

GREAT

GOVERNANCE REGIONAL INTEGRATION ECONOMICS AGRICULTURE TRADE

insights

Rising voices in Africa



**Governance and
citizenry in Africa**

Mo Ibrahim, Chairman,
Mo Ibrahim Foundation

**How is the African Union
addressing concerns of
the African citizen?**

George Mukundi Wachira,
Head, African Governance
Architecture Secretariat,
African Union Commission

**Mobilising and empowering
local miners in Africa**

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mineral sector governance advisor,
African Minerals Development
Centre

About GREAT Insights
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Coverphoto: Supporters of opposition front-runner Julius Maada Bio gather at the SLPP's party headquarters to protest alleged voter fraud. This photo was taken in Freetown, Sierra Leone by Travis Lupick, Flickr.com.



Editorial

"Without good, effective governance, Africa's present strong economic momentum will not be sustained, the rewards will be wasted and tension will increase", says Mo Ibrahim in his exclusive contribution to this issue of *GREAT Insights*. Indeed, African citizens, either organised in the form of civil society organisations or mobilising during key moments such as elections or popular uprisings, have become an important feature of the political landscape in Africa over the last few years. Their voices are growing and they are slowly but surely starting to reshape politics and socio-economic factors in their respective countries.

In its 2014 Index of African Governance, the Mo Ibrahim Foundation noted that, despite a noticeable deterioration of the governance situation in some countries, the continent recorded improvement in the overall governance performance. Unlike previous periods, change between 2009 and 2013 was driven by greater participation in democratic processes. This is perhaps not surprising, due to the growing role of citizens and civil society in political processes across the continent, especially around the time of elections.

The right to vote in free and fair elections is a vital component of any democratic process. But it is by far not sufficient, as the road to democratisation remains a difficult and fragile one. The number of 'constitutional coup d'états' in Africa has risen over the last years, as leaders sought to introduce constitutional reforms to remain in power. "Even the prophets had successors, you are no exception", said a banner carried by a protestor during the uprisings in Burkina Faso in 2014. While some countries, such as Burkina Faso recently, were successful in blocking such attempts, others were not. A number of blockages to change continue to exist in some countries, including a lack of social cohesion to support reforms or the persistent dominance of ruling and economic elites who still control power and resources.

Ethnicity, personality and regionalism often predominate political debates. Powerful actors increasingly resort to legal tools to stay in power (such as the first-past-the-post system favourable to incumbents) or to close the space for civil society activities. This is another worrying trend in Africa. To address this challenge, the role of civic freedom, organised citizenry and civil society participation is key in pursuing greater transparency and accountability from authorities and economic actors, as well as promoting social and economic justice. Combining dynamics at national, regional, continental and international levels can be instrumental in that respect. A number of civil society organisations have advocated for the creation of stronger regional spaces for civil society participation, including to challenge the closing space at national level.

The demands from the citizen for change have triggered some institutions to rethink their approaches to governance. The African Union (AU), traditionally known as a 'club of presidents', has most recently signaled a significant paradigm shift when it called the different parties in Burkina Faso to respect the demands of the people. This was in sharp contrast to the passive attitude it adopted during the North African uprisings, where it was seen as indecisive. Such shift needs to be consolidated and a number of opportunities could be used to this end; for instance the establishment of the African Governance Architecture (AGA) as a comprehensive governance framework that identified a clear space for civil society or the launch of the post-2015 framework.

The dynamism that we have seen over the last few years is the result of a number of factors. The failure in many countries to translate strong economic growth or even democratisation processes into better opportunities and standards of living for all, combined with rising inequality, has triggered citizens concerns and protests. To sustain interest and avoid relapse, it would be important to ensure that better governance delivers tangible results. This is all the more important for vulnerable or discriminated groups, such as young people and women, as well as marginalised economic groups on the continent. Improving governance standards in strategic sectors, such as agriculture, land, mining or finance, and improving citizenry participation in policy processes should be some of the priorities.

Addressing the challenge of the closing space for civil society is particularly critical for development. Indeed, as pointed out by Mukundi Wachira in this issue (p.6), "as the African rising narrative gains traction, the centrality and primacy of the drivers of that rise – the African citizen – continue to dominate debates on sustainable development". Furthermore, a restricted space will undermine the implementation of important continental and international frameworks, such as the Agenda 2063 and the Sustainable Development Goals. Goal 16 for instance, which speaks to issues of responsive institutions and good governance, would require an active civil society at country level. Supporting civil society organisations, especially from within the continent and also by international partners is therefore necessary.

This edition of *GREAT Insights* covers these issues related to the rising voice of African citizens. We have invited different authors to reflect on the relevance of the reforms being undertaken, their impact on African citizens, the remaining challenges and what this means for the international community as it embarks on an ambitious post-2015 development agenda.



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Governance and citizenry in Africa

by Mo Ibrahim

Crafting new, contemporary tools of democracy which can no longer be summarised in elections only and the culture of winner takes all.

Democracy is on the march in Africa. Sadly it may not always have reached all presidential palaces, but it is alive in the cities and villages of the continent. Never before have Africa's citizens been as engaged in politics nor demanded so loudly their right to have a say in the decisions that will shape the future of their families and country. So when I hear some wonder – as I did during interviews about the Ibrahim Prize for Achievement in Leadership in Nairobi last month – that the continent suffers from a democratic deficit, it is a very partial picture of what's happening.

Participation in the democratic process, in fact, appears to be one of the most improved areas measured by the Ibrahim Index of African Governance. But let us not get over satisfied. In current available data, democratic participation still remains mainly assessed by the ability to hold "free and fair executive elections." This is not enough anymore. In this world of global, immediate information, of growing social networks, of square uprising and street occupations, together we must think about crafting new, contemporary tools of democracy which can no longer be summarised

in elections only and the culture of winner takes all.

In Africa, we had our share of bad leaders but the perception that Africa is a continent of corrupt leaders is simply not true. In Mandela, Africa can claim one of the outstanding leaders of our time. He is not alone: Joaquim Chissano, Festus Mogae and Pedro Pires, former winners of the Ibrahim Prize, can each point to their support for democracy, concern for the people and a remarkable record of achievement in most difficult circumstances. The award of the Prize in March 2015 to out-going Namibian



South African ballot box, Photo: Adam Fagen
A ballot box used in the election that ended apartheid.

President, Hifikepunye Pohamba, celebrated a quiet and humble leader who wisely chose to deepen and widen democracy and development in a young country just coming out of transition and a fight for freedom. Of course, in Africa, as in other parts of the world, there are still some leaders who do not govern in the interests of their citizens, who rig elections or refuse to step down at the end of the constitutional term, who have blood on their hands or have diverted national wealth into their own bank accounts.

Africa is blessed with considerable resources but, in order to deliver its promises to its citizens, there is nothing more important than improving the quality of leadership and governance. Without good, effective governance, Africa's present strong economic momentum will not be sustained, the rewards will be wasted and tensions will increase. The Ibrahim Index monitors governance in Africa's individual states in a comprehensive and accurate way. It looks in detail into governance performance in 52 individual countries, allowing progress to be tracked and comparisons to be made over years and between nations.

