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AFRICAN UNION DEMOCRACY AND GOVERNANCE STOCKTAKING ASSESSMENT

JUNE 2013

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ACRONYMS AND ABBREVIATIONS

ACHPR	African Commission on Human and Peoples' Rights
AEC	African Economic Community
AfCHPR	African Court on Human and Peoples' Rights (<i>African Court</i>)
AGA	African Governance Agenda
AGP	African Governance Platform
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
AU	African Union
AUC	African Union Commission
CAADP	Comprehensive African Agricultural Development Programme
CEN-SAD	Community of Sahel-Saharan States
CIDO	African Citizens' and Diaspora Directorate
COMESA	Common Market of Eastern and Southern Africa
CSO	Civil Society Organization
DEAF	Democracy and Electoral Assistance Fund
DEAU	Democracy and Electoral Assistance Unit (DPA)
DPA	Department of Political Affairs
DPS	Department of Peace and Security
DG	Democracy and Governance
DGHRE	Democracy, Governance, Human Rights and Elections Division
EAC	East African Community
ECOSOCC	Economic, Social and Cultural Council
ECOWAS	Economic Community of West African States
EMBs	Election Management Bodies
EU	European Union
FAS	<i>Femmes Africa Solidarité</i>
FDI	Foreign Direct Investment
GAD	Gender and Development
GAP	Gender Action Plan
GIZ	<i>Deutsche Gesellschaft für Internationale Zusammenarbeit</i>
HARDP	Humanitarian Affairs, Refugees and Internally Displaced Persons Division (DPA)
IGAD	Intergovernmental Authority on Development
JFA	Joint Financing Arrangement
JPA	Joint Programme Arrangement
LSAC	Labour and Social Affairs Commission
MDG	Millennium Development Goal
NEPAD	New Partnership for Africa's Development

NGO	Nongovernmental Organization
NPCA	NEPAD Planning and Coordinating Agency
NPoA	National Program of Action
NSAs	Non-State Actors
OAU	Organization of African Unity
PAP	Pan-African Parliament
PIDA	Programme for Infrastructure Development in Africa
PRC	AU Permanent Representatives Committee
PSC	Peace and Security Council of the African Union
REC	Regional Economic Community
SADC	Southern African Development Community
SEAF	Special Emergency Assistance Fund for Drought and Famine in Africa
SOAWR	Solidarity for African Women's Rights
UNDP	UN Development Programme
UNECA	UN Economic Commission for Africa
USAID	United States Agency for International Development
WGDD	Women and Gender Development Directorate
WID	Women in Development

EXECUTIVE SUMMARY

This “*African Union Democracy and Governance Stocktaking Assessment*” is intended to contribute to ongoing dialogue between development partners and the AUC on the alignment of partner resources to support AUC strategic priorities in the areas of Democracy and Governance (DG). The *Stocktaking* focuses exclusively on the area of Shared Values and almost exclusively on the African Union Commission (AUC) as the principal mechanism for coordination, dissemination, and evaluation of the agenda. Multiple AU institutions and multiple departments within the AUC are involved in the implementation of Shared Values objectives. Given time constraints, a strategic decision was made early in the assessment process to focus the analysis on three clusters of issues within the broader Shared Values domain: (1) Democracy and Governance (DG), (2) Gender, and (3) Economic Governance.

SECTION I: DISCERNING THE AU'S SHARED VALUES OBJECTIVES

The AU's Shared Values agenda is broad, having evolved to incorporate or codify commitments reflected in a wide range of charters, conventions, and protocols adopted by African states since the creation of the Organization of African Unity (OAU) in 1963. To advance this agenda, the AU has established a variety of mechanisms and legal instruments, perhaps most notably the African Peer Review Mechanism (APRM) in 2003 and the *African Charter* adopted in 2007. It has also given Shared Values pride of place in its public diplomacy. The *African Charter*, which entered into force in February 2012, is perhaps the single most important AU legal instrument relevant to the Shared Values arena. It sets out a sophisticated and comprehensive agenda for promoting democratic governance in Africa, including economic governance. The *African Charter's* overarching goal is “to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent and impartial national electoral bodies” (Preamble).

The *African Charter* further commits States Parties to, among other things, promote human security (Article 9); entrench the principle of the supremacy of the Constitution (with an emphasis on referenda as the appropriate vehicle for amendment) and the right of equality before the law (Article 10); establish and strengthen a “culture of democracy and peace” (Articles 11-13); strengthen and institutionalize constitutional civilian control over the armed and security forces (Article 14.1); and hold transparent, free, and fair elections with binding codes of conduct (Article 17). States Parties should also advance political, economic, and social governance (Article 27), promote strong partnerships and dialogue with civil society and the private sector (Article 28), and ensure full and active participation of women (Article 29).

However, in recent years, there is substantial evidence indicating that sub-Saharan Africa has witnessed considerable deficits in democratic consolidation and backsliding in key areas. Four trends highlight the need for continuing reflection on the fit between ongoing efforts to promote the Shared Values agenda and complex and changing realities on the ground:

1. The lack of democratic consolidation in all but the top dozen or so African democracies.
2. Negative trends concerning the relationship between democratization and African elections.
3. Cases where considerable economic growth has neither translated into increased prosperity for the masses nor seen the benefits distributed in a manner which facilitates democratization.
4. The slow pace of ratification and domestication of relevant AU legal instruments.

The identification of these trends is not intended to suggest that the AU/AUC has been ineffective in advancing the Shared Values agenda, *but rather to highlight the significant political and institutional issues that it must come to terms with if it is to increase its traction for realizing the agenda over the longer term.*

SECTION 2: SHARED VALUES IN INSTITUTIONAL CONTEXT

This section of the Assessment examines progress, constraints, and opportunities relative to three clusters of issues within the broader Shared Values domain—DG, Gender, and Economic Governance—with the aim of identifying common structural and institutional factors affecting organizational performance, and drawing attention to areas of organizational comparative advantage.

DEMOCRACY AND GOVERNANCE (DG)

Within the AUC, the Department of Political Affairs (DPA) is the lead on core DG issues. The DPA also, in theory, ensures coordination between the five structures—DPA, the Women and Gender Development Directorate (WGDD), the Department of Social Affairs (DSA), and the African Citizens and Diaspora Directorate (CIDO), and Office of the Legal Counsel—responsible for implementing elements of the Shared Values agenda. For a variety of reasons, effective coordination has been difficult to achieve in practice. In general terms, the AU/AUC’s efforts in promoting DRG non-economic objectives can be categorized according to five primary roles: norm development/standard-setting, electoral observation, mediation, sanctions, and monitoring and evaluation.

Like much of the rest of the AUC, the DPA suffers from serious capacity constraints in terms of the number of staff and program budgets. For a department that has primary responsibility for coordinating the implementation of the AU’s Shared Values agenda, as well as a broader advisory role on governance and security issues, the DPA is severely understaffed. On the budget side, the Shared Values pillar is almost entirely funded by external donors. This was raised by several informants and in many reports, and it has the potential to raise issues with Members States of credibility, perceived autonomy, and accountability.

The DPA has made significant progress in laying the groundwork that will enable it to mount increasingly targeted efforts to advance the Shared Values agenda. It urgently needs additional staff resources and an increased operational budget, as well as continued program funding to realize its potential. In the meantime, the DPA will have to work within the current institutional limitations, which means making better use of existing staff time and program resources. There could be several ways to do this, including focusing efforts where the department’s comparative advantages are most clear. Aligning efforts with the broader vision of the AU and higher-level objectives are also important, as opposed to focusing on potentially distracting programmatic activities that may have little impact and/or do not fit well within the organization’s comparative advantage.

Although this *Stocktaking* does not explicitly cover the domain of Peace and Security, the link between Peace and Security and democracy and governance is important—and the AUC is increasingly exploring this link. Democracy and good governance are commonly recognized as contributing to decreasing the potential for armed conflict violence, and good governance is an important element of post-war stabilization and reconstruction agendas. Although it could play a significant role in advancing the Shared Values agenda, the PSC also suffers from its own capacity constraints, although its program funding is robust. The PSC also has the strongest authority within the AUC in sanctioning Member States, although it has so far not exercised this authority in cases that did not rise to the level of an “unconstitutional change of government.” Efforts to foster stronger working relationships between the DPA and the Department of Peace and Security (DPS) are ongoing, and appear to have been advanced by the need to cooperate in defining the AU’s response to the 2013 crisis in Mali.

The DPA (and PSC) engage with African and international CSOs in a number of critical areas, but largely on an ad hoc basis. This limits their engagement to primarily the larger CSOs and coalitions that are able to operate at a continental level and maintain Addis-based representation. More open and more systematic engagement with CSOs and other non-state actors has the potential to increase the range of data and analytical capacity available to the DPA as it struggles to track developments around the continent. It also offers an enormous potential to leverage the advocacy and communications capacity that civil society brings to the table.

GENDER

The Women and Gender Development Directorate (WGDD) was created in 2000 under the Office of the Chairperson of the Commission. The 2009 AU Gender Policy provides the key mandate for the operationalization of AU Assembly commitments, whereas the accompanying Gender Action Plan (GAP) guides the implementation of these commitments by AU organs. The main purpose of the Gender Policy is “to establish a clear vision and make commitments to guide the process of gender mainstreaming and women’s empowerment to influence policies, procedures and practices which will accelerate the achievement of gender equality, gender justice, non-discrimination and fundamental human rights in Africa.” The AU’s Gender Policy has eight priorities that constitute the eight commitments around which the GAP is articulated, as follows:

1. *Creating an enabling and stable political environment.*
2. *Providing legal protection actions against discrimination for ensuring gender equality.*
3. *Mobilizing different players for gender equality in Africa.*
4. *Rationalizing and harmonizing REC gender policies and programs.*
5. *Mobilizing resources.*
6. *Capacity-building for gender mainstreaming.*
7. *Gender mainstreaming in all sectors.*
8. *Maintaining peace, security, settlement of conflicts, and reconstruction.*

Beyond WGDD’s key mandate and primary role in mainstreaming gender, several other AUC departments have driven some specific gender activities within the Shared Values agenda on their own initiatives, such as the Department for Social Affairs, the Department for Political Affairs, and the Department for Peace and Security. Other gender-related activities are also undertaken on an ad hoc basis and not necessarily connected to the works of WGDD across other AU organs at large.

WGDD’s power to convene, lobby at high political levels, fundraise, and mobilize Civil Society umbrella organizations to speed ratification and domestication processes of the Maputo protocol and alignment with the AU gender policy at the Member State level has been highlighted as a key advantage and integral to WGDD’s successes in the implementation of its primary role. Even if a number of Member States still need to focus on domestication and implementation, such successes are clearly representative of a certain added value of the WGDD, and the AUC in general, making a difference in practice towards better regional integration and greater unity.

In 2006, the WGDD conducted a Gender Audit across all AU’s sectors. In relation to gender mainstreaming, the Gender Audit revealed limited progress on the implementation of gender commitments at all levels of the African Union. One of the structural challenges of the WGDD relates to its vision and prioritization of key mandates. WGDD’s interpretation of pressure to adopt a “results-based approach” appears to have led it to focus on the direct provision of funding for micro projects at Member State level intended to improve women’s lives directly. Other challenges persist in the following areas: The capacity of the WGDD to carry out its mandate, including developing effective advocacy instruments and marshaling the commitment of implementing partners; failure to allocate adequate human and financial resources to these tasks; lack of full commitment from, and capacity of, other AUC partners, AU Organs, and Member States; and deficiencies in the WGDD internal and external communication strategies.

In terms of accountability at the institutional level, there is also a challenge for WGDD, which reports to the Chairperson directly rather than to a Commissioner as do other directorates. WGDD’s positioning in the organogram was at first envisaged as an advantage for gender mainstreaming across the directorates, but is being currently questioned, given the lack of results achieved so far in terms of gender mainstreaming.

ECONOMIC GOVERNANCE

Numerous formal declarations by the AU and its Member States recognize that sound economic governance, including transparency in financial management, is a prerequisite for promoting more rapid, sustainable, and inclusive economic growth and development, and the successful achievement of the Shared Values agenda in

the AU Member States. Yet, a large majority of African countries rank very low in the World Bank Doing Business Index, the World Economic Forum Global Competitiveness Index, and other measures of modern economic success.

Within the AUC, four departments beyond DPA share responsibility for the broad economic governance portion of the Shared Values agenda: Economic Affairs; Rural Economy and Agriculture; Trade and Industry; and Infrastructure and Energy. Coordination between DPA and these departments is thus an important part of the AU's work on economic governance issues, although it has been difficult to achieve in practice. The primary economic governance objectives of the Department of Economic Affairs are to promote policies that enhance the development of Africa's private sector and attract both domestic and foreign investments, identify ways to coordinate, harmonize, and rationalize the activities of the RECs, and monitor and accelerate the African integration process.

Despite Africa's current, generally positive overall economic trajectory, it continues to be characterized by several challenges related to the Shared Values agenda. First, as discussed above, too many African states have experienced economic growth without generating widespread prosperity for their citizens. This has resulted in worryingly high levels of inequality and unemployment, especially for many urban youth. Second, a large proportion of African countries remain poor environments for conducting business activities. According to the World Bank's "Doing Business" rankings for 2012, 16 of the world's 20 worst countries for doing business were in Africa. A third challenge concerns the effectiveness of the AU's two principal mechanisms for promoting economic governance: the NEPAD Agency (NPCA) and the APRM. Both entities have conducted country-level analysis in many AU Member States, but it is unclear what positive effects, if any, they have had on the economic governance of those countries. A fourth challenge relates to the lack of relevant capacity in the AUC's economic departments, all of which suffer from low budgets and insufficient staff to perform their assigned responsibilities satisfactorily. A major and universal complaint is their inability to enforce compliance of approved AU policies by Member States.

SECTION 3: COMMON CHALLENGES AND OPPORTUNITIES

In examining the current status and trajectory of the AU, it is important to underscore that there have been tremendous changes over the period since the adoption of the Constitutive Act in 2000. There has been a significant shift in understandings of the AU's mission from non-interference to non-indifference and considerable institutional innovation that provides a basis for more concerted efforts to achieve the AU's objectives. Such innovation is reflected in the construction of the African Peace and Security Architecture (APSA) and other institutional configurations—including the NEPAD Agency and the African Peer Review Mechanism (APRM)—that are now available to promote enhanced continental integration and address governance challenges that have been increasingly acknowledged to be critical to the continent's development. The AUC's new leadership, elected in mid-2012, has clearly articulated both a vision for the organization and a commitment to institutional reform. The consolidation and articulation of continental norms in a wide range of substantive areas including in the area of Shared Values, and their codification in legal instruments that have been adopted and ratified by a growing number of states. An "African Governance Architecture" is beginning to take shape that may provide a platform to address coordination and implementation issues relative to Shared Values across institutions, organs, Member States, and non-state actors.

The AU and AUC face a complex set of structural and institutional challenges that are deeply interrelated. At the heart of the problem lies a fundamental tension between the desirability of pursuing common African concerns and objectives and a desire to preserve state sovereignty. The AU remains in essence a Member State-driven organization. This makes it difficult for the AU to transcend the lowest common denominator established by Member States on any given issue. Despite the wide range of activities conducted under the umbrella of Shared Values, the core structural problem is that the AU in general and the AUC and PSC in particular have very few means to compel autocratic regimes to liberalize. The fundamental challenge, therefore, is how to promote reform when the AU lacks effective mechanisms and when there is little consensus about using available instruments except in periods of obvious, extraordinary crisis. In many

respects, the structural difficulties with which the Commission is faced are rooted in tensions between, on one hand, a vision of an integrated and united continent and, on the other, a model of inter-governmental organization deeply rooted in norms of state sovereignty and non-interference. This is clearly evident in regard to relationships with the RECs, and with regard to patterns of interaction with civil society organizations (CSOs) and other non-state actors. The net effect of system incoherence is that elements that should serve to strengthen and amplify the AU's ability to promote core integration, development, governance, and security agendas are effectively marginalized.

Many of the eight RECs recognized by the African Union have been in existence longer than the AU and have made meaningful progress, particularly in laying the groundwork for regional common markets. Most RECs, however, address at least some aspects of governance, primarily through an economic governance lens and all eight address peace and security and conflict early warning issues. In general, the AUC is not organized to relate to the RECs. Neither are the RECs disposed to defer to the AUC, since their primary mandates remain to advance the sub-regional interests for which they were established and because they are ultimately responsible to their own Member States. Coordination at the continental level is further complicated by the fact that most AU member states are either members of multiple RECs (Kenya, for instance, is a member of both IGAD and the EAC, and also a member of both COMESA and CEN-SAD, while its partner in the EAC, Tanzania, is also a member of SADC, but not a member of either COMESA or CEN-SAD) or members of only a single sub-regional structure where most neighboring states are also members of a sub-regional common market.

Improved and increased partnerships with civil society offers enormous potential for addressing ratification, domestication, and implementation of the *African Charter*, as well as other instruments related to Shared Values. For the AUC, there is an opportunity to leverage the technical expertise, advocacy support, and connection to citizens that civil society brings to the table. Most importantly, CSOs offer the potential to encourage the demand side of democracy, governance, and human rights where it matters most: at the grassroots level and with member state governments. Furthermore, the AU's institutional architecture reflects a formal recognition of the need for engagement with non-state actors on issues of continental importance. The Economic, Social and Cultural Council (ECOSOCC) which is an independent Organ of the AU, and the AUC African Citizens and Diaspora Directorate (CIDO), which functions as the *de facto* Secretariat for ECOSOCC, have mandates to “create a people-oriented African community in the African Union based on partnerships between governments and all segments of civil society” and “build partnerships between African governments and civil society,” respectively. Yet while these structures were established as formal mechanisms to facilitate engagement between African civil society organizations and the AU system, in practice they have functioned primarily as gatekeepers, allowing national authorities and AU officials to vet civil society organizations and determine the nature and extent of their participation. Fortunately, in spite of the formal mechanisms that discourage CSO input, there has been an encouraging trend toward direct informal access to AU processes at department levels.

The new AUC leadership is devoting renewed attention to issues of organizational reform and capacity building, and the team encountered a remarkable willingness to engage in critical introspection and point out organizational weaknesses across the organization. AUC leadership has historically faced a tension between a need to undertake organizational reform and the need to move quickly to address critical peace and security or development agendas. There is also a tension between desire for reform and resistance on the part of Member States. In practice, it has often been easier to work around dysfunctional systems and institutions than to reform them. While this allows the organization to maintain momentum on some critical issues, it has negative long-term consequences for the operation of the system as a whole.

In sum, while there remain serious impediments to forward progress, there are significant opportunities; for example, the recent leadership transition; ongoing strategic planning efforts driven from within and owned by the AUC; the strengthening of core management systems; and development of the African Governance Architecture and Platform. There is also an important opportunity in the evident commitment of

development partners to support the AUC’s capacity-building efforts, while continuing to support the AUC in addressing serious issues around the continent.

SECTION 4: ASSISTANCE CONTEXT AND RECOMMENDATIONS

This section provides strategic recommendations that USAID may consider in defining assistance strategies to align with the evolving AU Shared Values agenda.

USAID ASSISTANCE CONTEXT

Since the establishment of the U.S. Mission to the African Union in 2006, the United States and the African Union have enjoyed a strong partnership that has evolved over time. Cooperation initially focused on issues of mutual interest in three key areas: peace and security, democracy and governance, and transnational and global issues. Over time, the range of areas in which the United States and the African Union have identified common interests has broadened considerably and engages a wider range of U.S. Government institutions.

On 1 February 2013 the U.S. Department of State and the AUC signed a Memorandum of Understanding, indicating their intention, “to find ways and means of improving the quality of dialogue between the AU Commission and the U.S. Department of State to consolidate and expand friendship, understanding and cooperation in fields of common interest.” The MOU identifies a need for further consultations “aimed at facilitating cooperation in four key areas: peace and security; democracy and governance; economic development, investment and trade; and promotion of opportunity and development, as well as to exchange related information on best practices, lessons learned, and technical matters.”

In the area of democracy and governance, the MOU indicated the Partners’ common intention, “to work together on efforts to support democratic practices and constitutional transitions; promote good governance, elections, transparency, and the rule of law; uphold human rights, including the freedom of speech and religion, women’s rights throughout the continent; and the promotion of strong civil society and social justice. For USAID and other Shared Values development partners, the primary issue remains how to support constructively the AU in operationalizing and advancing critical elements of its “Shared Values” agenda in ways that both promote the attainment of objectives, and promote the continued development of AU (and in particular AUC) institutional capacity.

RECOMMENDATIONS

The following recommendations for USAID and other AU donors are intended to assist in leveraging the comparative advantages of both donors and the AUC, in particular, in advancing an African shared values agenda, particularly in the areas of democracy, governance, gender, and economic governance.

DEMOCRACY AND GOVERNANCE

Support for Donor Coordination. There are several ways to address these constraints that have been tried successfully in other contexts. One such possibility is to create a coordination secretariat and/or simply hire staff to coordinate within the AU and among donors, as well as between the AU and donors. On the donor side, the support could take the form of coordinating among donors. Specifically, support could be provided through the lead donor in helping with such things as convening donor coordination meetings; taking minutes at donor coordination meetings; keeping an ongoing record of past, current, and planned donor interventions that are available to all donors; and supporting donor assessments or other missions relevant to all donors. With regard to assistance in the area of Shared Values, donors should seek to minimize the transaction costs of assistance to the AUC by continuing to emphasize the provision of assistance through Joint Programming and Joint Financing Arrangements and the utilization of pooling arrangements to the maximum extent possible. Given the lack of strategic planning, budgeting, and reporting capacity at the departmental level, medium-term technical assistance might be offered to key departments to support the process of translating the overall AUC Strategic Plan, 2014-2017 into actionable departmental strategies and work plans.

Focus where there is action and traction within the AU. Ideally, assistance in the realm of shared values should be focused in areas where the AU and its constituent units have a comparative advantage and where there is already some demonstrated success. For this reason, donors may want to consider supporting areas related to democracy, governance, and human rights where there may be less resistance or where there is a greater critical mass of resources, energy, and support. For example:

- To the maximum extent possible, development partners should seek to support and encourage the AUC to strengthen the natural complementarity that exists between supply-side efforts to articulate and promote the adoption of continental norms in key areas, and CSO-led efforts to advocate for and promote the substantive application of such norms at national level.
- In many countries, there is a broad network of gender-related civil society organizations, a broad recognition of the importance of gender equality, a large population of potential supporters, and often an institutional partner within governments (such as a Gender Ministry) that can help to deepen and broaden gender equity efforts.
- Likewise, there is often consensus around issues such as economic development which may be leveraged to address issues of governance (i.e., through the rubric of economic governance), including building basic institutional capacity, addressing corruption, increasing transparency of decision-making, and improving public participation.

Leveraging Broader Donor Resources and Energy in Bilateral, Regional, and Headquarter Offices.

Rather than focusing nearly exclusively on support to AU headquarters through AU donor support, USAID and other donors (including the UN) should consider leveraging their considerable bilateral, regional, and headquarter resources strategically to support ratification, domestication, and implementation of AU norms, values, and instruments at the Member State and REC levels.

