continental and subregional organs and institutions, with a mandate in governance, democracy, and human rights.³¹ Key instruments in this regard include the *Constitutive Act of the African Union*; the *African Charter on Democracy, Elections and Governance*; and the *African Charter on Principles of Public Service and Administration*. Others include the *African Charter on Human and Peoples' Rights*; the *Protocol on the Rights of Women in Africa*; and the *African Youth Charter*. These governance-specific instruments complemented the human rights architecture initiated by the *African Charter on Human and Peoples' Rights* and its two additional protocols on the rights of women and on the African Court of Justice and Human Rights. Over the years, the African Commission on Human and Peoples' Rights has played a critical role in bringing governments' attention to, and making them accountable for, human rights and governance violations. However, notwithstanding the existence of strong normative frameworks conducive to the institutionalization of democratic governance, human rights, and gender equality within the AU, the effective implementation of these processes and their recommendations remains weak. The establishment of the African Governance Architecture and Platform by the African Union in 2011 aimed to address that deficiency. However, issues of capacity, political will, and resources necessary for the AGA to achieve its mandate remain outstanding.

At a political level, in 2013 regional leaders adopted a solemn declaration resolving to “silence

30 R. Omotayo Olaniyan, “Governance in Africa Challenges and Prospects,” Institute for Research and Debate on Governance, available at www.institut-gouvernance.org/en/chapitrage/fiche-chapitrage-64.html.

31 George Mukundi Wachira, “Consolidating the African Governance Architecture,” SAIIA Policy Briefing No. 96, June 2014, available at www.saiia.org.za/policy-briefings/consolidating-the-african-governance-architecture.

the guns” in Africa by 2020. They also launched the “Africa Agenda 2063,” the latest strategy expected to optimize the use of Africa’s resources in order to accelerate the continent’s socioeconomic transformation. Agenda 2063 identifies democratic deficits and weak governance as root causes of conflict and a lack of sustainable development. In the draft framework document of the agenda, African leaders reaffirmed their commitment to address political and socioeconomic development challenges, including governance, peace, and security; to foster regional integration and development; and to promote the empowerment and integration of women and youth in economic and sociopolitical development processes.

The complementarity between peace and stability, democratic governance, and human rights has been recognized by the AU. Among other objectives, the AU Peace and Security Council aims to “promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts.”³² Charged with supporting the Peace and Security Council’s and the AU Commission chairperson’s conflict prevention efforts, the Panel of the Wise has initiated thematic discussions on issues including impunity, justice, and reconciliation; women and children; and on governance and democratization. The Panel of the Wise has also played a critical role in the prevention of election-related disputes and political violence, using its members’ good offices. With the establishment of the AGA, mutually reinforcing strategies are necessary to build synergies between the governance architecture and the peace and security architecture that includes the Peace and Security Council and the Panel of the Wise.

The 2001 New Partnership for Africa’s Development (NEPAD)—the continent’s landmark strategy to mitigate deepening economic problems and restart economic growth—and its African Peer Review Mechanism (APRM) constitute important components of continental efforts to develop common values and standards of

democratic governance. The primary purpose of the self-assessment governance monitoring mechanism is to ensure that the policies and practices of participating states conform to the agreed values, codes, and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance.

The APRM conducts reviews in four areas: democracy and political governance; economic governance and management; corporate governance; and socioeconomic development. As of August 2014, thirty-four countries representing 76 percent of Africa’s population had acceded to the mechanism, and seventeen of them had been peer reviewed. The reviews are an open, inclusive, participatory, and broad-based process, and they have helped to identify factors that underpin good governance and socioeconomic development in Africa. Constructive peer dialogues for sharing information and experiences have helped to reinforce successful practices. Reflecting on the factors that constrain the implementation of good governance principles, the reviews revealed significant challenges on the continent.

