

# Strengthening the Peace and Governance Nexus within the African Union

Enhancing synergy between the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA)

George Mukundi Wachira



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## Executive Summary

The vision of the African Union (AU) is to achieve “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena”.<sup>1</sup> The attainment of that vision hinges on three foundational imperatives: democratic governance, peace and security, and sustainable development. The focus of this report is on the interlinkages between democratic governance on the one hand and peace and security on the other. The report examines the two overarching mechanisms that were established by the AU to strengthen democratic governance and attain peace and security; namely the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA).

The aim of the report is to ignite reflections, dialogue, and action by Member States, AGA Platform Members and relevant stakeholders including civil society, think tanks, African citizens and partners on practical strategies to enhance synergy between the AGA and APSA. While the AU Assembly has reiterated calls to strengthen synergy and complementarity between the two Architectures,<sup>2</sup> thus far, such coordination and cooperation remains *ad hoc* and elusive. Indeed, the APSA Strategy 2016-2020 acknowledges that “linkages between APSA and AGA as well as the AU and the Regional Economic Communities (RECs) in the domain of structural conflict prevention remain tenuous, partly due to a lack of communication and collaboration between

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<sup>1</sup> See Vision and Mission, the African Union, 2017 <https://au.int/en/about/vision> (accessed 19.11.17).

<sup>2</sup> See Assembly/AU/Dec.585 (XXV) Decision on Report of the Commission on Governance in Africa (with focus on the African Governance Architecture and Elections) (South Africa June 2015).

different departments at the AU Commission (AUC), and between the AU and the RECs”.<sup>3</sup>

This report argues that democratic governance and peace and security are not only complementary, but are essential to socio-economic development. They are interrelated, interdependent, and mutually reinforcing imperatives for continental integration and sustainable development. The report argues for strengthened cooperation, coordination, and synergies between the two architectures, hence moving beyond their founding legal instruments and policy pronouncements. Amidst shrinking resources, reducing duplication of efforts and increasing the effectiveness of both architectures is critical to attain peace and security, democratic governance and sustainable development. The report also points to the need for a review of their foundational instruments and modalities of engagement if they are to achieve their mandates on enhancing democratic governance, peace, and security in Africa.

Effectively, the report traces key political, normative, and institutional trends on the continent that present unique opportunities and prospects for enhancing synergy between the AGA and APSA. The report identifies key challenges hindering the effectiveness of the two architectures, which challenges can be addressed through closer cooperation and complementarity. The report, finally, makes strategic and operational recommendations that can enhance AGA-APSA synergy in order to shift the conversation from ideas to practical implementation. Selected recommendations<sup>4</sup> to the following key actors include:

### **Member States**

- Provide political leadership and legal clarity to elevate the AGA to a credible and central normative and institutional framework for addressing challenges in democratic governance, peace, and security. This could among others entail the Assembly calling for accountability and regular joint reporting on an annual basis on the impact of the AGA and APSA joint strategies and action plans.
- Provide sufficient technical, human, and financial resources to the AGA and APSA through the full operationalization of Windows 1 and 2 of the AU Peace Fund relating to Conflict Prevention and Institutional Building respectively.

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<sup>3</sup> African Peace and Security Architecture Road Map 2016-2020, p. 28.

<sup>4</sup> See the final section for a full list of recommendations.

## **Regional Economic Communities**

- Enhance cooperation, coordination, and synergy with the AU in addressing democratic governance, peace and security challenges in Africa through the AGA and APSA frameworks by implementing the Protocol on Relations between the African Union and the Regional Economic Communities (RECs). The proposed AU-RECs Consultative Meeting, scheduled to commence from June 2018, is an important political platform to achieving strategic coherence between the AU and RECs.
- Review, revise and expand the scope and focus of the MOU on Cooperation in the Area of Peace and Security between the AU, RECs and the Coordination Mechanisms of the Regional Standby Brigade of Eastern Africa and North Africa to include issues of democratic governance. This revised document should be signed between the Chairperson of the Union, and respective Chairpersons of the RECs, in order to promote a state-led leadership between the AU and RECs.

## **AU Commission**

- Undertake a study on the legal and practical implications of amending either the Protocol to the PSC or the African Charter on Democracy Elections and Government to provide a statutory legal basis for the AGA.
- Ensure that ongoing AU restructuring and institutional reforms take into account the AGA Platform and Secretariat and provide for the establishment of an autonomous joint Secretariat between the AGA and APSA within the Bureau of the AUC Chairperson with clear terms of reference, mandate, requisite human capacity and resources from Member States' contributions.

## **AU Peace and Security Council**

- Institutionalise and convene regular joint briefings between relevant AGA clusters and APSA pillars on democratic governance, peace and security in Africa.

## **APSA Pillars and AGA Platform**

- Institutionalize joint working methods, strategies, implementation action plans and monitoring and evaluation on issues of common interest and concerns between the APSA Pillars, the AGA Platform, Clusters, and Secretariat.
- Merge the Interdepartmental Task Force on Conflict Prevention and the one on Post-Conflict Reconstruction and Development

and expand its membership to include all APSA Pillars and AGA Platform Members.

### **Civil Society and Partners**

- Monitor and assess the impact of AGA Platform and APSA pillars to identify gaps, challenges, and opportunities in order to enhance their capacity to improve their performance and mandate.



## AGA-APSA Synergies: Background

Africa's blueprint and long-term road map for integration, prosperity, and development in Africa – Agenda 2063 – recognizes that “good governance, democracy, respect for human rights, justice and the rule of law” are critical enablers and drivers.<sup>5</sup> Equally, aspiration 4 of Agenda 2063 envisions a peaceful and secure Africa. Agenda 2063 therefore aims to engender “equitable and people-centered growth and development; eradicate poverty; develop human capital; build social assets, infrastructure and public goods; empower women and youth; promote lasting peace and security; strengthen and develop effective, strong democratic developmental states; [and enhance] participatory and accountable governance institutions to fulfill the African Dream”.<sup>6</sup>

How these aims are achieved depends largely on the extent to which the various legal and institutional foundations towards attainment of the agenda are well positioned and responsive to the challenges that continue to hamper Africa's transformational growth and development agenda. However, while the legal and institutional foundations are important, the impact of political considerations on the overall outcome of the pursuit of transformational growth and development agenda cannot be underestimated. How Member States domesticate their legal responsibilities and implement them at the national level is therefore critical and should be based on an inclusive process of citizen engagement and participation.

Central to the effective realization of Agenda 2063 is the ratification, domestication and implementation of various AU normative and institutional frameworks. Enhancing democracy, popular participation, good governance, protecting and promoting human and peoples' rights, promoting peace, security and stability on the continent are core objectives of the AU.<sup>7</sup> However, despite progressive norms and policy pronouncements by the AU and RECs, compliance and effective implementation by Member States is fraught with significant challenges. Lack of coherence, coordination and synergy among AU organs and RECs is a major constraint. Given this challenge, the AU in 2011 called for the establishment of a Pan-African Governance Architecture (AGA)

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<sup>5</sup> Africa Agenda 2063, Aspiration 3.

<sup>6</sup> Ibid, p. 10.

<sup>7</sup> Constitutive Act of the African Union, Article 3 (f), (g), (h).

and the African Governance Platform as a framework for dialogue and coordination among stakeholders.<sup>8</sup>

Among several aims, the AGA seeks to cure two critical deficits at the continental level pertaining to norms implementation on democratic governance. First and perhaps most important is the reluctance by AU Member States to internalize norms and policies that they have endorsed. The second is the limited coherence and cooperation of AU organs, institutions and RECs in the process of socialization and implementation of AU Shared Values by Member States.

The AGA was therefore established in recognition that democratic governance is at the heart of addressing structural root causes of crises and conflict in Africa, including curbing unconstitutional changes of government.<sup>9</sup> Inspired by the AU Constitutive Act of 2002,<sup>10</sup> the African Charter on Democracy, Elections and Governance, the Protocol Relating to the Establishment of the AU Peace and Security Council<sup>11</sup> and the Declaration by the AU Assembly on Shared Values in 2011,<sup>12</sup> the AGA was conceived as the overarching framework for promoting and sustaining democracy, governance and human rights in Africa.<sup>13</sup> It is the overall political and institutional coordinating framework that embodies the aspirations of African peoples and their determination to improve their lives with dignity by consolidating democratic values and principles.

The AGA seeks to complement the African Peace and Security Architecture (APSA),<sup>14</sup> which had been founded in 2002 during the transformation of the OAU into the AU.<sup>15</sup> The APSA addresses the AU's

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<sup>8</sup> See Assembly/AU/ Decl.1 (XVI) "Declaration on the Theme of the Summit: "Towards Greater Unity and Integration Through Shared Values" 30-31 January 2011, Addis Ababa, Ethiopia.

<sup>9</sup> Khabele Matlosa 'The African Union's African Governance Architecture Linkages with the African Peace and Security Architecture' in GREAT Insight Magazine 4 (1) (2014).

<sup>10</sup> Constitutive Act of the African Union, Article 3 (g), (h) and 4 (m).

<sup>11</sup> See in particular articles 3 (f) and 7 (m).

<sup>12</sup> Assembly/AU/ Decl.1 (XVI).

<sup>13</sup> African Governance Architecture and Platform Background Document, 2013.

<sup>14</sup> See the African Peace and Security Architecture Road Map 2016-2020, p. 7; See also African Peace and Security Architecture Assessment Study, 2010 <http://www.peaceau.org/uploads/report-of-the-apsa-assessment-study-july-oct-2010-eng.pdf> (accessed 29.03.14).

<sup>15</sup> For a general exposition on the OAU-AU transformation see Murray, R. 2004. *Human Rights in Africa: From the OAU to the African Union*. Cambridge: Cambridge University Press, pp. 1-183; Kufuor, KO. 2010. *The African Human Rights System:*

peace and security agenda.<sup>16</sup> However, despite significant gains in conflict resolution in Africa over the 15 years since its establishment, the APSA continues to face persistent political challenges such as its statist approach of consent-based intervention; the prominent role of non-state actors in conflicts; over reliance on external partners for funding; limited political will to undertake early preventive action, as well as the continuing influence of external actors in shaping the dynamics of security challenges in Africa.<sup>17</sup>

Indeed, despite the existence of the APSA framework to prevent, manage and resolve conflicts in Africa, the continent continues to grapple with pockets of violent conflict. Due to this realization, the AGA was designed to buttress APSA in a bid to address structural root causes and drivers of conflicts. The coexistence of AGA and APSA is thus an institutional recognition and affirmation that democratic governance, peace and security are interrelated and mutually reinforcing imperatives.<sup>18</sup>

The AGA as presently designed is focused on structural conflict prevention, while the APSA seeks to deal with conflict mitigation and management. However, in practice, such a delinking is problematic since their mandates are seamlessly intertwined. In fact, while at the AU this differentiation is made, similar institutions such as the United Nations (UN) and the Economic Community of West African States (ECOWAS) practice as though their mandates are overlapping. While the UN equally struggles with the same bureaucratic distinctions, there is recognition that democratic governance and peace and security mandates are interlinked. Indeed, the new UN Secretary General Antonio Guterres in his first address to the UN Security Council emphasized that conflict prevention is the priority.<sup>19</sup> The UN Secretary General's view - shared by this report - is for "strengthened efforts to

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*Origin and Evolution*. New York: Palgrave Macmillan, pp. 1- 230; and Viljoen, F. 2012. *International Human Rights Law in Africa*. Oxford: Oxford University Press, pp. 156- 169.