Expanding Work with Civil Society. One of the most promising areas of opportunity for donors in the area of shared values is increased work with civil society, not just at the pan-African level, but at the regional and Member State levels. This is an area of particular comparative advantage for USAID in many ways.

GENDER

Gender-specific recommendations related to key achievements and challenges are:

- Relations between the Women and Gender Development Directorate and the partners group could possibly be restored in cooperation with the AUC Chairperson and by adopting innovative approaches.
- Donors (multilateral and bilateral) could consider supporting the WGDD staff retreat as a means to assist strategic reflection and focusing of WGDD's mandate and priorities.
- In discussions with the AUC about the lack of human resources to carry out its mandate and most effective ways to support that process, it is important to highlight the Human Resources needs for WGDD in line with the key findings of this exercise.

ECONOMIC GOVERNANCE

The AU encompasses a variety of institutions and mechanisms designed to assist Member States to improve their economic governance and achieve more rapid, sustainable, and inclusive economic growth. The potential for substantial progress exists, but low budgets and insufficient institutional capacity at all levels limits the attainment of that potential. To define areas of potential assistance, it is recommended that the AUC and development partners thoroughly review how the AUC agenda for economic governance is being implemented by Member States; what external support is needed for better implementation; and what support is already being provided by the NEPAD Agency, RECs, UN agencies and bilateral donors, and how this support can be improved. The design and objectives of the AU's NEPAD Agency and the APRM are admirably laid out in their foundation documents and coincide with the objectives of the USG and USAID in support of African development, reiterated in the 1 February 2013 MOU between the U.S. Department of State and the AUC, and with the basic objectives of the AUC departments.

INTRODUCTION

In recent years the African Union (AU), its Member States, and other interested stakeholders have debated what social and political values Africans share at the individual, state, and regional levels. Out of these discussions was born the AU's Shared Values agenda and its related programs. Although the precise contours of this policy agenda are a work-in-progress, the core of the Shared Values agenda has started to cohere around the promotion of democratic governance and human rights on the continent as set out in a variety of conventions, protocols, frameworks, decisions, declarations, and legal instruments.

These declarations and instruments have elaborated objectives, priorities, and aspirations at the country level, for the continent's Regional Economic Communities (RECs), and for the AU Commission (AUC) as well as other AU Organs and Agencies. To help advance this agenda, the AUC's most recent Strategic Plans (2009-2012 and 2014-2017) have identified Shared Values as a core strategic pillar, supporting the AUC's efforts to "Promote peace and stability, good governance, democracy and human rights as a foundation for inclusion, security and the development of the continent and its people."¹

The Shared Values agenda raises some fundamental, and as yet unanswered, questions both for the AU and for its partners: Some of them political, some more technical. These include: How should the pursuit of different shared values be prioritized, especially if some of them are in tension with one another? Which actors and institutions are best placed to advance different aspects of the Shared Values agenda? How should the different parts of the AU system collaborate to promote this agenda? What is the appropriate relationship between the AU and the continent's Regional Economic Communities (RECs)? To what extent are AUC structures and processes adapted to the task of advancing the Shared Values agenda? What authorities and mechanisms are available to the AU to encourage Member States to adopt, ratify, and implement continental legal instruments designed to advance the Shared Values agenda? What roles should civil society organizations (CSOs) and the private sector play in this enterprise?

The AU and AUC strategies attempt to address these issues in the broader context of the AU vision and mission. For development partners, the primary issue is how to support the AU in operationalizing and advancing its Shared Values in ways that also promote the continued development of AU institutional capacity.

This *African Union Democracy and Governance Stocktaking Assessment* is intended to contribute to ongoing dialogue between development partners and the AUC on the alignment of partner resources to support AUC strategic priorities in the areas of Democracy and Governance (DG). The effort was initiated and led by USAID on behalf of the Shared Values Pillar ("Pillar III") funding partners, and undertaken in collaboration with the Danish Ministry of Foreign Affairs, which contributed two members to the field team. The assessment was undertaken in two parts—a rapid desk review of available documentary resources, followed by a rapid field assessment designed to permit interaction with AUC staff, as well as with Addis Ababa-based development partners, support institutions including the UN Economic Commission for Africa (UNECA) and the UN Development Program (UNDP), and a limited number of non-state actors (NSAs) engaged with the AU.² The present document incorporates the results of the desk review and field visit.

¹ Welcome Remarks by HE Dr. Nkosazana Dlamini Zuma, Chairperson of the African Union Commission at the Opening session of the 24th Ordinary Session of the Permanent Representatives Committee (PRC), Addis Ababa, Ethiopia, 21 January 2013. <http://cpauc.au.int/en/content/welcome-remarks-he-dr-nkosazana-dlamini-zuma-chairperson-african-union-commission-opening--0>

² Tetra Tech ARD was contracted by USAID and assigned overall responsibility for conducting the Stocktaking. The initial desk review was conducted by Dr. Paul D. Williams (Elliott School of International Affairs, George Washington University, contracted by Tetra Tech ARD), who also contributed to the final report. The field team was led by Dr. Stevens Tucker (Tetra Tech ARD), who also led the preparation of the final report. The field team also included Tye Ferrell (Sr. Regional Conflict, Democracy, and Governance Advisor, USAID/East Africa), Dr. C. Stuart Callison (Sr. Development Economist, Office of Economic Policy, USAID/Washington), Charlotte Kanstrup (Senior Advisor, Ministry of Foreign Affairs, Denmark), Dr. Sarah Forti (Director and Senior Consultant at Critical Rights and Gender Consult Sprl.,

The timing of the assessment coincided with the AUC's efforts to complete the Third AUC Strategic Plan (2014–2017) for consideration by the AU Executive Council in April 2013 and subsequently by the AU Assembly of Heads of State and Government at the bi-annual Summit in May. Because it had not yet been formally approved, the Strategic Plan was not available during the field team's visit to Addis Ababa to guide discussions with AU staff. An abridged version of the draft Strategic Plan, however, was reviewed late in the process of preparing the final Stocktaking report and has been used as a basis for aligning the team's recommendations to the partner group with specific AUC strategic priorities. At the same time, the team benefitted from the insights of AUC staff engaged in the strategic planning process. The team's field visit also coincided with the conclusion of two parallel donor missions—the formulation mission for the EU's *African Union Support Programme II* and an assessment of support to the AUC Department of Political Affairs (DPA) commissioned by the *Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ)*. Although the reports of these missions are also not yet available, the teams responsible were gracious in providing insights from which the present analysis benefits.

This *Stocktaking's* intended audience is USAID and other Shared Values development partners, who will seek to align future assistance with an emerging AU vision and AUC strategic plan that is owned by the AU. While the analysis supports recommendations to the shared values development partners, it is our hope that the document will encourage dialogue and exchange among partners, as well as between partners, and the AUC that will result in a shared vision of how collectively to address both constraints and opportunities.

The African Union has a complex organizational structure with an agenda that covers a wide range of sectors and issues under four “pillars” defined in the 2009–2012 Strategic Plan: Peace and Security; Integration, Development, and Cooperation; Shared Values; and Institution and Capacity Building. These pillars are operationalized through 18 strategic objectives and associated programs. Development partners, including the U.S. Government, support a range of AU objectives and institutions, using multiple assistance modalities—a reality that has implications for the AU's overall institutional development process.

The present *Stocktaking* focuses exclusively on the area of Shared Values and almost exclusively on the African Union Commission (AUC) as the principal mechanism for coordination, dissemination, and evaluation of the agenda. Multiple AU institutions and multiple departments within the AUC are involved in the implementation of Shared Values objectives. Given time constraints, a strategic decision was made early in the assessment process to focus the analysis on three clusters of issues - relating to Democracy and Governance (DG), Gender, and Economic Governance—within the broader Shared Values domain. Because this *Stocktaking* seeks to highlight progress, constraints, and opportunities with regard to these three issue clusters, it examines only the structures most central to advancing the AU's stated agenda on these issues. The analysis is intended to highlight constraints and opportunities as a basis for discussion and planning by development partners as they seek to align with the emerging AUC Strategic Plan for the period 2014–2017.

The principal actors considered in the sections that follow are the AU Commission, as the principal coordinating and executive body of the AU, and the body most directly associated with articulating and advancing the AU's Shared Values agenda; the Regional Economic Communities (RECs), as foundational elements of the AU system and in the context of the principles of subsidiarity and complementarity, which are intended to define relationships between elements of the AU system; and, to a more limited extent, the New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM), as institutions directly seized with issues of economic governance and as elements of the system intended to promote reform through peer-to-peer exchange.

contracted via the Danish Ministry of Foreign Affairs). The team is grateful to all who were willing to take the time to consult with us, but wishes in particular to acknowledge the hospitality and support of Dr. Olabisi Dare (Acting Director, AUC Department of Political Affairs), Dr. Glenn Rogers (USAID Representative to the AU), Louise Thomas (DFID Representative to the AU & UNECA and Chair of the Shared Values Donor Group, as well as the phenomenal support provided by Dr. Nadine El Hakim of the AUC.

Within the AUC, the analysis below touches most directly on the Department of Political Affairs (DPA), the Department of Peace and Security (DPS), and the African Citizens and Diaspora Directorate (CIDO) with regard to DG issues, and the Women and Gender Development Directorate (WGDD) and Department of Social Affairs with regard to gender. A wide range of additional AUC Departments have defined or potential roles in the domain of economic governance and are briefly considered in that context. Of these, perhaps the most central is the Department of Economic Affairs, which has, until recently also served as a point of coordination between the AUC and the evolving “NEPAD Agency.”

The analysis below is organized in four sections:

- Section 1.0 summarizes what the AU and its Member States have identified as the main objectives of the Shared Values agenda and situates the AU’s efforts to advance the Shared Values agenda in the context of observed governance trends on the continent over the last decade.
- Section 2.0 analyzes efforts to advance Shared Values from an institutional perspective. In doing so, it examines progress, constraints, and opportunities relative to three issue clusters within the broader shared values terrain—DRG, Gender, and Economic Governance—with the aim of identifying common structural and institutional factors affecting organizational performance and drawing attention to areas of organizational comparative advantage.
- Section 3.0 identifies common themes and institutional challenges emerging from the thematic analyses and relates these to the operation of the broader AU system.
- Section 4.0 provides a brief overview of the USAID assistance context and presents recommendations that USAID and other development partners may consider in defining assistance strategies to align with the evolving AU Shared Values agenda.

The conclusions of the analysis are at once sobering and encouraging, for there are grounds for believing that initiatives are being developed to address many of the challenges identified. They may be summarized as follows:

- Although the AU remains a relatively young organization, it has made great strides in consolidating a vision of “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.”³ It has recently accelerated a process of institutional reform to allow it to pursue that vision with vigor. Across a wide range of sectors, the AU is playing a key role in promoting African-led initiatives to address key development, governance, and security challenges, and representing collective African interests in international forums. The articulation of the AU’s Shared Values agenda and the passage of the *African Charter on Democracy, Elections and Governance* (hereafter, *African Charter*) reflect significant progress and have helped to change the definition of legitimate governance on the continent. Domestic political processes are no longer accepted as the exclusive preserve of incumbent regimes, and are increasingly subject to external scrutiny, and the legitimacy of AU efforts to review member state performance in implementing treaty obligations has been broadly accepted.
- The impediments are big and structural, as well as operational, and many of them are embedded in the AUC’s organizational culture. A little more than a decade after its creation on the foundations of the Organization of African Unity (OAU), the African Union remains an organization of great, yet not fully realized, potential. It has demonstrated a capacity for action at critical junctures, yet the AU struggles to bring coherence to routine operations. It has been instrumental in establishing continental norms in a wider range of critical areas, yet it lacks the capacity to enforce their ratification and effective application by Member States. It was established to promote an increasingly integrated and united Africa, but it is limited in its capacity to achieve its objectives by the unwillingness of its Member States to cede sufficient sovereignty or decision-making authority.

³ This formulation of the AUC’s strategic vision was first adopted in the 2004-2007 Strategic Plan. See, African Union Commission, “Strategic Plan of the African Union Commission (2004-2007),” May 2004, p. 26.

- As an inter-governmental (rather than supra-national) organization, the AU can seek to encourage Member State ratification, domestication, and application of norms and continental legal instruments. However, it lacks the capacity in most cases to enforce compliance or to sanction non-compliance by Member States, however binding in theory its norms and legal instruments may be. Absent an effective sanctions regime, the AU's comparative advantage lies in the application of norms and is largely dependent on its ability to exercise "soft power" to encourage or persuade states to redefine interests or alter non-compliant behaviors. This includes the ability to convene, establish standards, mediate, monitor, observe, evaluate, and advocate. In a limited range of cases, sanctions are possible, but available sanctions are relatively weak, and leadership has traditionally shied away from approaches that would embarrass individual member states (e.g., via "name and shame" strategies).
- The organization struggles with issues of institutional coherence and coordination, although the strategic vision is of an integrated AU system in which constituent elements function together to advance continental interests. The relationships between the elements of the AU "system" are not clearly established, and institutional realities are complex. External linkages with non-state actors, including civil society and regional economic communities, that could expand the AU's reach and impact on the continent remain underdeveloped.
- Institutional capacity and management constraints affect the functioning of core administrative systems and technical departments. Staffing and budget constraints remain severe in many departments and the organization struggles with resource limitations and limited absorptive capacity (an inability to ensure the timely expenditure of available funds).
- Despite these challenges, there are many areas of potential and partnership. The AUC's recent leadership transition was referred to by a wide range of informants as driving a positive change agenda. The most recent strategic planning effort is being driven from within the AUC and seems to be clearly owned by staff. There is a clear focus on the need for strengthening core management systems. The African Governance Architecture and African Governance Platform (AGA/AGP) have the potential to systematize internal AUC coordination on Shared Values, particularly democracy and governance. The deepening cooperation between the DPA and DPS is a promising trend.
- While the field team met with only a small cross-section of staff, the talent, passion, dedication, and commitment evinced by the staff they did meet offered a sense of the possibilities of the organization that is absent from the statistics and reports. The staff consistently expressed a sense of hope and positivity, in spite of a clear potential for burnout and low morale. Finally, the frankness with which AUC staff at all levels is willing to acknowledge and address serious organizational problems is a huge asset.

I.0 DISCERNING THE AU'S SHARED VALUES OBJECTIVES

I.1 THE AU'S SHARED VALUES OBJECTIVES

The AU's Shared Values agenda is broad, having evolved to incorporate or codify commitments reflected in a wide range of charters, conventions, and protocols adopted by African states since the creation of the Organization of African Unity (OAU) in 1963.⁴ At its core are a number of ostensibly shared African values at the individual, national, regional, and continental levels (see Table 1). The AU believes that promoting these values “can act as a catalyst to accelerate continental integration and provide a solid foundation for building a more prosperous Africa.”⁵

TABLE I. IDENTIFIED SHARED VALUES⁶

AT THE INDIVIDUAL LEVEL	AT THE STATE OR REGIONAL LEVEL
1. Basic rights to life, identity, and opportunity	1. Sovereignty and the interdependence of states
2. Basic freedoms (expression and worship)	2. Adherence to the rule of law
3. Tolerance	3. Democracy and representation of the popular will
4. Participation in governance	4. Care for the weakest
5. Solidarity with each other in times of joy and in times of sadness	5. Self-reliance (economic and social)
6. Dignity and respect	6. Justice
7. Justice	7. Law and order
8. Sense of fairness	8. Equity and equality
9. Equality of persons (gender, race, sex, etc.)	9. National determination
	10. Solidarity of states (brother's keeper)
	11. Stability of environment
	12. Security

To advance this agenda, the AU has established a variety of mechanisms and legal instruments, perhaps most notably the African Peer Review Mechanism (APRM) in 2003 and the *African Charter*, adopted in 2007. It has

⁴ These include the Constitutive Act of the AU (2000), and African Charter on Human and People's Rights (1986) and subsequent protocols including the Protocol on the Establishment of an African Court on Human and People's Rights and the Protocol on the Rights of Women in Africa; the African Charter on the Rights and Welfare of the Child (1990); the NEPAD Declaration on Democracy, Political Economic and Corporate Governance (2002), the AU Convention on Preventing and Combating Corruption (2006); the African Cultural Renaissance Charter (2006); the African Youth Charter (2009); the African Charter on Democracy, Elections, and Governance (2012), and the AU Convention for the Protection and Assistance of Internally Displace Persons in Africa (2012). In addition, the African Charter on Values and Principles of Public Service and Administration was adopted on 31 January 2011 but has not yet entered into force. The Shared Values agenda is also related to the “African Governance Architecture” (AGA). The AGA is the overall political and institutional framework for the promotion of good governance and democratization in Africa. It is an evolving mechanism composed of three principal pillars: (1) norms/mission; (2) institutional framework; and (3) interaction mechanism and processes. For details, see the Africa Governance Forum webpages: <http://www.africangovernanceforum.org/>

⁵ Towards Greater Unity and Integration through Shared Values (AU, Discussion Paper, 23 November 2010), para.2.

⁶ Ibid., p.14. See also Department of Political Affairs website, <http://www.africansharedvalues.org/en/content/page/share-our-values>. The table is extracted from a document titled “The Ascendancy of Shared Values in the African Union Government.” The document is an annexure to the Report of the Ministerial Committee on the Union Government, which was noted by the Assembly.

also given Shared Values pride of place in its public diplomacy. For example, “Shared Values in Africa” was adopted as the theme for the 16th Ordinary AU summit in January 2011, and the AU designated 2012 as the “Year of Shared Values.” The AUC Strategic Planning Process for 2014–2017 that is to be completed by May 2013 has also identified promoting Shared Values as one of its five strategic pillars and states that one of its eight priorities is to “Promote peace and stability, good governance, democracy and human rights as a foundation for inclusion, security and the development of the continent and its people.”

The *African Charter*, which entered into force in February 2012, is perhaps the single most important AU legal instrument relevant to the Shared Values arena. It sets out a sophisticated and comprehensive agenda for promoting democratic governance in Africa, including economic governance, and identifies concrete roles for a wide variety of African actors, including State Parties to the *African Charter*, the AUC, the RECs, and civil society organizations (CSOs).⁷ The *African Charter* was explicitly designed to bring together in one place the disparate pieces of the continent’s governance puzzle into a single consolidated treaty which recognized the interrelated nature of democracy, human rights, and economic development on the continent. As one commentator put it, “the Charter recognizes the complex nature of the democratic society and the comprehensive reforms states must undertake in order to create an environment conducive to democracy.”⁸ In doing so, it underscores the importance of both the intrinsic and instrumental value of democratic consolidation.⁹

The *African Charter* is the outcome of the evolution of a series of declarations and agenda-setting framework documents released by the OAU and AU since 1990.¹⁰ It derives its explicit authority and legitimacy from Articles 3 and 4 of the AU Constitutive Act, which unequivocally embrace popularly elected governments and the Union’s outright rejection and condemnation of “unconstitutional changes of government.”

The *African Charter*’s overarching goal is “to entrench in the Continent a political culture of change of power based on the holding of regular, free, fair and transparent elections conducted by competent, independent, and impartial national electoral bodies” (Preamble). Meeting this goal requires the alignment of activities across multiple sectors (including democracy, human rights, rule of law, anti-corruption, economic governance, gender balance and equality, election management) and by multiple actors (including the executive branch, judiciary, legislatures, press, citizenry, private sector, and the security forces).

The *African Charter* reiterates the AU’s “condemnation and total rejection of unconstitutional changes of government” (Article 3.10). In cases of unconstitutional changes of government, the State Parties¹¹ have the option of using sanctions (Article 23). The *African Charter* also broke new ground in contemplating a juridical response to unconstitutional changes of government (Article 25).¹² Violations of the Charter, and the actions

⁷ As of 19 July 2012, 41 states had signed the *African Charter*, and 17 states had ratified it: Benin, Burkina Faso, Cameroon, Chad, Ethiopia, Ghana, Guinea-Bissau, Guinea, Lesotho, Mauritania, Niger, Nigeria, Rwanda, South Africa, Sierra Leone, Togo, and Zambia.

⁸ Patrick J. Glen, “Institutionalizing Democracy in Africa: A Comment on the African Charter on Democracy, Elections and Governance,” *African Journal of Legal Studies*, Vol.5 (2012), p.145.

⁹ See Khabele Matlosa et. al., “Democracy, Elections, and the Management of Diversity in Africa: Sharing Best African Governance Practices,” Background Paper, African Governance Forum (AGF-VIII), August 2012, pp. 12-13.

¹⁰ The major examples are the OAU Declaration on the Political and Socio-Economic Situation in Africa and Fundamental Changes Taking place in the World (OAU doc. AHG/Decl.I (XXVI), 1990); the Cairo Agenda for Action (OAU doc. AHG/Res.236 (XXXI), 1995); the so-called Algiers Declaration (OAU doc. AHG/Decl.I (XXXV), 1999); the Declaration on the Framework for an OAU Response to Unconstitutional Changes in Government (OAU doc. AHG/Decl.5 (XXXVI), 2000); the Constitutive Act of the African Union (July 11, 2000); the AU Declaration on the Principles Governing Democratic Elections in Africa (AU doc. AHG/Decl.I (XXXVIII), 2002); the Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002); and the New Partnership for Africa’s Development Declaration on Democracy, Political, Economic and Corporate Governance (NEPAD doc. AHG/235 (XXXVIII), Annex 1, 2002).

¹¹ The terms State Party and State Parties (sometimes given as States Parties) refer to (a) Member State(s) that has/have signed and ratified specific instruments or treaties and are therefore legally bound by their provisions.

¹² For a discussion see Glen, “Institutionalizing Democracy in Africa,” p.140.

to be taken against violators, are determined by the AU Assembly in coordination with the Peace and Security Council (Article 46).

The *African Charter* further commits State Parties to, among other things, promote human security (Article 9); entrench the principle of the supremacy of the Constitution (with an emphasis on referenda as the appropriate vehicle for amendment) and the right of equality before the law (Article 10); establish and strengthen a “culture of democracy and peace” (Articles 11-13); strengthen and institutionalize constitutional civilian control over the armed and security forces (Article 14.1); and hold transparent, free, and fair elections with binding codes of conduct (Article 17). State Parties should also advance political, economic, and social governance (Article 27), promote strong partnerships and dialogue with civil society and the private sector (Article 28), and ensure full and active participation of women (Article 29).

Explicit commitments to eliminate gender-based discrimination, to guarantee the rights of women (and other groups requiring special protection) and equality before the law, and to advance gender equity and balance in governance and development processes are reflected in multiple articles of the Charter.¹³ As such, the Charter reflects commitments established in a variety of gender-specific instruments.¹⁴

The theme of economic governance also attracted particular attention in the *African Charter*, which is notable for the explicit linkages drawn between political, social, and economic governance structures.¹⁵ The treaty contains a detailed exposition of the different dimensions of economic governance in Chapter 9. These include promoting the development of the private sector through, *inter alia*, enabling legislative and regulatory frameworks (Article 27); promoting citizen participation in the development process (Article 30); promoting poverty alleviation, providing a conducive environment for foreign capital inflows, developing tax policies that encourage investment, elaborating and implementing economic development strategies including private-public sector partnerships, devising efficient and effective tax systems premised upon transparency and accountability (Article 33); pursuing sustainable development in line with the UN Millennium Development Goals (Article 37); and adopting and implementing policies, strategies, and programs required to generate productive employment (Article 40).