The APRM has proven useful in assessing member states’ levels of compliance with shared values while highlighting challenges to states’ ratification, domestication, and implementation of the AU’s “shared values instruments.” Through its emphasis on domestic accountability, citizen participation, and peer learning, the APRM also serves as an early warning system for conflict prevention. Its focus on quality of governance lays a foundation for socioeconomic development.³³ However, the fact that not all fifty-four AU member states have acceded to the APRM limits the implementation of the recommendations. The need to deepen the review of national programs of action and other development frameworks also puts limits on the APRM’s impact.

Inaugurated in 2004, the Pan-African Parliament (PAP) serves as another tool for monitoring governance across the continent. Mandated to promote human rights and democracy; to encourage democratic governance, transparency, and accountability; and to promote peace, security,

32 African Union, “Peace and Security Council,” available at www.peaceau.org/en/page/38-peace-and-security-council.

33 Ambassador Fatuma Ndongiza, Accra regional roundtable meeting on “Effective and Inclusive Governance in Africa: Bridging the Gap between Norms and Performance,” August 5–6, 2014.

and stability, PAP was transformed from a purely consultative advisory forum into a legislative organ of the AU in 2014. Some of its activities over the past ten years include oversight missions to conflict areas; the promotion of democratic governance through election observation missions; advocacy for the ratification and domestication of the AU instruments on governance; and promotion of women's empowerment through the monitoring of the Millennium Development Goals on maternal health and child mortality. In addition, the continental body can propose model laws to national and regional parliaments on issues including governance and gender equality. However, the limited influence of PAP over the first decade of its functioning, which reflects the weakness of parliamentary democracy across the continent, highlights the need to strengthen these democratic governance monitoring mechanisms. Despite the development of regional parliamentary bodies by various RECs, it has been difficult to harmonize and rationalize their mandates given the limited subregional coordination.³⁴

Beyond regional parliamentary bodies, several RECs, which were initially created with a focus on economic integration, gradually increased their focus on issues of democracy and good governance. For the East African Community, this necessary shift resulted from the need to strengthen the links between governance norms and economic integration. The Intergovernmental Authority on Development (IGAD) is also in the process of adopting a Protocol on Democracy, Governance and Elections. In West Africa, the Economic Community of West African States (ECOWAS) adopted a Protocol on Democracy and Good Governance in 2001, which defined regional standards in the fields of elections, democratic governance, rule of law, and human rights. These standards have led to an established practice of condemnation of military coups and unconstitutional changes of government. More recently, ECOWAS facilitated the development of norms and standards for political parties. Plans are underway to define regulations for the media. The

Southern African Development Community's (SADC) initiatives to promote democracy and governance include the adoption of principles and guidelines governing democratic elections in 2004, and of a gender protocol committing member states to a goal of at least 50 percent representation of women in decision-making positions in the public and private sectors by 2015.³⁵

Despite these efforts, competing priorities, issues of overlap, and the various levels of development of each REC negatively impact the emergence of a harmonized governance agenda on the continent. Since the RECs are the building blocks of the AU, enhanced cooperation and the definition of common priorities are prerequisites to the development of an effective continental democracy and governance architecture. The AGA platform, of which the RECs are part and parcel, is expected to harness their synergies, enhance complementarity, and ensure more coherent and coordinated action among AU organs and RECs on democratic governance.

Moreover, the disconnect between the RECs and their citizens—and even more so between the AU and its citizens—makes it difficult to arrive at common understandings of the continent's challenges and shared ownership of the regional and continental strategies designed to overcome these challenges. In Libya, where the perception of the AU as partisan hindered continental efforts to prevent the escalation of the 2011 crisis, the AU initiatives were sidelined in favor of NATO's military intervention. The AU's inadequate contribution to addressing the crisis also resulted from its late and limited intervention. In fact, despite clear geopolitical interests and implications, the AU's presence in Libya remains weak and its few representatives are barely visible. The AU's limited involvement in Libya and other North African uprisings illustrates the disconnect felt by citizens in those countries. However, it also presents opportunities for the AU to change tack and vigorously defend the entire continent, living up to its mantra of "African solutions to Africa's problems."