The information that the Index provides is proving a powerful weapon for citizens to call for improvements. It allows them to compare what's being delivered with what was promised. But it is also providing concerned governments with the information they need to monitor and improve their own performance, to put resources where they are needed, to see what's working and what is not, and to encourage the implementation of forward-thinking policies. In this world of constant and global information,



Liberians vote in constitutional referendum, 2011 Photo: UN Photo/Staton, flickr.com

the more informative, robust tools available at the hands of citizens and governments alike, the faster we will see progress on governance, prosperity and quality of life.

Good governance in the public sector is an essential condition for sustained and equitable development, but we also need to see improved standards in the private sector as well. Political leaders don't corrupt themselves; they have partners in crime in the private sector so we need to see more honesty and transparency in business. We need good corporate governance as much as we need good public governance.

We also need to close the gap between young people and their leaders. Africa's greatest resource is the energy and talents of its younger generation. This young generation is becoming an overwhelming majority, the one that is going to vote or not. We must not let them get completely despaired by "democracy". This is one of our greatest challenges ahead. All too often our young people find themselves devoid of economic prospects and a political voice. Political power lies in the hands of

ageing leaders with little knowledge or understanding in the ambitions and concerns of younger generations. In many countries, if young people find themselves increasingly locked out of decision-making and debate, the danger is they will turn their backs on the political process. Frustration can easily turn to anger and violence.

We need to find ways of listening to our young people, our citizens' majority, instead of always telling them what to do. It is their potential, after all, which will decide our continent's future. Let's not waste it. ■

About the author



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How is the African Union addressing concerns of the African citizen?

By George Mukundi Wachira

African citizens are driving the African Union to respond better to their needs.

As the African rising narrative gains traction, the centrality and primacy of the drivers of that rise – African citizens – continue to dominate debates on sustainable development. No longer invisible or simply victims, African citizens are leading the socio-economic and political transformation of the continent. They are demanding greater accountability, effective participation and inclusion in the socio, economic and political spheres of the state. From the North African uprisings of 2011 to Burkina Faso in 2014, citizen demands can no longer be wished away as mere irritations. African leaders and international actors cannot take citizens demands for granted, as the rumblings of uprisings can be felt in several countries. Change is coming, and in many places it has already come.

This article examines the resurgence of the African citizen from a state of apathy as exemplified in the North Africa uprisings and Burkina Faso. As a result of this renewed renaissance, there is an increasing paradigm shift in how the African Union (AU) responds to citizen demands. This article proffers three emerging opportunities at the AU that have great potential to consolidate gains made by African citizens and continue to drive Africa's rise. These are (1) the African Union Agenda 2063 framework; (2) the African common position on the post 2015 development agenda; and (3) the African Governance Architecture (AGA).

We the people

The sovereignty of any state, and the constitution that governs it, rests with its citizens. A government only gains legitimacy and credibility through the principle beneficiaries of the laws and regulations that are crafted to govern it. Therefore, any state's constitution must represent the will of its peoples. The North Africa and Burkina Faso uprisings prove that any constitutional democracy that is not hinged on the popular will of the people will eventually crumble and may be challenged peacefully or otherwise. In particular, the North African uprisings challenged the rigid interpretation of the doctrine of unconstitutional changes of government hitherto promoted by the AU. These uprisings by citizens called for introspection of what determines a constitutional, or unconstitutional, change of government.

A paradigm shift

At first, the AU reacted with consternation to the uprisings in North Africa, not sure how to deal with a crisis that called into question the normative framework of the AU in its unquestioned condemnation of unconstitutional changes in government. Yet it quickly became clear that the framework must be recalibrated to address the new reality

that citizens are indeed at the core of state sovereignty and as such, their legitimate demands must be respected and protected. The AU doctrine of unconstitutional changes of government, that had been espoused since the 2000 Lomé Declaration on Unconstitutional



African Union Headquarters in Addis Abeba, Ethiopia.
Photo: ecdpm.

Changes of Government and affirmed in the African Charter on Democracy, Elections and Governance, would have to be reexamined. The confounding nature of the North Africa uprisings questioned the usual political and diplomatic decisions at the AU which at times hinders its ability to respond to crisis rapidly. Nonetheless, the AU has since made a u-turn insisting that its normative pronouncements must be respected and abided by within the prism of the citizen's right as the custodian of sovereignty. Evidence of the paradigm shift was exemplified in Burkina Faso in 2014 when the AU officially called on the regime to respect the will of the people through the AU Peace and Security Council's ultimatum to the government to restore constitutional order. Even though the AU was criticized for only acting after the popular uprising, still, its reaction was one of the swiftest and firmest to side with citizens' demands.

A union of peoples

Can the African Union truly become a union of African peoples as opposed to simply a club of leaders? The transformation of the Organization of African Unity (OAU) to the African Union in 2002 was expected to usher in a new sense of urgency and imperative to continental integration. The new AU would accord primacy and centrality to the African citizen. While the OAU had succeeded in efforts towards the political liberation of African states and the end of apartheid, it had largely been viewed as a union of leaders. In a bid to return African citizens to the heart of the organisation, the Constitutive Act expressly provided that one of its principles was "participation of the African peoples in the activities of the Union." To give effect to this principle, the AU established the Economic Social and Cultural Council (ECOSOCC) as one of its advisory organs with a mandate to bring citizens closer to the Union. While the ECOSOCC has been bedeviled with a myriad of challenges to its goal, its recent revamping shows promise. It may not be there yet, but the African Union is taking steps to fulfill its promise of being a union dedicated to the people of Africa, not just its leaders.

Responding to citizens' demands

In a year-long celebration of the 50th anniversary of the OAU, the AU took time to reflect on its achievements, review

its progress, analyse challenges and forecast prospects to achieve continental unity, integration and development. The AU's principle normative framework - the Constitutive Act - provides the basis for the AU's unequivocal alignment with African citizens' demands. In a marked departure from its predecessor - the OAU Charter - the Constitutive Act places an emphasis on the 'respect for democratic principles, human rights, the rule of law and good governance' as its foundation. Critically, the Act shifts from a focus on the principle of non-interference to one of non-indifference, particularly 'in respect of grave circumstances, namely: war crimes, genocide and crimes against humanity.' Clearly, if norms were the only measure of the AU's response to citizens' demands, the AU would be a shining star. However, the challenge for the AU lies in implementing its norms through the various innovative ways as briefly examined below.

First, through Agenda 2063, the AU's vision and blue print for the continent's next 50 years, the Agenda appeals to all stakeholders, arguing that 'the whole continent must be part of it to rekindle the spirit of working together to forge the destiny of the continent' with a particular focus on the engagement of women and the youth. The Agenda calls for 'visionary and transformative political leadership combined with vibrant citizen engagement.'

Second, the global dialogue on the post 2015 development agenda gave impetus to developing an African Common Position. The Position argues that in order to build a just and equitable society, the path of ownership must engage all citizens and enable them to hold key development stakeholders mutually accountable. It encourages mutual accountability between the state and its citizens. The AU is spearheading efforts to ensure these aspirations are the hallmark of the new post 2015 development goals and are realised in Africa.