<sup>16</sup> Ibid.

<sup>17</sup> For further analysis and details on APSA see the African Peace and Security Architecture Road Map 2016-2020, p. 7; See also African Peace and Security Architecture Assessment Study, 2010.

<sup>18</sup> African Governance Architecture and Platform Background Document, 2013; See also Khabele Matlosa 'The African Union's African Governance Architecture Linkages with the African Peace and Security Architecture' in GREAT Insight Magazine 4 (1) (2014).

<sup>19</sup> At the Security Council, UN Secretary General Guterres makes the case for new efforts to build and sustain peace <http://www.un.org/apps/news/story.asp?NewsID=55935#.Wba59rIjHIU> (accessed 08.10.17).

build and sustain peace ranging from prevention, conflict resolution and peacekeeping to peacebuilding and sustainable development”.<sup>20</sup>

Rather than a means of signaling a substantive distinction, the delineation of these roles at the AU is a matter of bureaucratic organization to allocate responsibilities and resources across the AU Commission. In fact, at the AU both frameworks address conflict prevention, post conflict reconstruction and development.

While the AGA has its foundational trajectory in several interrelated normative and legal frameworks, it was only formally established in 2012, a decade after APSA. While APSA has its roots in the transformational process that saw the OAU transition into the AU in 2002, the AGA was crystallized in the run up to the 50<sup>th</sup> anniversary of the continental organization – a decade after the AU came into existence. A telling paradox therefore relates to the temporal differences that exist between the two architectures, while in principle and form they resemble, overlap, and complement each other.

### Contextual origin of the APSA & AGA frameworks

At the height of the pre-2002 AU transition phase, the continent was faced with significant peace and security challenges in several Member States.<sup>21</sup> The urgency of the scale and level of insecurity among AU Member States thus demanded an emphasis on restoration of peace and order in the affected countries. That is not to say that there were no democratic deficit challenges, but the sheer scale of the conflicts raging across the continent at the time meant that the priority of Member States was the restoration of peace and security. It is indeed instructive to note that the AU Constitutive Act did acknowledge the imperative of the continental body to promote democratic governance.<sup>22</sup>

It is therefore not surprising that among the many priorities of the AU at the time, peace and security was at the top. The continent could thus

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<sup>20</sup> Ibid.

<sup>21</sup> African Peace and Security Architecture Road Map 2016-2020, p. 12; Between 1990-2002 alone civil wars and internal violent conflict was common in at least 16 of the AU Member States at the time. These included, Algerian civil war (1991-2002); Burundi civil war 9 1993-2005); Eritrea-Ethiopia civil war (1998-2000) Somali civil war (1991-to date); Uganda LRA insurgency (1997 – to date); Ivory Coast civil war ( 2002-2007); Guinea Bissau civil war ( 1997-1999); Liberian second civil war (1999-2003); Mali Azawad insurgency and civil war (1990 -1995); Sierra Leone civil war ( 1991-2002); Democratic Republic of Congo civil war (1996-2003); Chad civil war (1998-2002; Angolan civil war (1972-2002); and the Central Africa Republic Civil war (2001-2003).

<sup>22</sup> AU Constitutive Act, articles 3 (g), (h); 4 (m) (p).

not afford to simply dream or envision regional integration becoming a reality without first addressing the level of conflict, political instability and insecurity among several of its Member States.

It is with those considerations in mind that the AU adopted the principle of non-indifference in its founding instrument – the Constitutive Act.<sup>23</sup> The AU’s non-indifference principle marked a significant departure from its predecessor’s – OAU – rigid interpretation of the principle of non-interference in the domestic affairs of Member States. To avoid a subjective interpretation of when grave matters could be determined to have arisen, that task was accorded to the AU Peace and Security Council.<sup>24</sup> It is instructive to note that the PSC was only established through an amendment to the Constitutive Act in 2003.<sup>25</sup> The principal mandate of the Peace and Security Council is to serve as “the standing decision making organ for the prevention, management and resolution of conflicts” in Africa.<sup>26</sup>

The establishment of the PSC by the AU is perhaps one of the continental body’s most important decisions – in terms of advancing the ideals of democratic governance, peace, security, sustainable development and integration of the Union. Noting that democratic governance deficits, conflict and insecurity remain barriers to attainment of those ideals, the objectives that were accorded to the PSC through the PSC Protocol provide a solid foundation for the realization of the dreams of the founders of the OAU/AU.<sup>27</sup> Indeed, the objectives of the PSC break new ground, marking a solid foundation for the establishment of the APSA and the AGA. Given their importance in drawing clear links and synergies that are required of the AGA and the APSA, they are restated below for emphasis particularly since they are revisited in the report. Article 3 of the PSC Protocol provides that the PSC is established to:

- a. Promote peace, security, and stability in Africa, in order to guarantee the protection and preservation of life and property, the well-being of the African people and their environment, as

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<sup>23</sup> AU Constitutive Article 4 (h): The right of the Union to intervene in a Member State pursuant to a decision of the Assembly in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.

<sup>24</sup> See Protocol on Amendment to the Constitutive Act of the African Union (2003) article 9.

<sup>25</sup> Ibid.

<sup>26</sup> Ibid, article 9; See Protocol relating to the Establishment of the Peace and Security Council of the Africa Union (2002), articles 3 and articles 6.

<sup>27</sup> Article 3 PSC Protocol.

well as the creation of conditions conducive to sustainable development;

- b. Anticipate and prevent conflicts. In circumstances where conflicts have occurred, the Peace and Security Council shall have the responsibility to undertake peace-making and peace-building functions for the resolution of these conflicts;
- c. Promote and implement peace-building and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence;
- d. Co-ordinate and harmonize continental efforts in the prevention and combating of international terrorism in all its aspects;
- e. Develop a common defence policy for the Union, in accordance with article 4(d) of the Constitutive Act;
- f. 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.

Drawing from provision 3(f) above, it is clear that the mandate of the PSC covers both objectives of promoting and safeguarding peace and security and democratic governance in Africa. Therefore, at a strategic policy level, the PSC is the key AU decision making body that links both the AGA and APSA. To be effective, there must be closer synergies, coordination, and coherence between the two architectures in order to achieve the objectives of the PSC. While the establishment of the APSA in 2002 preceded the AGA's (2012), they share a foundational basis in the 2002 AU Constitutive Act, the 2003 amendment that established the PSC, and the PSC Protocol.<sup>28</sup>

#### *The African Peace and Security Architecture*

Given the prevailing peace and security crises on the continent in the period preceding and immediately after the transformation of the OAU into the AU, most of the emphasis and focus of the work of the PSC was, in the first decade, understandably directed to peace and security. While not by design, democratic governance became a neglected area of the

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<sup>28</sup> See AU Constitutive Act article 3 (f) promote peace, security and stability on the continent; 3 (g) promote democratic principles and institutions, popular participation and good governance (3) h promote and protect human and peoples' rights...; PSC Protocol article 3.

work of the PSC, despite being one of its core objectives.<sup>29</sup> In addition, issues of institutional design at the AU Commission may equally have contributed to prioritization of peace and security over democratic governance by the PSC. While the entire AU Commission serves as the Secretariat of the PSC, the task of coordinating its work was accorded to one department - the Peace and Security Department. This may have contributed to the PSC's agenda being more concerned with conflict mitigation and management than structural prevention. Accordingly, in designing the support function to the PSC, key cross cutting and complementary elements of peace, security related to good governance may have been overlooked.

The APSA is structured into six pillars:

- the Peace and Security Council,
- the AU Commission;<sup>30</sup>
- the Panel of the Wise;<sup>31</sup>
- the African Standby Force;<sup>32</sup>
- the Continental Early Warning System;<sup>33</sup> and
- the Peace Fund.<sup>34</sup>

#### *The African Governance Architecture*

Conceptually, although the AGA pillars are not structured like the APSA, the PSC is equally its most critical Platform Member for implementation.<sup>35</sup> The AGA's pillars are its normative frameworks;<sup>36</sup> its

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<sup>29</sup> PSC Protocol, article 3 (f).

<sup>30</sup> Ibid, article 10.

<sup>31</sup> Ibid, article 11.

<sup>32</sup> Ibid, article 13.

<sup>33</sup> Ibid, article 12.

<sup>34</sup> Ibid, article 21.

<sup>35</sup> Article 3 (f) and the African Charter on Democracy, Elections and Governance article 46.

<sup>36</sup> AU Shared Values Instruments on Democratic Governance; See the AGA Framework Document.

institutional members;<sup>37</sup> processes and mechanisms for interaction;<sup>38</sup> and democratic governance fund.<sup>39</sup>

To ensure coherence and effective coordination, the AGA is organized along five thematic clusters which guide the substantive implementation of AU Shared Values:

- Governance;
- Democracy;
- Human Rights and Transitional Justice;
- Constitutionalism and Rule of Law; and
- Humanitarian Affairs.

The thematic clusters reflect the broad spectrum of what the AU considers the scope of its engagement on democratic governance.<sup>40</sup> The AGA clusters and especially the democracy cluster on elections and the humanitarian affairs cluster provide briefings and situational analysis to the Peace and Security Council on their mandates.<sup>41</sup> However, these briefings and situational analysis are not necessarily done under the auspices of the AGA but rather as briefings by the Department of Political Affairs (DPA). As such the extent to which they incorporate the views and comparable lessons from the rest of the AGA Platform Members<sup>42</sup> is limited. Indeed, it is important that such briefings be coordinated and undertaken as joint AGA-APSA initiatives and ensure AGA Platform Members contribute and play a role during such briefings, reports and analysis. That would ensure that they address the structural root causes as well as the drivers of conflict in a comprehensive manner based on

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<sup>37</sup> AGA Platform Members which include the Regional Economic Communities.

<sup>38</sup> AGA Secretariat; AGA Framework Document.

<sup>39</sup> AGA Framework Document.

<sup>40</sup> AGA Framework Document.

<sup>41</sup> AGA Framework Document.

<sup>42</sup> AGA Platform Members Include: AU Peace and Security Council; AU Commission; African Court on Human and Peoples' Rights; African Commission on Human and Peoples' Rights; Pan-African Parliament; African Peer Review Mechanism; Economic, Social and Cultural Council; AU Advisory Board on Corruption; African Committee on the Rights and Welfare of the Child; African Union Commission on International Law; NEPAD Planning and Coordination Agency and the Regional Economic Communities.



the competence and diverse mandates of the AGA Platform Members as well as APSA pillars.

### **Nexus between AGA and APSA**

It is important to note that while the five APSA Pillars address peace and security, they have a direct bearing on democratic governance. For instance, conflict prevention is addressed by the Panel of the Wise and the Continental Early Warning System. Conflict prevention as understood by the AU, transcends examining and dealing with the symptoms of conflict, to include examining and addressing the structural root causes of conflict, which is the mandate of the AGA. If the APSA is to succeed in preventing conflict, the structural root causes of conflict – which includes democratic governance deficits – undoubtedly means that the APSA and the AGA must work closely and collaboratively.

The AGA clusters and Platform Members whose work covers democratic governance challenges should establish close working modalities with the APSA pillars responsible for conflict prevention under the auspices of the PSC. The PSC is responsible for directing both architectures at the political-strategic level, and the AU Commission is responsible for implementing both architectures at the operational and tactical levels, in addition to supporting the PSC with substantive and secretarial support.