34 Pan-African Parliament, "Report of the Pan-African Parliament Seminar on the Harmonisation of Regional Economic Communities and Regional Parliamentary Assemblies," held at Ngurdoto Mountain Lodge, Arusha, Tanzania, September 22–23, 2006, available at www.issafrica.org/uploads/PAPWORKREPSEP06.PDF.

35 Article 12 of the SADC Protocol on Gender and Development, 2008, available at www.sadc.int/files/8713/5292/8364/Protocol_on_Gender_and_Development_2008.pdf.

The gap between regional organizations and the people they are meant to serve further results in the construction of legal and political frameworks without consultation and involvement of civil society, and the vast majority of the latter remains unaware of developments in the AU and RECs. Beyond the adoption of normative frameworks, the persistent lack of implementation also widens the divide between elected leaders and their constituencies. The absence of political will, along with capacity challenges and financial constraints, hinders governments' delivery of their promises. Greater involvement of civil society would help ensure that the democracy, governance, and human rights norms and principles proclaimed at the regional and continental levels are widely publicized within member states. Civil society can also play an important role in monitoring the implementation of these norms and principles.

NATIONAL INITIATIVES: STRENGTHENING GOVERNANCE INSTITUTIONS

Efficient and accountable institutions—political, judicial, administrative, economic, and corporate—are an essential component of good governance.³⁶ However, where violent conflict destroys physical infrastructure, it also damages the institutional capacity of the state, civil society, and the private sector. Democratic governance is also undermined by widespread exclusion and corruption within institutions, combined with a lack of transparency and accountability.

Postconflict transitions offer a window of opportunity to create and reform institutions for the better, and to build their capacity. Responsive and accountable public sector institutions can in turn help to restore government legitimacy and achieve peace dividends. In this context, the focus should be on establishing the institutions that carry out the essential functions of government, as well as on governance mechanisms that ensure political oversight, including parliament, anti-corruption commissions, and audit agencies. In addition, enabling legislation that grants citizens access to information can facilitate their participation.

Increasingly, African countries are establishing institutional mechanisms to revitalize public service delivery and promote transparency and accountability in the public sector. Botswana, Kenya, and Rwanda offer positive examples of national audit mechanisms and public service performance management processes that contribute to enhancing transparency and accountability.

Respect for human rights also contributes to strengthening the rule of law, increasing citizens' confidence in their public institutions. In postconflict contexts, this calls for the restoration of constitutional order and institutions such as the police, courts, and prisons. In addition, national human rights institutions and gender commissions have been established to promote and protect human rights, including women's rights. These institutions' functions and powers vary from country to country, and in several cases they need to be strengthened to respond to context-specific challenges associated with fragility or to comply with international standards. In postconflict situations, transitional justice and accountability processes have also been created to address the legacy of past human rights violations and provide reparations to victims.

For all of these institutions to fulfill their objectives, checks and balances need to be strengthened—not least to ensure the independence, integrity, and effectiveness of the judiciary. Human rights and judicial mechanisms require autonomy, operational capacity, resources, and a free and democratic environment. Victims of human rights violations need access to systems that can effectively provide redress, which means state officials also need to be trained in human rights and democratic governance principles.³⁷ These measures have the potential to accelerate the transformation to responsible, relevant, accountable, and effective state institutions.

In addition, institutions have been created that can peacefully manage state-society relations and community conflicts. Such institutions include state councils, governance and administrative

36 Kempe Ronald Hope, Sr., "Toward Good Governance and Sustainable Development: The African Peer Review Mechanism," *Governance: An International Journal of Policy, Administration, and Institutions* 18, No. 2, April 2005: 283–311.