Finally, in recognition that democratic governance is at the heart of addressing citizen demands and root causes of crisis and conflict in Africa, including unconstitutional changes of government, the AU established the African Governance Architecture as a framework for dialogue among various organs and institutions mandated to promote good governance and strengthen democracy in Africa. AGA's main goal is to ensure

effective implementation of the AU's Shared Values, and in particular, the African Charter on Democracy, Elections and Governance. Through the AGA framework, engagement with citizens through new and social media channels has intensified at the highest level as exemplified by tweet chats with the AU chairperson, Dr Nkosazana Dlamini Zuma. Leveraging on the engagement possibilities offered by new media platforms provides an opportunity for the AU to interface with the citizens on its successes, challenges and prospects. A youth and citizens engagement strategy has been developed as a strategic engagement process for citizens to impart on decision making at all levels. This interaction is expected to galvanise collective responsibility of AU member states and citizens in the quest for improved and inclusive democratic governance on the continent. This is exemplified by the role played by young people through the use of social media in the swift reaction of the AU to the protests in Burkina Faso which eventually ousted Blaise Compaoré.

The African continent cannot afford to have a union that does not listen to the African citizen. In fact, increasingly the AU has demonstrated its willingness and ability to be on the right side of history. With informed and vibrant African citizens engaging on a variety of platforms, states no longer have a monopoly on information. The African Union must recalibrate its citizen engagement mechanisms by adapting to the changing times on the continent. Africa is rising, so is the consciousness of its citizens! ■

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The views in this article are personal and do not necessarily reflect those of the AGA Secretariat or the AU. Thanks to the AGA Secretariat team - Ibraheem Sanusi, Rizzan Nassuna and Lucy Dunderdale - for their comments.

Mobilising and empowering local miners in Africa

by Kojo Busia

How the African Mining Vision can serve as a catalyst for mobilising and empowering local actors engaged in the artisanal and small scale mining sector in contributing to sustainable development of Africa's natural resources.

The African Mining Vision (AMV) adopted by the African Union in 2009 marks a clear departure from the traditional approaches to the governance of the artisanal and small scale mining (ASM) sector in Africa. Using the AMV as an organising framework, this article elucidates how the AMV provides opportunities for overcoming the challenges and obstacles to improving the policy environment in which local actors evolve in the ASM in terms of the sector's relations with government and public institutions, large-scale private sector and mining communities in general. It concludes with a number of policy recommendations that could harness the potential of ASM for sustainable development outcomes.

The strategic value of the AMV

Although ASM makes a productive contribution to African economies and rural livelihoods in a large number of African countries, its fullest potential in terms of contribution to the broader socio-economic development is not fully harnessed. In most countries, the ASM sector faces a number of challenges. Under-capitalisation; informal or semi-formal business operations and inadequate or lack of technological capacity are some of the most visible characteristics of the sector. Over the years, however, policy responses have failed to address these challenges in a sustainable manner. The Africa Mining Vision, however, seeks to empower the sector, including local actors, by providing a systematic governance

framework which recognises the strategic value of ASM as a legitimate actor. Indeed, the AMV proposes that in order to achieve a "transparent, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development," all actors must press for a knowledge-driven African mining sector that is inclusive, environmentally friendly, socially responsible, and effective at harnessing the advantages of all engaged actors, from artisanal to multinational.

The AMV seeks to harness the potential the ASM sector has in employment creation, fighting household poverty, enhancing women and youth participation in the economy and society, generating forward and backward linkages in the local economies and overcoming rural underdevelopment through integration with the formal economy. The potential for achieving these goals can be realised through an open, equitable and a participatory governance framework espoused by the AMV. Long held back by an unfavourable policy and regulatory environment, ASM could well be positioned to play a transformative role in Africa's socio-economic development.

Key AMV governance dimensions for the ASM sector

The AMV responds to the absence of specific legal framework facilitating the support and growth of the ASM sector by providing policy, legal and regulatory environment including laws, regulations,

standards and codes to advance the sub-sector's interests vis-à-vis government and private actors. A major area of concern addressed by the AMV framework is the procedures for obtaining licences and rights for their operations, a key ingredient towards formalisation. To address this, the AMV advocates for the formalisation of the ASM sector as a process starting with simplifying the entry requirements of the sector.

Another key dimension of formalisation of artisanal small scale miners is access to financing, information and support services needed to run a successful business operation. Access to finance is a major constraint due to the capital intensive and the equity-based financial requirements that most ASM companies in Africa are unable to meet. This places the ASM operators outside the realm of formal financing institutions; with little internal resources and limited support from government, ASM bodies are left vulnerable to all forms of informal financiers who often exploit the operators by offering them below market prices for their production. The AMV foresees providing accessible institutional, technical and financial support to operators in the ASM sector to alleviate this challenging policy environment.

The AMV champions the provision of technical, training and skills inputs into the ASM sector as a fundamental pre-requisite for success. Technical challenges facing the sector include low education levels of mine planning, lack of adaptation of mineral processing technologies to small scale operations,

occupational health and safety standards, as well as lack of knowledge of environmental damage of their operations. Addressing these challenges would require a sustainable framework to produce appropriate technology for ASM and small-scale mining sectors. The AMV takes a holistic approach in addressing these challenges.

Providing the policy environment for productive partnerships between large-scale mining corporations and small-scale mining operations for improving the technological and skill-base capacity of ASM operators is a major agenda for the African Mining Vision. Cooperation between small and large-scale miners is another route for ASM operators to access finance and technical support. Often, ASM operators would require the backing of a competent technical partner to access finance. Models for such

in poor environmental conditions find themselves trapped in a poverty cycle. To arrest this trend, the AMV advocates for the mainstreaming of the ASM sector into poverty reduction strategies and other socio-economic activities for long-term sustainable management of the ASM.

Support to women in ASM

The ASM sector in Africa is characterised by an entrenched status of women playing only a secondary role assigned by society in the production value chain. There are several structural factors accounting for the low status assigned to women including the limited access to exploration data or information and limited access to financial resources, land ownership, mineral rights and equipment. Although women are impacted negatively by mining in the communities, their gain from the benefits

AMV opportunities and challenges for the ASM sector

In sum, the AMV offers several opportunities for transforming the ASM sector in Africa. This is because arguably, the ASM is the sector which African policy makers have more control and influence over than the large scale, multi-national mining sector with complex global value and supply chains. The challenge, however, is to ensure that policies and regulatory regimes that have been agreed upon at the national, regional and continental levels are strictly adhered to, respected and implemented.

The key is to provide the proper incentives for their formalisation and full integration into the rural and local economy and development strategies. Among the key AMV policy recommendations necessary for creating such incentives for transformation are:

- Regularising informal ASM;
- Simplifying and decentralising procedures for acquiring ASM rights;
- Providing a realistic capacity development implementation plan;
- Providing accessible institutional, technical and financial support;
- Encouraging support for ASM from the more established private sector;
- Expanding exploration work that leads to designation and allocation of areas for ASM;
- Enforcing international norms prohibiting child labour and defending women, environmental and labor rights;
- Exploration and launching measures to redress discrimination against women, whether due to the law or operation against women. ■



Small scale mining in Zamora-Chinchipec, Ecuador. Photo: Knut-Erik Helle, flickr.com

partnerships exist within African countries such as South Africa and Zambia, however, these are limited examples which should be adapted in other African countries.