However, thus far, the coordination, synergy, and interaction between the AGA and the APSA have been inadequate<sup>43</sup> – a point acknowledged by a recent assessment of APSA.<sup>44</sup> Three possible explanations are discernible from this report:

1. Structural issues of focus – whereby the APSA's establishment over-emphasized peace and security objectives of the PSC Protocol over democratic governance. In addition, its five pillars are founded on the PSC Protocol while the AGA pillars are structured around the five thematic areas of focus/units of the DPA rather than a legal instrument;
2. Institutional and administrative arrangements – the PSC is coordinated by one department – Peace and Security Department – which has resulted in its heavy leaning towards a

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<sup>43</sup> Khabele Matlosa 'The African Union's African Governance Architecture Linkages with the African Peace and Security Architecture' in GREAT Insight Magazine 4 (1) (2014).

<sup>44</sup> African Peace and Security Architecture Road Map 2016-2020, p. 14.

peace and security agenda rather than on other issues that include democratic governance and sustainable development as envisaged by article 3 (a) and (f) of the PSC Protocol;<sup>45</sup> and

3. The legal basis for the AGA is an Assembly Declaration unlike that of the APSA which is statutory and therefore legally binding.<sup>46</sup>

Commendably, the PSC and the Assembly of Heads of State and Government of the AU have on several occasions called on the AU Commission to enhance synergies and complementarity between the AGA and the APSA.<sup>47</sup> Indeed, the Assembly noted and welcomed efforts to bridge the disconnect between the two architectures and called for the establishment of an Interdepartmental Task Force on Conflict Prevention.<sup>48</sup>

The core argument of this report is that a close synergy between the AGA and APSA is necessary to ensure the AU, RECs and Member States effectively prevent, address and respond to democratic governance deficits, prevent violent conflicts as well as mitigate and manage such conflicts when they arise in Africa. However, beyond undertaking joint initiatives to harness and strengthen complementarity and closer collaboration, the AU and Member States should equally address the AGA-APSA structural design as well as the institutional and legal basis of the two architectures in order to effectively enhance their synergy and cooperation.

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<sup>45</sup> Ibid.

<sup>46</sup> The legal basis for the APSA is the Protocol to the Peace and Security Council - which is a legally binding treaty. The AGA on the other hand is founded on non-binding resolutions and declarations of the AU Assembly while the AGA has sought to cure that deficit through the adoption of Rules of Procedure of the AGA Platform and anchoring its initiatives on the African Charter on Democracy Elections and Governance, legitimacy and credibility issues remain a stumbling block to its capacity to execute its mandate which hamper its resource mobilization, coordination and capacity of its Secretariat to perform critical functions. The soft law instruments which have a direct bearing on the formation of the AGA include inter alia the 16th Ordinary Session of the Executive Council of the African Union (AU); the AU Assembly of Heads of States and Government, at its 14th ordinary session in February 2010; and the AGA Rules of Procedure Adopted During the January 2016 Summit of Heads of States and Government.

<sup>47</sup> See Assembly/AU/Dec.585 (XXV) Decision on Report of the Commission on Governance in Africa (with focus on the African Governance Architecture and Elections) (South Africa June 2015).

<sup>48</sup> Ibid.

The remainder of this report has two main parts: the first examines key strategies and initiatives that can strengthen AGA and APSA synergy. The second concludes with policy issues and recommendations for consideration in order to enhance the effectiveness and pace of cooperation between the two architectures.

## Strategies to Foster Closer AGA-APSA Interlinkages

The importance of closer synergy and coordination between the AGA and APSA cannot be overemphasized. Beyond reducing duplication of efforts amidst shrinking resources, the effectiveness of both architectures is critical to attaining peace and security, democratic governance and sustainable development. It is essential that they systematically and continuously share comparable lessons, information and resources to achieve peace, security and democratic governance in Africa. It is broadly acknowledged that conflicts in Africa are caused, among others reasons, by a democratic governance deficit.<sup>49</sup> A focus on conflict prevention thus requires strengthening democratic governance in Africa.

So far, most APSA efforts and initiatives have been focused on managing conflicts in Africa, as evidenced by the significant resources deployed to resolve conflicts that have already flared up. This is notwithstanding the fact that prevention of such conflicts would cost far less in financial and human terms. While peace support operations collectively cost the AU an average of a \$1bn a year (including AMISOM), conflict prevention measures would cost significantly less.<sup>50</sup> Not surprisingly even at Member States level, defence budgets on peace and security far outrank expenditure on conflict prevention efforts.<sup>51</sup> Arguably if Africa was to spend a fraction of its defence budgets on conflict prevention efforts, such as strengthening the response

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<sup>49</sup> See Mireille Affa'a Mindzie, George Mukundi Wachira, and Lucy Dunderdale. 2014. *Effective Governance in Challenging Environments*, New York: International Peace Institute.

<sup>50</sup> See Jide Martyns Okeke, 2017. In Pursuit of Pragmatism, The Peace and Security Council of the African Union and Regional Peace Support Operations, African Peace Building Network Briefing Note 11 June 2017, p. 2; African Union. 2016. *Securing Predictable and Sustainable Financing for Peace and Security in Africa*, Addis Ababa, African Union.

<sup>51</sup> See Military expenditure (percent of GDP) sourced at <https://data.worldbank.org/indicator/MS.MIL.XPND.GD.ZS> (accessed 30.10.17), citing the Stockholm International Peace Research Institute (SIPRI), Yearbook: Armaments, Disarmament and International Security.

capabilities of national infrastructures for peace, the continent would achieve significant progress in terms of socio economic development.<sup>52</sup>

Despite APSA's conflict prevention pillars – the Continental Early Warning System (CEWS) and the Panel of the Wise – violent conflicts in Africa have not diminished.<sup>53</sup> A critical appraisal of the AU interventions in Burundi, Central African Republic, Democratic Republic of Congo, Gambia, Somalia, and South Sudan illustrate the need for greater synergies between the AGA and APSA frameworks. For instance, although within the AGA Framework regular elections have been undertaken in all those countries, the lessons learnt from observing those elections that may include early warnings on possible electoral violence have not necessary translated to early action to mitigate such violence by AGA or APSA frameworks.

In Burundi and South Sudan, for instance, a fact-finding mission revealed that the PSC and the APSA pillars were set in motion too late despite numerous warnings and telling data points from at least one of the AGA Platform Members – the African Commission on Human and Peoples' Rights. The African Commission on Human and Peoples' Rights argued that rising systematic human rights violations could indicate violent conflict may erupt.<sup>54</sup> Could a closer synergy and coordination between the AGA and APSA have contributed to more proactive action by the AUC to try to prevent these conflicts? The next section examines some of the strategies and initiatives that seek to enhance synergy between the AGA and APSA and how in so doing they could address some of the key challenges to democratic governance, peace and security in Africa.

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<sup>52</sup> Opening Speech of the Ghana Minister of National Security Mr. Albert Kan-Dapaah, during National Consultations on the Country Structural Vulnerability/Resilience Assessment in Accra Ghana on 24 October 2017.

<sup>53</sup> African Peace and Security Architecture Road Map 2016-2020, p. 16. According to the Road Map the following challenges are partly to blame: the weak linkage between early warning and early response by decision-makers; the gathering of non-adequate data due to the ever-changing conflict dynamics; the low connectivity between the Continental Early Warning System and the Early Warning Systems (EWS) of the RECs; the lack of connectivity between National EWS and REC EWS; and the variation of levels of operationalization of various EWS at the level of the RECs.

<sup>54</sup> See for instance Press Release: Fact-Finding Mission of the African Commission on Human and Peoples' Rights to Burundi (7-13 December 2015), at <http://www.achpr.org/press/2015/12/d285/> (accessed 20.02.17).

## Strengthening coordination and cooperation between AU Organs and RECs on democratic governance, peace and security

Collaboration and coordination between the AU and the RECs are critically important for the furtherance and implementation of AU Shared Values on democratic governance, peace, and security.<sup>55</sup> Although political efforts have of late been steered towards this goal, such coordination efforts remain sporadic and unpredictable. The result has been inefficiency, ineffectiveness and duplication of efforts and resources. While there is significant progress in articulating and establishing common frameworks, challenges remain. The low level of compliance and implementation of African shared values on democratic governance, peace and security as elaborated by AU and RECs norms and standards is of particular concern.<sup>56</sup> Engagement and participation of African citizens in continental and national initiatives to strengthen and consolidate democracy is equally wanting.

One of the AU Assembly's aims with establishing the AGA was to address that deficiency. Based on the principle of subsidiarity, the RECs should be the the first responders when it comes to preventing and managing conflicts in their regions.<sup>57</sup> Since they are closer to Member States than the AU, they should have greater leverage in addressing democratic governance deficits and peace and security concerns. While some RECs, such as the Southern African Development Community, Economic Community for West African States and the Economic Community for Central African States, have had variable successes in dealing with regional crises,<sup>58</sup> there has been limited coordination with

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<sup>55</sup> Mehari Maru & Sarah Fassi 'Can the Regional Economic Communities support implementation of the African Governance Architecture? The case of the Intergovernmental Authority on Development (IGAD)' in European Centre for Development Policy Management Discussion Paper No. 181 (2015) 1-63.

<sup>56</sup> Khabele Matlosa 'The African Union's African Governance Architecture Linkages with the African Peace and Security Architecture' in GREAT Insight Magazine 4 (1) (2014).

<sup>57</sup> Sherriff, A. 2013. 'Dynamics of regional action in peace and security in Africa: Four drivers' *GREAT Insights*, vol. 2 (7) 2, pp. 15-17; Meyer, A. 2011. *Peace and Security Cooperation in Central Africa: Developments, Challenges and Prospects*. Uppsala: Nordiska Afrikainstitutet, pp. 9-41. See also generally, Biswano, JM. 2013. *The role of Regional Integration in Conflict prevention, Management, and Resolution in Africa: The case of the African Union*. Brasilia: Brasilia Press, pp. 29-360; Ebaye, S. 2010. 'Regional Integration and Conflict Management in Africa' *Africa Research Review*, vol. 4 (2), pp. 27.

<sup>58</sup> See for instance, Southern African Development Community/SADC. 2015. *SADC @35: Success Stories*. Gaborone: SADC Publications, pp. 12-14; Tanyanyiwa, VI & Hakuna, C. 2014. 'Challenges and Opportunities for Regional Integration in Africa:

the AU. The resolution of the Gambian political crisis in January 2017 illustrate that there is significant potential when the AU and RECs are better coordinated to deal with continental crises.

Although RECs are members of the AGA Platform, their engagement by the AGA Platform has thus far focused on participating at bi-annual technical meetings oriented around the operationalization of the AGA Platform. To date, joint initiatives steered towards addressing continental democratic issues have been of minimal priority even in the presence of suitable cooperative avenues. For instance, while it makes practical and logical sense to jointly observe elections in various Member States, RECs and the AU continue to undertake separate election observer missions – often making similar findings. Joint election observation missions can enhance AU/REC cooperation and reduce costs. Within the APSA, members of the PSC and members of the Panel of the Wise have served as heads of election observer missions. Technical teams from the Continental Early Warning System have also been involved in election observer missions.