37 UN Office of the High Commissioner for Human Rights, "Good Governance Practices for the Protection of Human Rights," New York and Geneva, 2007, available at www.ohchr.org/documents/publications/goodgovernance.pdf.

commissions, and the offices of mediators, ombudspersons, and public protectors established in various countries. Traditional or community-level institutions and processes have also been designed and implemented to improve governance. Ghana has established local peace committees with a National Peace Council created in 2011 as an independent state mechanism for conflict prevention.³⁸ Alongside the judicial process, the National Peace Council played a key role in ensuring candidates' commitment to nonviolence and the use of judicial process during the deadlocked presidential elections in 2012. A local infrastructure for peace was also established in Kenya with the Wajir Peace and Development Committee, an initiative led by a group of women in the Wajir district, which succeeded in bringing and maintaining peace in the district in the early 1990s.³⁹ In Benin, the framework for interfaith consultation was established in 2007 to maintain peaceful coexistence among religious faiths by facilitating interfaith dialogue and promoting peace and harmony in state institutions and civil society. It has been hailed as an exemplary initiative contributing to peace and tolerance in the country.⁴⁰

The variety of normative and institutional frameworks established to respond to governance challenges highlight the wealth of tools and mechanisms that exist to improve service delivery and government effectiveness. Yet, so far, these mechanisms have proven insufficient to overcome the persistent governance deficits that continue to threaten sustainable peace, stability, and development on the continent. The lack of implementation of proclaimed democracy, governance, and human rights standards and principles underscores the need for increased coherence between norm setting and delivery.

DECENTRALIZATION POLICIES

Capable, effective, and legitimate institutions do not necessarily equate to centralized national institutions. Another strategy for addressing governance issues has been the adoption of decentralization policies and principles, which seek to transfer power and authority to local governments as a way of improving service delivery and rebuilding state legitimacy from the bottom up. Decentralization has been defined as “the restructuring or reorganization of authority so that there is a system of co-responsibility between institutions of governance at the central, regional and local levels according to the principle of subsidiarity, thus increasing the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels.”⁴¹ It is a political arrangement that involves “the devolution of specific powers, functions, and resources by the central government to subnational level government units.”⁴² Decentralization seeks to advance democracy and development by facilitating public participation, economic efficiency, and accountability, and by improving public service allocation,⁴³ developing public trust in government, and increasing government legitimacy. Decentralized governments are seen as closer to the people since, in principle, they allow greater influence on local public affairs and are viewed as more responsive to local needs.⁴⁴

After three decades of implementing various centralized models of governance inherited from colonization with mixed results, African countries—under pressure from external donors and civil society groups—began questioning the post-independence centralized state and its impact on popular participation and service delivery. Decentralization has since emerged as a widely accepted strategy for improving public sector

38 William A. Awınador-Kanyirige, “Ghana’s National Peace Council,” Global Centre for the Responsibility to Protect, August 2014, available at www.globalr2p.org/media/files/2014-august-policy-brief-ghana-national-peace-council.pdf.

39 Andries Odendaal, “An Architecture for Building Peace at the Local Level: A Comparative Study of Local Peace Committees,” discussion paper, UNDP, December 2010, available at www.un.org/en/land-natural-resources-conflict/pdfs/UNDP_Local%20Peace%20Committees_2011.pdf.

40 African Peer Review Mechanism, “APRM Country Review Report,” Republic of Benin, APRM Report No. 6, January 2008, available at www.aprmzambia.org.zm/docs/benin.pdf.

41 “Decentralization: A Sampling of Definitions,” working paper prepared in connection with the Joint UNDP-Government of Germany evaluation of the UNDP role in decentralization and local governance, October 1999, available at http://web.undp.org/evaluation/documents/decentralization_working_report.pdf.

42 Mike Adeyeye, “Exploring Democratic Decentralisation Reforms: Lessons from Africa,” Dublin Institute of Technology, Obafemi Awolowo University, Ile-Ife, Nigeria, 2006.

43 United Nations Economic Commission for Africa, “Popular Participation & Decentralization in Africa,” Africa Governance Report III, 2010, available at www.uneca.org/sites/default/files/publications/popular-participation-decentralization-in-africa.pdf.