1.2 DG TRENDS ON THE CONTINENT

The AU and external partners share a broad consensus that the promotion and consolidation of democratic governance in Africa at the continental, regional, national, and local levels are the heart of the Shared Values agenda. Specifically, democratic governance holds the key to overcoming the continent’s core problems in the areas of (i) armed conflict and instability; (ii) economic prosperity and development; and (iii) human rights and justice.

However, in recent years, there is substantial evidence indicating that sub-Saharan Africa has witnessed considerable deficits in democratic consolidation and backsliding in key areas. Four trends highlight the need for continuing reflection on the fit between ongoing efforts to promote the Shared Values agenda and complex and changing realities on the ground:

1. The lack of democratic consolidation in all but the top dozen or so African democracies.

¹³ For example, Articles 2(11), 3(6), 8 (1), 8(2), 29 and 43.

¹⁴ These include the Solemn Declaration on Gender Equality in Africa (adopted July 2004); the Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa “The Maputo Protocol” (adopted 11 July 2003, entered into force 25 November 2005) (AU doc. CAB/LEG/66.6/Rev 1, 2003); the AU Assembly Decision on the Establishment of the African Women Trust Fund (AU/Dec.134-164 (IIIV), January 2007); the Gender Mainstreaming Strategic Plan for the African Union covering the period 2008 to 2011; the AU Gender Policy and Gender Action Plan (Rev.2, February 2009); and The African Women’s Decade (2010-2020).

¹⁵ The African Peer Review Mechanism (APRM) adopts a different approach to economic governance, defining it as requiring the pursuit of five key objectives: promoting macroeconomic policies that support sustainable development; implementing transparent, predictable, and credible government economic policies; promoting sound public finance management; fighting corruption and money laundering; and accelerating regional integration by participating in the harmonization of monetary, trade, and investment policies among the participating states. <http://aprm-au.org/thematic-area/economic-governance-management>.

2. Negative trends concerning the relationship between democratization and African elections.
3. Cases where considerable economic growth has neither translated into increased prosperity for the masses nor seen the benefits distributed in a manner which facilitates democratization.
4. The slow pace of ratification and domestication of relevant AU legal instruments.

The discussion of these trends below is not intended to suggest that the AU/AUC has been ineffective in advancing the Shared Values agenda, *but rather to highlight the significant political and institutional issues that it must come to terms with if it is to increase its traction for realizing the agenda over the longer term.*

1.2.1 LACK OF DEMOCRATIC CONSOLIDATION

The AU regularly claims that there “has been positive governance progress on the Continent.”¹⁶ In one sense this is true: More African states are holding elections, and there is clear evidence that the official rules of governance in Africa do matter more than they have in the past, and current African leaders are more constrained by formal rules than their predecessors.¹⁷ The number of African states participating in the APRM is also increasing.¹⁸

These optimistic assessments, however, depend on a particular starting point for analysis and ignore the highly uneven levels of democratic consolidation across the continent. In sum, there are several different “Africas” when it comes to measuring progress on DG objectives. Since 2003, democratic progress in sub-Saharan Africa has actually receded in several important respects. The dozen or so most democratic states have sustained democratic practices, but the hybrid and non-democratic countries have experienced significant backsliding.¹⁹ Freedom House indicators underscore the fact that backsliding since 2003 has been widespread, with 18 African states having regressed on indices of political rights and civil liberties, with only 16 states registering advances (Annex II provides an overview of changes in the performance of sub-Saharan African states on political and civil rights indicators between 1990, 2003, and 2012). Interestingly, four of the regressive states currently sit on the AU’s Peace and Security Council: Congo-Brazzaville, Djibouti, Equatorial Guinea, and the Gambia. It is also noticeable that “rule of law” stands out as an area experiencing notable decline across sub-Saharan Africa, especially since 2005.²⁰ According to one respected analyst, these trends are so worrying that they “leave the future of democratization in sub-Saharan Africa hanging in the balance.”²¹

The principal explanation for the lack of democratic consolidation is that “African leaders who want to stay in power are usually able to do so, even if they allow competitive elections...The advantages of incumbency in Africa are so great that elections alone—even free and fair elections—are not enough to put meaningful limits on presidential power.”²² This highlights the importance of establishing a *culture* of democracy among citizens and political parties that encompasses more than institution-building and holding elections as well as

¹⁶ For example, High Level Consultation on Governance and Democracy in Africa: Trends, Challenges and Prospects—Outcome Statement, Dakar, Senegal, 28-30 November, 2012, para.4a.

¹⁷ Daniel N. Posner and Daniel J. Young, “The Institutionalization of Political Power in Africa,” *Journal of Democracy*, Vol.18, No.3 (2007), p.136.

¹⁸ To date, 14 states have been peer-reviewed (Algeria, Benin, Burkina Faso, Ethiopia, Ghana, Lesotho, Mali, Mauritius, Mozambique, Nigeria, Rwanda, South Africa, Tanzania, and Uganda), and 13 have signed the MOU but are pending peer-review (Angola, Cameroon, Congo-Brazzaville, Gabon, Egypt, Kenya, Senegal, Sierra Leone, Sao Tome & Principe, Sudan, South Sudan, Togo, and Zambia).

¹⁹ As of 2011, Harbeson lists the democratic front-runners as the four island states of Sao Tome & Principe, Mauritius, Seychelles, and Cape Verde; five southern African countries, South Africa, Botswana, Namibia, Malawi, and Lesotho; and the West African states of Ghana, Benin, and Mali. John W. Harbeson, “Democracy, Autocracy, and the Sub-Saharan African State” in J.W. Harbeson & D. Rothchild (eds.), *Africa in World Politics* (Boulder, CO: Westview Press, 5th ed., 2013), p.104.

²⁰ Harbeson, “Democracy,” p.119. See also High Level Consultation on Governance and Democracy in Africa (2012), para.9b.

²¹ See, for example, Harbeson, “Democracy,” p.86.

²² Posner and Young, “The Institutionalization,” p.131.

the need to empower and facilitate space for citizens who are key drivers of democratization in Africa. In turn, this raises major questions about the “dynamics of information democratization” across the continent and the role CSOs and the private sector will play in these processes.²³

1.2.2 ELECTIONS AND DEMOCRATIZATION

Over 200 elections have taken place in Africa during the last two decades.²⁴ Regular elections, however, are not automatic evidence of genuine democratization because incumbent regimes still win most of them.²⁵ Indeed, critics have warned against the naïve assumption that holding repeated elections automatically consolidates democratization, especially in countries where the ruling regime dominates national legislatures, employs targeted disenfranchisement, and manipulates the Constitution.²⁶ Rather, recent data suggest that there is a strong correlation between “legislative dominance by ruling parties and the quality of legislative elections.” Advocates of democratization must therefore ensure that legislative (as well as presidential) elections truly reflect the will of the people.²⁷ The data also illustrate the crucial role for autonomous Electoral Management Bodies (EMBs) across the continent and the need for broader strategies for ensuring inclusivity in elections.²⁸

In large part, this electoral manipulation occurs because these regimes view elections as a zero-sum game. Reversing this trend to a large extent will require that elections are seen by participants (and particularly incumbents) as non-zero-sum games where both the winners and the losers accept the outcome and collaborate in the governance process.²⁹ Encouraging this perception is one reason why the *African Charter* calls for systematic and regular dialogue among the key national political players.

Recent analysis indicates that where presidents are able to determine “who gets elected to parliament” and where legislatures are pliant, democratic consolidation prospects will be low.³⁰ In theory, legislatures play four core functions in society: they act as the institutional arena in which competing interests articulate and advance objectives in the policymaking process; they legislate by passing laws; they exercise oversight of the executive branch; and they provide services to their constituents.³¹ To perform these functions effectively they need human, financial, and physical resources, which few African governments have been willing to provide. To limit legislative autonomy and oversight, some regimes have turned to patronage to try and buy compliance from the legislature, sometimes by allowing parliamentarians to set their own salaries.³² Similarly, if legislatures are to develop significant countervailing power against the executive or Head of State, it is not

²³ See, for example, High Level Consultation on Governance and Democracy in Africa (2012), para.4g.

²⁴ Between 1990 and 2008, 20% of African elections produce targeted assassinations or organized violence resulting in at least 20 deaths. See Scott Straus and Charlie Taylor, “Democratization and Electoral Violence in Sub-Saharan Africa, 1990-2008” in Dorina A. Bekoe (ed.), *Voting in Fear* (Washington DC: USIP Press, 2012), pp.15-38.

²⁵ See, for example, High Level Consultation on Governance and Democracy in Africa (2012), para.4b; and Democracy, Elections and the Management of Diversity in Africa, The Eighth African Governance Forum Outcome Statement, Gaborone, Botswana, 16-18 October 2012, paras.8-9.

²⁶ See, for example, Kennedy Ochieng’ Opalo, “African Elections: Two Divergent Trends,” *Journal of Democracy*, Vol.23, No.1 (2012), p.81.

²⁷ *Ibid.*, p.91.

²⁸ See also High Level Consultation on Governance and Democracy in Africa (2012), para.9g and p.10.

²⁹ Khabele Matlosa, *The African Charter on Democracy, Elections and Governance: Declaration vs. policy practice* (Johannesburg: Centre for Policy Studies, Policy Brief 53, December 2008), p.8.

³⁰ Opalo, “African Elections,” p.82.

³¹ See Joel D. Barkan, “Legislatures on the Rise?” *Journal of Democracy*, Vol.19, No.2 (2008), pp.125-6.

³² Kennedy Ochieng’ Opalo calls this “patronage inflation.” In Kenya, for instance, MPs’ annual base salary was US\$3,900 in 2001; US\$70,100 by 2005; and US\$170,000 in 2010. Similar trends were apparent in Uganda although the absolute sums are much smaller. Opalo, “African Elections,” p.84.

just because there are free and fair elections. One crucial ingredient for the consolidation of democracy is thus to strengthen opposition presence in national legislatures.³³

I.2.3 ECONOMIC GROWTH WITHOUT PROSPERITY

Some parts of sub-Saharan Africa have clearly made significant strides in economic terms. At the continental level, the Mo Ibrahim Index on governance shows that during the 21st Century, sub-Saharan Africa made steady progress in terms of economic development and human development opportunity; in contrast, it experienced roughly constant scores for participation and human rights, and a clear decline in the rule of law sector, especially since 2006.³⁴

However, the depth and sustainability of this progress should be treated with caution when viewed through a DG lens. Specifically, as the AUC's 2014-2017 draft strategy notes, much of this growth has not been inclusive and has been commodity-driven; it has not created sufficient jobs, especially for women and youth; it has not translated into poverty elimination; income inequalities have increased; and in some parts of the continent, there has been a process of de-industrialization, declining per capita agricultural productivity, and lack of food self-sufficiency.³⁵

Scholarly analyses have placed the blame for such trends squarely on autocratic regimes. As Peter Lewis has argued, "it is difficult to escape the association between nondemocratic rule and economic failure."³⁶ The AU agrees: It recognizes good governance as "a prerequisite for foreign direct investment in Africa" and it acknowledges that "poor governance has contributed to a reduction in flows of Foreign Direct Investment (FDI) and political instability."³⁷ Broadly speaking, African governments that have undertaken liberal political reforms have increased their economic growth, although the fruits of such growth have not necessarily been distributed equitably across the population. Common strategies that prevent the benefits of economic growth filtering out to the masses include capturing rents from privatization, financial liberalization, the removal of subsidies, and trade reform.³⁸ The AU has also noted that inequalities in economic development "are placing immense pressures on the democratization process and are increasingly posing as central challenges in securing wider ownership for the democratic momentum."³⁹ Democratization, in turn, is seen as being crucial to ensure "equitable distribution of national resources."⁴⁰

A primary explanation for these trends is the persistence of neopatrimonial regimes that are characterized by a hybrid mix of legal-rational bureaucracy and personalized systems of power involving clientelism and patronage.⁴¹ Neopatrimonial regimes do not focus on producing public goods but concentrate on producing "private goods for those with access to power."⁴² Consequently, improving the quality of governance is the only way to break this cycle.⁴³ The limited capacity of mechanisms available to the AU in promoting and facilitating the adoption of improved economic governance practices by its Member States is considered at greater length in the discussion of economic governance in Section 2.0 below.

³³ Lise Rakner and Nicolas van de Walle, "Opposition Weakness in Africa," *Journal of Democracy*, Vol.20, No.3 (2009), pp.108-21.

³⁴ The Mo Ibrahim Foundation, <http://www.moibrahimfoundation.org/IIAG/>.

³⁵ AU, Executive Council, "Abridged Version of the Draft Strategic Plan 2014-2017 for the AU Commission," April 2013 pp. 2-3. (Document Ext/EX.CL/2 (XIV).

³⁶ Peter Lewis, "Growth without Prosperity in Africa," *Journal of Democracy*, Vol.19, No.4 (2008), p.95.

³⁷ Democracy, Elections and the Management of Diversity in Africa (2012), para.4.

³⁸ Lewis, "Growth without prosperity," p.104.

³⁹ High Level Consultation on Governance and Democracy in Africa (2012), para.6d.

⁴⁰ Democracy, Elections and the Management of Diversity in Africa (2012), para.5.

⁴¹ Paul D. Williams, *War and Conflict in Africa* (Cambridge: Polity, 2011), chapter 3.

⁴² Larry Diamond, "The Rule of Law Versus the Big Man," *Journal of Democracy*, Vol.19, No.2 (2008), p.146.

⁴³ *Ibid*, p.147.

I.3 NARROWING THE GAP BETWEEN THE AU OBJECTIVES AND AFRICAN DRG REALITIES

One of the major technical constraints to the realization of the AU's Shared Values objectives is the lack of ownership visible among significant numbers of its Member States. The slow pace of ratification of key legal instruments is one indicator of the lukewarm reception some regimes have given the Shared Values agenda. The AU has noted "the pace of ratification of the central instruments within the shared values space has generally been mixed" and "the process of ratification has also not kept pace with wide expectations that the Union should be focused on implementation."⁴⁴

The *African Charter* is a prime example. Adopted in 2007, the slow pace of signature and ratification by the AU Member States reflected the controversial nature of the treaty. The process of ratification was so slow that the AU Commission undertook a "popularization program" led by the Department of Political Affairs to encourage AU Member States to sign and ratify the Charter. The program involved sensitizing decision-makers to the contents of the Charter, developing common perspectives on how ratification of the Charter could contribute to improved governance, and sharing insights on how ratification had been achieved by some Member States.⁴⁵ Yet by mid-2010, only three states (Ethiopia, Mauritania, and Sierra Leone) had ratified the Charter. Although the pace has clearly accelerated since then with 21 states ratifying the Charter in the next 18 months, it has been ratified by fewer than half of AU Member States, and the extent to which it has been domesticated and applied is unverifiable.

The preceding review and analysis suggests that while the AU/AUC have to date had mixed success in promulgating its Shared Values objectives, several strategic approaches might hold promise in reducing constraints on both the AU/AUC side and on the sides of Member States. Internally the AU/AUC can build on the technical leadership and political will evidenced in the articulation and adoption of the Shared Values agenda. This can be done through institutional strengthening, capacity-building, and better definition of roles and responsibilities within the AU/AUC, as examined in the next section. Regarding the creation of a more favorable environment for the implementation of the AU's Shared Values in Member States, the AU/AUC can develop better monitoring and evaluation mechanisms and capacities for public dissemination that can serve the cause of greater accountability.

⁴⁴ Towards Greater Unity and Integration, paras.39 and 41. See also High Level Consultation on Governance and Democracy in Africa (2012), paras.4e and 9a.

⁴⁵ This program was criticized for its narrow list of invitees and lack of direct engagement with broader social forces such as civil society groups and student and trade-union organizations. See, Thomas Kwasi Tiekou, "Multilateralization of Democracy Promotion and Defense in Africa," *Africa Today*, Vol.56, No.2 (2009), p.86.

2.0 SHARED VALUES IN INSTITUTIONAL CONTEXT

The Vision of the AU is “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.” The mission of the Commission, articulated in its 2009-2012 Strategic Plan, is to become, “an efficient and value-adding institution driving the African integration and development process in close collaboration with African Union Member States, the Regional Economic Communities and African citizens.” In the pursuit of this mission, the AUC commits itself to be guided by principles of:

- Subsidiarity and complementarity with other Organs, Member States and RECs;⁴⁶
- Results orientation, feasibility, and impact focus;
- Close coordination and cooperation with the RECs;
- Coherence of policies and programs; and
- A networking approach that takes advantage of available resources through other players.⁴⁷

The following subsections examine progress, constraints, and opportunities relative to three clusters of issues within the broader Shared Values domain—DG, Gender, and Economic Governance—with the aim of identifying common structural and institutional factors affecting organizational performance, and drawing attention to areas of organizational comparative advantage.

2.1 DEMOCRACY AND GOVERNANCE (DG)

Within the AUC, the Department of Political Affairs (DPA) is the lead on core DG issues. The DPA also, in theory, ensures coordination between the five departments—Political Affairs; Women and Gender and Development; Social Affairs; Civil Society and Diaspora; and Legal Counsel—that implement projects under the Shared Values Program. For a variety of reasons discussed below, effective coordination has been difficult to achieve in practice.

Much of the DPA’s Shared Values mandate is operationalized in the context of the “Strengthening Shared Values Standards, Processes and Institutions Project,” supported by the development partners’ Joint Program Arrangement (JPA). In this context, the DPA defines its objective as:

“In establishing common standards and frameworks, this project seeks to facilitate the harmonization and convergence of governance policies, programs, [and] processes amongst AU Member States. In doing so, the project seeks to facilitate the emergence of an enabling political environment, within and among African countries, as well as at the international level that is conducive to bringing about sustainable development and accelerating the economic integration of the continent. By monitoring and evaluating Member States’

⁴⁶ Subsidiarity is an organizing principle of decentralization, stating that a matter ought to be handled by the smallest, lowest, or least centralized authority capable of addressing that matter effectively. In this context, it has been adopted by the AU to suggest that where possible the AUC should work with and through other elements of the AU architecture.

⁴⁷ African Union Commission (AUC), *Strategic Plan, 2009-2012*, Ex.CL/501 (XV) Rev 2, 19 May 2009, p.11.

commitment to the Shared Values agenda. This project also seeks to facilitate the harmonization and convergence of governance policies, programs, processes amongst AU Member States.⁴⁸

The DPA is structured thematically into two main Divisions: (1) Democracy, Governance, Human Rights and Elections Division (DGHRE), which deals with most of the Shared Values agenda; and (2) Humanitarian Affairs, Refugees and Internally Displaced Persons Division (HARDP). DPA is also, in theory, responsible for facilitating, coordinating, and monitoring activities related to Africa-Arab Cooperation as well as the management of the Special Emergency Assistance Fund for Drought and Famine in Africa (SEAF). On issues related to electoral processes, the Democracy and Electoral Assistance Unit (DEAU) is the key actor within the DPA, with its Head reporting directly to the (acting) Director of DPA.

Each of the principal divisions reports to the Director of Political Affairs who in turn reports to the Commissioner of Political Affairs. In practice, since the position of Director remains vacant,⁴⁹ the position of Acting Director has been assigned on a rotating basis to the two division heads, with the effect that leadership of the Department changes every three months. The resulting lack of consistent leadership does not serve the Department well and further accentuates the effects of an overall organizational culture that is not conducive to intra- and inter-departmental cooperation.

BOX 1: COMPARATIVE ADVANTAGE OF THE AUC

“The Commission’s strengths lie in its power to convene continental governments; evolve common African positions on matters of interest, be they continental, international, or global; set common standards and norms through legal instruments; formulate and implement continental programs in strategic areas of common interest such as peace and security, infrastructure, energy, etc.; articulate and coordinate common positions on matters of global interest; mobilize resources in support of continental policies, programs, and plans; and speak for all the governments and peoples of Africa.”

Source: “UNECA and AU joint 2011 Report on Capacity Needs Assessment of the AUC”

2.1.1 PRIMARY INSTITUTIONAL ROLES SUPPORTING THE PURSUIT OF SHARED VALUES OBJECTIVES

In general terms, the AU/AUCs efforts in promoting DRG non-economic objectives can be categorized according to six primary roles: norm development/standard-setting, electoral observation, mediation, sanctions, and monitoring and evaluation.

Norm Development/Standard-Setting: The AU and the AUC have developed multiple, broad, and sophisticated standards in relation to DRG. When discussed in the AU’s organs and institutions, these emergent standards consistently meet resistance from the more autocratic African regimes.

Nevertheless, the emergence of the Shared Values agenda itself suggests a steady evolution over the last decade of continental norms with regard to democratic processes. Whether they are applied in practice by a majority of African regimes, binding legal instruments (including the process of their adoption) that further entrench commitments to protect basic individual rights and freedoms and commit state parties to the application of basic standards of procedural democracy have served to change the definition of legitimate governance on the continent.⁵⁰

⁴⁸ AUC, Joint Program Arrangement: Shared Values Program—Narrative Report January-June 2012, p.14.

⁴⁹ Recruitment to fill the position was initially delayed by the Commission electoral cycle, and is now subject to the dysfunctions of the AUC’s HR management system and the strictures of the Maputo Protocol governing AU staffing.

⁵⁰ At the same time, however, when observed against the backdrop of democratic backsliding over the past decade, the relative success of the AU in norm development stands in marked contrast to its performance in ensuring the ratification and practical application of norms by its Member States. This disjunction between norm-setting and observed change at the level of Member States vividly reflects the structural weaknesses embedded in the AU system.

Electoral Observation: The centrality of electoral observation missions to AU engagement on governance issues has grown significantly over time, particularly since the establishment of the Democracy and Electoral Assistance Unit (DEAU) in June 2006, which has been operational since May 2008.^{51/52} The AU now observes *all* elections held by its Member States. In practice, however, observation has been limited to the deployment of small missions that arrive a few days before the poll and remain in the country for a few days after, providing little opportunity for monitoring or in-depth analysis of electoral performance.

The AUC has acknowledged that it needs to shift from short- to long-term electoral observation, in line with international best-practice. It applied this methodology for the first time while observing the 2013 Kenyan Presidential election.⁵³ This is a positive development. Long-term missions allow for observation of all stages of the electoral cycle. The AU has been criticized for not being sufficiently engaged in the lead-up and aftermath of elections, and this would also help to build deeper relationships with all stakeholders on the ground. Given resource and staffing constraints, the DEAU's capacity to deploy and support full-fledged long-term observer missions is limited. Instead, it will likely seek to deploy small teams of technical experts for a period of two to three months in the host country to monitor before, during, and after elections.