The involvement of observers from the Peace and Security Department had less to do with the need to enhance synergy between the AGA and APSA than with an administrative arrangement between the DPA, which has the mandate to deploy election observers, and the Department of Peace and Security. Given the need to enhance synergy between the AGA and APSA, such missions should ideally be jointly organized and coordinated. For practical purposes, the DPA should retain the mandate of leading the technical planning and deployment – but should broaden consultations and include other AGA Platform Members and APSA pillars to avoid duplication. Importantly, such missions should seek to address the objectives of conflict prevention, mitigation and resolution – which go beyond the mandate of one department.

Pre-electoral assessment and joint election observation by the AU and RECs present one of the unique and practical opportunities to strengthen synergy between the AGA and all its Platform Members and APSA, as well as reduce duplication between the AU and the RECs. Pre-electoral assessments can reveal potential areas that require technical support to Member States, areas which would be enhanced through effective coordination and collaboration between AGA and APSA. By making a conscious effort and decisions anchored on a joint policy and institutional arrangement, APSA and AGA should designate and develop

guidelines on how to undertake joint pre-election assessments as well as election observer missions. Rather than undertake separate pre-election assessments and observer missions with the RECs they should develop memoranda of understanding on how to jointly undertake such missions. In so doing, the briefings and recommendations for action to the PSC on election related matters, including potential for conflict, will be informed by the various competencies of all members of the AGA Platform, including the RECs, AU organs and institutions as well as the APSA pillars. Such a joint initiative would go a long way towards strengthening the requisite synergy between the two architectures and promote democratic governance and peace and security on the continent. The same case applies for human rights observer missions, mediation and political missions, where actors with the AGA and APSA would cross fertilize not just ideas but competencies and mandates to address structural root causes of conflict in Africa.

The RECs liaison officers at the AU Commission and the AU liaison officers with the RECs are principally mandated and recruited within the APSA institutional context. Their mandate extends beyond peace and security, and the lack of a central or AU-wide coordinating structure for APSA and AGA, results in *ad hoc* and duplicity of initiatives. It would be useful to reconfigure the role of RECs liaison officers within the AU. For practical purposes that would mean that the support to the RECs liaison officers, including their recruitment and reporting lines, should be provided by the entire AU Commission – preferably by the Bureau of the AUC Chairperson, and not just one department for coordination and accountability purposes, ensuring that the synergy is not limited to one or two department's mandates, but benefits the whole AUC.

The various crises in AU Member States and the interventions by the RECs suggest that greater leadership and complementarity of initiatives is wanting. ECOWAS represents a comparable replicable practice on proactivity and compliance with its own regional standards as exemplified in dealing with the situations in Mali, Burkina Faso, The Gambia, and Ivory Coast and with the Ebola crisis in Sierra Leone, Liberia, and Guinea Bissau. In terms of dealing with conflict, including identifying emerging threats to peace and security, early warning and action, ECOWAS is exemplary. It has galvanized support and capacity to mobilize Member States' resources to address challenges facing the region. Perhaps the capacity and willingness of some of the more endowed Member States of ECOWAS, such as Nigeria and Senegal, to step up when called upon to exercise leadership could be one of the reasons. Such leadership is largely absent in the other regions on the continent.



The situation in Burundi, Central Africa Republic, Lesotho, South Sudan, and Madagascar, where there sometimes has been divergence between the actions of the RECs and the AU on how to deal with democratic governance deficit and conflict, are illustrative of the imperative of enhancing coordination and cooperation if the continent is to achieve durable peace. In fact, Burundi is a prime example of the significant toll and price of such disconnect between the AU and a REC on how to deal with an unfolding crisis. While the PSC had initially decided to respond to the political stalemate and protection crisis in Burundi with a deployment of a peace support operation, the EAC was adamant that such a move was not appropriate at the time. Allegedly, it lobbied the Summit not to act on the PSC's recommendation for an enforcement mission, and send a political negotiations team instead.<sup>59</sup> The Burundi crisis is a reminder that the AU's political leverage, and its ability to exercise its non-indifference principle, are at times limited. It is a classical illustration of the need to enhance coordination and cooperation between the AU and RECs on how to deal with a crisis in a Member State.

The AGA and APSA Frameworks offer unique opportunities to facilitate dialogue and engagement between the AU and RECs on strengthening democratic governance, peace and security in Africa. With a democratic governance, peace and security mandate, AU organs, AU institutions, and RECs could diffuse tensions and divergence over how to respond to crisis through measures such as preventive diplomacy, mediation, and political negotiations. Such engagements have already been explored through joint political mediation and dialogue in Burkina Faso and The Gambia, exemplifying what is feasible if there is closer synergy between AGA and APSA and the AU and RECs.<sup>60</sup> In both instances, ECOWAS, the AU and the UN engaged in joint political dialogue and mediation to address the political crisis that was manifest

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<sup>59</sup> See Paul D Williams, Special Report Part 2: The AU's Less Coercive Diplomacy on Burundi. The Global Observatory, Feb 16, 2016.

<sup>60</sup> See Joint Declaration by the Economic Community of West African States, the African Union and the United Nations on the Political Situation of the Islamic Republic of The Gambia <https://www.un.org/sg/en/content/note-correspondents/2017-01-21/note-correspondents-joint-declaration-political-situation> (accessed 15.02.17); see also Press Release by the AU on May 6 2016 "ECOWAS–AU–UN Joint Mission to Banjul" <https://au.int/en/pressreleases/20160506> (accessed 23.10.17); See also Joint African Union, ECOWAS and United Nations press release on the situation in Burkina Faso – 16 September 2015 See more at: <http://www.peaceau.org/en/article/160#sthash.89GYaiOF.dpuf> (accessed 23.10.17).

in citizens' uprisings and agitation for inclusive governance and respect for human and peoples' rights.<sup>61</sup>

The AGA's annual high level dialogues seek to promote frank and open engagement among Member States, citizens and AU organs and institutions in strengthening democratic governance in Africa.<sup>62</sup> The themes for the dialogues are aligned to the annual ones set by the AU. The dialogues provide a frank, open and inclusive platform for Member States, AU organs and institutions, RECs, African citizens, think tanks, civil society, media, private sector, philanthropists, and development actors to engage and share comparable experiences and lessons on how to improve governance, consolidate democracy, and foster effective realization of human rights.<sup>63</sup>

Some officials representing various pillars of the APSA, and in particular the PSC and the Panel of the Wise, are invited to participate in the high level dialogues. However, such interactions have been limited to participation of select members of the PSC as AGA Platform Members, rather than to consciously harness the synergies between the AGA and APSA. Although the high level dialogue has been a unique value adding space to examine trends, challenges, opportunities and prospects for improving democratic governance in Africa, their recommendations have thus far neither translated into specific policy interventions by the PSC nor promoted synergy between the two architectures.

The high level dialogues on democratic governance would benefit from a closer collaboration with the annual Tana Forum on African security, organized, with support from the Institute for Peace and Security Studies at the University of Addis Ababa and the African Union.<sup>64</sup> Such collaboration can foster cross fertilization of ideas, strategies and approaches that address the structural root causes of conflict in Africa rather than convening separate annual forums on security and democratic governance. The Chair of the Tana Forum, former President of Nigeria Olusegun Obasanjo has equally affirmed that "the implementation of the African Governance Architecture must be accorded the needed priority as APSA and AGA are two sides of one coin. While AGA focuses on broader questions of governance, APSA places emphasis on the mechanisms for conflict management, resolution, and

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<sup>61</sup> Ibid.

<sup>62</sup> The AU Annual high level dialogue <http://aga-platform.org/index.php/events/annual-high-level-dialogue> (accessed 21.04.17).

<sup>63</sup> See the 2014 Annual Report of the African Governance Architecture Platform available at <http://aga-platform.org/> (accessed 20.02.17).

<sup>64</sup> See the Tana Forum <http://www.tanaforum.org/> (accessed 20.04.17).

peace building. These two must work together to bring about peace and security on the continent.”<sup>65</sup>

The proposition to merge or at least cultivate synergy and coordination of the two important AGA and APSA annual forums would not only make financial and economic sense but would in practice foster requisite dialogue and coordination between actors within the AGA and APSA on structural conflict prevention and post conflict reconstruction and development. Indeed, experts have suggested that a closer interaction between the AGA and APSA “would usher in an integrated African approach to crisis management, to the benefit of actors in both continental frameworks and, more importantly, of African people themselves.”<sup>66</sup>

### Early warning and structural conflict prevention

AGA’s value proposition and greatest potential is structural conflict prevention through strengthening democratic governance in Africa. It is founded on the premise that inclusive and participatory democracy, adherence to the rule of law and constitutionalism, respect for human and peoples’ rights as well as accountable and effective public and local governance contribute to preventing violent conflict and in the long-term ensure sustainable development and human security.<sup>67</sup> The AGA clusters are designed to harness the energies and capacities of AGA Platform Members to support AU Member States to prevent and address conflict by implementing AU Shared Values along five thematic focus areas; constitutionalism and rule of law, human rights, democracy, governance and humanitarian affairs. On the other hand, APSA’s two pillars that seek to prevent conflict are the Panel of the Wise and the Continental Early Warning System.<sup>68</sup> Accordingly both the AGA and APSA have express mandates on the prevention of violent conflict which necessitates closer synergy, collaboration, and coordination if they are to be effective and impactful.

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<sup>65</sup> Olusegun Obasanjo. ‘The State of Peace and Security in Africa’ in *Prism* 5 (2014) 13.

<sup>66</sup> Nicola Tissi & Faten Aggad-Clerx ‘The Road Ahead for the African Governance Architecture: An overview of current challenges and possible solutions’ in South Africa Institute for International Affairs Policy Brief 174 (2014)

<sup>67</sup> George Mukundi Wachira. 2015. ‘Consolidating the African Governance Architecture’ in Yarik Turianskyi & Steven Gruzd (Eds), *African Accountability: What Works and What Doesn’t?* Johannesburg: South African Institute for International Affairs.

<sup>68</sup> Protocol to the PSC, Article 11; and article 12.

The AU acknowledges that “the scourge of conflicts in Africa constitutes a major impediment to the socio-economic development of the continent”.<sup>69</sup> Indeed, when the OAU was transformed into the AU, African leaders conceded that conflicts continued to stifle the attainment of sustainable development and continental integration.<sup>70</sup> They agreed that the time was ripe to shift the paradigm from strict non-interference to one of non-indifference in Member States affairs especially when there were indications of commissions of serious crimes, such as war crimes and crimes against humanity.<sup>71</sup>

However, despite the adoption of the non-indifference principle, some AU Member States have come close to the brink of a precipice suggesting that greater courage and leadership need to be exercised by the AU to implement the principle beforehand. South Sudan is a recent regrettable example of where, despite numerous warning signs and fragility of the 2015 peace agreement,<sup>72</sup> the lack of synergy between the AGA and APSA in the country could not prevent yet another outbreak of violent conflict – only a few months after a peace agreement was signed between President Salva Kiir and his former Vice President Riek Machar.<sup>73</sup> Adopting resolutions without tangible and courageous actions by the PSC is not in consonance with the AU’s non-indifference principle. This was equally exhibited in the case of the Burundi, where adoption of soft measures such as deploying human rights observers and military observers did not resolve the underlying structural root causes of crisis in that country but rather sought to deal with the manifestations of the conflict.<sup>74</sup>

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<sup>69</sup> Constitutive Act, preamble.