44 Gordon Crawford and Christof Hartmann, eds., *Decentralisation in Africa: A Pathway Out of Poverty and Conflict?* (Amsterdam University Press, 2008), p. 8.

efficiency, responsiveness, and accountability. Several countries have enshrined decentralization principles in their constitution or national laws.⁴⁵ Moreover, citizens' demands for accountability appear to be increasing across Africa, as demonstrated by civil society's involvement in analysis and monitoring of local budget implementation, its use of local radio and social media to debate local issues, and its attempts to impact social service delivery.

However, the weak implementation of decentralization policies, which can be seen in the devolution of power without adequate financial, human, and technical capacity, has negatively affected local governance. In some countries, central governments are still unwilling to allow the decentralization of power prescribed by their constitutions, and the concentration of resources at the center has impinged on the local governments' ability to operate for the benefit of their communities. Additional factors, including limited public participation in local political processes, lack of accountability of local government institutions, the poor quality of services delivered, and the development of a local elite, underscore the limitations of incomplete decentralization policies across the continent.⁴⁶ As a result, many local authorities are unable to provide services like sustainable housing, electricity, clean drinking water, sanitation, and new roads, nor are they regulating businesses in accordance with relevant legislation.

Particularly in challenging environments where the central government is weak and under pressure, decentralization's building blocks need to be activated and reinforced in order to strengthen governance at both local and national levels. These foundations include multiparty politics, broad citizen participation, and the meaningful involvement of traditionally marginalized groups such as ethnic or religious minorities, women, and youth. Here, partnerships among key actors at the local level, including opposition political parties, civil society, and the private sector, play a key role. As such, the capacity of local actors across all sectors must be adequately strengthened—not least by

empowering the poor and the marginalized to take greater control of their lives, encouraging multiple flows of information, and holding institutions accountable.

Recommendations

Building on efforts undertaken by a variety of continental, regional, and national actors, concrete and innovative strategies are needed to enhance democratic and accountable governance. A continent at peace with itself requires more than the absence of war: it requires accountable governance that includes effective service delivery, respect for human rights and the rule of law, and transparent management of natural resources. In order for this to be accomplished, African citizens, AU member states, the African Union, regional economic communities, civil society organizations, the private sector, faith-based organizations, academia, and the international community must accept collective responsibility for building capable, effective, and legitimate institutions, and embracing the culture of democracy. The African Union should play a leadership role to “silence the guns” by 2020 by encouraging its member states to make democratic governance issues a top priority.

The following recommendations are directed to all stakeholders and in particular AU member states, regional actors such as the AU and RECs, civil society, and the international community. Coordinating the effective implementation of these recommendations requires strengthening the emerging continental framework on democratic governance—the African Governance Architecture—so as to accelerate progress toward achieving sustainable peace, stability, and development.

ENHANCING DEMOCRATIC, GOVERNANCE, AND HUMAN RIGHTS NORMS

Innovative and achievable ways to strengthen effective and inclusive governance in Africa remain limited as the continent has yet to integrate the universal values of democracy and human rights into African-designed politics and strategies. It is

45 Michael Kiwanuka, “Decentralization and Good Governance in Africa: Institutional Challenges to Uganda’s Local Governments,” *Journal of African & Asian Local Government Studies* 1, No. 3 (2012).

46 See, for example, Lidia Cabral, “Decentralisation in Africa: Scope, Motivations and Impact on Service Delivery and Poverty, Overseas Development Institute,” March 2011, available at http://mobile.opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/2325/FAC_Working_Paper_020.pdf?sequence=1.

Africa's responsibility to define the characteristics of African democracy to be handed down to the next generation. Specific measures could include the following.