The DEAU has a mandate to implement all democracy-promotion activities defined by the AUC, including support for Member States via the Democracy and Electoral Assistance Fund (DEAF).⁵⁴ The current Director of the DEAU acknowledges that the Unit is not presently able to operationalize its broader democracy assistance mandate and will first need to address the issue of whether and how the DEAU's mandate should evolve. In practice, DEAU attention has been focused largely on elections observation and, to a lesser extent, providing technical assistance to national Election Management Bodies (EMBs). It has also conducted election observer training courses in each of the five African sub-regions and organized two continental meetings of the EMBs, in Accra (2009) and Lusaka (2012).

While the AU's role in elections observation has made considerable progress, AU election observers can be unwilling to highlight abuses by incumbent regimes and too often play down procedural problems with electoral processes.⁵⁵ Observation results are communicated only to national political and electoral authorities, diminishing their potential for impact. These trends have the effect of diminishing the credibility of the AU in the eyes of the citizens where flawed elections are validated and may call into question for many the AU's commitment to democratic governance.

A shift toward a more technical approach to observation may help to mitigate these problems, but making final observation reports public, rather than simply sending them to the Head of State whose country is being observed, is an important first step. The Chairperson's decision in early 2013 to authorize the publication of AU election observation reports is therefore a positive development and important step in more meaningful and credible electoral observation efforts by the DEAU.

Monitoring and Evaluation of Progress on Shared Values: The establishment of the African Governance Architecture and African Governance Platform, modeled in many ways after the African Peace and Security Architecture, is an important step for the DPA and AUC. While it is largely a coordination mechanism at this point, as opposed to the more formal decision-making structure that constitutes the African Peace and

⁵¹ For a detailed discussion see Shumbana Karume and Elonora Mura, "Reflections on African Union Electoral Assistance and Observation" in *The Integrity of Elections: The Role of Regional Organizations* (International Institute for Democracy and Electoral Assistance, 2012), at <http://www.idea.int/publications/integrity-of-elections/upload/The-Integrity-of-Elections-chapter1.pdf>

⁵² Since 2006, the International Foundation for Electoral Systems (IFES) has provided direct technical support to the DEAU. See <http://www.ifes.org/Content/Projects/Africa/African-Union/Technical-Assistance-for-Elections-Support.aspx>

⁵³ Report of the AU Panel of the Wise, Strengthening the Role of the African Union in Preventing, Managing, and Resolving Conflict (New York: International Peace Institute, July 2010).

⁵⁴ As part of the Joint Programme Arrangement 2011-2012 between the AUC and the Shared Values Programme Funding Partners, the AUC is obliged to provide quarterly financial reports and semi-annual reports on progress two weeks in advance of the respective AU Partners Group meeting.

⁵⁵ See, for example, *ibid.*, p.82.

Security Architecture (APSA), the approach offers promise. Its architects say they looked first to the APSA in designing it. What is particularly promising is that civil society and other stakeholders were included in the discussions about the Architecture and its design. Further, the Platform has the potential to begin to break down the silos that currently separate department activities and thinking within the AUC. The Platform, however, will severely test an already overstretched staff's capacity to manage new relationships and activities.

The AUC is identified in the *African Charter* “as the central coordinating structure” for *Charter* implementation. The AUC is tasked with assisting “State Parties in implementing the *Charter*” and with coordinating evaluation with other key AU organs and appropriate national-level structures (Article 45). The Regional Economic Communities also have a role to play in evaluating and monitoring the Charter’s implementation by designating “focal points” to that end (Article 44). Yet the AU concedes that the mechanisms available for measuring democracy and governance performance “tend to unfold in an uncoordinated fashion.”⁵⁶

The AU’s monitoring and information-gathering role is important because, as one internal discussion document put it, “Africa has not taken complete ownership and responsibility to monitor its success [the Shared Values agenda], [or to] evaluate and identify needs and capacity constraints for collective action... [T]here is no coordinated approach to review and measure progress.”⁵⁷ As a consequence, the AU concluded “Capacity for monitoring and review will have to be built...”⁵⁸ The DPA is hoping to implement the benchmarking of the “implementation of the commitments and principles of [the *African Charter*]” and evaluation of compliance by Member States that the Charter obligates the AUC to carry out. The African Governance Platform will be the central coordinating mechanism for this initiative, which will proceed in phases and seeks to build on ongoing comparative research initiatives and utilize existing data, in addition to generating primary data.

This *Stocktaking* does not need to reiterate the many excellent comments and recommendations made in the African Union’s *Summary Overview and Conclusions of the Consultation on the Implementation, Monitoring, and Evaluation of the Africa Charter on Democracy, Elections, and Governance* (Dakar, Senegal, 14-16 February 2013) or the AUC DPA’s Summary Report on the Technical Experts Meeting on the same topic (Dakar, Senegal, 18 February 2013). These meetings, as well as interviews conducted during the Stocktaking, clearly identify a wide range of issues that must be addressed if the AUC’s benchmarking agenda is to succeed. Key issues include the following:

- How will the data generated contribute to improved decision-making either at the continental, sub-regional, or national level? What theory of change underpins this initiative? Are the primary constraints in the area of early warning or of early response? As one informant put it, “The [AUC/DPA] has been preoccupied with results-based monitoring and other tools, rather than the bigger picture.”
- Is this an exercise for which the DPA has a comparative advantage, even if it has the mandate?
- Member State buy-in to this effort is not clear but it will inevitably generate an increased burden of reporting, meetings, and political effort at the Member State level. The value added of this exercise should therefore be more clearly articulated to AU Member States and the donors who will likely be asked to fund it.
- How will this effort relate to ongoing efforts to reform and strengthen the APRM process?
- How will the new effort relate to the UNDP and UNECA’s *Africa Governance Reports*?
- How, in practice, will the effort incorporate and build on existing measures and indicators, and how will efforts be targeted/focused for maximum utility, given resource constraints?

⁵⁶ High Level Consultation on Governance and Democracy in Africa (2012), para. 8a.

⁵⁷ Towards Greater Unity and Integration, para.45.

⁵⁸ Ibid, para.53.

- To the extent that this process moves forward, what can be done to improve coordination with the RECs and civil society organizations in promoting ratification and implementation of the *African Charter*?

Mediation: The AU has a formal mandate to engage in mediation as a form of peacemaking, which is legislated in Article 6.3 of the *PSC Protocol* (2002). The AU has made considerable use of peacemaking/mediation missions; usually consisting of small numbers of elder statesmen who seek to conclude elite bargains with the conflict parties. Unfortunately, these efforts remain largely undocumented. The AU did not start thinking about developing an institutionalized mediation capacity until the late 2000s. In 2009 a major study on the feasibility of establishing an AU Mediation Unit was completed but efforts to establish such a body appear to have stalled.⁵⁹ It is encouraging that there appears to be an increased emphasis on mediation in discussions between the Department of Peace and Security (DPS) and DPA geared to develop a response to the ongoing crisis in Mali.

Sanctions: One tool for the AU to motivate change on the part of Member States is through the threat of sanctions. Article 23 of AU Constitutive Act permits the Assembly to impose sanctions on Member States for defaulting on budget contributions to the organization or for failure to comply with Union decisions and policies. AU sanctions have taken two forms: (1) diplomatic sanctions where the Member State is denied speaking and voting rights in AU and prevented from presenting candidates for AU positions; and (2) economic sanctions, usually travel bans and/or asset freezes. Since the AU has no major economic weapons, in part because of the lack of intra-African trade and financial connections, its economic sanctions are little more than symbolic. The PSC established a Sanctions Committee in 2009, but it is not clear if it has received any significant financial or human resources.

Since 2003, the AU has consistently sanctioned military juntas. Despite the AU's willingness to criticize military coups, it "has been very reluctant to act when it comes to other constitutional infringements such as falsifying elections, amending constitutions to consolidate more power, or permitting additional terms of office."⁶⁰ In part, this is because the PSC lacks an effective framework for addressing serious human rights and democratic deficits outside of the context of an unconstitutional change of government.⁶¹ Dialogue continues between the DPA and the PSC on how best to ensure greater synergy between the African Governance architecture and the African Peace and Security Architecture, but there are no indications that the status quo around sanctions is likely to change in the near future, barring a major new development.⁶²

2.1.2 STRUCTURAL AND ORGANIZATIONAL CHALLENGES

The team noted a number of challenges facing the AUC in its implementation of the Shared Values agenda. These include staffing limitations, the need to better link programs to organizational objectives, the need to build on complementarities between efforts to advance DG objectives and more specific peace and security efforts, and the need to facilitate greater engagement with a variety of non-state actors, including but not limited to CSOs.

⁵⁹ The study suggested that the AU needed enhanced capacity in mediation expertise, specific country and regional expertise for the scenario in question, monitoring and analytical expertise, thematic expertise, communications expertise, as well as management, administrative, and financial expertise. See Laurie Nathan, *Plan of Action to Build the AU's Mediation Capacity*, unpublished paper commissioned by the UN Department of Political Affairs, November 6, 2009.

⁶⁰ Niels Petersen, "The Principle of Democratic Teleology in International Law," *Brooklyn Journal of International Law*, Vol.34, No.1 (2008), p.70.

⁶¹ Solomon Dersso, "The adequacy of the African peace and security architecture to deal with serious democratic deficits: lessons from the North African uprisings," *African Security Review*, Vol.21, No.3 (2012), pp.4-23.

⁶² A PSC consultative session was held on this subject on September 9-10, 2012.

2.1.3 CAPACITY

Like much of the rest of the AUC, the DPA suffers from serious capacity constraints in terms of the number of staff and program budgets. These constraints severely curtail the reach and effectiveness of the department.

For a department that has primary responsibility for coordinating the implementation of the AU's Shared Values agenda, as well as a broader advisory role on governance and security issues, the DPA is severely understaffed. A recent GIZ assessment of the DPA concluded that the department, which currently has 18 full-time staff, would require between 60 and 70 staff to fulfill its mandates adequately. With similar staffing gaps affecting virtually every department and directorate of the AUC, Member States and external donors will be able to anticipate only the most incremental of performance gains and achievement of results in the arena of shared values, even with the most impressive strategic plans and internal organizational reforms.

Still, given what the AU and AUC have achieved in their short history, there is still great value in supporting a more focused and motivated staff. To gain traction, the AUC's efforts to advance the Shared Values agenda will ideally be laser-focused on areas of organizational comparative advantage and will leverage as much energy and effort outside of the organization as possible.

On the budget side, the Shared Values pillar is almost entirely funded by external donors. This was raised by several informants and in many reports, and it has the potential to raise issues of credibility, perceived autonomy, and accountability with Members States.

The AU's core financial and human resource management functions currently limit flexibility in the use of both operational and program budgets. Absolute staffing levels, the attribution of staff to particular organizational units, and the processes through which staff are recruited are largely out of the control of AUC leadership.⁶³

2.1.4 LINKAGES BETWEEN ACTIVITIES AND OBJECTIVES

The DPA has made significant progress in laying the groundwork that will enable it to mount increasingly targeted efforts to advance the Shared Values agenda. It urgently needs additional staff resources and an increased operational budget, as well as continued program funding to realize its potential.

In the meantime, the DPA will have to work within the current institutional limitations, which means making better use of existing staff time and program resources. There could be several ways to do this, including focusing efforts where the department's comparative advantages are most clear. Aligning efforts with the broader vision of the AU and higher-level objectives would also seem to be important, as opposed to focusing on potentially distracting programmatic activities that may have little impact and/or do not fit well within the organization's comparative advantage. Boosting morale, either through a clear organization focus to improve it, longer-term contracts, mediation or dispute resolution where there are clear conflicts between staff, and other methods, could do a great deal to increase focus and productivity.

⁶³ While positive, ongoing efforts to reform the AU's core financial and human resource management functions remain incomplete. As they presently operate, these systems limit flexibility in the use of both operational and program budgets. Absolute staffing levels, the attribution of staff to particular organizational units, and the processes through which staff are recruited are largely determined by the (amended) Maputo Structure adopted by the AU Assembly, leaving AUC leadership and organizational managers with limited flexibility in addressing capacity constraints. Performance, budget execution, and both financial and programmatic reporting vary considerably across organizational departments/units, yet systemic regulations that assume relatively even rates of expenditure across the organization have the effect of restricting the ability of effective departments to execute their programs fully. In addition, despite the availability of program resources, deficiencies in operational budgets limit the availability of the human resources to manage program implementation. This in turn has a negative impact on program staffing, expenditures, and reporting—factors which affect the flow of external program resources, and encourage donor earmarking. See, African Union, "Decision on the Structure, Human Resources Requirements and Conditions of Service for the Staff of the Commission and Their Financial Implications," AU Executive Council Third Ordinary Session, Maputo, 4-8 July, Doc. EX/CL/39(III). ([http://www.au.int/en/sites/default/files/EX%20CL%20DEC%2020%20-%2074%20\(III\)%20_E_0.pdf](http://www.au.int/en/sites/default/files/EX%20CL%20DEC%2020%20-%2074%20(III)%20_E_0.pdf)).

At the department level, activities should be prioritized that have strategic potential in promoting regional cooperation or have realistic prospects for advancing Member State ratification and domestication processes. This ensures that activities are “outcome focused” and advance key regional objectives, and that there are plausible causal links between planned activities and intended outcomes.

2.1.5 LINKING THE DRG AND PEACE & SECURITY AGENDAS

Although this *Stocktaking* does not explicitly cover the domain of Peace and Security, the link between Peace and Security and democracy and governance is important—and the AUC is increasingly exploring this link. Democracy and good governance are commonly recognized as decreasing the potential for armed conflict violence, and good governance is an important element of post-war stabilization and reconstruction agendas.^{64/65}

Although it could play a significant role in advancing the Shared Values agenda, the PSC also suffers from its own capacity constraints, although its program funding is robust. With regard to staffing, an internal AU assessment recently concluded, “The reluctance of member states to approve new posts, in spite of the overwhelming evidence of the need to do so, brings to the fore questions about their level of commitment to the full operationalization of the APSA.”⁶⁶ Perhaps equally critically, the PSC has consistently admitted Member States that do not meet the eligibility criteria related to good governance set out in Article 5.2 of the *PSC Protocol* (2002). This serves both to undermine the credibility of the PSC with regard to addressing governance issues short of “unconstitutional changes of government,” and greatly reduces the likelihood of purposive action by the PSC on such issues. As noted above, the current composition of the PSC includes four states that have experienced significant democratic back-sliding according to Freedom House indicators (see Annex II).

The PSC also has the strongest authority within the AUC in sanctioning Member States, although it has so far not exercised this authority in cases that did not rise to the level of an “unconstitutional change of government.”

Efforts to foster stronger working relationships between the DPA and the Department of Peace and Security (DPS) are ongoing, and appear to have been advanced by the need to cooperate in defining the AU’s response to the 2013 crisis in Mali.

2.1.6 STRENGTHENING PARTNERSHIPS WITH CIVIL SOCIETY

The DPA (and PSC) engage with African and international CSOs in a number of critical areas, but largely on an ad hoc basis. This limits their engagement to primarily the larger CSOs and coalitions that are able to operate at a continental level and maintain Addis-based representation (a matter significantly complicated by restrictive Ethiopian legislation regulating the registration and operation of civil society organizations).

More open and more systematic engagement with CSOs and other non-state actors has the potential to increase the range of data and analytical capacity available to the DPA as it struggles to track developments around the continent. It also offers an enormous potential to leverage the advocacy and communications capacity that civil society brings to the table. Expanded engagement with business and professional associations across the continent could further bolster weak internal analytic capacity and contribute to the development of more robust dialogue on policy, economic governance, and development issues at a variety of levels. Serious efforts to support civic space in Member States in the face of attacks by authoritarian regimes, consistent with the provisions of the *African Charter*, would also be in the AUC’s long-term interest.

While the supply side of democracy and good governance at the AU is quite strong, in the sense of the organization’s articulation and adoption of continental norms, development partners should seek to support

⁶⁴ See, for example, Williams, *War and Conflict in Africa*.

⁶⁵ See, for example, Charles Call, *Why Peace Fails* (Washington, D.C.: Georgetown University Press, 2012).

⁶⁶ *Ibid*, para.78.

and encourage the AUC and DPA to work with non-state actors to strengthen the demand-side potential for Shared Values, including democracy and good governance, at the Member State and regional levels.

2.1.7 BUILDING ON EXISTING CAPACITY

The DPA is critical to the operationalization of the Shared Values agenda, and is also a central element linking the Shared Values and peace and security domains. Despite serious internal staffing constraints, the DPA and DEAU have made considerable progress in developing the core competences that will allow them to progress in this direction. Progress would likely be greatly enhanced by additional staff, supported by increased operating and program budgets.

Beyond internal capacity, the primary challenge facing the DPA, and the AUC more generally, is to develop practical mechanisms for gradually moving the center of debate at both continental and Member State levels in directions that will gradually provide incentives for positive change.

Many of the initiatives presently being undertaken by DPA have the potential to do so, including the elaboration of the AGA/AGP, the deepening of electoral observation, public release of electoral observation reports, benchmarking of Member State performance against commitments under the *African Charter*, and the trend toward greater engagement with African civil society and other non-state actors. Initiatives to strengthen the APRM process to reinvigorate the APR Forum and Panel of Eminent Persons, address problems associated with the APRM Country Self-Assessment methodology and its practical application, and particularly to ensure robust and unconstrained participation in the review process by domestic civil society would serve a similar end. Such initiatives, within the framework of AUC ownership, should be encouraged and supported by donors.

2.2 GENDER

The Women and Gender Development Directorate (WGDD) was created in 2000 under the Office of the Chairperson of the Commission. Unlike other Directorates in the AUC, the WGDD is not accountable to a particular Commissioner but to the Chairperson of the AUC herself. WGDD's mandate is essentially centered on *“the capacity-building of all AU Organs, RECs, and Member States to understand gender, develop skills for achieving gender mainstreaming targets and practices in all policies and programs by 2020 in line with the 2009 Gender Policy and Action Plan.”*⁶⁷ The core responsibility of the WGDD is thus *“gender mainstreaming, coordination, advocacy monitoring and evaluation, capacity-building through training and research and women empowerment programing.”*⁶⁸

Thus the 2009 AU Gender Policy provides the key mandate for the operationalization of AU Assembly commitments whereas the accompanying Gender Action Plan (GAP) guides the implementation of these commitments by AU organs. The main purpose of the Gender Policy is *“to establish a clear vision and make commitments to guide the process of **gender mainstreaming and women’s empowerment** to influence policies, procedures and practices which will accelerate the achievement of **gender equality, gender justice, non-discrimination and fundamental human rights in Africa.**”*⁶⁹

The AU's Gender Policy has seven specific objectives⁷⁰ and eight priorities that constitute the eight commitments around which the GAP is articulated, as follows:⁷¹

⁶⁷ AU Gender Action Plan 2009-2020: Logical Framework Matrix (2009), p.4.

⁶⁸ Ibid.

⁶⁹ Ibid, p.9.

⁷⁰ (1) To advocate for the promotion of a gender-responsive environment and practices as well as the enforcement of human rights, gender equality, and women's empowerment commitments made at international, continental, regional, and Member State level; (2) To initiate and accelerate gender mainstreaming in institutions, legal frameworks, policies, programs, strategic frameworks and plans, Human Resources (HR) and performance management systems, resource allocation and decision-making processes at all levels; (3) To promote the development of guidelines and enforcement of standards against sexual and gender-based violence, gender-insensitive language and actions in the workplace (this includes the AU Commission and other organs, the RECs, and Member States); (4) To develop a Gender Management System (GMS) within the AU and promote its adoption within other AU organs, the RECs, and Member States; (5) To address

1. *Creating an enabling and stable political environment.*
2. *Providing legal protection actions against discrimination for ensuring gender equality.*
3. *Mobilizing different players for gender equality in Africa.*
4. *Rationalizing and harmonizing REC gender policies and programs.*
5. *Mobilizing resources.*
6. *Capacity-building for gender mainstreaming.*
7. *Gender mainstreaming in all sectors.*
8. *Maintaining peace, security, settlement of conflicts, and reconstruction.*

The gender equality policy and legal framework at AU regional and sub-regional level in the field of gender equality is thus currently well established and rather ambitiously comprehensive. In the next Strategic Plan for 2014-2017, it is expected that the GAP will still be implemented (as it runs until 2020) and that gender will be considered a key crosscutting issue across the new five pillars and eight priorities. How the crosscutting nature of gender will be operationalized under the new strategy remains unclear. Although the draft Strategy identifies the mainstreaming of “the participation of women and youth in all priorities and activities of the Union and the continent” as a key priority, corresponding outcomes, outputs, or indicators are not identified, nor is a technical cluster defined for gender.⁷²

Beyond WGDD’s key mandate and primary role in mainstreaming gender, several other AUC departments have driven some specific gender activities within the Shared Values agenda on their own initiatives, such as the Department for Social Affairs, the Department for Political Affairs, and the Department for Peace and Security. Other gender-related activities are also undertaken on an ad hoc basis and not necessarily connected to the works of WGDD across other AU organs at large. Furthermore, other key actors contributing to the advancement of the gender agenda include UN WOMEN, UNECA, some bilateral partners including Joint Partnership Fund (JPF) partners, Civil Society Women’s organizations, and coalitions at the regional level such as Solidarity for African Women's Rights (SOAWR), Femmes Africa Solidarité (FAS), and Gender is My Agenda Campaign.

The section below presents the key findings in terms of a) WGDD’s key achievements in their primary role regarding the implementation of the Gender Action Plan and b) structural and organizational challenges in the process of implementing the Gender Action Plan (2009) and the WGDD’s core mandate relating to gender mainstreaming.

2.2.1 KEY ACHIEVEMENTS IN WGDD PRIMARY ROLE: THE IMPLEMENTATION OF THE AU GENDER ACTION PLAN

Achievements in this section are described in terms of WGDD’s primary role regarding the implementation of the AU Gender Action Plan, articulated around the eight commitments of the 2009 AU Gender Policy.

Successes and achievements that can be defined as ‘added value’ from a ‘regional integration’ perspective are the implementation of parts of the first two commitments:

- i) *Create an enabling and stable political environment, and*
- ii) *Legislation and legal protection against discrimination for ensuring gender equality.*

gender-based barriers to the free movement of persons and goods across borders throughout the continent; (6) To promote equitable access for both women and men to and control over resources, knowledge, information, land, and business ownership, and services such as education and training, healthcare, credit, and legal rights; and (7) To facilitate the implementation of remedial measures to address existing inequalities in access to and control over factors of production including land.

⁷¹ The policy commitments are based on AU gender equality instruments including those listed above as well as international instruments such as the Millennium Development Goals, the Beijing Declaration and Platform for Action, and UN Security Council Resolution 1325 (2000).

⁷² AU, Executive Council, “Abridged Version of the Draft Strategic Plan 2014-2017 for the AU Commission,” April 2013. (Document Ext/EX.CL/2 (XIV), p.8.

Although not exhaustive or systematic, there are clear examples of successes identifiable under these two commitments in the implementation of GAP by the WGDD. Some successes have been achieved under Commitment 1 of the GAP. WGDD's power to convene, lobby at high political levels, raise funds, and mobilize Civil Society umbrella organizations helped to speed ratification of the Maputo Protocol, and WGDD's collaboration during pre-summit meetings with Member State Ministers for Gender and Women's Affairs on the alignment of national gender policies with the AU gender policy has proven successful.