<sup>70</sup> Ibid.

<sup>71</sup> Constitutive Act article 4 (h).

<sup>72</sup> See the text of the Agreement on the Resolution of the Conflict in the Republic of South Sudan Addis Ababa, Ethiopia 17 August 2015. [https://unmiss.unmissions.org/sites/default/files/final\\_proposed\\_compromise\\_agreement\\_for\\_south\\_sudan\\_conflict.pdf](https://unmiss.unmissions.org/sites/default/files/final_proposed_compromise_agreement_for_south_sudan_conflict.pdf) (accessed 23.10.17).

<sup>73</sup> See Communiqué of the 611th Meeting of the PSC on the situation in South Sudan: <http://www.peaceau.org/en/article/communique-of-the-611th-meeting-of-the-psc-on-the-situation-in-south-sudan> (accessed 23.10.17). See also Communiqué of the 609th meeting of the PSC on the situation in South Sudan 12 July 2016: < <http://www.peaceau.org/en/article/communique-of-the-609th-meeting-of-the-psc-on-the-situation-in-south-sudan> (accessed 23.10.17); see also UN Security Council condemns fighting in Juba, demands South Sudan's leaders prevent spread of violence <http://www.un.org/apps/news/story.asp?NewsID=54426#.V4SowNI951s> (accessed 23.10.17).

<sup>74</sup> See Paul D Williams, Special Report Part 2: The AU’s Less Coercive Diplomacy on Burundi. The Global Observatory, Feb 16, 2016.

Citizens' agitation for change and reforms that preceded some of the popular revolts in Burkina Faso and Burundi clearly suggest that early warning signs were present but largely ignored. Early warning must be accompanied by early action if Africa is to silence the guns by 2020 as envisaged by the AU Agenda 2063. Since 2002 the AU Continental Early Warning System (CEWS) has generated and consolidated cloud sourced data and information in Africa. However, the use of that information for action by the Union remains imprecise. Understandably, such information is shared confidentially with the AU leadership including the PSC for appropriate action. AGA Platform Members, including its Secretariat, are not privy to the findings that could help marshal appropriate action by Platform Members. It could be a useful data point on the limited mutual trust and synergy between the two architectures noting that the DPA recently launched a political analysis cell whose mandate is to equally generate data and analysis on political crisis and conflict hotspots in Africa to inform its interventions.

That different departments within the same Commission would establish units whose efforts may duplicate each other's mandates is indicative of the need to enhance synergy and complementarity between the two architectures. The Continental Early Warning System (CEWS) analysis could focus on emerging violent conflicts, while the AGA may focus their analysis on preventing structural conflicts, based on its five clusters that include democracy and governance deficits, human rights violations, breakdown of the rule of law and constitutionalism and humanitarian crisis. In so doing they would enhance complementarity instead of duplication. The CEWS could also be a joint AGA and APSA initiative, rather than focused solely on peace and security. That may require a broader application and interpretation of its mandate to include early warning and political analysis of conflicts in Africa. In doing so, AGA Platform Members initiatives, especially the human rights bodies and the APRM's analysis, could inform the work of CEWS and its recommendations.

Where the AU leadership may have relied on such data and warnings to pre-empt crisis in Africa, its impact has been limited for several reasons. Besides the significant constraint of state sovereignty – notwithstanding the adoption of the principle of non-indifference – actions are often slow, uncoordinated internally and externally with other relevant and appropriate actors as well as unpredictable.<sup>75</sup> The

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<sup>75</sup> See Communique of the 669th meeting of the AU Peace and Security Council on Early Warning and the State of Peace and Security in Africa of 21 March 2017 <http://www.peaceau.org/en/article/the-669th-meeting-of-the-au-peace-and->

limited coordination with RECs – which on the principle of subsidiarity have the primacy of action – often leads to time barred interventions or divergence of strategies and approaches as was exemplified in the Burundi case with the AU and the EAC.

Lessons from Burkina Faso and The Gambia illustrate that responding in a timely fashion to stem full blown conflict remains the AU's greatest value proposition to Member States and should be strengthened by the AGA and APSA. It is certainly not the absence of a normative framework or tools to prevent conflicts and respond to crisis before escalation that challenges the continent. Rather, what lacks is greater coordination and synergy between the AGA and APSA as well as exercise of leadership and African solidarity by Member States.<sup>76</sup>

The AU Panel of the Wise, a strategic pillar of the APSA has a critical role in mediation and political negotiations. Comprised of African statesmen and women nominated for their wisdom and counsel, it has the leverage to engage with all actors at senior levels to prevent violent conflict or to stem the escalation of conflict. Thus far, there are but a few instances where the Panel of the Wise has incorporated and collaborated with AGA Platform Members. One such instance includes the inclusion of the African Commission on Human and Peoples' Rights, the African Court on Human and Peoples' Rights and the Pan African Parliament on a fact-finding mission to South Sudan.<sup>77</sup> Such interactions and engagement on conflict prevention, aside from being scant, has been *ad hoc* and unstructured. The reason can partly be traced to the inadequate cooperation at the political level within the AU Commission leadership of the two departments charged with coordinating the AGA and the APSA – DPA and Peace and Security Department respectively. While the PSC has encouraged both departments to cooperate and collaborate in enhancing synergy between AGA and APSA, in practice, their

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[security-council-on-early-warning-and-the-state-of-peace-and-security-in-africa](#)  
(accessed 30.03.17).

<sup>76</sup> See Institute for Security Studies, On the Agenda: Denialism Plagues Africa's Early Warning System, PSC Report, 19 April 2017 [https://issafrica.org/pscreport/on-the-agenda/denialism-plagues-africas-early-warning-system?utm\\_source=BenchmarkEmail&utm\\_campaign=PSC+Report&utm\\_medium=email](https://issafrica.org/pscreport/on-the-agenda/denialism-plagues-africas-early-warning-system?utm_source=BenchmarkEmail&utm_campaign=PSC+Report&utm_medium=email) (accessed 19.04.17).

<sup>77</sup> See also the Final report of the African Union Commission of Inquiry on South Sudan 15 October 2014 <http://www.peaceau.org/uploads/auciss.final.report.pdf> (accessed 17.04.17).

engagement remains *ad hoc* and based on personalities rather than legal and institutional foundations.<sup>78</sup>

Given the complementary nature of their mandates, it would be appropriate for their Secretariats to jointly develop work plans, modes of delivery, impact evaluation and related strategies including resource mobilization on cross cutting themes and initiatives such as conflict prevention and post conflict reconstruction and development. The Panel of the Wise's interventions could for instance be informed by the work, experiences, and comparable lessons of AGA Platform members.<sup>79</sup> One could, for example, include AGA Platform Members during mediation and political negotiations. In addition, the Panel of the Wise could benefit from technical support from both the AGA and APSA that may include, research, analysis and convening of joint conflict prevention initiatives. The Secretariats of AGA and APSA should thus jointly support the work of the Panel of the Wise based on their comparable thematic competencies rather than as a structure of one department.

At the AU Commission level, an Interdepartmental Taskforce on Conflict Prevention was established in 2014 to foster greater synergy between AGA and APSA on conflict prevention. The Taskforce is charged with facilitating dialogue among AU Commission departments working on conflict prevention, identifying areas of convergence, and sharing comparable lessons as well as practices on conflict prevention to maximize and broaden the impact of AU conflict prevention interventions. The Taskforce is currently in the process of finalizing the draft Conflict Prevention Framework.<sup>80</sup> The Framework is a tool to facilitate a Commission-wide and coordinated approach to conflict prevention.

Potentially it could be the platform to support Member States to undertake Country Structural Vulnerability/Resilience Assessments (CSV/RA) and development and implementation of Country Structural Vulnerability Mitigation Strategies (CSVMS). The CSV/RA is one of the

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<sup>78</sup> Khabele Matlosa 'The African Union's African Governance Architecture Linkages with the African Peace and Security Architecture' in GREAT Insight Magazine 4 (1) (2014).

<sup>79</sup> See Decision of the 18th Ordinary Session of the Executive Council (Ex.CL/Dec.635 (XVIII)), and Declaration of the 16<sup>th</sup> Ordinary Session of the Assembly ((Assembly/AU/Decl. 1 (XVI)).

<sup>80</sup> See Report of the Chairperson of the Commission on the Follow-Up to the Peace and Security Council Communiqué Of 27 October 2014 on Structural Conflict Prevention, Peace and Security Council 502th Meeting Addis Ababa, Ethiopia 29 April 2015 <http://www.peaceau.org/uploads/psc-502-cews-rpt-29-4-2015.pdf> (accessed 20.07.17).

groundbreaking initiatives by the AU Continental Early Warning System (CEWS) to support Member States diagnose their structural vulnerabilities, identify coping and resilience mechanisms and importantly prognose mitigation strategies to prevent conflict. The inaugural CSV/RA was launched in the Republic of Ghana on 24 October 2017.<sup>81</sup> ECOWAS and a representative from the AUC Department of Political Affairs participated during national consultations of the Ghana CSV/RA. Members of the AGA Platform or Secretariat as well as Members of the Interdepartmental Task Force on Conflict Prevention were not included in the exercise. Perhaps it could have been due to resource constraints, and it is hoped that future CSV/RA are undertaken as AGA-APSA joint initiatives through the Task Force. In fact, although all relevant AUC Departments have designated Focal Persons to constitute members of the Task Force it has yet to undertake any joint initiative on conflict prevention – more than three years since it was constituted.

Although the Interdepartmental Task Force remains one of the potential opportunities for enhancing synergy between AGA and APSA, much more needs to be done to ensure that the Task Force lives up to its expectations of harnessing the potential between AGA and APSA to prevent conflict. Part of the challenge is that, although it has developed a joint strategy and action plan, their implementation is solely reliant on individual department resource mobilization and work plans. Without a joint strategy by the Task Force that incorporates a resource mobilization strategy that identifies collective value addition rather than what is already in different departmental work plans, the activities and initiatives of the Task Force will remain disjointed, under resourced and uncoordinated. In addition, the leadership and engagement within the Task Force has so far relied on personal rather than institutional relationships which means that unless the Task Force is anchored on an institutional foundation, its initiatives and activities are not sustainable. One possible way of institutionalizing and incentivizing synergy would be to require regular joint briefings to the PSC by the AGA and the APSA through the Task Force on Conflict Prevention in order to ensure that their strategies and actions for implementation are coordinated and collaborative.

### **Post-conflict reconstruction and development**

The Protocol to the PSC provides that in “post-conflict situations, the Peace and Security Council shall assist in the restoration of the rule of

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<sup>81</sup> The author of this report was one of three consultants retained by the AU to support the Republic of Ghana and the AU Commission to undertake the CSV/RA and develop a CSVMS. The process is currently ongoing and is expected to be complete by early 2018.



law, establishment and development of democratic institutions and the preparation, organization and supervision of elections in the concerned Member State”.<sup>82</sup> Towards this end, in 2006, the PSC adopted a Framework on Post Conflict Reconstruction and Development (PCRD). The objective of the Framework “is to improve timeliness, effectiveness and coordination of activities in post conflict countries and to lay the foundation for social justice and sustainable peace, in line with Africa’s vision of renewal and growth.”<sup>83</sup> The PSC has been involved in restoring the rule of law and development of democratic institutions including observing elections in several post conflict AU Member States, such as The Gambia, Mali, Central African Republic and Burundi. While such efforts were not necessarily coordinated as AGA – APSA joint initiatives, by the very nature of cutting across APSA and AGA mandates, closer synergy and cooperation could have achieved far much more outputs.