- The AU, RECs, and their member states should reaffirm their commitment to democratic governance, addressing impunity, and the human rights principles they have proclaimed in order to serve the interests of their people. To this end, African resources should finance and sustain the operationalization of Agenda 2063 and the common African position on the post-2015 development agenda.
- AU member states should ratify, domesticate, and implement key AU “shared values instruments” by the year 2020. The African Union Commission should ensure synergy and harmonization of the internal coordination, resourcing, capacity development, and evaluation systems.
- Africa is not short of models. Valuable examples of democratic governance and responsive leadership exist on the continent, such as the *gacaca* courts in Rwanda, the Truth and Reconciliation Commission in South Africa, and *mato oput* in Northern Uganda. They have often resulted in improved social service delivery, accountable government institutions, effective decentralization policies, and enhanced citizen participation. These practices need to be publicized and shared to foster mutual learning
- The AU, RECs, and member states should adopt and implement the AU Transitional Justice Framework as a means of addressing issues of impunity, national reconciliation, and recovery anchored in the principles of justice, peace, and reconciliation, as encapsulated in the AU shared values instruments.
- Every citizen should be empowered to play his or her rightful role in society. The AU should devise ways to mainstream peace, security, and governance by promoting a culture of democracy and tolerance through education.
- Given that 2015 has been named the Year of Women's Rights in Africa, AU member states should commit to the implementation of the Maputo Protocol and all other regional and national commitments on gender justice and empowerment.
- Africa can no longer be a bystander as decisions are made on its behalf, whether it concerns the global trade regime, regulating international finance, tackling climate change, or reforming the international development agenda. The AU must exhibit greater synergy, coordination, and unity of purpose. Member states should strengthen the AU's capacity and ability to negotiate and speak with one voice on matters affecting the continent, especially in order to protect its natural resources.
- The AU and the wider international community need to share their expertise and initiatives in the effective realization of human rights (particularly socioeconomic), peacebuilding, and democratic governance in order to foster and encourage more South-South cooperation, exchanges, and partnerships that can strengthen universal norms for democratic governance.

BRIDGING THE DIVIDE BETWEEN GOVERNANCE STANDARDS AND PERFORMANCE

The AU and RECs have accomplished a lot by developing progressive normative and institutional frameworks on democratic governance, peace, and security. However, this progress has not yet translated into full implementation. To bridge the persistent gap between norm setting and implementation, the AU, RECs, and member states could consider the following measures.

- Agenda 2063 offers an opportunity to devise a realistic and incentive-driven roadmap with clear benchmarks and timelines for AU member states (including the allocation of resources), with a view to turning the proclaimed norms and principles into reality for African people. The AU should thus establish time-bound implementation frameworks with dedicated budgets, as well as systems, competencies, and capacities for monitoring, evaluation, reporting, and follow up.
- Implementation also calls for strengthening the existing institutions that promote good governance, democracy, and human rights at the continental and national levels. These institutions must be empowered with clear mandates, adequate resources, and a conducive political environment to achieve their objectives. In so doing, regional actors should conduct capacity needs assessments in member states—especially

those emerging from conflict—that may require technical support to rebuild effective, capable, and legitimate states.

- Follow-up mechanisms should monitor progress in socioeconomic development and economic integration. Best practices and initiatives in model countries of the region should be documented for possible replication and adaptation.
- There should be stronger synergy and complementarity between the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA). A joint working group of the AU Permanent Representative Committee, Peace and Security Council, and Commission should be established and tasked with ensuring that APSA and AGA structures, processes, and work plans are harmonized.
- Synergies should also be strengthened between the AU governance, peace, and security mechanisms and the RECs to improve reporting, reviewing, assessment of compliance, and effective follow up at the national level. Harmonizing priorities among the RECs and the AU also has the potential to accelerate the implementation of a coherent continental governance agenda.
- The AGA platform should tap into the African Peer Review Mechanism (APRM) benchmarks, indicators, and review processes of democratic governance practices across the continent, which can serve as models for greater public participation, increased transparency and accountability, and enhanced public service delivery.
- The AU Commission, RECs, and member states need to ensure effective governance, distribution, and redistribution of Africa's natural resources and associated revenues to address issues of corruption and illicit financial and capital outflows, as laid out in the African Mining Vision.
- Regional conflict prevention and management mechanisms should engage in advancing democratic governance. Their efforts to limit the circulation of small arms and light weapons and to counter terrorism, trafficking, and cross-border crimes must be strengthened.
- AU member states and institutions, regional economic communities, civil society, and the

international community should share reliable and timely intelligence and pool the requisite resources and expertise for timely preventive responses before the eruption of conflict.