Other achievements under Commitment 2 of the GAP were also identified. Despite increased ratification of the Maputo Protocol, successes in its domestication and implementation at the Member State level have been few and far between. However, some examples of successes were mainly achieved through a close collaboration between WGDD, two key line Ministries (the Ministry of Justice and the Ministry of Gender), and the well-established Women's Rights NGOs at the national level that are also represented at the AU level under SOAWR. Further successes were achieved in the monitoring of the domestication and implementation process. WGDD, having identified deficiencies in the monitoring of the Maputo Protocol,⁷³ took the initiative to simplify reporting formats for Member States to encourage them to report more frequently and substantively. Further, WGDD created dummy monitoring reports to assist Member States in need of support to monitor their domestication processes. These measures increased the number of reporting states by four over a three-year period. Presently, WGDD is ready to use the 'name and shame' strategy at the Assembly level for those Member States that have not yet produced the due reporting under Article 62 of the African Charter.

Other innovative approaches were identified in the Social Affairs Department. These included threatening Member States that have not produced national reports for the last 10 years on the Rights of the Child, resulting in publicly production and sharing of respective Member States' domestic Civil Society monitoring shadow reports at the next AU Summit.

WGDD's power to convene, lobby at high political levels, fundraise, and mobilize Civil Society umbrella organizations to speed ratification and domestication processes of the Maputo Protocol and alignment with the AU gender policy at the Member State level has been highlighted as a key advantage and instrumental to WGDD's successes in the implementation of its primary role. Even if a number of Member States still need to focus on domestication and implementation, such successes are clearly representative of a certain added value of the WGDD, and the AUC in general, making a difference in practice towards better regional integration and greater unity. If anything, these ought to be considered examples for other domestication and implementation processes.

Progress in terms of the implementation of *Commitment 5 Mobilizing Resources for implementing the AU Gender Policy* has essentially focused on the establishment of the African Women's Fund and the support of 54 projects in 54 countries per year during the 10 years of the African Women's Decade (2010-2020). This constitutes one of the major priorities of the WGDD. Contrary to the achievements above, this does not, per se, denote a clear 'added value' from the perspective of regional integration. The projects are disconnected from one another (except from falling under the same broad thematic area defined by the yearly theme of the African Women's Decade (2010-2020)). Further, the financial support received by each beneficiary is insufficient (from 15,000 USD to 25,000 USD) for the projects to make a substantial impact at the national level or produce any comparative advantage over any other ordinary national project. On the other hand, the African Women's Fund is currently being financed and established by Member States. There are presently no partners funding these projects, as the African Women's Trust fund currently falls outside the Shared Values Pillar's regular on-budget checks and balance procedures.

⁷³ Every two years from ratification, according to Art. 62 of the African Charter, Member States have to send monitoring reports on the domestication and implementation of the Protocol.

2.2.2 STRUCTURAL AND ORGANIZATIONAL CHALLENGES

In 2006, the WGDD conducted a Gender Audit across all AU's sectors. In relation to gender mainstreaming, the Gender Audit revealed limited progress on the implementation of gender commitments at all levels of the African Union. The lack of capacity and willingness to mainstream gender and ensure women's empowerment was identified as the key problem. This section shows that much of the same problematic areas are still recurrent.

The gender mainstreaming project funded by Austria in 2012 and complemented by the EU in 2013 under the Shared Values Program constitute a small part of the GAP. Some activities have been implemented under this program, and progress and challenges remaining for this project have been submitted to the team. However, it is difficult to relate clearly the level of achievements and implementation of activities to any focused yearly work plans and budgets. It is also difficult to see clearly whether the same activities may be funded twice or not at all under the current or future budgets.

On the other hand, activities related to commitments 4, 6, 7, and 8, especially those related to the gender mainstreaming activities of WGDD within the AUC and across other AU organs, have not been implemented. Even though the GAP is running up to 2020, the question of gender mainstreaming or the lack of it so far may be framed in different ways: Is it simply due to a lack of human resources? Or is it due to a more fundamental divergence in the interpretation and vision of the WGDD's key mandate and primary role as related to regional integration?

One of the structural challenges of the WGDD relates to its vision and prioritization of key mandates. WGDD's interpretation of pressure to adopt a 'results-based approach' appears to have led it to focus on the direct provision of funding for micro projects at Member State level intended to improve women's lives directly. Thus a vision related to Women in Development (WID) has been privileged over Gender and Development (GAD)'s approach, which aims at gender equality as a goal using gender mainstreaming as a strategy across all AU sectors and organs. This has so far placed some limits on the vision and mandate of the WGDD without systematic correlation to AU regional integration vision or comparative advantage criteria compared with national-level projects.

Since the 2006 gender audit, much of the highlighted challenges still persist in the following areas: The capacity of the WGDD to carry out its mandate, including developing effective advocacy instruments and marshaling the commitment of implementing partners; failure to allocate adequate human and financial resources to these tasks; lack of full commitment from, and capacity of, other AUC partners, AU Organs, and Member States; and deficiencies in the WGDD internal and external communication strategies.

The organizational challenges, therefore, are in terms of insufficiencies of human resources, difficulties in accessing funding despite donor funding and under spending, and a generally weak planning capacity. Beyond these challenges, it is to be noted that there is a general opacity and lack of clear accountability surrounding WGDD.

On the technical skills side, it is well-known that gender mainstreaming requires the capacity to use and impart knowledge and skills through technical tools and methodologies. Above all, it requires strong engagement in collaborative and multidisciplinary work to impart knowledge to others while remaining in the background and letting others own and lead the processes. Given the weak inter-departmental collaboration in general within the AUC, and in particular with the WGDD and other departments, the team did not identify any evidence that these skills were particularly developed. On the contrary, repeated attempts to impart those skills and to identify entry points for collaborative work between the WGDD and other departments have been made by external actors, such as bilateral and multilateral partners. The indications of successes, however, were meager. Despite the latest attempts by UNWOMEN and UNECA to reflect on a tripartite cooperation with WGDD through a concept note (which came to a halt and was not made available to the team), most partners remained skeptical of the idea of strengthening gender mainstreaming through capacity building of the WGDD.

In terms of accountability at the institutional level, there is also a challenge for WGDD, which reports to the Chairperson directly rather than to a Commissioner, as do other directorates. WGDD's positioning in the organogram was at first envisaged as an advantage for gender mainstreaming across the directorates, but is now currently questioned, given the lack of results achieved so far in terms of gender mainstreaming.

Accountability to donor partners is also deficient, and relations with partners seem currently frozen as WGDD's response to the 'joint démarche' process have so far been that of non-attendance by WGDD's management. This is unlikely to change unless innovative approaches are attempted to restore dialogue and constructive collaboration between partners and WGDD.

With regard to partners' coordination, the stocktaking exercise did not assess donor effectiveness as such. However, some disconnections were also noted there (for example, not all JPA partners were aware that the European Union [EU] was going to finance WGDD in 2013 in addition to Austria's support for 2012) in terms of forming a clear picture as to the status of funding and implementation of activities per year. These included the current opacity regarding yearly work plans, on-budget and off-budget activities, and the difficulty with either WGDD or strategic planning. The lack of coordination of donors only diminishes the possibility of bringing further clarity with a coordinated and strengthened approach.

Despite some examples of success, there remain persistent disconnects *horizontally* across the AUC and AU organs, and *vertically* in terms of implementation of legal and policy frameworks at the Member State level. The task of gender mainstreaming towards greater unity and integration is therefore considerable.

The WGDD currently lacks both vision (GAD rather than WID) and capacity (human resources and in-house technical capacity to impart knowledge and promote cross-departmental collaboration) to undertake gender mainstreaming as a priority. Further, a lack of consistent coordination among donors contributes to the lack of clarity in terms of funding.

At the same time, the potential exists. Gender mainstreaming could be an important vehicle of cohesion and further regional integration by closing the gaps and disconnections across AUC programs and AU organs as well as between AU and MS, if utilized in a comparative advantage direction. Therefore, it is important to use all new opportunities to strengthen gender mainstreaming (horizontally and vertically) as both a core mandate of WGDD and as a priority in the implementation of the GAP.

2.3 ECONOMIC GOVERNANCE

Numerous formal declarations by the AU and its Member States recognize that sound economic governance, including transparency in financial management, is a prerequisite for promoting more rapid, sustainable, and inclusive economic growth and development, and the successful achievement of the Shared Values agenda in the AU Member States. Yet, a large majority of African countries rank very low in the World Bank Doing Business Index (see below), the World Economic Forum Global Competitiveness Index, and other measures of modern economic success. Much improvement is needed in order to attract both domestic and foreign investment to economic activities in AU Member States. These economic activities will simultaneously achieve more productive employment opportunities for Member State citizens and robust, sustainable economic growth. In turn, this progress will improve domestic resources for public and private investments in health, education, productive infrastructure, and better governance. More inclusive economic growth and development should also help to reduce the internal conflicts that plague several of AU Member States by providing their citizens with more opportunities to contribute to that growth and to benefit from it.

ADDRESSING MEMBER STATE COMPLIANCE: NEPAD AND THE APRM

The central mechanisms for ensuring that AU Member States live up to the organization's stated commitments in the economic governance sphere are NEPAD and APRM. NEPAD was adopted by African Heads of State and Government of the OAU in 2001 and was ratified by the AU in 2002 to address Africa's development problems and economic governance issues.

NEPAD's main objectives were to reduce poverty, put Africa on a sustainable development path, halt the marginalization of Africa, and empower women.⁷⁴ Critics have argued that in its first few years, NEPAD failed to achieve many practical objectives in any of these areas.⁷⁵ In February 2010, the 14th AU Assembly established the NEPAD Planning and Coordinating Agency (NEPAD Agency or NPCA) as a technical body of the AU to replace the NEPAD Secretariat. The NEPAD Agency is a key outcome of the integration of NEPAD into the AU.⁷⁶ Its core mandate is to facilitate and coordinate the implementation of regional and continental priority programs and projects and to push for partnerships, resource mobilization, and research and knowledge management. The Agency is financed through the statutory budgets of the AUC, voluntary contributions from AU Member States, and additional budgetary support from development partners and the private sector. The core implementers are AU Member States, regional institutions, particularly RECs, and multilateral and bilateral development agencies. The Agency's strategic direction is based on the following thematic areas: 1) agriculture and food security; 2) climate change and natural resource management; 3) regional integration and infrastructure; 4) human development; 5) economic and corporate governance; and crosscutting issues of 6) gender and 7) capacity development.⁷⁷

The APRM was initiated in 2002 and established in 2003 by the AU as an implementation arm of NEPAD. The NEPAD leadership created the APRM "as a way of demonstrating Africa's seriousness and commitment to improved governance, something they hoped would encourage the G8 countries to support the NEPAD agenda...through a series of new partnerships: between African governments and the G8 countries, among African countries, and finally between the governments of Africa and their respective citizenries."⁷⁸ Furthermore, "above all, it provides a forum that speaks with an African voice to Africans, thereby enhancing ownership of the debate about development policy, human security and governance issues."⁷⁹

The objectives of the APRM are primarily to foster the adoption of policies, standards, and practices that lead to political stability, high economic growth, sustainable development, and to accelerated sub-regional and continental economic integration through experience sharing and reinforcement of successful and best practices, including identifying deficiencies and assessment of requirements for capacity building.⁸⁰ Under the APRM, Member States that *volunteer* to be part of the monitoring process are scrutinized for their performance and progress across four substantive areas, each of which has a number of objectives: Democracy and political governance; economic governance; corporate governance; and socio-economic development.⁸¹

THE AUC AND ECONOMIC GOVERNANCE

With regard to economic governance, the APRM targets five key objectives:⁸²

1. Promote macroeconomic policies that support sustainable development.
2. Implement transparent, predictable, and credible government economic policies.
3. Promote sound public finance management.
4. Fight corruption and money laundering.

⁷⁴ New Partnership for Africa's Development (NEPAD), <http://www.nepad.org/history>.

⁷⁵ See, for example, Ian Taylor, *NEPAD: Towards Africa's Development or Another False Start?* (Boulder, CO: Lynne Rienner, 2005).

⁷⁶ New Partnership for Africa's Development (NEPAD), <http://www.nepad.org/>.

⁷⁷ New Partnership for Africa's Development (NEPAD), <http://www.nepad.org/npc>.

⁷⁸ UNECA, "Harmonizing APRM-NPaAa and other National Plans into a Common Medium Term Expenditure Framework (MTEF)," A Framework Document, May 2011, p.1.

⁷⁹ *Ibid*, p.vi.

⁸⁰ African Peer Review Mechanism, <http://aprm-au.org/about-aprm>.

⁸¹ The exercise is not limited to the Executive. It includes the legislative and judicial branches of government as well as an assessment of the private sector, civil society, and the media in the areas of governance and socio-economic development.

⁸² African Peer Review Mechanism, <http://aprm-au.org/thematic-area/economic-governance-management>.

5. Accelerate regional integration by participating in the harmonization of monetary, trade, and investment policies among the participating states.

These are extremely important objectives and deserve strong support from the AUC, its various departments and directorates, and (unobtrusively) from the donor community, as well as from the RECs, CSOs, and private sector business communities (such as chambers of commerce), as the best way forward to achieve faster progress in AU Member States.

As of 26 January 2013, 31 AU Member States were in APRM, of which 17 had gone through the review process. Four more countries were expected to join very soon, for a total of 35.⁸³ After eight years of operation, several countries had completed their self-assessments and were supposed to be implementing the resulting National Programs of Action (NPOAs). However, it has become clear that implementing these NPOAs is the weakest link in the process, not least because they were not adequately covered in the countries' national budgets. In 2011, the APRM, UNECA, and the United Nations Development Programme (UNDP) conducted a joint assessment of this problem that resulted in a number of specific recommendations for improvement.⁸⁴ Strengthening the ability (and political willingness) of Member States to carry out self-assessments in a transparent and participatory manner as called for in the APRM protocol, as well as their capacity to develop and implement substantive NPOAs, and the ability of the NPCA to follow up on that implementation, is the key to making this whole process more effective.

Within the AUC, four departments beyond DPA share responsibility for the broad economic governance portion of the Shared Values agenda: Economic Affairs; Rural Economy and Agriculture; Trade and Industry; and Infrastructure and Energy. Coordination between DPA and these departments is thus an important part of the AU's work on economic governance issues, although it has been difficult to achieve in practice

The primary economic governance objectives of the Department of Economic Affairs are to promote policies that enhance the development of Africa's private sector and attract both domestic and foreign investments; identify ways to coordinate, harmonize, and rationalize the activities of the RECs; and monitor and accelerate the African integration process.⁸⁵

The Department of Rural Economy and Agriculture is focused on promoting policy and technological options that will enhance the livelihoods and food security of Africans; facilitate the implementation of regional and national efforts under the Comprehensive African Agriculture Development Programme (CAADP); advocate for better rural development policies, institutions, and programs that will contribute to improved rural livelihood systems; advocate for increased investment in rural infrastructure and institutional development; strengthen linkages between the rural economy and industrial sector; and advocate the implementation of the Land and Pastoral Policy Frameworks and Guidelines.⁸⁶

The economic governance objectives of the Department for Trade and Industry include, for industry, the implementation of the Plan of Action for Industrial Development of Africa; the development of Public-Private Partnerships; the creation of a better enabling environment for industrialization; the promotion of small- and medium-scale industrial enterprises; the design of continental industrial policies and programs; the harmonization of industrial policies and programs among RECs and AU Member States; the building of appropriate capacities (institutions, legal frameworks, technology, skills, etc.) for the diversification of Africa's economy through accelerated industrialization and increased valorization of Africa's natural resources; and the development of common and appropriate institutional and legal frameworks for effective and efficient

⁸³ Communique issued at the end of the Eighteenth Summit of the Committee of Heads of State and Government participating in the African Peer Review Mechanism [APR Forum], 26 January 2013, Addis Ababa, Ethiopia.

⁸⁴ UNECA, "Harmonizing APRM-NPaA and other National Plans into a Common Medium Term Expenditure Framework (MTEF)," A Framework Document, May 2011.

⁸⁵ African Union, Economic Affairs, <http://ea.au.int/en>.

⁸⁶ African Union, <http://rea.au.int/en>.

exploitation and management of Africa's mineral resources. For trade, they include the effective and efficient functioning of Africa's RECs; the harmonization of the trade policies and programs of the RECs to realize the Pan-African Common Market; trade capacity-building support to Member States; the development of trade policies and trade relations with new and traditional partners; the coordination of African countries in multilateral trade negotiations; and the support and coordination of the efforts of Customs administrations of Member States in the process of regional and continental integration.⁸⁷

The activities of the Department of Infrastructure and Energy also fall under economic governance, particularly the Program for Infrastructure Development in Africa (PIDA).⁸⁸ The PIDA provides African stakeholders with a common framework for building infrastructures that will better integrate transport, energy, information and communication technology, and trans-boundary water networks, to stimulate trade, facilitate growth, and create jobs.

An additional AU body relevant in the domain of economic governance is the Labour and Social Affairs Commission (LSAC), which is convened every two years and provides a policy forum to governmental authorities and representatives of workers' and employers' organizations.

Responding to the growing disconnect between relatively robust economic growth on the African continent, growing inequality, and labor market stagnation, the 8th Session of the LSAC (Yaoundé, April 2011) focused on "Promoting Employment and Social Cohesion for Inclusive Growth," and resulted in the adoption of a *Social Protection Plan for the Informal Economy and Rural Workers*. The LSAC session also stimulated the adoption of the AU Declaration on "Creating Employment for Accelerating Youth Development and Empowerment," at the Malabo Summit in July 2011, committing Member States to reducing "Youth and Women unemployment by at least two percent annually over the next five years." Following the Declaration, the AUC developed a Youth and Women Employment Pact, and engaged in the formulation of an AUC-AfDB-ECA-ILO Joint Initiative on Youth Employment, scheduled to commence implementation during the first quarter of 2013.

With the continuation of non-inclusive economic growth, and labor market trends characterized by deficits in the creation of decent jobs, informality, working poverty, and increased vulnerability, attention has shifted increasingly to the importance of intervening in the labor market to protect workers and promote better employment outcomes. Thus the 9th Session of the LSAC (Addis Ababa, April 2013) focused on "Enhancing the Capacity of the Labour Market Institutions in Africa to meet the Current and Future Challenges."⁸⁹ The Session was designed to provide an important forum for Member States, social partners, RECs, development partners, and other stakeholders to discuss this theme and consider a variety of related issues including:

- The role and relevance of labor market institutions and regulations in providing social protection where labor regulations appear to be ill-designed to facilitate the development process. What type of social protection can be provided?
- Relationships between labor market regulations and informal activities: What is the impact of labor market regulations and institutions on the informal sector? Which labor market regulations may impact on the supply side to move from informal to formal economy?
- How can the policy mix be better targeted to address the different needs of vulnerable groups? How can the dichotomy be reduced between more protected workers in the formal sector and the more precarious ones in the informal and rural sector?

⁸⁷ African Union, <http://ti.au.int/en> and <http://ti.au.int/en/content/customs-cooperation-division>.

⁸⁸ African Union, http://ie.au.int/en/sites/default/files/CIE%20speech%20EU-Africa%20Partnership%202012%20-%20CLEAN-1_0.pdf and http://ie.au.int/en/sites/default/files/AEEP_Forum_Statement-CIE-090512_draft_020512_1_.pdf.

⁸⁹ African Union, "Concept Note," presented at the Ninth Ordinary Session of the AU Labour and Social Affairs Commission (LSAC), 8-12 April 2013, Addis Ababa, Ethiopia, Session Theme: "Enhancing the Capacity of the Labour Market Institutions in Africa to meet the Current and Future Challenges." http://sa.au.int/en/9th_Ordinary_Session_of_the_Labour_and_Social_Affairs_Commission.

2.3.1 STRUCTURAL AND ORGANIZATIONAL CHALLENGES

Despite Africa's current, generally positive overall economic trajectory, it continues to be characterized by several challenges related to the Shared Values agenda. First, as discussed above, too many African states have experienced economic growth without generating widespread prosperity for their citizens. This has resulted in worryingly high levels of inequality and unemployment, especially for many urban youth.

Second, a large proportion of African regimes remain poor environments for conducting business activities. According to the World Bank's "Doing Business" rankings for 2012, 16 of the world's 20 worst countries for doing business were in Africa.⁹⁰

A third challenge concerns the effectiveness of the AU's two principal mechanisms for promoting economic governance: the NEPAD Agency (NPCA) and the APRM. Both entities have conducted country-level analysis in many AU Member States, but it is unclear what positive effects, if any, they have had on the economic governance of those countries. Several observers have bemoaned the lack of country-level implementation and noticeable impact of AU activities, but they have also noted the lack of monitoring and reporting on such things from Member States. It is well documented that several African countries have done better in terms of economic growth during the last decade, and the NEPAD country studies and APRM self-assessment programs may well deserve some of the credit for this progress. However, the AU has no enforcement mechanism in the field of economic governance, due to the non-interference principle, so any change must come from within the Member States themselves. It has been noted that some states take the APRM self-assessments seriously and benefit from them, and others do not. In some cases, the process is hijacked by the country's ruling party and the reports are white-washed to gloss over problematic areas, with dissenting views suppressed. In any case, since economic policy and regulatory reforms and other governance improvements cannot be imposed by the AU or its affiliated agencies, they are dependent on the internal political processes of each Member State, wherein the leadership and their main constituencies must be convinced that change is in their own best interests.

A fourth challenge relates to the lack of relevant capacity in the AUC's economic departments, all of which suffer from low budgets and insufficient staff to perform their assigned responsibilities satisfactorily. A major and universal complaint is their inability to enforce compliance of approved AU policies by Member States. They are attempting to work through the RECs, but progress on this score is highly uneven. One interviewee described a process by which a committee of local experts from Member States generates new policy proposals, which are then passed on to higher-level committees successively for approval before finally reaching the AU Executive Committee and the Assembly. Then, however, even after final AU approval, actual implementation by the Member States is problematic, and there is no enforcement mechanism. The AU can only "facilitate, coordinate and facilitate."

In this context, it is also not clear what role(s) the AUC should play in relation to promoting economic governance. Can the AUC lead Member States into an economic policy reform agenda? Could the AUC persuade Member States of the benefits of undertaking focused inclusive growth diagnostic analyses, for example, to identify key constraints to more broad-based economic growth that could then serve to inform agendas for policy reforms and more targeted public investments? Some such analyses are already underway or have been conducted in certain African countries, but the reforms they point to are often politically sensitive and generate opposition from domestic groups who see the reforms as threatening to their own narrow interests even though they would be beneficial to the country as a whole. Outside pressure and

⁹⁰ Economies are ranked on their ease of doing business, from 1-185. A high ranking on the ease of doing business index means the regulatory environment is more conducive to the starting and operation of a local firm. This index averages the country's percentile rankings on 10 topics, made up of a variety of indicators, giving equal weight to each topic. The rankings for all economies are benchmarked to June 2012. At <http://www.doingbusiness.org/rankings>. The 20 worst offenders were, in order, Central African Republic, Chad, Congo, Eritrea, Democratic Republic of Congo, Guinea-Bissau, Guinea, Cote d'Ivoire, Niger, Benin, Zimbabwe, Angola, Djibouti, Gabon, Mauritania, and Senegal.

assistance can often help counterbalance and neutralize such opposition, but in some cases such pressure might be more effective coming from the AUC than from Western donors.