For instance, after the crises in Mali, Central Africa Republic, South Sudan and Burundi, the PSC called for the deployment of human rights observers.<sup>84</sup> Although the work of the human rights observers – to monitor and document human rights violations in those countries – was at the request of the PSC, members of the AGA Platform, including RECs, did not coordinate their efforts, often leading to duplication of efforts. It is worth noting that interventions in South Sudan, Central Africa Republic and Burundi depict a broader conceptual problem of what constitutes “pre, during and post conflict situations”. Indeed, deploying efforts of post conflict reconstruction by the AU in a Member State during an ongoing conflict rather than at the pre and post conflict stages highlight the problem of the interventionist approach at the AU and not just an issue of lack of coordination between AGA and APSA. It also underscores the disjointed approach to conflict prevention and post conflict reconstruction and development by the AU which perhaps explains establishment of two different task forces – one on conflict prevention and the other on post conflict reconstruction and development. Ideally, the two task forces should be merged into one considering also that the actors and issues are related and relatively similar. It would equally avoid duplication of efforts and resources.

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<sup>82</sup> Protocol to the PSC, Article 14.

<sup>83</sup> AU Policy Framework for Post-Conflict Reconstruction and Development (PCRD) 2006.

<sup>84</sup> See AU Press Releases ie The African Union reiterates its readiness to immediately deploy human rights observers and military experts to Burundi - See more at: <http://www.peaceau.org/en/article/the-african-union-reiterates-its-readiness-to-immediately-deploy-human-rights-observers-and-military-experts-to-burundi> (accessed 20.03.17).

Similar disconnect of coordination is illustrated by the sometimes simultaneous deployment by both the AU and the RECs of election observers in almost all Member States. Of critical importance is the inadequate follow up and implementation of recommendations from the human rights observer missions or the electoral observer missions by the AGA and APSA actors including the Panel of the Wise or the PSC as envisaged in the Protocol.

During the needs assessment on post conflict reconstruction and development in the Central African Republic, the government requested the AU to support implementation of the assessment's findings.<sup>85</sup> The assessment's findings included recommendations on restoring peace and security, democratic governance and socio-economic development. Given the current, limited capacity of the Central African Republic (CAR) to implement these recommendations, the assessment mission called on the AU to heed to the request by the CAR government to provide technical support towards implementation.<sup>86</sup> The provision of such technical support would require closer coordination and synergy between the AGA and APSA given the fact that the recommendations cut across the specific mandates of the two architectures. Such support could be coordinated and provided under the auspices of the Interdepartmental Task Force on Post Conflict Reconstruction and Development. In fact, pursuant to the recommendations of the assessment mission, the AU Commission donated \$137,220 for the establishment of a National Human Rights Commission which reaffirms the synergy between APSA and AGA objectives rooted on democratic governance and human rights imperatives.<sup>87</sup> Beyond provision of financial resources, the support to CAR through the Interdepartmental Task Force should address the structural root causes as identified in the report.

Restoration of the rule of law and reconstruction in post conflict contexts require more than technical solutions. The AU has significant political leverage to mobilize leaders and solidarity among Africans to support countries in or transitioning from conflict. The support

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<sup>85</sup> The Author was part of a team of experts that conducted the AU Post-Conflict Reconstruction and Development Assessment Mission in Central African Republic from 7-17 August 2016.

<sup>86</sup> See Third Progress Report of the Chairperson of the Commission on the African Union's Efforts on Post-Conflict Reconstruction and Development in Africa, Peace and Security Council 670th Meeting Addis Ababa, Ethiopia 22 March 2017 PSC/PR/2.(DCLXX) <http://www.peaceau.org/uploads/eng-third-progress-report-pcrd.pdf> (accessed 23.03.17).

<sup>87</sup> *Ibid*, para 15(i).

generated during the Ebola crisis in Liberia, Sierra Leone and Guinea is proof that African solidarity can be mobilised to provide technical support to countries in times of need. To be effective, such support – which may entail restoration of peace, security, the rule of law and rebuilding democratic institutions – can only be effective if it is coherent and well-coordinated. The imperative of AGA and APSA synergy in provision of such technical support to Member States cannot be overstated.

Closer synergy and cooperation between the AGA and APSA on PCRCD would require deliberate efforts by the AU and the RECs in coordinating their technical support on PCRCD to Member States such as undertaking joint human rights and election observer missions. In addition, post electoral capacity building of national institutions falls within the ambit of PCRCD, since the ultimate objective is to build resilience, unlike election observation which is a one-time event in a country.

The Interdepartmental Task Force on Post Conflict Reconstruction and Development seeks to bridge the gap between AUC departments on providing technical and financial support to Member States on PCRCD. The Task Force cuts across all spheres of democratic governance, peace and security and sustainable development as addressed by the AU and Member States. Although the current membership of the Task Force, like the one on conflict prevention, is limited to AUC Departments, it would be more appropriate to broaden its membership to include RECs through the liaison officers even if it might entail rebranding to an all-encompassing nomenclature if it goes beyond AUC Departments.

The Intedepartment Task Force on Post Conflict Reconstruction and Development undertook a needs assessment mission to the Republic of The Gambia from 13-19 May 2017.<sup>88</sup> The recommendations from the mission address issues that reaffirm the interrelationship between AGA and APSA. The assessment focused on the following three (3) key aspects: National Dialogue and Reconciliation; Security Sector Reform (SSR); and Socio-economic Transformation.<sup>89</sup> The Task Force commendably included an officer from the AGA cluster on human rights although the invitation and participation was to the DPA, rather than to the AGA Platform.

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<sup>88</sup> See High Level Technical and Multi-Disciplinary Needs Assessment to the Republic of the Gambia: Mission Report 13-19 May 2017 presented at the Peace and Security Council 694<sup>th</sup> Meeting, Addis Ababa, Ethiopia, 15 June 2017 PSC/PR/RPT. (DCXCIV).

<sup>89</sup> Ibid.

## Implementation of AU Shared Values on democratic governance, peace and security

More than 50 years after the establishment of the OAU and its transformation to the AU, the continent has done considerably well in norm setting. However, implementation of these norms – popularly known as African Shared Values – at national level remains inadequate.<sup>90</sup> Translating the lofty aspirations of African peoples into meaningful and tangible benefits at the national level for citizens thus remains a mirage. While resource constraints and inadequate coordination by treaty monitoring institutions of the AU are often cited as partly to blame, limited follow up and coordination by the AU and particularly by the RECs and Member States on implementation is equally to blame.

One of the main objectives of setting up the AGA by the AU was to address that deficit. The AGA has since adopted various strategies and rules of procedure to foster implementation of AU Shared Values. These include the AGA Platform Rules of Procedure and Guidelines for States Parties' Reports under the African Charter on Democracy, Elections and Governance (ACDEG).<sup>91</sup> One of the key tasks envisaged by the AGA platform is to provide technical support to Member States in the implementation of AU Shared Values instruments.<sup>92</sup> In addition it shall be the structure for reviewing compliance of the ACDEG through the state reporting mechanism.<sup>93</sup> The Platform anticipates that it will contribute to identifying gaps to implementation and facilitate provision of technical support to Member States in this regard. The state reporting process provides for citizens engagement, and their participation as members of national focal points as well as key actors to be consulted in evaluating and ensuring effective implementation of the Charter.<sup>94</sup> If

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<sup>90</sup> See generally George Mukundi Wachira and Abiola Ayinla. 2006. 'Twenty Years of Elusive Enforcement of the Recommendations of the African Commission on Human and Peoples' Rights: A Possible Remedy' 6 (2) *African Human Rights Law Journal*; See AU Assembly Decisions and Resolutions on AU Shared Values <https://au.int/en/sharedvalues>

<sup>91</sup> See AU Assembly Decision on Specialized Technical Committees Assembly/AU/Dec. 589(XXVI). The AGA Rules of Procedure and State Reporting Guidelines were adopted by the January 2016 AU Assembly of Heads of States and Government.

<sup>92</sup> See African Charter on Democracy, Elections and Governance article 45.

<sup>93</sup> AGA Rules of Procedure Rule 4(1).

<sup>94</sup> See Guidelines for State Parties' Reports under the African Charter on Democracy, Elections and Governance Para 9; 13 (f); 26; 37. Para 9 provides: The drafting and submission of State Parties' reports shall not be a task for one or two national ministries/agencies. This is premised on the acknowledgment that democracy, human rights and good governance are cross-cutting issues, which concern

necessary, citizens and civil society actors can also avail alternative data and information on compliance with the ACDEG to the AGA Platform.

The AGA Platform state reporting process is not unique and indeed is preceded by other treaty monitoring organs of the AU such as the African Commission on Human and Peoples' Rights and the African Committee on the Rights and Welfare of the Child. The two institutions have done commendably well to ensure that ordinary citizens and civil society actors participate and are included in the review process of the African Charter on Human and Peoples' Rights and the African Charter on the Rights and Welfare of the Child. Their state reporting guidelines provide for avenues and platforms for dialogue that may include consideration of civil society views including their shadow reports.

Being members of the AGA Platform, the experiences and lessons of such treaty monitoring bodies will be useful in improving the ACDEG state reporting process, especially in ensuring the implementation of concluding observations and recommendations of the AGA platform. In fact, AGA's value proposition in this regard transcends the review process, which as noted is not a first. The African Peer Review Mechanism (APRM), which is also an AGA Platform Member, is perhaps the most comprehensive and robust review process, but like those of the other AGA Platform members is equally hamstrung by limited implementation of its recommendations including national plans of actions.<sup>95</sup>

The AGA Platform seeks to ensure that recommendations of its members are complied with through constructive engagement of Member States and provision of technical support. Indeed, the reporting structure and processes of the AGA Platform members are directly linked to AU policy making processes,<sup>96</sup> while, at present, the APRM remains dependent on its voluntary reporting processes. The collective nature of the AGA Platform and the fact that RECs constitute important members provides a unique chance to jointly mobilize political action and

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several ministries, institutions/agencies and non-state actors. State parties shall establish a multi-stakeholder National Institutional Framework (Focal Point for the Democracy Charter) for the coordination of monitoring and reporting activities on the implementation of the Charter. The Focal Point shall be composed of relevant state and government ministries, institutions/agencies and non-state actors so as to ensure diversity, effective participation and inclusivity of all concerned.

<sup>95</sup> See Economic Commission for Africa (ECA), 2013. *APRM and the Quest for a Developmental State: the Role of CSOs in Implementing the National Programme of Action*, Third Meeting of the Committee on Governance and Popular Participation Addis Ababa, Ethiopia 20-21 February 2013.

<sup>96</sup> See article 46 of ACDEG.

resources to support Member States to implement their commitment on AU Shared Values.