Due to the high labour intensity and low skill entry requirements, the ASM sector is noted for its high incidence of human rights abuses, including lack of occupational health, safety and environmental standards. In this regard, the AMV calls for an improved regulatory framework for the health and safety of the labour as well as the environmental well-being of the surrounding communities. A poorly remunerated labour force who have gone into mining to avoid poverty as well as working

in the sector is very limited.

The AMV seeks to reverse the role assigned to women in ASM by providing a platform for promoting gender responsive mining policies, laws, regulations, standards and codes; enhancing the clarity of opportunities for accessing financing mechanisms for women owned mining operations; and further advancing the call for policy and structural changes required to support access to capital, skills and technology to women in the ASM sector. The ultimate goal is to support the promotion and the integration of women into the national and regional value chains of artisanal and small-scale mining.

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Citizen participation and the promotion of democratic governance in Africa

by Mireille Affa'a Mindzie

In an evolving environment, African citizens are increasingly able to effect change by influencing and reshaping governance processes but this transformative mobilisation is not without challenges.

Keeping leaders in check: opportunities and constraints

In October 2014 in Burkina Faso, an uprising led to the ousting of former President Blaise Compaoré after 27 years in power. Brewing since early 2013 and heightened in the wake of the 2015 presidential election, the uprising was triggered by the national parliament's attempt to amend the constitution and remove the presidential term limit. The crisis fed on past governance and accountability challenges raised by the unresolved killing of journalist Norbert Zongo in 1998 and the hunger riots that spread in the region a decade later. It illustrates the increasing role organised citizenry can play in rearranging national governance institutions and processes in Africa. In South Africa, such organisation led to intense scrutiny of the use of public funds to lavishly upgrade President Jacob Zuma's private home. In Nigeria, popular mobilisation continues to demand the liberation of over 200 school girls abducted by the extremist group Boko Haram. In Burkina Faso, as well as in South Africa and Nigeria, citizens have resolved to impose pressure on their leaders by demanding accountability for the delivery of long-expected goods and services including democracy, social and economic justice, and peace and security.

In an increasingly interconnected world, marked by an international movement towards widely shared information, and greater group and individual engagement and solidarity, citizen participation offers renewed opportunities to strengthen democracy, accountability and the rule of law. In Africa, this renewed participation is made possible by

a relatively conducive normative and institutional environment. It is also facilitated by improved socio-economic conditions such as higher rates of education enrolment and access to healthcare. As a result, citizens have called on national and regional institutions to account for their role in preventing and addressing old and new governance and security challenges posed by unconstitutional changes of government, inequitable share of national wealth, poor social service delivery and the rise of violent extremism which can lead to greater democratic governance throughout the continent. Citizens have also been able to counter poor governance practices perpetuated by the monopolisation of power, control over national resources by ruling elites, and the marginalisation of groups including women and youth, who still constitute Africa's largest component of the population.

As Africa prepares for several high risk elections this year in countries including Burundi, Burkina Faso, Central African Republic (CAR), Côte d'Ivoire, Nigeria, Sudan and South Sudan, organised citizens can play a critical role in advocating for consensual and inclusive electoral processes that can ensure peaceful, free, fair and credible elections. In contexts where the need to restore stability and constitutional order, and consolidate democratic gains in post-crisis nations, strongly competes with factors like tight timeframes, social tensions and insecurity, citizen initiatives such as civil society situation rooms in Nigeria and Côte d'Ivoire, and efforts to broaden national dialogue processes in CAR, Sudan and South Sudan, including by advocating for increased women's participation in ongoing peace and

reconciliation efforts, are additional strategies to influence ongoing governance processes.

However, citizen mobilisation to advance democratic governance is not without its challenges. Mutual and growing distrust deepens the gap between citizens and their leaders. Persistent repression and the manipulation of laws and public institutions for political purposes regularly attempt to stifle perceived opposition. Moreover, for civil society organisations to effectively contribute to improving governance in Africa, their own issues of capacity and resources, as well as competition, internal governance, representation and legitimacy must be addressed. In several countries, the co-existence of local and international non-governmental organisations – with the latter offering better employment conditions – often leads to a local “brain-drain” that deprives national and community-based organisations of much needed capacities and resources. This loss of expertise and undue competition with better resourced international organisations also have the potential to negatively impact local civil society's role as their communities change agents. In addition, in countries where non-governmental organisations receive substantial financial support from partners, their functioning has been in some cases questioned, and issues of increased elitism raise concerns about their legitimacy and representation.

Regional and international prospects for enhanced citizen participation

Efforts to promote inclusive and democratic governance in Africa are supported by a growing body

of regional and continental norms and institutions, the effective implementation of which has yet to be generalised and sustained. These normative and institutional frameworks acknowledge the critical role civil society organisations, through training, advocacy and monitoring, play in strengthening democracy, governance and the rule of law. Various regional economic communities (RECs) including the Economic Community of West African States (ECOWAS), the Southern African Development Community (SADC) and the Horn of Africa's Intergovernmental Authority on Development (IGAD), have adopted frameworks defining standards in the areas of democratic governance and the rule of law, elections, and human rights and gender equality. Such policies have also been established at continental level, formalised among others by the 1981 African Charter on Human and Peoples' Rights, and the 2007 African Charter on Democracy, Elections and Governance that commits member states to encourage the participation of civil society organisations in efforts to advance political, economic and social governance.

Under the general oversight of the Ethiopia-based African Union (AU) Commission and the coordination of the recently established African Governance Architecture, monitoring of these policies' implementation is ensured by both legal and political mechanisms such as the African Commission and the Court of Human and Peoples' Rights, the African Peer Review Mechanism, and conflict prevention organs including the Peace and Security Council and the Panel of the Wise. Moreover, the forward-looking African Union Agenda 2063, the latest strategy to boost Africa's development,

reaffirms regional leaders' commitment to overcome the continent's challenges – which include governance, peace and security; and women's and youth's empowerment and participation – to accelerate the continent's socioeconomic transformation.

In practice, regional human rights mechanisms have developed well-established relations with civil society groups and more than 400 human rights organisations have now been granted observer status with the African Commission on Human and Peoples' Rights for example. Increased AU attention to potentially violent electoral processes has resulted in the deployment of election observation and monitoring missions to countries preparing and holding elections, which also have the potential to enhance interactions with African citizens and local civil society. Moreover, at the level of the Peace and Security Council, interactions with civil society organisations working in the areas of peace, security and stability in Africa have been facilitated by the implementation of the "Livingston formula", a mechanism adopted in 2008.

Yet, limited and *ad hoc* civil society engagement in the AU's governance and peace and security processes sustains the perceived disconnect of continental as well as sub-regional institutions from African citizens that often prevents common understanding of the continent's challenges and a shared ownership of the regional and continental strategies defined to overcome these challenges. This gap has resulted in the definition of legal and political frameworks without consultation and involvement of civil society, the vast majority of the latter remaining ignorant of developments in both the AU and the RECs. It has

also contributed to widening the divide between national elected leaders and their constituencies, in the absence of effective and consistent supra-national governance monitoring systems. In Burkina Faso, no regional or continental pressure prevented the almost two-year escalation that preceded former President Compaoré's departure, despite proclamations from ECOWAS and the AU of their attachment to democratic governance principles, which include rejecting unconstitutional changes of government and tampering of fundamental laws to contravene constitutional rules of power alternation.