2.4 OPPORTUNITIES AND CONSTRAINTS RESULTING FROM THE INSTITUTIONAL CONFIGURATION OF THE AU/AUC.

The institutional architecture of the AU/AUC provides good foundations upon which to build and clear areas in need of further improvement and capacity building. The development of norms and standards across the three issues areas within the Shared Values is sophisticated and is well articulated. The unambiguous nature of these norms helps to highlight the gaps between the ideal and reality in many countries across the continent. One common constraint that could be effectively targeted for support across all three areas (democracy and governance, gender, and economic governance) is the staff capacities and further refinement of the roles and responsibilities within the administrative infrastructure. Two areas in which the AU/AUC would have a comparative advantage in better contrasting the behavior of Member States with the AU Shared Values lie in the further development of its monitoring and evaluation capabilities along with enhancement of the public dissemination of such data. The following section explores these findings in more depth.

3.0 COMMON CHALLENGES AND OPPORTUNITIES

The paragraphs below broaden the scope of the analysis to examine broader structural and institutional constraints and challenges affecting the ability of the AU/AUC to attain the objectives defined under the Shared Values agenda. These constraints affect the general functioning of the AU system and must be factored into efforts to support improved performance or capacity in any specific sector, including those examined in the preceding section.

3.1 POTENTIAL ON WHICH TO BUILD

In examining the current status and trajectory of the African Union, it is important to underscore that there have been tremendous changes over the period since the adoption of the Constitutive Act in 2000. Several developments are worthy of particular emphasis.

- There has been a significant shift in understandings of the AU’s mission from non-interference to non-indifference and considerable institutional innovation that provides a basis for more concerted efforts to achieve the AU’s objectives. Such innovation is reflected in the construction of the African Peace and Security Architecture (APSA) and other institutional configurations—including the NEPAD Agency and the African Peer Review Mechanism (APRM)—that are now available to promote enhanced continental integration and address governance challenges that have been increasingly acknowledged to be critical to the continent’s development.
- The AUC’s new leadership, elected in mid-2012, has clearly articulated both a vision for the organization and a commitment to institutional reform. The fact that the Chairperson and DPA Commissioner are both from countries with a recent history of democratic elections (South Africa and Nigeria, respectively) and at least some tradition of the rule of law may help to foster a new orientation and direction within the organization. The chairperson’s recent decision to authorize the publication of electoral observation reports is a major step, and a very encouraging one. While there may be lingering concerns among the AU’s Member States flowing from South Africa’s decision to field a candidate for the position of chairperson, there appears to be broad appreciation within the AUC for the chairperson’s vision, dynamism, and commitment to organizational renewal and relevance. Furthermore, a general consensus exists regarding the need for institutional reform and AUC leadership that can draw on a range of audits, studies, and assessments by the AU and external actors that identify key constraints and provide useful recommendations.⁹¹
- Ongoing efforts within the AUC to develop greater clarity of strategic vision, better align existing institutional structures with that vision, and adopt a more coherent approach to organizational capacity development have generally had positive results. There has been progressively greater emphasis over time on the development of coherent and effective internal systems, and on Mission-driven strategic planning.

⁹¹ These include the 2007 Audit of the African Union, the joint UNECA and AU 2011 Report on Capacity Needs Assessment of the AUC, as well as the European Union’s recently completed Formulation Study for the African Union Support Programme II.

While there has been an observed tendency to focus primarily on issues of internal performance and capacity development with limited reference to the AU’s primary objectives, there are indications that with new leadership and a new strategic process, efforts are being made to define areas of institutional comparative advantage.

- The consolidation and articulation of continental norms in a wide range of substantive areas including in the area of Shared Values, and their codification in legal instruments that have been adopted and ratified by a growing number of states. While much remains to be done to ensure that the ratification process continues and that, once ratified, such instruments are implemented and have a meaningful impact on the rights and freedoms enjoyed by African citizens, it is nonetheless increasingly difficult for Member States to ignore existing standards. Yet whether these standards are applied in practice by a majority of African governments, the adoption of binding legal instruments that further entrench commitments to protect basic individual rights and freedoms and commit state parties to the application of basic standards of procedural democracy has served to change the definition of legitimate governance on the continent. Internal political processes are no longer accepted to be solely concern of incumbent government administrations, and the AU’s role in promoting mutual scrutiny of internal political processes—whether through a peer-review mechanism, through AUC fact-finding missions, or through election observation—has been firmly established, as has the principle of African leadership. Where the AUC is capable of forming effective strategic alliances both with other AU system institutions and with non-state actors at the regional or national level, these norms exist to provide a focus to efforts to promote meaningful reform.
- An “African Governance Architecture” is beginning to take shape that may provide a platform for beginning to address coordination and implementation issues relative to Shared Values across institutions, organs, Member States, and non-state actors. While it is largely a coordination mechanism at this point, lacking the more formal decision-making structures integral to the APSA, the AGA, and associated African Governance Platform (AGP) should help to systematize and increase both the frequency and intensity of interaction between the many institutional structures involved in the promotion of improved governance and “Shared Values,” including the AUC, RECs, AU Executive Organs, the Pan-African Parliament, and ECOSOCC, as well as Member States. If it functions effectively, the Platform also has the potential to begin to break down the silos that currently separate department activities and thinking within the AUC. The fact that civil society and other stakeholders were included in the discussions about the architecture and its design is also promising.
- There is tremendous potential value added in the AGA/AGP if it can provide a forum for regular dialogue, support improved coordination and reduced fragmentation of efforts, facilitate the exchange of best practice, promote the development of increasingly coherent and practical common agendas with regard to critical governance issues, and promote a more consistent emphasis on the need for people-level outcomes. It is clear, however, that if it is to be effectively operationalized, the AGP will severely test an already overstretched DPA staff’s capacity to manage new relationships and activities. As with other key AUC activities, an increase in the number and motivation of staff, and increases in both operational and program budgets will be essential if this effort is to be successful. Effective departmental leadership will be required to ensure that efforts remain focused on areas where the changes of substantive impact are greatest. Governance analyses, benchmarking data, and election observation reports that are not effectively leveraged to drive robust debate on governance outcomes and Member State performance, and which do not effectively engage regional or national decision-making processes, have little ultimate value in moving forward an outcome-oriented organizational mission.

3.2 THE CURRENT STRATEGIC PLANNING PROCESS

The AUC’s current strategic planning process seems to offer a great deal of promise in terms of its approach and the coherence and focus of its analysis. An *Abridged Draft Strategic Plan (2014-2017)* was made available to the team to review late in the *Stocktaking*. It contains a frank review of progress during the 2009-2012 strategic

planning cycle and highlights a number of key constraints encountered in translating plans into action. The fact that these issues have been identified and acknowledged by the AUC as critical constraints increases the likelihood that they may be addressed.

Without explicitly linking them, the *Abridged Draft* highlights *inter alia* three critical areas that from the perspective of the present Stocktaking appear to limit the overall performance of the AU system. These are: issues of **strategy and comparative advantage**, **structural** issues, and issues of **internal organizational processes and capacity**.

First, the *Abridged Draft Strategic Plan (2014-2017)* clearly defines what is perceived to be the AU's *facilitating role*. In this regard, it notes that in order to achieve the multiple objectives defined in the AU's mandate,

“The bulk of the efforts needed rests with member-states. But regional and continental bodies such as the RECs, [NPCA] and the African Union Commission (AUC) have an important facilitating role especially with respect to:

- Policy and strategy setting;
- Coordinating and catalyzing the socio-economic and integration agenda;
- Consensus building and advocacy;
- Experience and information sharing; and
- Setting frameworks and putting in place the enabling conditions necessary for peace, security, political stability, and growth—i.e. the creation of **continental and regional public goods**.⁹²

This serves to underscore what elsewhere has been highlighted as the AUC's comparative advantage: “The Commission's strengths lie in its power to convene continental governments; evolve common African positions on matters of interest, be they continental, international, or global; set common standards and norms through legal instruments; formulate and implement continental programs in strategic areas of common interest such as peace and security, infrastructure, [and] energy; articulate and coordinate common positions on matters of global interest; mobilize resources in support of continental policies, programs, and plans; and speak for all the governments and peoples of Africa.”⁹³

Second, in addressing the AUC's internal assessment of performance during the period of the second Strategic Plan (2009-2012), the document cogently notes that,

“The review recognized that the Commission had made a good effort to implement the various programs identified in the Plan. However, the review also revealed that the Plan had the following shortfalls:

- It was overly ambitious and had limited prioritization;
- It had vague and impractical strategies, most of which were outside of the remit of the AUC;
- It lacked a detailed implementation plan;
- It paid inadequate attention to the role of other stakeholders of the Union, particularly those responsible for translating outputs delivered by the Commission into outcomes and impacts at the regional and national levels. These Stakeholders include the Regional Economic Communities (RECs), Member States, New Partnership for Africa's Development (NEPAD), Partners, Civil Society Organizations, Academia, think-tanks, and the Private Sector.”⁹⁴

⁹² AU, Executive Council, “Abridged Version of the Draft Strategic Plan 2014-2017 for the AU Commission,” April 2013 p. 3. (Document Ext/EX.CL/2 (XIV). Emphasis in original.

⁹³ “UNECA and AU joint 2011 Report on Capacity Needs Assessment of the AUC.”

⁹⁴ AU, Executive Council, “Abridged Version of the Draft Strategic Plan 2014-2017 for the AU Commission,” April 2013 p. 1. (Document Ext/EX.CL/2 (XIV).

Although issues of organizational capacity undoubtedly play a role here, in our view, this more critically reflects the outcome both of structural constraints and of a failure to remain focused on the areas of organizational comparative advantage outlined above.

In addition the *Abridged Draft* details a number of internal organizational constraints affecting the AUC that were identified during a Strengths, Weaknesses, Opportunities and Threats (SWOT) analysis conducted during the strategic planning process. These are reflected in Box 2 at right.

The ability of the AU/AUC to begin to address **structural** constraints, issues of **strategy and comparative advantage**, and constraints in the area of **internal organizational processes and capacity**, however incrementally and systematically, will likely determine the organization's impact in the next several years. The challenge facing the AU/AUC as it moves forward is to recognize the limitations imposed by its structure and internal capacity, address them as it can, and focus its efforts on areas where its comparative advantage is greatest.

BOX 2: KEY WEAKNESSES AND THREATS IDENTIFIED IN SWOT ANALYSIS CONDUCTED BY THE AUC

- Weak and non-responsive service delivery
- Inadequate organizational structural arrangements
- Unsupportive organizational culture/attitudinal behavior-weak collaboration (silos mentality, lack of team work, resistance to change, etc.)
- A predominantly activity-based mentality (Results Based Management is yet to take root)
- Non-compliance with Staff and Financial Rules and Regulations
- Shortage of staff
- Lack of in-house training
- Dependency on expertise from outside the Commission
- Overdependence on development partners for program budget
- Late payment of Member States contributions
- Lack of respect for time and meeting deadlines
- High staff turnover
- Lack of sustainable funding
- Lack of clear focus/limited prioritization in program design/implementation
- Absence of a robust Monitoring and Evaluation framework
- Duplication of efforts among and within AUC, NEPAD, and RECs
- Poor and delayed reporting culture
- Weak implementation of decisions and programs
- Inability to organize and present reasonable in-house data
- Resistance to change

3.3 STRUCTURAL CHALLENGES

The AU and AUC face a complex set of structural and institutional challenges that are deeply interrelated. At the heart of the problem lies a fundamental tension between the desirability of pursuing common African concerns and objectives and a desire to preserve state sovereignty. The AU remains in essence a Member State-driven organization. This makes it difficult for the AU to transcend the lowest common denominator established by Member States on any given issue.

3.3.1 STRUCTURAL RELATIONSHIP BETWEEN THE AU AND MEMBER STATES

Despite the recommendations of the 2007 *Audit of the African Union* that the Assembly of Heads of State and Government meet annually, the Assembly continues to meet on a biannual basis in January and July. The Assembly generates multiple decisions on issues ranging from bureaucratic minutiae to fundamental issues of continental development, peace, and security. Preparation for and follow-up after summits consumes a large amount of the AUC's time and attention. The Commission reports on actions taken in response to Assembly decisions, but has virtually no ability to track Member State compliance effectively. At the same time, there is also an emerging vision of collective security and a greater understanding of the need for effective continental positions and actions *vis-à-vis* both international issues and regional challenges. It is this vision that has driven

both the development of the African Peace and Security Architecture, and the gradual evolution of norms behind the emergence of the Shared Values agenda.⁹⁵

Despite the wide range of activities conducted under the umbrella of Shared Values, the core structural problem is that the AU in general and the AUC and PSC in particular have very few means to compel autocratic regimes to liberalize. The fundamental challenge, therefore, is how to promote reform when the AU lacks effective mechanisms and when there is little consensus about using available instruments except in periods of obvious, extraordinary crisis.

To the extent that new AUC leadership is able to increase the AUC's authority, it will be easier to resist interference by Member States in the internal workings of the institution. This would not allow the AU to compel changes in Member State behavior, but it would enhance the Commission's ability to highlight cases of poor performance and generate peer pressure for improved performance. There are indications that the Executive Council is inclined to work with the chairperson in this regard and that the chairperson is prepared to take more aggressive public positions on development at the Member State level.

3.3.2 SYSTEM COHERENCE AND COORDINATION

Multiple AU foundational documents outline a vision of an integrated whole, in which the various organs of the AU function together to advance continental interests. In reality, relationships between organs of the AU "system" are ill-defined and institutional realities are complex. Although nominally part of the same system, these organs—including the AUC, the Peace and Security Council, the Pan African Parliament, the African Commission on Human and Peoples' Rights (ACHPR), the African Court, NPCA, APRM, ECOSOCC, and the eight Regional Economic Communities recognized by the AU—emerged in different contexts; are subject to distinct legal regimes and leadership structures; function according to different mandates; and are subject to different political, structural, organizational, and resource constraints.

While the AUC (or its chairperson) is assigned a coordination role, the precise mechanisms through which effective coordination could be assured are not clearly defined, and the Commission's ability to impose a common agenda is limited. In many respects, the structural difficulties with which the Commission is faced are rooted in tensions between, on one hand, a vision of an integrated and united continent and, on the other, a model of inter-governmental organization deeply rooted in norms of state sovereignty and non-interference.⁹⁶ The situation is complicated by the fact that the AUC's coordinating authority is in effect superimposed on an institutional architecture in which structural dynamics and institutional culture predate the creation of the African Union as it is presently defined. This is clearly evident in regard to relationships with the RECs, and with regard to patterns of interaction with civil society organizations (CSOs) and other non-state actors. The net effect of system incoherence is that elements that should serve to strengthen and amplify the AU's ability to promote core integration, development, governance, and security agendas are effectively marginalized.

RELATIONS WITH THE REGIONAL ECONOMIC COMMUNITIES (RECS)

Many of the eight RECs recognized by the African Union have been in existence longer than the AU and have made meaningful progress, particularly in laying the groundwork for regional common markets. In the area of governance, democracy, and human rights, the AU is clearly the leader in terms of instruments (treaties, charters, and decisions), institutional frameworks (the DPA, African Commission on Human and People's Rights, the African Court of Justice and Human Rights, and the Africa Peer Review Mechanism), and mandate. Most RECs, however, address at least some aspects of governance, primarily through an economic governance lens, and all eight address peace and security and conflict early warning issues.

⁹⁵ For an overview, see Paul D. Williams, "From Non-Intervention to Non-Indifference: The Origins and Development of the African Union's Security Culture," *African Affairs*, 106, No.423 (2007), pp.253-79.

⁹⁶ This vision is articulated in the OUA Charter, further elaborated in the Lagos Plan of Action and Final Act of Lagos (1980) which established the foundations for an African Economic Community (AEC), and culminates in the Sirte Declaration (1999) and the Constitutive Act of the African Union (2000).

In 1980, the OAU adopted the Lagos Plan of Action and Final Act of Lagos to gradually foster an African Common Market, with the ultimate goal of establishing the African Economic Community (AEC). The Final Act called for strengthening the Economic Community of West African States (ECOWAS), then the only REC, and establishing other RECs in other regions. In 1991, the Abuja treaty establishing the AEC was adopted, coming into force in 1994.

The treaty was intended to “promote economic, social, and cultural development and the integration of African economies...[and] to coordinate and harmonise policies among existing and future economic communities in order to foster the gradual establishment of the Community.” As noted in the 2007 *Audit*, “the 1998 Protocol on Relations between the AEC and the RECs clearly identified the lead roles to be played by Member States and the RECs’ configurations, and the AEC. The OAU Secretariat was to be the Secretariat of the Community, and following the transition to the African Union, the African Union Commission is now responsible for the execution of the duties and mandates for the OAU/AEC Secretariat.”⁹⁷

Article 44 of the *African Charter* likewise calls on the AUC to establish a framework for cooperation with the RECs on the implementation of the *Charter*, committing the RECs to encourage Member States to ratify or adhere to it, as well as to “designate focal points for coordination, evaluation and implementation of the commitments and principles enshrined in this Charter in order to ensure massive participation of stakeholders, particularly civil society organizations, in the process.” This has yet to happen. As one informant noted, “in theory, the AU says RECs are the building blocks [of the AU], but [in reality] they are not taken on board in terms of decisions.” At the same time, RECs often do not participate when asked to do so by the AUC.

In general, as another informant noted, the AUC is not organized to relate to the RECs. Neither are the RECs disposed to defer to the AUC, since their primary mandates remain to advance the sub-regional interests for which they were established and because they are ultimately responsible to their own Member States. The 2007 *Audit of the African Union* said that, “adequate leadership at the continental level to steer the important work of the RECs in implementing the Treaty is urgently required. Member States at the RECs level and RECs themselves have been reluctant to cede significant aspects of their sovereignty to supranational regional or continental entities, respectively. This has contributed to non-compliance with Treaty obligations and ascribed roles at regional and continental levels.”⁹⁸ The 2007 “Protocol on Relations Between the African Union (AU) and the Regional Economic Communities (RECs)” sought to bring greater structure and formality to the coordination process, but did not spell out the process for coordination. The only effective power that the AUC has to coordinate the RECs is its mandate to “set and monitor general and specific benchmarks.” This is a weak power at best.

Coordination at the continental level is further complicated by the fact that most AU member states are either members of multiple RECs (Kenya, for instance, is a member of both IGAD and the EAC, and also a member of both COMESA and CEN-SAD, while its partner in the EAC, Tanzania, is also a member of SADC, but not a member of either COMESA or CEN-SAD) or members of only a single sub-regional structure where most neighboring states are also members of a sub-regional common market (for example, in the case of South Africa, Lesotho, and Namibia, which are members of SADC only, having refrained from joining COMESA, or in the case of Cape Verde, which alone among ECOWAS Member States is not a member of CEN-SAD). This confusing array of overlapping memberships and treaty obligations was cited in the 2007 *Audit of the African Union* as a significant factor contributing to the difficulty of harmonizing policies between RECs.

An additional factor contributing to system incoherence is that Member State relations with sub-regional and regional bodies are generally controlled from the presidency and Ministry of Foreign Affairs. Despite the

⁹⁷ Source: 2007 *Audit of the African Union*, pp. 114-117.

⁹⁸ *Audit of the African Union*, 2007, p.134.

existence of the Pan-African Parliament and a variety of sector-focused ministerial commissions, many Member States lack the capacity to disseminate and follow through on decisions and commitments taken in international forums. In some cases, mechanisms for ensuring that positions taken by officials in international forums may not reflect a domestic policy consensus. As a senior AUC official noted, “Heads of State may take positions that are different from those taken by Foreign Ministers in the Executive Council, which may in turn differ from positions taken by either in sub-regional forums (RECs, for example), by the members of the PRC, or by relevant line ministry officials at state level.”

The African Governance Platform (AGP) is an attempt to strengthen coordination and improve the regularity and frequency of interaction between the AUC and the RECs around democracy, governance, human rights, and conflict mitigation and response. Its practical impact will depend on the ability and willingness of the individuals and institutions involved to sustain and deepen their engagement over time. It is not clear whether this will be sufficient to change deeply ingrained patterns of behavior. A mandate or agreement to harmonize the RECs would greatly strengthen the AU overall.

RELATIONS WITH NON-STATE ACTORS

Improved and increased partnerships with civil society offers enormous potential for addressing ratification, domestication, and implementation of the *African Charter*, as well as other instruments related to Shared Values. For the AUC, there is an opportunity to leverage the technical expertise, advocacy support, and connection to citizens that civil society brings to the table. Most importantly, CSOs offer the potential to encourage the demand side of democracy, governance, and human rights where it matters most: at the grassroots level and with member state governments. CSOs are also active regionally with RECs, creating potential for the AUC to further deepen those relationships in areas of mutual interest and engagement.

While there is admittedly some tension inherent in this relationship, there would seem to be much more to be gained than lost for the AUC in embracing and working with CSOs than keeping them at bay. Across the AUC, in every department, there are opportunities for better engaging with civil society, particularly on issues of ratification, domestication, and implementation. In general, civil society offers the potential to extend the reach and influence of the AUC greatly in ways that will touch on ordinary citizens.

AU’s institutional architecture reflects a formal recognition of the need for engagement with non-state actors on issues of continental importance. The Economic, Social and Cultural Council (ECOSOCC) which is an independent Organ of the AU, and the AUC African Citizens and Diaspora Directorate (CIDO), which functions as the *de facto* Secretariat for ECOSOCC, have mandates to “create a people-oriented African community in the African Union based on partnerships between governments and all segments of civil society” and “build partnerships between African governments and civil society,” respectively. Yet while these structures were established as formal mechanisms to facilitate engagement between African civil society organizations and the AU system, in practice they have functioned primarily as gatekeepers, allowing National authorities and AU officials to vet civil society organizations and determine the nature and extent of their participation. ECOSOCC and CIDO were both widely viewed by informants inside and outside of the organization as impeding civil society access to and engagement with the AU, rather than enabling it. As one informant said in comparing the approaches of the UN and AU to civil society, “The UN says, ‘Come, we will accredit you. Organize yourselves and interact with us.’ The AU says, ‘Come, we will organize you and tell you who to interact with and how.’”

This gatekeeper role flows in part from the formal criteria for ECOSOCC “membership,” which limits membership to two organizations per Member State. In addition, member CSOs must receive more than 50 percent of their funding from African sources—effectively precluding a wider array of domestic and regional organizations from participation.