The lack of an incentive to implement is one of the reasons why there has been limited implementation of the APRM national plans of action. The recommendations of APRM Country Review Reports and state review during the APR Forum provides an opportunity to dialogue and exchange ideas on how to best to implement. However, the process falls short of providing technical and resource support to reviewed countries to implement those recommendations. The AGA Platform seeks to address this lacuna by promising technical support towards implementation of AU Shared Values. Therefore, despite identification of gaps and areas for improvement by the African Peer Review Mechanism, there is inadequate implementation of national plans of action.<sup>97</sup> There are a number of reasons for this state of affairs, including limited political commitment to implement the recommendations of continental bodies, as well as resource and capacity constraints. The AGA Platform brings together actors, including the PSC, that have the political leverage and potential to constructively encourage Member States to implement AU decisions and commitments on AU Shared Values. In addition, a closer synergy between the AGA and the APSA presents an opportunity to offer technical support to Member States towards implementation of AU Shared Values.

### Cooperation and coordination between the AU and RECs

During the Gambian political crisis, ECOWAS, AU and the UN sought to coordinate their actions to resolve the impasse. Their attempt is commendable and presents useful comparable lessons that could be replicated in other regions of the continent. Based on the principle of subsidiarity, RECs should be the first responders to assist a Member State to resolve a political or security crisis.<sup>98</sup> While ECOWAS may have acted unilaterally in the enforcement of peace in the Gambia, it strengthened a view that the RECs are indeed the most appropriate implementing organs of the APSA and should therefore be supported by the AU. However, for legitimacy and sustainability of actions, better coordination and synergy between the AU and RECs should be the *modus operandi*. In The Gambia, it was the exercise of leadership by ECOWAS and their determination to resolve the Gambian crisis that

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<sup>97</sup> Adejoké Babington-Ashaye, *The African Peer Review Mechanism at Ten: From Lofty Goals to Practical Implementation*, 19 March 2013 <https://africlaw.com/2013/03/19/the-african-peer-review-mechanism-at-ten-from-lofty-goals-to-practical-implementation/> (accessed 20.02.17).

<sup>98</sup> African Peace and Security Architecture Road Map 2016-2020, p. 21; see also PSC 477<sup>th</sup> Meeting Communiqué 18 December 2014.

made the difference. The fact that ECOWAS combined both political and military strategies to resolve the impasses is an important data point of the need to enhance synergy between the AGA and APSA in similar situations. Although the resolution of the Gambian political crisis by ECOWAS was a result of many factors, it illustrated the necessity of going beyond condemnation to following up with concrete actions to enforce decisions of the various bodies.

Little can be achieved to resolve an impasse when there is lack of synergy and coordination of strategies and action between the AU and Regional Economic Communities. This was exemplified in the Burundi case, where there seems to have been divergence between the AU and the EAC. Based on the principle of subsidiarity, RECs have the first option of resolving crises among Member States with support from the AU. Their contextual and nuanced understanding of the dynamics and realities of Member States should therefore guide interventions by the AU. Although the APSA and AGA frameworks provide for the close engagement of RECs in the architectures, the APSA has made many more advances than the AGA by facilitating the appointment of RECs liaison officers at the AU and at the RECs. However, the formal mandate of the RECs liaison officers to the AU and within the RECs largely focusses on peace and security and in fact are structured within the Peace and Security Department, which means they are not compelled to deal with other issues related to democratic governance and sustainable development. In practice they attend to all these issues as representatives of their RECs to the AU and vice versa.

If the AGA-APSA synergy is to be strengthened, the current state of affairs needs to change to reflect the reality and focus of the work of the RECs and the AU that goes beyond peace and security. Unless RECs liaison officers have the express mandate and are accorded the capacity to straddle between peace, security and democratic governance, the calls to strengthen AGA-APSA synergy will remain a pipe dream. Acknowledging that there is a disconnect between the AU and the RECs, the AU Assembly recently decided to streamline and harmonize their Summits to give RECs a voice and say in the work of the AU.<sup>99</sup> While that is a welcome and commendable development, it should be followed through at a strategic level by bringing together the RECs democratic governance and peace and security architectures closer to respond to crisis and consolidate democracy in Africa.

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<sup>99</sup> See Decision on Streamlining of the AU Summits and the Working Methods of the African Union (Assembly/AU/Dec. 582(XXV)) [2015].

## Citizens and civil society engagement

African citizens are the direct beneficiaries of peace, security and democratic governance. When there is peace, security and good governance, citizens attain human security. Accordingly, the AGA-APSA synergy is critically important in the realization of citizens' human security. Both the AGA and APSA provide for inclusion and participation of citizens and civil society. In fact, one of AGA's key outcome areas is engagement of African citizens in democratic governance. The AGA has even taken it a notch higher by developing an engagement strategy for a key demographics, youth, and is in the process of developing one on women. Civil society organizations play an important role in facilitating citizens' engagement and are thus provided opportunities to engage directly with AGA Platform Members. Besides the annual high level dialogues which seek to examine trends, challenges and prospects of strengthening democratic governance in Africa, various regional youth consultations are held across the continent. The youth consultations and citizens' engagement are convened around specific themes aligned to the annual AU themes. In 2017 the theme for the consultations as well as the high level dialogue is on harnessing the youth demographic dividend and will focus on youth participation and engagement in electoral processes in Africa.<sup>100</sup> While the regional youth consultations focused on youth in electoral processes, the 2017 high level dialogue is focused on 'enhancing youth participation and representation in governance in Africa'. It is also worth noting the convening of the gender pre-forum in Lusaka Zambia in October 2017 that focused on enhancing young women's participation in politics.

The APSA framework adopted the Livingstone formula to guide its engagement with civil society. However, the Livingstone formula and the AGA's citizens' engagement strategies are not coherent. While the Livingstone formula seems to restrict civil society engagement on peace and security matters to civil society actors that are members of the Economic, Social and Cultural Council (ECOSOCC), the AGA citizen's engagement strategy is not restrictive in that regard. In addition the APSA does not have a women's engagement strategy in as much as it has developed a mechanism to include and ensure the participation of women through the AU Special Envoy on Women Peace and Security. At the January 2016 Summit, the AU Assembly called on Member States to

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<sup>100</sup> See Lauren Tracey and Edward Kahuthia. 2017. *Beyond Rhetoric: Engaging Africa's Youth in Democratic Governance*, ISS Policy Brief 99, February 2017; See also Peter Alingo and Nebila Abdulmelik. 2017. *From Rhetoric to Action: Delivering for Young Women in Africa*. ISS Policy Brief 100. March 2017; See also Ibraheem Sanusi and Rizzan Nassuna. 2017. *Emerging Trends in Africa's Electoral Processes*, SAIIA Policy Briefing No 158 January 2017.



“integrate women and youth in national and regional politics, in recognition of the need to be gender sensitive and the important role that women and youth play in political processes.”<sup>101</sup> In a continent where the majority – over 60 percent – of its population is below the age of 35, neglect of the most productive demographic would be at the continent’s own peril.<sup>102</sup>

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<sup>101</sup> Ibid, para 3 (xii).

<sup>102</sup> The Africa Common Position on Post 2015 Development Agenda, para 35.

## Policy Issues for Consideration

This report demonstrates that synergy between the AGA and APSA is a necessary precondition for effective implementation of Shared Values on peace, security and good governance in Africa. Beyond affirming the imperative of that synergy, the report makes a case for undertaking specific joint initiatives on conflict prevention, post conflict reconstruction and development, and technical support to Member States by APSA Pillars, particularly the Panel of the Wise, CEWS, and the PSC alongside members of the AGA Platform. While the AGA and APSA synergy is full of promise, it has largely been unexploited. There are thus still opportunities to reap its full potential, but there are several challenges that hinder the closer AGA and APSA cooperation. To address some of the challenges, the following key policy issues and recommendations are proposed for consideration by AU Member States and the AU.

### **Political and policy clarity and coherence on the interrelatedness between APSA and AGA by the PSC and other policy organs**

One of the critical challenges that hampers practical AGA and APSA synergy is inadequate coherence in legal and institutional foundations of the AGA and APSA. While the APSA is based on a binding legal instrument – the Protocol to the PSC – the AGA on the other hand is founded on a weak soft law basis – Assembly Declarations and Resolutions. The AGA is thus limited in terms of leverage and ability to mobilise Platform Members as well as APSA pillars to coordinate and collaborate given the fact that they are established on the basis of separate legal treaties and mandates.

A possible cure to that deficit is either an amendment to the African Charter on Democracy, Elections and Governance (ACDEG) or the Protocol to the PSC to recognize the AGA as the overall framework for coordinating compliance with AU Shared Values on democratic governance. In particular an amendment to article 45<sup>103</sup> of the ACDEG

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<sup>103</sup> Article 45 of the ACDEG: The Commission shall: (a) Act as the central coordinating structure for the implementation of this Charter; (b) Assist State Parties in implementing the Charter; (c) Coordinate evaluation on implementation of the Charter with other key organs of the Union including the Pan-African Parliament, the Peace and Security Council, the African Human Rights Commission, the African

could provide for the AGA Platform rather than the Commission to be the coordinating mechanism for implementation of the Charter including review of State Reports under article 49.<sup>104</sup> In fact the AGA framework has already progressively interpreted article 45 and 49 of the ACDEG to provide for the AGA Platform to be the coordinating mechanism for the review of the State Reports in the AGA Rules of Procedures and ACDEG State Reporting Guidelines.<sup>105</sup>

Also, the PSC Protocol should recognize APSA and AGA as interrelated and interconnected with complementary mandates. The PSC should also actively participate in the AGA Platform bi-annual meetings and importantly convene periodic sessions to consider joint APSA-AGA reports on the progress made in democratic governance, peace and security in Africa. The outcome of such meetings should be synthesized and presented for endorsement to the Summit.

### **Predictable and sustainable financing of AGA and APSA through the AU Peace Fund**

Lack of predictable and sustainable financing of AU peace, security and democratic governance initiatives remain a significant challenge. Overreliance on external partners for financial support to implement AGA and APSA initiative is unsustainable and raises legitimacy and credibility concerns. Although the APSA like the AGA relies extensively on external funding, the fact that the activities of its principal organ – the PSC – is anchored on a Protocol, gives it political and technical leverage to execute politically sensitive functions.

During the 27<sup>th</sup> African Union Summit in July 2016 in Kigali, Rwanda the AU Assembly adopted a landmark decision on alternative sources of financing the AU.<sup>106</sup> Among others, the Assembly decided to “institute and implement a 0.2 percent Levy on all eligible imported

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Court of Justice and Human Rights, the Economic, Social and Cultural Council, the Regional Economic Communities and appropriate national- level structures.

<sup>104</sup> Ibid article 49: State Parties shall submit every two years, from the date the Charter comes into force, a report to the Commission on the legislative or other relevant measures taken with a view to giving effect to the principles and commitments of the Charter; 2. A copy of the report shall be submitted to the relevant organs of the Union for appropriate action within their respective mandates; 3. The Commission shall prepare and submit to the Assembly, through the Executive Council, a synthesized report on the implementation of the Charter; 4. The Assembly shall take appropriate measures aimed at addressing issues raised in the report.

<sup>105</sup> AGA Rules of Procedures and State Reporting Guidelines 2016.

<sup>106</sup> See Decision on the Outcome of the Retreat of the Assembly of the African Union Assembly/AU/Dec.605 (XXVII),

goods into the Continent to finance the African Union Operational, Program and Peace Support Operations Budgets starting from the year 2017”.<sup>107</sup> The decision further decided that the AU Peace Fund would be resourced from the 0.2 percent levy and would have three thematic windows, namely Mediation and Preventive Diplomacy; Institutional Capacity; and Peace Support Operations.<sup>108</sup> That should be interpreted to mean that the AGA and APSA initiatives qualify for funding under the AU Peace Fund rather than establishing a separate fund for the AGA, as is presently envisaged by the Governance Facility.