The development process of both Agenda 2063 (the framework of which was adopted by AU leaders during their last summit in January 2015 in Addis Ababa, Ethiopia) and a Common African Position on the Post-2015 Development Agenda provided multiple opportunities to engage African citizens and civil society groups in the definition of renewed priorities for human development and socio-economic transformation. At the United Nations, the proposed goals to be adopted by member states during the Special Summit on Sustainable Development in September 2015, particularly Goal 16 on the promotion of peaceful and inclusive societies, the provision of access to justice for all, and building of effective, accountable and inclusive institutions, offer additional prospects to promote democratic governance, accountability and the rule of law across the continent. Both at the continental and the global levels, these efforts can benefit from greater civil society's involvement to raise awareness and advocate for these policies at national and sub-regional levels. While these initiatives offer opportunities for African citizens to continue influencing governance processes and demand for greater accountability across the continent, they also provide useful models for better cooperation between national governments and civil society organisations. ■



Southern Sudan: a long walk to vote. Photo: Alun McDonald/Oxfam

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The views in this article are personal and do not necessarily reflect those of the UN Women.

Can the closing space for CSOs in Africa be reopened?

by Désiré Assogbavi

The African Union Agenda 2063 recognises that people's ownership and mobilisation is needed as one of the critical enablers to concretise the seven aspirations of what can be called the business plan of Africa. However, as the Agenda is being launched, citizens' and civil society organisations' space is being terribly challenged in a growing number of countries on the continent.

Active citizens for effective and prosperous states

The positive and inclusive economic development that we are aspiring to in Africa requires a vibrant civil society and citizens taking a participative stand in it. Active citizens are fundamental prerequisites for the effective states that we need to change in Africa in order to meet the 2063 outcomes. It is therefore important that the issue of closing of CSOs' space is dealt with at all levels and now urgently at continental level with a strong role from the African Union (AU) itself.

In a prosperous and democratic society, state and vibrant civil society are two sides of the same coin and must complement each other. Civil society must be seen as a reservoir of social capital capable of contributing to all aspects of the country's development including health, education, peace, security etc. The role and influence of civil society in national and regional policy making does not diminish the relevance of governmental or inter-governmental processes —rather it enhances it. Nor does it lessen the authority of governments. While civil society can help to put issues on the agenda, only governments have the power to decide on them. The constructive engagement of civil society can reinforce deliberations by informing them, sensitising them to public opinion and grass-roots realities, increasing public understanding of decisions and enhancing accountability.

On peace and security for example, because of its immersion within the society, civil society has vocation and the ability to contribute to peace building initiatives and social cohesion. Civil society has shown its capacity to organise collection, analysis and evaluation of first-hand information allowing the identification of the sources of potential tensions as well as emerging conflicts. Whereas traditional conflicts were well understood by diplomats and

specialists in political science, adequately addressing new conflicts requires much more on-the-ground understanding, new skills of social and cultural analysis, the active involvement of communities and their leaders, links to vulnerable groups, bridges into mainstream development processes and new ways of working. Most of the time, civil society organisations have unique capacities in all those areas.



Global Day of Action Climate March, Photo: Ainhua Goma/Oxfam. As world leaders struggle to reach agreement at the COP17 negotiations, civil society, organised labour, faith-based organisations, artists and musicians rallied in a peaceful march through Durban on 3rd December 2011.

Increased control and undue restrictions on CSOs

Unfortunately, in a growing number of African countries, there is increased control and undue restrictions on the formation and the activities of CSOs. A common trend on this is to use the issue of foreign funding received by national civil society groups while there are no alternatives proposed by the government. Governments raise a variety of other reasons to justify the restrictive regulations. Some of the concerns are understandable, especially those genuinely linked to security, terrorism, religious extremism and other unlawful activities, but the majority are not and rather reflect a wiliness to shut down legitimate claims for fundamental human rights. In some cases even criticisms and alternative proposals for economic development and social choices are not tolerated. This is happening not just in Africa but globally. Some governments perceive CSOs as economic saboteurs, inciters of violence, or an extension of political opposition parties or even agents of foreign interest. Unfortunately in many cases, reacting to the shrinking of CSOs space, the international community and partner countries balance their interventions in preserving fundamental rights with competing economic and security interests. This is an additional wakeup call for citizens, especially in Africa, that the fight for civic space must be grounded within the continent at national, sub-regional and continental level.

Civil society space at regional and continental level

Regional civil society and coalitions targeting regional and pan African institutions have an important role to play as a complement and a backup to national groups. They are less exposed to risks compared to national CSOs and in many cases they can really contribute, influence and pressurise member states through the regional and continental bodies on regional policy issues. Regional Economic Communities (RECs)

react differently to CSO/non-state actor engagement. ECOWAS for example seems to be more open to CSOs than the other RECs but the general trend is more encouraging at regional than at national level.

Despite the recent polemic of the closure of the mid-year African Union Summit to observers including non-African countries but also CSOs, I have observed an increased participation of non-state actors, CSOs and coalitions in the policy process of the African Union over the last five years. Technical experts and ministerial policy debates have been incredibly opened to CSOs as observers all year long in between the bi-annual Summits of the AU. In 2014, the African Union Commission even authorised non-state actors to hold a Continental Conference on Agriculture and Food Security at the AU headquarters. At the same time, Addis Ababa-based country representatives and members of the Peace and Security Council have been open to meet and engage with various CSO groups to discuss important policy issues. Part of the mandate of Oxfam Liaison Office to the African Union is to support this engagement by CSOs. My office, in the framework of its Active Citizenship programme sponsors over 100 CSOs representatives each year to engage with various organs of the AU. This includes an annual training on Understanding the African Union jointly conducted with the AU Commission. But despite its importance, regional and continental engagement should not replace national CSO spaces, but rather complement it.

Reopening CSOs at national level: The African Union must step in

African countries can only gain from their definitive move towards economic and social development in allowing a genuine participation of all stakeholders, but too many countries on the continent, members of the AU, have adopted and continue to adopt national legislations reducing civic space. It is then important

that the AU steps in on this unfortunate trend to seriously question the shrinking of civil society space in a number of its member states and stop it. Agenda 2063 rightly said that the realisation of the agreed aspirations needs the “ownership and mobilization of African People (...) in their various formations”. This must start at national level. While discussions are currently happening on the implementation plan of Agenda 2063, the AU must consider adopting a special declaration to stop the closing of civic space in its member countries. The African Year of Human Rights (2016) declared by the Assembly of the Union is another opportunity for the AU to boldly free CSO spaces in its member states. This will be a precious gift to African citizens that will make them proud of the continental body. Of course the implementation of or the compliance to such a declaration by member states is another issue to question but this can be the starting point of a process towards a stronger policy framework and commitment of the AU members to ensure the realisation of Agenda 2063. The African Commission on Human and People Rights’ existing working group on CSOs’ space could also play an important and decisive role in tracking those hostile CSOs’ laws and bring them to AU policy organs. In fact, the AU task force in charge of the implementation of Agenda 2063 must take this issue seriously into consideration. ■

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Civic space and the post-2015 framework

by Mandeep Tiwana

With recent trends pointing to shrinkage of civil society space, goals and targets to protect this space in the post-2015 agenda will count for nothing if not backed by relevant indicators.