The gatekeeper role is also deeply embedded in the culture of both ECOSOCC and CIDO. A publication provided to the team by CIDO trots out many of the tired characterizations of civil society normally expected of authoritarian regimes, namely that CSOs lack professionalism; are controlled by foreign influences; misunderstand their roles—CSOs believe their roles are primarily activism and advocacy, whereas

authoritarian regimes believe the rightful place of CSOs should be to support governments in implementing government programs; and that the CSOs are so focused on competition among themselves for resources that they cannot be trusted. That these attitudes are so openly espoused by the very structures whose mandate it is to engage civil society, speaks volumes about CIDO's and ECOSOCC's near-term potential to facilitate active and open civil society engagement with the AU.

Fortunately, in spite of the formal mechanisms that discourage CSO input, there has been an encouraging trend toward direct informal access to AU processes at department levels. This has resulted in productive exchanges of information and the formation of effective alliances on specific issues, such as gender. These direct contacts between AUC departments and African and other CSOs are positive and reflect a growing perception of common interests on both sides. Although it remains largely ad hoc, and dependent on CSO initiative, the DPA and the WGDD in particular have engaged CSOs. This interaction is positive, but remains less structured than engagement between CSOs and the Peace and Security Council, which was formalized in the PSC Protocol and 2008 Livingston Formula.⁹⁹

The downside is that this informal, discretionary system means that decisions of access and inclusion are ad hoc. According to one informant, invitations for CSO participation in events are often decided on the basis of personal relationships versus merit or technical capacity. In spite of this shortcoming, this system of informal access is probably the best short-term option for expanding CSO engagement with the AUC.

The trend toward greater CSO access has been supported by the Department of Legal Affairs, which has developed Memoranda of Understanding with individual CSOs to facilitate their engagement. The challenge will be to find ways to broaden and systematize CSO engagement with AU processes, without overly bureaucratizing it.

There is also a potential for the AUC to improve citizen, civil society, and other stakeholder outreach and participation around Shared Values. For example, the AUC has started a series of dialogue meetings around Shared Values. The meetings are generally scheduled as side events to larger AU events. While this saves money, it introduces complications. As an AUC staffer noted, "In theory, [the meetings] are public, but participants must be pre-screened, so most, if not all, attendees are invited." As a result, the meetings end up having many of the same participants, regardless of where they are held, and rarely engage local stakeholders. According to the staffer, the dialogue meetings are televised, but this is not a substitute for participation.

Local civil society organizations in Member States are unlikely to know about the meetings or the process for pre-screening and providing this information could be a first step toward broadening participation. There are also plans for "cascading" the meetings down to the community level that have yet to be implemented due to lack of funds.

3.3.3 ORGANIZATIONAL MANAGEMENT AND CAPACITY

The new AUC leadership is devoting renewed attention to issues of organizational reform and capacity building and the team encountered a remarkable willingness to engage in critical introspection and point out organizational weaknesses across the organization. Many of the themes identified by AU informants have

⁹⁹ The Peace and Security Council Protocol includes the provision that, "The PSC shall encourage non-governmental organizations to participate actively in the efforts aimed at promoting peace, security and stability in Africa. When required, such organizations may be invited to address the Peace and Security Council." African Union, "Protocol Relating to the Establishment of the Peace and Security Council of the African Union," Adopted by the 1st Ordinary Session of the Assembly of the African Union, Durban, 9 July 2002, Article 20. The Livingston Formula states that, "Civil Society Organizations may provide technical support to the African Union by undertaking early warning reporting, and situation analysis which feeds information into the decision-making process of the PSC." AU PSC, "Conclusions of a Retreat of the PSC on a mechanism of interaction between the Council and CSOs." PSC/PR/ (CLX), 5 December 2008.

been addressed in considerable detail in a variety of recent studies and assessments conducted by the AU, or by the AU in conjunction with the UNECA, UNDP, or other development partners.¹⁰⁰

The AUC's current strategic planning process seems very promising in terms of how it is being undertaken and its focus. The process of developing the strategic plan is being led by the Strategic Planning, Monitoring, Evaluation, and Resource Mobilization Directorate and there is clearly ownership of the process by the AUC. This was one of the key recommendations of the 2007 *Audit of the African Union* which criticized earlier plans as consultant-driven, and an important step toward internalization and operationalization of the 2014-2017 Strategic Plan. It is also very clearly focused around implementing the vision of the AU.

AUC leadership has historically faced a tension between a need to undertake organizational reform and the need to move quickly to address critical peace and security or development agendas. There is also a tension between desire for reform and resistance on the part of Member States. Reforms that would transfer greater authority and autonomy to regional bodies have been systematically resisted by many Member States, despite professed commitment to the creation of an African Common Market and "United States" of Africa. This resistance is reflected in the creation of the Pan-African Parliament, which has yet to be granted legislative powers or provision for the election of its members.

In practice, it has often been easier to work around dysfunctional systems and institutions than to reform them. While this allows the organization to maintain momentum on some critical issues, it has negative long-term consequences for the operation of the system as a whole. It reinforces a tendency to rely on informal systems (including personal or regional networks) and a complex (and often less than transparent) pattern of on- and off-budget expenditures. There is also a broad array of contractual arrangements for securing temporary staff who may not be invested in or able to contribute to long-term institutional development.

Large-scale and long-term efforts to support AU and AUC organizational capacity development efforts include the UN-supported *Ten-Year Capacity Building Program for the African Union*, and the EU-funded African Union Support Program. These are complemented by a variety of smaller bilateral support programs. This *Stocktaking* will repeat the excellent institutional analyses undertaken in the context of these programs, but will highlight several areas where critical constraints appear to have an impact on efforts to advance the Shared Values agenda.

Agenda Setting: At the level of Commission leadership, there is perhaps greater commitment than ever before to advance a more proactive and outcome-oriented African agenda, including in the area of Shared Values. At the same time, the AUC is not fully in control of its own agenda, and must balance the need to service the higher decision-making bodies (i.e., prepare for and support meetings of the Assembly and Executive Council, and follow up on resulting decisions) with the need to devote attention and resources to implementation of its own strategic vision.

Staffing Constraints: The AUC's staffing constraints are partly related to the 2003 Maputo Structure decision on the size of the AUC, which limits the number of staff that can be hired to 1,150. The attribution of staff to particular organizational units and staff recruitment processes are also largely determined by the (amended) Maputo Structure. This leaves AUC leadership and organizational managers with limited flexibility to shift or reorganize staffing patterns to address critical or emerging organizational priorities.

The AUC's staffing constraints have a clear impact on its ability to perform according to expectations. The constraint is felt both by core service departments and technical departments. Inadequate staffing of core management functions, such as financial management and human resources, make the process of resolving constraints in the technical departments more difficult. As a consequence, departmental managers often pursue alternative strategies to permit program implementation to continue.

¹⁰⁰ For example, UNECA & AU, UN "System Report to the African Union Commission Capacity Building Programme: Report on Capacity Needs Assessment of African Union Commission and Proposed Work Programme of UN Clusters," (Final, February 14, 2012).

Human Resource Management: Nowhere is this tendency to circumvent existing systems and procedures more pronounced than in the area of staffing, where dysfunctional HR systems make it difficult to recruit capable long-term staff for vacant positions. As a result, many core staff positions remain unfilled for long periods of time. Partly because of this, many departments rely on short-term staff contracts of four to seven months. Staff members hired under these contracts have no guarantee of continuing employment and limited benefits and there is consequently a high attrition rate. This, in turn, undermines program coherence and institutional memory.

Changes in the AUC budget cycle are likely to make slightly longer contracts possible. However, the use of consultants to fill what would ordinarily be long-term staff functions limits the development of long-term institutional capacity and makes difficult coherent, results-based management. The general failure of the organization to apply principles of performance based management also contributes to staff attrition and/or demoralization. The joint UNECA/AU *Report on Capacity Needs Assessment of African Union Commission and Proposed Work Programme of UN Clusters (2011)* notes in this regard that, “it is not uncommon for staff to remain in one grade for decades, even though their performance is deemed to be satisfactory.” More than one informant claimed that most AU staff viewed their jobs primarily as vehicles to better paying—and presumably more satisfying—jobs with the UN.

Difficulties in recruiting competent long-term staff are partly a function of inadequate staffing in core departments, but are complicated by the political necessity of ensuring relative regional parity in staff recruitment, and the marked tendency of Member States to exert pressure on the hiring process. The result is not only a slow recruitment process, but often a disconnect between required and available skill sets, as well as difficulties in the oversight and management of staff.

Financial Management Systems: Difficulties in budget execution have multiple causes, including understaffing in technical departments, delays in funds availability, poor communication between technical and core departments, delayed and often inadequate program reporting, and poor initial budgeting (over-budgeting) based on the assumption of a uniform pattern of activity across all Member States. Performance, budget execution, and financial and program reporting vary considerably across organizational units. However, certain financial management procedures limit the ability of effective departments to fully execute their programs, despite the availability of program resources.

Low rates of budget execution imperil program funding from development partners who are required to account for the use of their funds and who may lack the flexibility to carry over funding from one year to the next. At the same time, the persistence of multiple donor assistance delivery modalities greatly complicates the AUC’s management of resources. As one donor representative noted to the team, the Department of Peace and Security is currently managing 116 different donor accounts.

Planning (and Budgeting) at the Departmental Level: The new Strategic Plan (2014-2017) clearly focuses on identifying and leveraging the comparative advantage of the organization. Translating this emphasis is maintained into departmental strategic plans and annual or bi-annual work plans will be critical.

The Strategic Planning, Monitoring, Evaluation, and Resource Mobilization Directorate has effectively supported the development of the AU Strategic Plan, but lacks the staff resources to provide guidance and support the development of departmental plans across the AU. The emphasis at the departmental level is on recruiting staff to address critical technical and programming needs, yet the absence of capacity (or attention) to undertake effective planning, budgeting, and reporting functions at the department level is perhaps an equally critical constraint.

Despite the availability of program resources, deficiencies in operational budgets limit the availability of staff to manage program implementation. This in turn has a negative impact on program staffing, expenditures, and reporting—factors that affect the flow of external program resources and encourage donor earmarking.

Inter-departmental Coordination: A major challenge for the organization as a whole continues to be the need to map effectively a strategic vision articulated in the form of “Strategic Pillars” which, by their very

nature underscore the inter-connectedness of issues and the desirability of integrated programming, onto a conventional organizational structure organized on the basis of hierarchy. Within the current organizational structure and organizational culture, powerful forces work to focus departmental efforts narrowly on those activities in which they directly control implementation. This tendency is of particular concern with reference to the Shared Values arena, since it covers a broad range of organizational units.

It is encouraging that senior AUC staff members perceive the need to move toward better internal coordination and collaboration, despite staff and resource constraints. The establishment of the AGP is a good first step in this direction. There is a pressing need to build on this and similar initiatives to encourage and institutionalize patterns of sustained inter-departmental cooperation. Initial efforts in this direction might include ensuring more regular coordination meetings of department heads and other key staff, or working-level groups organized around thematic areas, such as shared values, gender, or youth, to forge cross-departmental synergy and action.

3.4 CONCLUSIONS

The conclusions of the analysis are at once sobering and encouraging. Although the AU remains a young organization, it has made significant progress in consolidating a vision of “an integrated, prosperous and peaceful Africa, driven by its own citizens and representing a dynamic force in the global arena.” The articulation of the AU’s “Shared Values” agenda and the drafting of the *African Charter on Democracy, Elections and Governance* have helped to change the definition of legitimate governance on the continent. The AUC is now engaged in a process of institutional reform to allow it to pursue the AU vision with vigor.

While there remain serious impediments to forward progress, there are significant opportunities; for example, the recent leadership transition; ongoing strategic planning efforts driven from within and owned by the AUC; the strengthening of core management systems; and development of the African Governance Architecture and Platform. There is also an important opportunity in the evident commitment of development partners to support the AUC’s capacity-building efforts, while continuing to support the AUC in addressing serious issues around the continent. Also, the willingness with which AUC staff members at all levels are willing to acknowledge and address organizational problems frankly is itself an asset.

4.0 ASSISTANCE CONTEXT AND RECOMMENDATIONS

This section provides strategic recommendations that USAID may consider in defining assistance strategies to align with the evolving AU Shared Values agenda.

4.1 USAID ASSISTANCE CONTEXT

Since the establishment of the U.S. Mission to the African Union in 2006, the United States and the African Union have enjoyed a strong partnership that has evolved over time. Cooperation initially focused on issues of mutual interest in three key areas: peace and security, democracy and governance, and transnational and global issues. Over time, the range of areas in which the United States and the African Union have identified common interests has broadened considerably, and engages a wider range of U.S. Government institutions. The deepening engagement with the African Union reflects the importance placed on regional institutions in United States foreign policy generally, the increasing emphasis on Africa reflected in the 2012 *U.S. Strategy Toward Sub-Saharan Africa*, and an appreciation of critical role played by the African Union in addressing issues of common interest.

The current USAID Assistance Agreement governing support to the AU has as its objective the promotion of “sustainable economic growth, good governance, health and social welfare, trade competitiveness, regional integration and peace security on the African continent.”¹⁰¹ The six focus program areas supported under this agreement support AUC strategic objectives and USAID core development objectives defined by the USAID Policy Framework 2011-2015. This agreement covers six program areas including: Agriculture and Food Security, Democracy and Governance, Trade and Regional Integration, Health and Social Affairs, Climate Change, and Institutional Capacity-Building. The latter is a crosscutting theme, which involves strengthening AUC institutional capacity, as well as empowering and strengthening RECs to implement AU lead programs; improving collaborative working relations with AU organs; and rigorously monitoring strategic partnerships. Recently, an implementation letter was signed adding the field of geothermal energy to the agreement, due to the strategic importance that this sector has for Africa.

On 1 February 2013 the U.S. Department of State and the AUC signed a Memorandum of Understanding, indicating their intention, “to find ways and means of improving the quality of dialogue between the AU Commission and the U.S. Department of State to consolidate and expand friendship, understanding and cooperation in fields of common interest.” The MOU identifies a need for further consultations “aimed at facilitating cooperation in four key areas: peace and security; democracy and governance; economic development, investment and trade; and promotion of opportunity and development, as well as to exchange related information on best practices, lessons learned, and technical matters.” With regard to each of these areas, the MOU outlines, in general terms, a wide range of topics to be addressed in the context of subsequent discussions whose objective will be to define more precisely the areas for cooperation and collaboration. Plans to cooperate in specific fields will be detailed in addenda to the MOU agreed upon by both parties.

¹⁰¹ USAID Assistance Agreement No. 665-AA-018, Amendment Number Two to Assistance Agreement Between the United States of American and the African Union for An Integrated Partnership for Sustainable Economic Development and Peace and Security,” 26 September 2012.

In the area of democracy and governance, the MOU indicated the Partners' common intention, "to work together on efforts to support democratic practices and constitutional transitions; promote good governance, elections, transparency, and the rule of law; uphold human rights, including the freedom of speech and religion, women's rights throughout the continent; and the promotion of strong civil society and social justice. They intend to collaborate in these areas and improve the capacity of the AU Commission to be able to deliver on these issues in the areas identified."

The analysis and recommendation of the present *Stocktaking* are intended as an input to ongoing discussions between USAID and the AUC regarding areas of potential collaboration and future assistance. For USAID and other Shared Values development partners, the primary issue remains how to support constructively the AU in operationalizing and advancing critical elements of its "Shared Values" agenda in ways that both promote the attainment of objectives, and promote the continued development of AU (and in particular AUC) institutional capacity.

Long-term support for core institutional capacity building has been provided in various forms by the European Union, the United Nations Development Programme, and the United Nations Economic Commission for Africa (UNECA), with additional resources also flowing from a range of bilateral development partners, in particular GIZ. It is assumed that these flows will continue in alignment with the emerging AUC strategy and leadership vision, as new UN and EU assistance frameworks are being developed and as the UNECA undergoes a structural reorganization that will enable it to provide increasingly targeted technical assistance to the AUC.

Given this focus, the most useful niche for USAID and other Shared Values development partners is likely to support substantive/programmatic strengthening in key areas where there are elements of an AU strategy for achieving traction at the Member State level, and/or where elements of an architecture for doing so exist.

4.2 RECOMMENDATIONS

The following recommendations for USAID and other AU donors are intended to assist in leveraging the comparative advantages of both donors and the AUC, in particular, in advancing an African shared values agenda, particularly in the areas of democracy, governance, gender, and economic governance.

- **Support donor coordination.** AU donors in general seem to be doing a commendable job in coordinating and sharing information. Given constraints of time and staff resources, donor coordination is always an issue. However, there are several ways to address these constraints that have been tried successfully in other contexts.
 - One such possibility is to create a coordination secretariat and/or simply hire staff to coordinate within the AU and among donors, as well as between the AU and donors. Such arrangements could take a variety of forms, but in broad outlines, they would entail support to the AUC in monitoring and evaluation of progress, as well as coordination of reporting to donors. The assistance could also potentially provide limited technical assistance or advice on other aspects of organizational development, reform, and strategic planning to the AUC as well, depending on resource availability, need, and interest.
 - On the donor side, the support should take the form of coordinating among donors. Specifically, support could be provided through the lead donor in helping with such things as convening donor coordination meetings; taking minutes at donor coordination meetings; keeping an ongoing record of past, current, and planned donor interventions that are available to all donors; and supporting donor assessments or other missions relevant to all donors.
- With regard to assistance in the area of Shared Values, donors should seek to minimize the transaction costs of assistance to the AUC, by continuing to emphasize the provision of assistance through Joint Programming and Joint Financing Arrangements, and the utilization of pooling arrangements to the

maximum extent possible. While this falls short of a commitment to provide general budget support, the conditions under which budget support could reasonably be provided do not yet appear to be in place. Earmarking may be necessary for some donors, but could be minimized to the extent possible within the context of assistance linked to particular departmental plans.

- Given the lack of strategic planning, budgeting, and reporting capacity at the departmental level, medium-term technical assistance might be offered to key departments to support the process of translating the overall AUC Strategic Plan, 2014-2017 into actionable departmental strategies and work plans.
- **Focus where there is action and traction within the AU.** Ideally, assistance in the realm of shared values should be focused in areas where the AU and its constituent units have a comparative advantage and where there is already some demonstrated success. For this reason, donors may want to consider supporting areas related to democracy, governance, and human rights where there may be less resistance or where there is a greater critical mass of resources, energy, and support. For example:
 - To the maximum extent possible, development partners should seek to support and encourage the AUC to strengthen the natural complementarity that exists between supply-side efforts to articulate and promote the adoption of continental norms in key areas, and CSO-led efforts to advocate for and promote the substantive application of such norms at national level.
 - In many countries, there is a broad network of gender-related civil society organizations, a broad recognition of the importance of gender equality, a large population of potential supporters, and often an institutional partner within governments (such as a Gender Ministry) that can help to deepen and broaden gender equity efforts.
 - Likewise, there is often consensus around issues such as economic development which may be leveraged to address issues of governance (i.e., through the rubric of economic governance), including building basic institutional capacity, addressing corruption, increasing transparency of decision-making, and improving public participation.
 - To the extent that clear strategies are in place to make use of benchmarking data and election observation reports, backed by leadership commitment to support their public dissemination, support for DPA benchmarking and electoral observation efforts should be considered.
 - To the extent that they appear to reflect serious leadership commitment, initiatives to strengthen the APRM process to reinvigorate the APR Forum and Panel of Eminent Persons, address problems associated with the APRM Country Self-Assessment methodology and its practical application, and particularly to ensure robust and unconstrained participation in the review process by domestic civil society, should be encouraged and supported by donors.

One challenge in pursuing this route is that it can be easy to lose focus on issues of inclusion, democracy, and human rights when activities fall under the domain of experts and practitioners who are more comfortable in the safer confines of their technical areas.

- **Explore a role on African Governance Platform.** The DPA Commissioner has suggested that there may be an important role for donors and others (including civil society) on the African Governance Platform, particularly around issues of implementation. While it is not clear what this role might entail, it could be an important opening and opportunity for donors to bring their considerable technical knowledge to the table in support of this important initiative.
- **Leverage broader donor resources and energy in bilateral, regional, and headquarter offices:** Rather than focusing nearly exclusively on support to AU headquarters through AU donor support, USAID and other donors (including the UN) could consider leveraging their considerable bilateral, regional, and headquarter resources strategically to support ratification, domestication, and

implementation of AU norms, values, and instruments at the Member State and REC levels. For example:

- Target strategic states for ratification and/or domestication of the African Charter at the Member State level (or states that are more likely to ratify and/or domesticate);
 - Create standard language for potential inclusion in all relevant donor civil society capacity-building agreements at the Member State or regional levels that encourages use of AU instruments and decisions as means for encouraging democratic norms at a Member State and/or regional level;
 - Work with RECs, through regional donor offices, to encourage increased coordination and collaboration with the AU, particularly where there may be areas in which AU instruments are more progressive or better elaborated than those at the REC level, for instance, in the areas of democracy, governance, and human rights; and
 - Encourage donor discussion at the country-level, in existing donor coordination forums, about the ratification, domestication, and implementation of AU instruments, particularly the African Charter on Democracy, Elections, and Governance.
- **Expand work with civil society.** One of the most promising areas of opportunity for donors in the area of shared values is increased work with civil society, not just at the pan-African level, but also at the regional and Member State levels. This is an area of particular comparative advantage for USAID in many ways. Some possibilities for working with civil society include:
 - Piloting the support of CSO country summits both before and after AU Assembly meetings to analyze pending issues and decisions and raise awareness of what is decided at Summits and the implications for the country, if any. These would be important opportunities to engage governments in sharing their positions and decisions with the media and citizens and to educate citizens better about the AU and its relevance to their lives. It could also create openings for citizen input into AU Assembly meetings in the future.
 - As noted above, there is a latent opportunity for donors to work with civil society at the country and regional levels in terms of raising awareness about the AU; advocating for ratification, domestication, and implementation; and supporting implementation of key AU instruments.
 - Generally supporting increased civil society engagement wherever and whenever possible across every department and organ of the AU, particularly areas where civil society is most limited and where there is a potential for added value in terms of technical expertise, advocacy, public awareness, transparency, and accountability.
 - **Structure donor assistance to the AUC so that it decreases the burden on AUC staff and encourages reforms.** Several recommendations have emerged as a result of the Assessment Team's discussions with AUC staff and other stakeholders. These recommendations are also consistent with the institutional constraints identified in Section 2 of this report. As a result, we propose the following guidelines for structuring donor assistance to the AUC:
 - Where possible, ensure assistance is designed in a way that supports collaboration among AUC departments and AU organs;
 - Support a broad approach to capacity building that goes beyond simply providing staff, funds, and training, and supports the alignment of organizational activity and results with the overall vision and mission of the AUC;
 - Require that desired results are clearly articulated and mutually agreed upon, with well-defined benchmarks for progress and a mutual understanding of challenges and risks;

- Ensure that high-performing units within the AUC are rewarded; their performance should not be tied to units that are unable to obtain results or spend money; and
- Provide AUC managers with the flexibility necessary to respond to challenges as they arise, while also achieving agreed-upon results.
- Consider supporting the Chairperson’s office and/or the Strategic Policy Planning Directorate where there may be opportunity to support an organizational development approach to capacity building that further strengthens the alignment of vision and mission with work streams, processes, and results. This could also include support specifically designed to address issues of organizational culture, encouraging and supporting the strongest aspects of this culture, and systematically addressing impediments to a more positive, results-driven organization.
- **Support democracy as a right, rather than a value.** The critical importance of articulating commitments to democratic process in terms of rights is made forcefully by Edward McMahon, and is worth citing at length. McMahon argues that, “In order to broaden and deepen the adoption of democratic standards, regional organizations should seek to convey the concept of democratic entitlement as a right rather than a value. Supporting democratic entitlement as a right could expedite its adoption as an accepted norm within Member States, both through the regional organizations’ own implied and legal definitions of democratic standards, as well as those of the international community. Operationally, regional organizations should explicitly adopt such distinctions in all aspects of their policies and documents, through the process of ‘customary regional law’—whereby legal standards introduced through regional organizations become accepted aspects of domestic practice—as is occurring through the EU and OSCE member countries.”¹⁰²

4.2.1 GENDER

Gender-specific recommendations related to key achievements and challenges include:

- Relations between the Women and Gender Development Directorate and the partners group could possibly be restored in cooperation with the AUC Chairperson and by adopting innovative approaches.
- Donors (multilateral and bilateral) could consider supporting the WGDD staff retreat as a means to assist strategic reflection and focusing of WGDD’s mandate and priorities.
- In discussions with the AUC about the lack of human resources to carry out its mandate and most effective ways to support that process, it is important to highlight the Human Resources needs for WGDD in line with the key findings of this exercise.
 - There is a need for a planner and at least two professionals dedicated to gender mainstreaming across AUC and AU organs.
 - This could be further supported by the official re-establishment and network of all gender focal points across the AUC and AU organs as an institutional means to strengthen gender mainstreaming.