### Complementary long-term strategies and road maps

The APSA has developed a participatory (particularly with the RECs) and comprehensive long-term road map and strategy for 2016-2020.<sup>109</sup> The AGA, on the other hand, has thus far developed work plans through its Secretariat with limited input and adoption by all Platform Members. The challenge with work plans that have not been jointly developed and/or adopted by the political office holders of the AGA Platform Members has been limited ownership and resourcing of the AGA work plans. Part of the problem is that while the AGA Platform Member comprises all AU organs and institutions with a democratic governance mandate, the AGA Secretariat has not been constituted or shared by the Platform. The argument has been that the Secretariat of the AGA is indeed the DPA serving on behalf of the Commission. While that is understandable given the absence of legal backing for an independent Secretariat, that situation has hampered the ability of the DPA to serve as the legitimate representative of all AGA Platform Members, including seeking collaboration and synergy with the APSA.

As earlier argued, an amendment to the Protocol to the PSC or the ACDEG could make provision for the status of the AGA Secretariat and its relationship with the Secretariat of the PSC and those of other AGA Platform Members including RECs. Such clarity of roles, powers and functions in a legally binding instrument will reduce the existing uncertainty and tension around the AGA framework and its working methods.

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<sup>107</sup> Ibid para 5(a) i.

<sup>108</sup> Ibid para 5(b) ii.

<sup>109</sup> African Peace and Security Architecture Road Map 2016-2020.

### **Merge and strengthen synergy between the Interdepartmental Task Forces on Conflict Prevention and Post Conflict Reconstruction and Development**

The AU Interdepartmental Task Forces on Conflict Prevention and Post Conflict Reconstruction and Development should be merged given their symbiotic relationship in order to avoid duplication of efforts. Rather than being located in either of the AUC Departments, coordination of the merged Task Force should be within the Office of the AUC Chairperson for political and technical leverage to convene and execute joint initiatives. Importantly, both Task Forces should move beyond convening planning and strategy meetings to undertake joint initiatives on conflict prevention that brings together APSA pillars, especially the Panel of the Wise, CEWS and the AGA Platform Members, including the RECs. That could include coordination for joint conflict and policy analysis; mediation and preventive diplomacy; political negotiations, human rights monitoring and election observation through the relevant AUC departments, AU Organs and Institutions and REC representatives. The Task Forces should also expand their membership beyond AUC departments to include relevant AU organs and institutions as well as representatives of RECs liaison offices. RECs play a critical role in supporting Member States in the regions to restore the rule of law, reestablish peace and security and reconstitute democratic institutions. Furthermore, both the AGA and the APSA should respond and support AU Member States emerging from conflict with technical support in PCRD.

AGA-APSA synergy remains a mere wish unless the AU shifts from norms setting to norms implementation. AGA Platform Members and APSA pillars should therefore coordinate and identify specific Member States to provide technical support towards the implementation of AU Shared Values on peace, security and democratic governance. The request by some of the AU Member States including CAR and Somalia for technical support would be opportunities to begin practically fostering synergy between the AGA and APSA. The merged Task Force should undertake joint needs assessments on conflict prevention and post conflict reconstruction and development.

# Recommendations

The report proposes the following recommendations for consideration by each of the key actors below:

## **Member States**

- Transform current discourse on peace and security to include democratic governance at the national, regional and continental level. The two are interrelated, interdependent and complementary imperatives.
- Address challenges of implementation of AU Shared Values on democratic governance, peace and security through domestication of norms as well as enhancing resource and technical capacity of national institutions to implement, report and evaluate compliance.
- Provide political leadership and legal clarity to elevate the AGA to a credible and central normative and institutional framework for addressing challenges in democratic governance, peace and security. This could among others entail the Assembly calling for accountability and regular joint reporting on an annual basis on the impact of the AGA and APSA joint strategies and action plans.
- Provide sufficient technical, human and financial resources to the AGA and APSA through the full operationalization of Windows 1 and 2 of the AU Peace Fund relating to Conflict Prevention and Institution Building respectively.
- Boost the political dimension of early warning from the AU and RECs through early and sustained actions to prevent conflicts within the AGA and APSA frameworks.
- Volunteer to undertake country structural vulnerability/resilience assessments and develop and implement country structural vulnerability mitigation strategies with support from the African Union and RECs.
- Establish national infrastructures for peace building, mediation, political settlement and negotiations as part of an overarching strategy for conflict prevention and post conflict reconstruction and development.
- Create and provide a conducive environment that will facilitate and foster inclusion and participation of citizens in democratic governance, peace and security initiatives at national, regional and continental levels by among others implementing the AGA and APSA citizens, youth and women engagement strategies.

- Ensure compliance and strict enforcement provision for adherence to treaty obligations including on state reporting on the African Charter on Democracy, Elections and Governance.

## **Regional Economic Communities**

- Enhance cooperation, coordination and synergy with the AU in addressing democratic governance, peace and security challenges in Africa through the AGA and APSA frameworks by implementing the Protocol on Relations between the African Union and the Regional Economic Communities (RECs). The proposed AU-REC Consultative Meeting, scheduled to commence from June 2018, is an important political platform to achieving strategic coherence between the AU and RECs.
- Review, revise and expand the scope and focus of the MOU on Cooperation in the Area of Peace and Security between the AU, RECs and the Coordination Mechanisms of the Regional Standby Brigade of the Eastern Africa and North Africa to include issues of democratic governance. This revised document should be signed between the Chairperson of the Union, and respective Chairpersons of the RECs, in order to promote a state-led leadership between the AU and RECs.
- Broaden areas of focus and terms of reference of AU and RECs liaison officers and enhance their technical, human and resource capacity to undertake their mandates in order to support sustainable efforts to address democratic governance, peace, security and sustainable development.
- Coordinate and collaborate with the AU on joint initiatives on democratic governance, peace and security that should include joint planning, deployment, conflict vulnerability/resilience assessments, monitoring and evaluation of pre-electoral assessments, electoral observer missions, post-electoral audits, human rights observer missions, peacekeeping missions, mediation, political negotiations and provision of technical support to Member States on post-conflict reconstruction and development.

## **AU Commission**

- Undertake a study on the legal and practical implications of amending either the Protocol to the PSC or the African Charter on Democracy Elections and Government to provide a statutory legal basis for the AGA.
- Ensure that ongoing AU restructuring and institutional reforms take into account the AGA Platform and Secretariat and provide for the establishment of an autonomous joint Secretariat between the AGA and APSA within the Bureau of the AUC Chairperson with a clear

terms of reference, mandate, requisite human capacity and resources from Member States contributions.

- Locate the Secretariat of the AU Peace and Security Council within the Bureau of the AUC Chairperson with clear terms of reference that goes beyond a focus and emphasis on peace and security issues to democratic governance and sustainable development
- Submit a bi-annual report to the AU Assembly on practical measures, initiatives and efforts undertaken to enhance synergy between the AGA and APSA as well as a joint report on the state of governance, peace and security in Africa.
- Enhance and improve communication, sharing of information and knowledge products between the AGA, APSA and RECs on democratic governance, peace and security.
- Support AU Member States to undertake country structural vulnerability/resilience assessments and develop and implement country structural vulnerability mitigation strategies in collaborations with RECs.

### **AU Peace and Security Council**

- Institutionalise and convene regular joint briefings between relevant AGA clusters and APSA pillars on democratic governance, peace and security in Africa.
- Institutionalize planning and undertaking of joint missions with the RECs to prevent conflict and address democratic governance and peace and security challenges in Member States.
- Institutionalize and regularize annual consultations with the AGA Platform and APSA pillars including participation in the meetings of the AGA Platform.

### **APSA Pillars and AGA Platform**

- Institutionalize joint working methods, strategies, implementation of action plans and monitoring and evaluation on issues of common interest and concerns between the APSA Pillars, the AGA Platform, Clusters and Secretariat.
- Conduct joint analysis, reports and briefings to the Peace and Security Council with relevant AGA clusters.
- Finalise, disseminate and provide technical support to Member States to implement the AGA citizens, youth and women engagement strategies.
- Conduct joint analysis, reports and briefings to the Peace and Security Council on issues within the mandate of the APSA pillars and AGA clusters.
- Jointly plan and convene an annual high-level on democratic governance, peace and security in Africa.



- Undertake early warning analysis and jointly share strategies and actions to prevent conflict with the AU Peace and Security Council and Member States.
- Jointly mobilize and share resources under the AU Peace Fund to implement joint actions on conflict prevention and post-conflict reconstruction and development.
- Merge the Interdepartmental Task Force on Conflict Prevention and the one on Post-Conflict Reconstruction and Development and expand its membership to include all APSA Pillars and AGA Platform Members.

### **Civil Society and Partners**

- Provide human, financial, technical and capacity strengthening support to enhance synergy between the AGA and APSA that may include establishment of a joint secretariat/deployment of focal person within the office of the Chairperson.
- Provide technical support to implementation of the APSA Road Map 2016-2020 and the AGA Strategies that include the Youth Engagement Strategy.
- Provide technical support to the development and implementation of an AGA long-term strategy and action plan; and the AGA Women Engagement Strategy.
- Monitor and assess the impact of AGA Platform and APSA pillars to identify gaps, challenges and opportunities in order to enhance their capacity to improve their performance and mandate delivery.
- Undertake knowledge generation, analysis and dissemination on the role of the AGA and APSA in conflict prevention and post conflict prevention and development.
- Provide technical support to Member States, AGA Platform, APSA pillars and non-state actors to enhance compliance and reporting obligations on AU Shared Values instruments on democratic governance, peace and security – and in particular on the state reporting process of the African Charter on Democracy, Elections and Governance.
- Actively participate in joint briefings of the AGA and APSA to the Peace and Security Council and high level dialogues and related convening.
- Monitor compliance of AU Member States on their commitment on AU Shared values on democratic governance, peace and security including state reporting obligations.

## Conclusion

This report reveals that while there is progress at the AU in seeking to enhance synergy between the AGA and APSA, in practice, much more is required to ensure that they are effective and deliver their mandate efficiently. To reach complementarity between democratic governance and peace and security, mechanisms established to promote and ensure their effectiveness must work in harmony and be fit for purpose. The challenge is not the absence of a normative basis but rather the task of recalibrating and progressively interpreting their founding instruments. This may, one hopes, yield closer cooperation and coordination.

The report argues that to enhance synergy between the AGA and APSA, one needs to appreciate the pivotal role of the AU Peace and Security Council to successfully implement the mandates of the two architectures. The report calls for concerted efforts by actors in both architectures towards policy clarity and coherence on their mandates in order to promote complementarity and avoid duplication of efforts. Sustainable financing and resourcing of the AGA and APSA frameworks is equally identified as crucial in enhancing synergy and delivery of both architectures. The AU Peace Fund could potentially be employed to bridge the gap that currently exists.

Apart from identifying specific policy and practical strategies to enhance the AGA-APSA synergy, the report notes that the implementation of AU Agenda 2063 aspirations provides a unique opportunity to draw closer linkages between democratic governance, peace and security and the imperatives of conflict prevention for sustainable peace and security in Africa. It is hoped that this report will generate dialogue, reflection and action among key stakeholders on AGA and APSA, which again may yield results and impact on democratic governance, peace and security in Africa.





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