- African countries should ensure that professional security establishments are accountable to civilian authority through parliament. The AU Commission should propose a code of standards and practice for private security companies that operate at a regional level or in multicountry settings, as well as mechanisms for ensuring their regional or continental accountability.

PROMOTING EFFECTIVE GOVERNANCE FROM THE GROUND UP

While it is critical to establish and implement continental norms, these are not sufficient to promote democratic governance. Member states must guarantee that there is local ownership of democratic governance initiatives. Violence threatens the social contract between governments and their people, and AU member states must ensure that those affected by violence are involved in building the strong institutions necessary to promote democratic governance. To make democracy, socioeconomic development, and sustainable peace a reality for African populations, the following measures to restore the social contract could be considered.

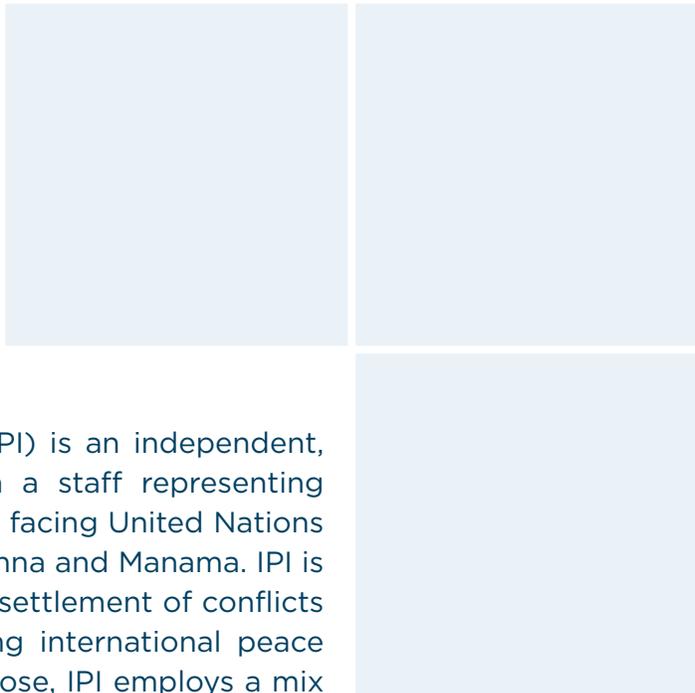
- Transformational, accountable, and effective leadership is a key precondition for democratic governance. The growing disconnect between ruling elites and ordinary citizens calls for immediate attention, and visionary and responsive leadership is needed to address this gap. The AU, regional actors, and partners must make an effort to foster effective leadership and provide spaces and opportunities for youth mentorship. Leadership training and a sharing of experiences among African and global leaders should be encouraged and supported.
- Responsible leadership should drive local initiatives to put an end to the political manipulation of ethnic and religious identities. Member states need to promote political tolerance and accommodation without discrimination and foster nation-building initiatives that seek to integrate communities and promote a national identity, including by supporting the positive influence of the arts, culture, and the media.