4.2.2 ECONOMIC GOVERNANCE

The AU encompasses a variety of institutions and mechanisms designed to assist Member States to improve their economic governance and achieve more rapid, sustainable, and inclusive economic growth. The potential for substantial progress exists, but low budgets and insufficient institutional capacity at all levels limits the attainment of that potential. In order to define areas of potential assistance, it is recommended that

¹⁰² Edward R. McMahon, “Regional Organizations and the Promotion of Democratic Governance: The Value of Collective Action,” Discussion paper prepared for the UNICRIS-UNECA Joint Conference “After the Arab Spring,” 22-23 November 2012, Brussels, Belgium. <http://tinyurl.com/lg4f8r5>.

the AUC and development partners undertake a thorough review of how the AUC agenda for economic governance is being implemented by Member States; what external support is needed for better implementation; and what support is already being provided by the NEPAD Agency, the RECs, the UN agencies and bilateral donors, and how this support can be improved.

The design and objectives of the AU's NEPAD Agency and the APRM are admirably laid out in their foundation documents, as described briefly above, and coincide with the objectives of the U.S. Government and USAID in support of African development, reiterated in the 1 February 2013 MOU between the U.S. Department of State and the AUC, as well as with the basic objectives of the AUC departments. In its continued institutional support for the AUC, USAID should support and/or encourage increasing cooperation between the AUC and NPCA to assist national governments in the development of practical strategies for following through on the NPoAs developed on the basis of APRM self-assessments.

USAID/AU and the USAID/Washington Africa Bureau could collaborate in assisting USAID bilateral and regional field missions in Africa to track the status of APRM self-assessments and the implementation of NPoAs where applicable. As noted elsewhere, strengthening the ability (and political willingness) of Member States to carry out self-assessments in a transparent and participatory manner as called for in the APRM protocol, as well as their capacity to develop and implement substantive NPoAs—and the ability of the NPCA to follow up on that implementation—is the key to making this whole process more effective.

Where resources are available, USAID bilateral and regional USAID missions could be encouraged to offer targeted technical and other assistance to support NPoA implementation, or to raise issues of non-performance in following through on NPoA commitments in bilateral discussions. United States Mission to the African Union could also make available to the APRM Secretariat a variety of tools that might be used to bring greater focus to the economic portions of the APRM self-assessment methodology, including variations of inclusive growth diagnostics emphasizing growth in rural income and productive employment generation, coupled with the political economy approach to regulatory and policy reform pioneered by USAID under the Implementing Policy Change (IPC) project and other mechanisms.¹⁰³

¹⁰³ Regarding IPC, see for example, http://transition.usaid.gov/our_work/democracy_and_governance/publications/ipcindex.html. Also relevant in this context is the USAID-financed study, *Innovations in Strengthening Local Economic Governance in Asia*, The Asia Foundation, San Francisco, CA, 2011, and The Asia Foundation-Philippines, *Built on Dreams, Grounded in Reality: Economic Policy Reform in the Philippines*, Makati City, Philippines, 2011, available in pdf from www.asiafoundation.org. The TAF Economic Reform and Development Toolkit has proven to be particularly effective.

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ANNEX I: FREEDOM HOUSE INDICATORS

TABLE I-I. FREEDOM HOUSE INDICATORS ON POLITICAL RIGHTS (PR) AND CIVIL LIBERTIES (CL) IN SUB-SAHARAN AFRICA, 1990-2012

	1990		2003		2012		Total Change 1990-2012		Total Change 2003-12	
	PR	CL	PR	CL	PR	CL	PR	CL	PR	CL
Angola	7	7	6	5	6	5	1	2	0	0
Benin	6	4	3	2	2	2	4	2	1	0
Botswana	1	4	2	2	3	2	-2	2	-1	0
Burkina Faso	6	5	4	4	5	3	1	2	-1	1
Burundi	7	6	6	5	5	5	2	1	1	0
Cameroon	6	6	6	6	6	6	0	0	0	0
Cape Verde	5	5	1	2	1	1	4	4	0	-1
CAR	6	5	5	5	5	5	1	0	0	0
Chad	7	6	6	5	7	6	0	0	-1	-1
Comoros	5	5	5	4	3	4	2	1	2	1
Congo	6	6	6	4	6	5	0	1	0	-1
Congo, DR	6	6	6	6	6	6	0	0	0	0
Cote d'Ivoire	6	4	6	6	5	5	1	-1	1	1
Djibouti	6	5	4	5	6	5	0	0	-2	0
Eq. Guinea	7	7	7	6	7	7	0	0	0	-1
Eritrea	N/A	N/A	7	6	7	7	N/A	N/A	0	-1
Ethiopia	7	7	5	5	6	6	1	1	-1	-1
Gabon	4	4	5	4	6	5	-2	-1	-1	-1
Gambia	2	2	4	4	6	6	-4	-4	-2	-2
Ghana	6	5	2	3	1	2	5	3	1	1
Guinea	6	5	6	5	5	5	1	0	1	0
Guinea-Bissau	6	5	4	5	6	5	0	0	-2	0
Kenya	6	6	4	4	4	4	2	2	0	0
Lesotho	6	5	2	3	2	3	4	2	0	0
Liberia	7	7	6	6	3	4	4	3	3	2
Madagascar	4	4	3	4	6	4	-2	0	-3	0
Malawi	7	6	4	4	3	4	4	2	1	0

	1990		2003		2012		Total Change 1990-2012		Total Change 2003-12	
	PR	CL	PR	CL	PR	CL	PR	CL	PR	CL
Mali	6	5	2	3	7	5	-1	0	-5	-2
Mauritania	7	6	5	5	6	5	1	1	-1	0
Mauritius	2	2	1	2	1	2	1	0	0	0
Mozambique	6	6	3	4	4	3	2	3	-1	1
Namibia	2	3	2	3	2	2	0	1	0	1
Niger	6	5	4	4	3	4	3	1	1	0
Nigeria	5	5	4	5	4	4	1	1	0	1
Rwanda	6	6	7	5	6	6	0	0	1	-1
Sao Tome & Principe	5	5	1	2	2	2	3	3	-1	0
Senegal	4	3	2	3	2	3	2	0	0	0
Seychelles	6	6	3	3	3	3	3	3	0	0
Sierra Leone	6	5	4	4	2	3	4	2	2	1
Somalia	7	7	6	7	7	7	0	0	-1	0
Somaliland	N/A	N/A	N/A	N/A	4	5	N/A	N/A	N/A	N/A
South Africa	5	4	1	2	2	2	3	2	-1	0
South Sudan	N/A	N/A	N/A	N/A	6	5	N/A	N/A	N/A	N/A
Sudan	7	7	7	7	7	7	0	0	0	0
Swaziland	6	5	6	5	7	5	-1	0	-1	0
Tanzania	6	5	4	3	3	3	3	2	1	0
Togo	6	6	6	5	5	4	1	2	1	1
Uganda	6	5	6	4	5	4	1	1	1	0
Zambia	6	5	4	4	3	4	3	1	1	0
Zimbabwe	6	4	6	6	6	6	0	-2	0	0
	4 Free 10 Partly Free 32 Not Free		11 Free 21 Partly Free 16 Not Free		11 Free 19 Partly Free 20 Not Free		30 advance 6 regress		16 advance 18 regress	

ANNEX II: STOCKTAKING ON SHARED VALUES EXERCISE

GENDER MAINSTREAMING TO ACHIEVE EQUALITY AND WOMEN'S EMPOWERMENT IN AFRICA

DRAFT REPORT

21 March 2013

I. INTRODUCTION

This section focuses on one of the selected core themes of the Shared Values Pillar in the current AU Strategic Plan 2009-2013, Gender Equality. This part of the Shared Values *Stocktaking Exercise* was carried out on behalf of Shared Values Joint Partnership Fund (JPF) partners by the Danida team composed of Charlotte Kanstrup, UFT, Danish Ministry of Foreign Affairs and Sarah Forti, Gender and Rights External Consultant.¹⁰⁴ The key findings and conclusions of this section are in line with the overall methodology and approach of the *Stocktaking Exercise*.¹⁰⁵ The limitations to this part of the exercise are also in line with the general limitations regarding availability of interviewees and accessibility to key documents.

2. BACKGROUND

The current AU Strategic Plan 2009-2013 defines Shared Values as those norms, principles, and practices developed or acquired to achieve regional integration and as a means to promote democracy, rule of law, governance and human and people's rights.¹⁰⁶ The 16th Ordinary Session in Addis Ababa¹⁰⁷ sought to discuss the main principles embodied in the Constitutive Act of the AU and one of the pillars¹⁰⁸ of the AUC Strategic Plan (2009—2012)¹⁰⁹ for achieving **greater unity and integration** in the region. Gender equality is considered one of the shared values towards that overall vision.¹¹⁰ According to a 2010 discussion paper titled, "Towards greater unity and integration through shared values,"¹¹¹ at the individual level, "equality of persons (gender, race, sex)" is highlighted as a Shared Value (9). At the state or regional level, Shared Value (8) refers to a broad notion of "equity and equality"—which implicitly includes gender equality.

Because Shared Values are explicitly referred to as being anchored in the AU Constitutive Act, Gender Equality is embedded in Article 4(l) of the AU Constitutive Act (2000).¹¹² It is also explicitly mentioned and further developed in the following key norms, principles, and practices developed by the AU:

- The Solemn Declaration on Gender Equality in Africa (2004);¹¹³

¹⁰⁴ Danida refers to Denmark's development cooperation under the Ministry of Foreign Affairs of Denmark.

¹⁰⁵ A background desk study mapping out approach and methodology for the field visit was prepared prior to the mission by Tetra Tech ARD, with contributions from the Gender team. The length of the *Stocktaking* was reduced, and it was decided for the team to concentrate on Gender, Good Governance, and Economic Development under the Shared Values Program. Rather than come up with specific recommendations, the team was asked to highlight strategic issues, achievements, constraints, and opportunities.

¹⁰⁶ "Walking the Talk, Gender Equality in the African Union," Issue Number 3, *Quarterly Publications*, Addis Ababa, Ethiopia (April 2011).

¹⁰⁷ The XVI Ordinary Session of the AU Assembly of Heads of State and Government took place in Addis Ababa from 30 to 31 January 2011, and the Executive Council Eighteenth Ordinary Session from 24 to 28 January 2011. In relation to gender equality and women's empowerment, the Assembly made the following decisions on the continental launch of the African women's decade, on the reports on implementation of the African union solemn declaration on gender equality in Africa (SDGEA), and on the recognition for women as resources for sustainable development and economic growth in Africa.

¹⁰⁸ Mechanisms to implement the AU Gender Policy and other AU instruments were the main outputs of the meeting attended by Ministers responsible for Gender and Women's Affairs, CSOs and delegations from Member States.

¹⁰⁹ AUC, Strategic Plan 2009-2012 (AU doc. EX.CL/501 (XV) Rev.2, May 19, 2009).

¹¹⁰ Walking the Talk, Gender Equality in the African Union, Issue Number 3, *Quarterly Publications*, Addis Ababa, Ethiopia (April 2011):1. Further, in preparation for the XVI Session of the Heads of State and Government Summit of the African Union, the Department of Political Affairs undertook a consultation process that aimed to build consensus on how Shared Values (on Democracy and Governance) can accelerate continental integration. One of the forums was particularly dedicated to the inclusion of a gender perspective into the discussion of Shared Values.

¹¹¹ "Towards Greater unity and integration through shared values," Discussion Paper, 23 November 2010 referring to the list of shared values in an AU Executive Council document titled "The Ascendancy of Shared Values in the AU Government," part of a Report of the Ministerial Committee on the Union Government, attached in Annex I. See Decision Assembly/AU/Dec. 185 (X) relating to the report of the Executive Council on the Audit of the Union and the Report of the Ministerial Committee on the Union Government.

¹¹² Article 4(l) of the AU Constitutive Act (2000).

¹¹³ The Solemn Declaration on Gender Equality in Africa (adopted July 2004).

- The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2005) (the Maputo Protocol);¹¹⁴
- Gender Mainstreaming Strategic Plan for the African Union covering the period 2008 to 2011 (GMSPAU);
- AU Union Gender Policy and Gender Action Plan (2009);¹¹⁵
- AU Assembly Decision on the Establishment of the African Women (Trust) Fund (2007);¹¹⁶ and
- The African Women’s Decade (2010-2020).¹¹⁷

The 2009 AU Gender Policy provides a mandate for the operationalization of AU Assembly commitments. The accompanying Gender Action Plan (GAP) guides the implementation of these commitments by AU organs, which are periodically reviewed.

The overall goal is

“To adopt a rights-based approach to development through evidence-based decision-making and the use of gender disaggregated data and performance indicators for the achievement of gender equality and women’s empowerment in Africa. It seeks to promote a gender responsive environment and practices and to undertake commitments linked to the realization of gender equality and women’s empowerment in Member States at the international, continental, regional and national level.”¹¹⁸

The African Union Commission is currently developing its next Strategic Plan for 2014-2017 where the Shared Values Program is expected to form one of five strategic pillars. One of its eight priorities for that period is to “promote peace and stability, good governance, democracy and human rights as a foundation for inclusion, security and development of the continent and its people.” The precise Shared Values policy agenda is still being developed, but centers around the promotion of democratic governance and human rights as set out in a variety of conventions, protocols, declarations, and legal instruments. Further, it is expected that gender will be considered a key crosscutting issue across the five pillars and eight priorities. In addition to this, it is WGDD’s wish that gender is taken out of the Shared Values Pillar and placed under the Socio-Economic Development Pillar.

3. POTENTIALS/RECOMMENDATIONS

- The key successes that carry a regional integration added value and are also best practices in terms of collaboration with a well-grounded civil society are potential opportunities to be strengthened and continued throughout the continent. The new AU Strategic Plan 2014-2017 presents a unique opportunity to take these success stories on AU integration from the past and bring them into the future.
- The new Chairperson and the recruitment of a senior gender advisor at her level are key potentials to strengthen and clarify/refocus the vision and mandate of WGDD—possibly through an especially dedicated staff retreat. Current staff members in WGDD and other visited department have shown a high level of competence and analysis and could therefore significantly contribute to the strategic reflection.
- The renewed interest of the Chairperson in gender issues might also mean a potential for reviewing human resource allocation within the AUC in general and in the WGDD in particular. Adequate

¹¹⁴ The Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (adopted July 11, 2003, entered into force November 25, 2005) (AU doc. CAB/LEG/66.6/Rev I, 2003);

¹¹⁵ AU Union Gender Policy and Gender Action Plan (Rev.2, February 2009). At http://www.usip.org/files/Gender/African_Union_Gender_Policy_2009.pdf.

¹¹⁶ AU Assembly Decision on the Establishment of the African Women Trust Fund (AU/Dec.134-164 (IIIV), January 2007).

¹¹⁷ According to the AU Gender policy (p.ii), its adoption “paves the way for the implementation of the African Women’s Decade (2010-2020), thus providing a road map for the realization of the objectives for the decade.”

¹¹⁸ *Ibid*, p.10.

resources also need to be reallocated to the wide scope of the GAP related commitments to gender mainstreaming. These potentials might also take into consideration the need to strengthen the planning of WGDD, the availability of funding when needed by the department and the need to bring more clarity to funded activities and performance.

- The recruitment of a senior gender advisor might both strengthen accountability lines of the WGDD and ensure that future programming in gender are well grounded in outcomes related to the AU overall vision of regional integration as an unconditional criteria. On the other hand there is a in building organizational supra-structures rather than strengthening and refocusing existing ones.
- Donors justifiably have shown attempts to coordinate through JPA in the interest of all parties to ensure a strengthened and systematic coordination. The new strategic plan may offer renewed opportunities in joint programming.
- This type of joint mission should be continued and encouraged in the future.

Following these potentials and opportunities, a few recommendations to JPF partners are:

1. Denmark may consider contributing to improved donor coordination by proposing to lead of the JPF partners' group following DFID's leadership. Relations between WGDD and the partners group would need to be restored possibly through innovative ideas and in cooperation with the Chairperson.
2. Donors (multilateral and bilateral) may consider supporting the WGDD staff retreat as a means to assist strategic reflection and focusing of WGDD's mandate and priorities.
3. In general discussions with the AUC about the lack of human resources to carry out its mandate and the most effective ways to support that process, it is important to highlight the Human Resources needs for WGDD in line with the key findings of this exercise. There is a need for a planner and at least two professionals dedicated to gender mainstreaming across AUC and AU organs. This could be further supported by the official re-establishment and network of all gender focal points across the AUC and AU organs as an institutional means to strengthen gender mainstreaming.

ANNEX III: KEY GENDER-RELATED ACTIVITIES IN OTHER AUC DEPARTMENTS RELEVANT TO THE SHARED VALUES PROGRAM

Source: The following information was outlined in the Quarterly Issue presented by the African Union and UN WOMEN, Walking the Talk, Gender Equality in the African Union, April 2011, Issue no. 3.

SOCIAL AFFAIRS

- DSA launched the Campaign on Accelerated Reduction of Maternal Mortality in Africa (CARMMA) in May 2009.
- There are CARMMA programs in 23 countries. They are built on existing frameworks such as the AU Policy Framework for the Promotion of Sexual and Reproductive Health and Rights in Africa (2005) and the Maputo Plan of Action (2006).
- Maternal and Child Health in Africa was also the main theme for the AU Summit in Kampala in July 2010.
- The DSA coordinates and supports the monitoring and evaluation process of the endorsement and domestication process of public policy related to maternal health following the decision taken during the Summit.
- The African Women's Decade led by the WGDD built on CARMMA during 2011 by focusing on "Health, Maternal Mortality and HIV/AIDS."
- Based on the Ouagadougou Plan of Action, the AU Commission Initiative against Trafficking (AU.COMMIT) aims to set the pace for the fight against trafficking in human beings and to make it a priority on the development agenda of the continent. The initiative has a special focus on women and children as vulnerable groups regarding human trafficking and violence.
- The DSA is advocating for the RECs to buy in, and so far, ECOWAS, ECA, and Intergovernmental Authority on Development (IGAD) have launched the AU COMMIT campaign.

PEACE AND SECURITY

- In 2011, DSA was in charge of leading the process to develop the frameworks on land rights and on peace and security following the proclamation of 2010 as the “Year Peace and Security in Africa,” adopted during the Special Session of the Assembly of the Union, held in August 2009 in Tripoli. The PSD lead an awareness raising campaign under the theme “Make Peace Happen.”
- The initiative integrated a thematic focus on gender and youth in armed conflict, a link that allowed the DPS to engage the UNSCR 1325 in the commemorative events including the presentation of the photo exhibition “Make Peace Happen: End Violence against Women and Girls.” The Department organized a photo exhibition at the margin of the XV Session of the AU Summit in Kampala, the AUC celebration of the International Day of Peace and Security in September, and at the 10th Anniversary of the United Nations Security Council Resolution 1325 in October both in Addis Ababa. The department organized the exhibition in partnership with UNWOMEN, UNHCR, UNICEF, UNFPA, OCHA, and ISIS WICCE, a Ugandan CSO.
- The DSA also plays a significant role in promoting women’s participation in peace and security processes within the framework of the **Livingstone Formula**, which encourages non-governmental organizations to participate actively in the efforts aimed at promoting peace, security, and stability in Africa, especially to deliberate on important issues of women and children in armed conflict.
- When required, such organizations may be invited to address the Peace and Security Council (in line with Article 20 of the Protocol Relating to the Establishment of the PSC of the African Union). The Formula also allows CSOs to provide technical support and early warning reporting to the AU.
- It was in this connection that in 2010, the DSA convened the first open session of the Peace and Security Council (PSC) which was dedicated to the situation of women and children in conflict zones. During the Session, UN Agencies, CSOs and the International Committee of the Red Cross brought the voices of women in Africa to the PSC. These voices expressed the main challenges and areas where immediate action is required.
- The open session will now be convened annually. Peacekeeping missions also attempt to integrate UNSCR 1325, 1880, 1888, and 1889 by recognizing the vulnerability of women and girls to sexual violence in conflict settings.

POLITICAL AFFAIRS

- As part of the implementation of the African Charter on Elections, Governance and Democracy, the Division of Democracy, Governance, Human Rights and Elections, the DPA co-organized a sub-regional consultation on gender parity in political decision-making structures with the International Institute for Democracy and Electoral Assistance in November 2010, in Dakar, Senegal. By defining priority areas of action, the meeting outlined strategic measures to promote equal participation of men and women in political decision-making positions, as well as the prevention of violence against women during election.
- The meeting also looked at mechanisms to accelerate gender equality in political leadership, strategies, and shared practices on the transformation of political processes to promote gender equality, and strengthening national and regional alliances that encourage accountability on gender equality.
- Key issues such as access and transformative political spaces, and the utilization of the African Women’s Decade as a road map, led to the development of the report “Information kit on leveling the political field for gender equality in political processes: making gender mission critical within political parties.” In

partnership with other RECs, the Department will undertake similar processes and develop a common position for the region.

- In 2011, the DPA focused on Eastern and Southern Africa. The Department has also undertaken the development of the African Human Rights Strategy. Throughout the process, the Department has incorporated different ideas through consultation with numerous stakeholders, including civil society organizations working in gender equality and the empowerment of women, some with support of UN WOMEN.

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