For those of us interested in a vibrant civil society, it seems to be the best of times and the worst of times. In recent months, there has been great progress in recognising the importance of civil society in shaping the so-called post-2015 agenda and an explicit recognition of the important role that civil society will play in delivering sustainable development. However, in many countries around the world, the actual conditions in which civil society operates are getting worse not better.

As we come closer to a new global agreement on sustainable development goals (SDGs), we need to push for an agreement – backed by robust indicators – that will make a tangible difference in protecting civic freedoms. Indeed, a perceptible rise in bureaucratic harassment and raids on NGO offices, violent dispersal of citizen demonstrations, attacks on and illicit surveillance of activists, combined with the application of draconian laws to silence dissent and restrict funding, has many civil society observers worried about shrinking space for the sector.

Threats to civic freedom

Over the course of last year, CIVICUS, the global alliance for citizen participation, monitored severe threats to civic freedoms in roughly half of the globe's 193 countries. Amnesty International's Annual Report for 2014/2015 calls it "a devastating year" for those seeking to stand up for human rights. Front Line Defenders, which works to protect human rights defenders at risk,

reports the killing or death in detention of over 130 human rights defenders in the first ten months of 2014 alone. All of this is happening while the United Nations (UN) is making unprecedented efforts to ensure greater civil society participation in the post-2015 global development framework. While the next generation of SDGs and their associated targets and indicators will be decided by world leaders at their September summit in New York this year, civil society's role in grounding the framework in people's aspirations and holding duty bearers to account is crucial.

In light of recent trends which point to shrinkage of civil society space, in both democracies and non-democracies, there is naturally a high level of anxiety whether guarantees on civic freedoms and civil society participation will be included in the final framework. Indeed, a major criticism of the current Millennium Development Goal (MDG) framework is that it has failed to recognise and thereby institutionalise the role of active citizens and civil society organisations in development. Assurances for a civil society enabling environment and respect for the freedoms of expression, association and peaceful assembly in the post-2015 framework are integral to greater public involvement and accountability in development.

So far, some progress has been made but the gains remain shaky because many governments which will be involved in adopting the final framework in September are themselves complicit in serious violations of civic

freedoms. These include some influential states such as China, Cuba, Egypt, Ethiopia, Rwanda, Saudi Arabia and Turkey whose developmental models are predicated on top-down governance with scant role for independent civil society. Positively, the UN Secretary General's Synthesis Report on the post-2015 agenda, released in December last year, calls for the creation of an "enabling environment under the rule of law for the free, active and meaningful engagement of civil society and advocates reflecting the voices of women, minorities, LGBT groups, indigenous peoples, youth, adolescents and older persons." Notably, participatory democracy – without which civic freedoms cannot meaningfully exist – has been described as both an enabler and outcome of development.

Plans to insure civil society participation

From the perspective of civic freedoms and civil society participation, the UN Secretary General's report has done well to elaborate on the proposal submitted to the UN General Assembly by the Open Working on Sustainable Development Goals (OWG) in July 2014. Comprising 30 representatives nominated by UN member states from all the regions of the world, the OWG recommended 17 goals and 169 corresponding targets which are the basis of intergovernmental negotiations on the SDGs this year. Two goals are particularly relevant from the standpoint of civil society's ability to freely operate and monitor progress on the framework. These are proposed



Political unrest Egypt, 2013. Photo: Gianluigi Guercia, flickr.com

Goal 16 (“promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels”) and proposed Goal 17 (“strengthen the means of implementation and revitalise the global partnership for development”).

The proposed goals are further sub-divided into targets. For instance, targets under Goal 16 include “responsive, inclusive, participatory and representative decision making at all levels” and “public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.” A key target under Goal 17 is to “encourage and promote effective public, public-private, and civil society partnerships, building on the experience and resourcing strategies of partnerships.” Progress on the proposed targets will be measured by indicators currently being developed by various UN bodies, including the UN Statistics Division. Ultimately, it will be the indicators that will anchor the post-2015 agenda because gains will be gauged through their prism. It is therefore crucial that the UN is able to identify suitable tools to measure civic space and civil society participation.

Putting UN Targets into practice

Although, the UN Development Programme (UNDP) has produced a report titled ‘Accountability through Civic Participation in the Post-2015 Development Agenda’, much more needs to be done to put in place relevant indicators that are linked to the targets identified by the OWG. For instance, in relation to proposed Target 16.10 with its focus on “fundamental freedoms”, it would be valuable to evaluate whether both legislation and practice protect civic space, in particular the freedoms of expression, association and peaceful assembly. Similarly, under proposed Target 17.17, with its focus on encouraging and promoting civil society partnerships, it will be vital to measure the existence of enabling conditions such as mandated requirements for civil society involvement in official policy making processes at the national level. Currently, there are a number of initiatives that measure civic space and civil society participation. Some of these, such as the World Press Freedom Index, the Freedom in the World survey and the Enabling Environment Index, are led by civil society organisations, while others such as the Global Partnership for Effective Development Cooperation

are being developed by multi-stakeholder initiatives.

With post-2015 negotiations entering the final phase, it is vital that political negotiators and technical experts are convinced that adoption of the above and associated methodologies will lead to better service delivery, citizen monitoring and accountability. With the attention on the post-2015 agenda now focused on measurement, civil society advocates have their work cut out to also engage and influence the statisticians. Ambitious goals and targets will count for nothing if not backed by relevant indicators. ■

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About the author



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Citizen freedom in Infographics

FREEDOM IN AFRICA 2015



Freedom in the World 2015 Findings

The Map of Freedom reflects the findings of *Freedom in the World 2015*, which rates the level of political rights and civil liberties in 210 countries and territories during 2014. Based on these ratings, each country or territory is designated as **Free**, **Partly Free**, or **Not Free**.