- The African Union and RECs, in partnership with civil society, youth, women, academia, and the media, should create communities of practice for African countries to share lessons learned, innovations, and effective practices as a way of entrenching a culture of constructive management of diversity on the continent. The AU and RECs should build broader and more consistent relationships with civil society organizations, which can usefully relay the AU's ability to positively influence governance practices at national and subregional levels. Member states, through regional and national institutions, should facilitate the establishment of platforms to increase public participation at the national and regional decision-making level, especially of women and youth.
- The AU, RECs, and member states should promote Africa's sociocultural and intergenerational diversity for sustainable development, anchored on the spirit of Pan-Africanism and the African Renaissance. Africa's diversity should not be a curse; it should propel the continent toward greater unification and integration. AU member states should strengthen tools for the constructive management of diversity, such as youth engagement and empowerment, specific language policies, proportional representation in electoral systems, political tolerance, local economic development, decentralization of power and resources, and federal systems of governance.
- The AU and RECs should leverage the power of mass and social media to engage with African civil society and citizens. Such platforms can provide an opportunity to educate a large constituency on continental priorities and to promote regional integration.
- The AU, RECs, and member states should engage, partner, and cooperate more with African think tanks, universities, research institutes, and the media in generating and disseminating evidenced-based knowledge, research, and policy analysis on strengthening democratic governance and addressing violent conflicts, with a view to sharpening their policy responses and interventions aimed at silencing guns on the continent.
- In addition to institution building and socioeconomic recovery, postconflict reconstruction initiatives should pay particular attention to pursuing holistic justice and promoting reconciliation in local communities. African countries emerging from violent conflict should carefully consider the timing of postconflict elections and the resources allocated to them, to ensure that they are premised upon solid foundations of peace, stability, and political legitimacy. There is a need to ensure that elections held soon after episodes of violent conflict or social upheaval have little potential of plunging countries back into violence. In addition, member states, the AU Commission, and RECs should invest more in long-term pre-election assessments that integrate mediation, preventive diplomacy, and effective management of potential electoral disputes.
- Existing continental benchmarks and frameworks on the empowerment of vulnerable and marginalized social groups should be made an integral part of AU democratic governance, peacebuilding, and conflict transformation processes. In order for this to be sustained, tools and mechanisms for mainstreaming the existing normative expectations should be developed and AU mediators should be sensitized on how to use them.
- Women should be actively involved in all aspects of conflict prevention, management, and resolution, as well as peacebuilding. Women's efforts in promoting peace and democratic governance should be shared across the region and supported by governments as well as regional and international organizations.
- AU member states should enhance their efforts to consistently improve service delivery and mitigate social tensions. These efforts should scale up the implementation of decentralization policies and the provision of sufficient financial and other resources to local authorities.
- Efforts to strengthen governance institutions should look beyond state processes to include nonstate institutions, such as village councils, political parties, professional associations, pressure groups, and civil society organizations in order to support participation and increase accountability. Governance institutions should demonstrate how they empower ordinary citizens, and how they increase state legitimacy by responding to citizens' expectations.

Conclusion

Africa has made notable progress in improving democratic governance and addressing violent conflicts, notwithstanding challenging environments and pockets of regression. Nonetheless, much more work remains to be done. New forms of violent conflicts and crises on the continent are a constant reminder that human rights, freedoms, and human security cannot be taken for granted. African citizens are demanding greater accountability, inclusion, participation, and people-centered democratic governance, which can no longer be ignored. From the Ebola crisis to Burkina Faso's ouster of President Compaoré, today's crises have the potential to become tomorrow's violent conflicts unless the root causes of deficits in democratic governance are addressed. If the continent is to achieve its ambitious goal of "silencing the guns" in Africa by 2020 and the Africa Agenda 2063, it must make strengthening democratic governance a priority.

As this report illustrates, the democratic governance challenges facing the continent do not have simple solutions. Yet, through the establishment of norms, implementation of the AU's shared values by member states, inclusive engagement and participation of African citizens, and the effective coordination of all stakeholders at local, national, and regional levels, progress can be sustained. Strengthening the African Governance Architecture and enhancing its synergy and coordination with the African Peace and Security Architecture are crucial steps in this regard. The recommendations in this paper echo those of the 2014 AU High Level Dialogue on Democracy, Human Rights and Governance held in Dakar and will inform policy, practice, and implementation initiatives by the AU and member states. All stakeholders have a responsibility to ensure that citizen's rights are promoted and protected, and only through strengthening democratic governance can the right to peace, security, and development be attained for all, even in challenging contexts.



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