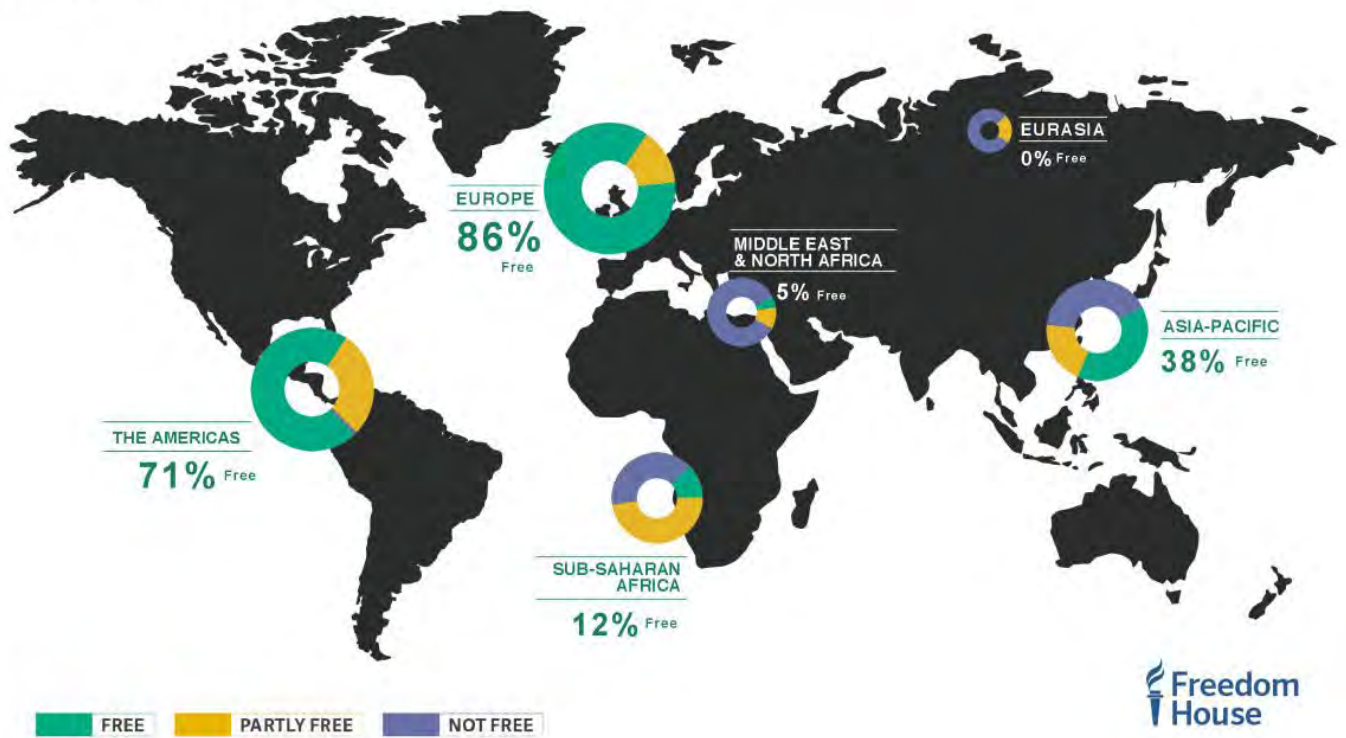
A Free country has broad scope for open political competition and a climate of respect for civil liberties. Partly Free countries have some restrictions on political rights and civil liberties. In a Not Free country, basic political rights and civil liberties are absent or systematically violated.

Freedom Status	Country Breakdown	Population Breakdown
FREE	88 (45%)	2,826,850,000 (40%)
PARTLY FREE	59 (30%)	1,822,000,000 (25%)
NOT FREE	48 (25%)	2,467,900,000 (35%)
Total	195	7,116,750,000



FREEDOM IN THE WORLD 2015

REGIONAL STATUS BY POPULATION



These maps are courtesy of Freedom House, more maps and the Freedom in the World 2015 report can be found here: <https://freedomhouse.org/report/freedom-world-2015/maps#.VS52KJSUfR8>

Empowering citizens in the extractive industry: Make contracts public

by George Boden

Imagine your government passes a law that could mean your home and job are taken away from you. It sets out whether you will be consulted or compensated and how your family and your local environment will be protected but you cannot read this law – it is kept hidden from public view.

Hidden contracts

It sounds outlandishly unfair, but a version of this scenario happens all too often to people living in mineral-rich developing countries when their government refuses to publish the contracts they have signed with oil and mining companies. The effects of these contracts are often as comprehensive as a national law or an international treaty and they last for generations. Land can be taken from people without their consent. Environments can get trashed and human rights abused. But unlike laws and treaties, these contracts are often hidden from the very people they affect.

Take Uganda's oil contracts. Global Witness recently published two Production Sharing Agreements signed by the Ugandan Government, along with the first ever open source oil contract financial modelling tool. Until now, these contracts were not available to the public.

Global Witness was able to analyse their strengths and weaknesses and came to the view that while the contracts put more money in state coffers than previous contracts, they do not contain adequate measures to protect Ugandan citizens and their environment. The Lake Albert region, where oil exploration is currently taking place, is one of the most ecologically diverse areas in the world

and yet it is afforded minimal protection under these contracts. Global Witness only found this out because they had seen the contracts.

Exploration risks

Secrecy aside, there is no evidence of corruption, mismanagement or human rights abuses in relation to these Ugandan contracts. But the risk is there – exploration is at an early stage, and oil and mining companies frequently face

closed doors heightens concerns that they favour the interests of a small elite rather than the wider population.

If contracts were made public people could scrutinise them and evaluate if they are getting a good deal, not only in terms of money but also how they are protected from the side effects of extraction and what their rights are. Such transparency empowers citizens and parliaments to fully understand the legal obligations of extractive companies as well as some of the risks. It also makes it harder for government officials to negotiate bad deals through lack of capacity or incompetence.

Poor resources and a lack of coordination amongst government agencies often mean that contractual commitments made by companies are not properly monitored. Wider public knowledge of these commitments through the publication of contracts would make it much easier to ensure that companies are adhering to what they have agreed to.

Consenting to transparency

Industry and governments will often claim that the information contained in extractive contracts is commercially sensitive, but this doesn't wash. The International Monetary Fund has found that contract terms are likely to be

“Contract confidentiality is an anachronistic customary hangover in the context of government contracts”

such allegations elsewhere. Oil, gas and mining are all key factors in both economic growth and instability – take South Sudan or Democratic Republic of Congo for example. Doing deals behind



Ugandan anti-corruption sign. Photo: www.futureatlas.com

widely known within the industry soon after signing, so little, if any, strategic commercial advantage is lost from publication. Indeed Simon Thompson, the Chairman of Tullow Oil plc, speaking at Chatham House in October, conceded that in the past confidentiality clauses were simply customary in these contracts and that this “may well change with time as more and more agreements become public”. It is worth noting that Tullow Oil plc already publishes its Ghana Petroleum Agreements at the request and with the approval of the Government of Ghana and has signalled its willingness to also publish in Uganda should the Government of Uganda consent. It is heartening that some governments are already taking steps to publish the contracts they have signed, proving that contract transparency is more than possible.

Contract confidentiality is an anachronistic customary hangover in the context of government contracts. It was a business principle designed with two companies entering a deal with each other in mind, but when applied to government natural resources contracts it undermines democracy and encourages corruption.

Extractive contracts need to be made public so that citizens can not only see what is happening to their resource wealth but can also understand what safeguards have been put in place for them and their environment. These contracts can dictate what will happen to citizens over a period of 30 years – that’s often longer than many national laws. People have a right to know what these contracts contain, it is a fundamental principle of democracy and it should be the norm. ■

This article was previously published as a blog on <http://www.globalwitness.org/>

About the author



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Tackling third term bids: Lessons from Burkina Faso

by Gilles Olakounlé Yabi

The popular insurrection of 30-31 October 2014 that led to the resignation of the president of Burkina Faso shed light on a recurrent trigger for political tensions in many young African democracies: constitutional tinkering by presidents who do not want to leave power.

The popular uprising that led to the fall of President Blaise Compaoré on 31 October 2014 set the tone for a year fraught with uncertainties and anxieties in West and Central Africa. Beginning with presidential elections in Nigeria and Togo in March and April, 2015 will end with presidential polls in Burkina Faso, Guinea and Côte d'Ivoire. Presidential elections are also scheduled in Burundi this year while Republic of Congo and Democratic Republic of Congo (DRC) should follow in 2016. The "revolution" of Ouagadougou shed light on what has become a recurrent trigger for political tension and violence in many African countries.

Toppling the President

Hundreds of thousands of Burkinabé protesters changed the course of their country's history by pushing their president, who had been in power for 27 years, to resign and flee. He was about to use the National Assembly to amend the country's constitution to allow him to run for a third term in late 2015. Captain Compaoré became president in October 1987 after a coup toppled and killed another young captain, the famous Thomas Sankara. Compaoré had managed to stay in power, adapting to democratisation in the 1990s by accepting a multiparty system while remaining firmly in control of political space. He manipulated the constitution two times to lift obstacles to his continued rule. The 2014 attempt at constitutional change was one too many. The transition in Burkina Faso should end in October 2015 with presidential and legislative elections. The vote will be competitive and the risk of political violence more limited than if the former president had forced his name on the ballot.

Learning from Burkina Faso

The implications of what Burkinabé called "democratic popular uprising" on upcoming elections in the region are not obvious. In Togo, the events of Burkina Faso have provided ideas and encouragement to political and social forces opposed to the candidacy of President Faure Gnassingbé. Allowed by the current constitution to seek as many terms as he wishes, coupled with the single run first-past-the-post system that is favourable to the incumbent, and with a divided opposition, the rule of the president does not appear threatened. His father had governed the country for 38 years until his death in 2005.

The youth of Burkina Faso sent a strong message to the heads of state who make and revise constitutional provisions to suit their own interests. All of them saw the images of the National Assembly building in flames in Ouagadougou, but it is not clear that they heard and understood the message. Everywhere on the continent, the victorious collective action of the people of Burkina Faso is an encouragement to those who have been fighting for credible democratisation and believe that alternation in power enshrined in the constitution is essential. But it is a cause for major concern and strategic thinking for incumbent presidents and their entourages who have been looking at ways to lift obstacles to the extension of their political and economic domination.

Constitutional tinkering

In Burundi, DRC and Republic of Congo, political tensions are already perceptible because of presidential plans, or suspicions thereof, to seek third terms despite constitutional provisions. It is difficult to predict the immediate political



Lieutenant-colonel Isaac Zio

future of these countries. Their respective history matters as much as local and external pressures towards democratic consolidation through respect of two-term limits where they exist. In Burkina Faso, one important factor of the successful mobilisation against constitutional tinkering has been the level of cohesion within the Burkinabé society, which made massive collective action, transcending ethnic, regional, religious and social divides, possible. Those divides do

“Democratisation progress has been hampered [...] because of the strong capacity of incumbent rulers to buy political support at home as well as friendly external partners.”



la, stepped in as Burkina Faso's transitional head of state in 2014. Photo: Thomas Leger, flickr.com

exist in Burkina Faso but there is also a strong political and revolutionary culture since the time of the idealist President, Thomas Sankara (1983-1987).

In a number of Central African countries, especially those with strategic valuable natural resources and strong ethnic or regional cleavages, it is not clear that mobilisation against third term bids can be carried out the same way as in Burkina Faso. Democratisation progress has been hampered and still

faces serious obstacles in most of the natural resources-rich African countries because of the strong capacity of incumbent rulers to buy political support at home as well as friendly external partners. In countries such as Equatorial Guinea, Republic of Congo, Angola, Gabon or Cameroon, the political tradition of concentration of power and resources in the hands of the presidents makes it particularly easy for governing elites to prevent or break any significant

collective action, which might threaten the *status quo*. The manipulation of ethnic diversity by ruling powers is an additional tool that complicates the task of those who try to create large and cohesive movements in favour of substantial democratic changes.

But as violent demonstrations in Kinshasa in last January showed, as well as increasing pressures on the president of Burundi, Pierre Nkuriziza, to not seek a third term, including open opposition within his party, things are changing even in Central Africa. Ruling powers can no longer manipulate laws as they please. Young urban African populations may not yet be able to formulate their political, economic and social claims in a coherent and efficient manner, but they no longer buy the argument of stability preserved by never-ending presidential rules and accept the blatant inconsistency between formal democratic systems and political practices. ■

About the author



A former West Africa project director at the International Crisis Group, Gilles Olakounlé Yabi formed the WATHI, a citizen-focused multidisciplinary think tank on West African political, economic and societal issues, in December 2014.

Gilles Yabi's blog is available at <http://gillesyabi.blogspot.com>

Kenya's benefit-less democratisation

by Joshua Kivuva

Despite decades of democratic transition, Kenya does not seem to have experienced consolidation. The majority of Kenyans are not happy with the country's democratisation, which has not brought about significant benefits to them.

Kenya's rugged democratic transition

Kenya's democratic transition has been characterised by its endurance and contradictions that mixes progress and regression in almost equal measure. Despite initial reforms that had made the country more democratic than it was before 1992, the country's democratisation has slowed down and in some areas reversed. However, after stagnating for two decades, the 2007 post-election violence offered new impetus for reform. The National Accord that ended the post-election violence put in place a coalition government that resulted in a progressive popular constitution promulgated in 2010 and key institutional reforms undertaken within the judiciary, parliament, and a devolved system of government. Using documentary evidence and Afrobarometer surveys, this article argues that in the last decade, Kenya's democratisation has had significant progress towards consolidation - a powerful independent parliament, a restructured independent judiciary, a new constitution that has put checks on executive actions and a devolved system of government. However, these reforms and the entire democratic transition do not seem to have translated to tangible benefits for citizens. They have largely remained benefit-less.

Kenya contains features that are associated with a democratic system: participatory and competitive elections, high voter turnout, and high incumbents' turnover. However, Kenya's electoral competition is not based on ideology or policy differences. The high participation has also not impacted on policy, and therefore, the purpose for which elections

have been held has remained extractive. As has been the case in other African countries, Kenya's democratisation has largely been undertaken without institutionalisation, while the agents of change in the transition - political parties, and opposition leaders - have themselves failed the democratic test. The political elite seem more concerned about consolidating power than democratising the state, while ethnicity takes precedence over the nation, ideology and political parties. The bases of Kenya's elections and electoral competition are ethnicity, personality and regionalism. Even when the competition is intra-party, the three bases remain.

Since independence, Kenya's politics has been characterised by exclusion of certain communities and groups. Exclusion became overt in the multiparty era, in the registration of voters, and in the delineation of constituencies, where through gerrymandering, constituencies were curved in a way to benefit some and disadvantage others.

Another major challenge is Kenya's electoral system, the first past the post (FPTP), which has made electoral competition not just a zero-sum game but a violent one at that. In a poor ethnically divided society, where the aspirations of the community repose in an individual, the winner takes-all system under the FPTP makes electoral loss too costly for the community.

Worsening economy and living conditions

Parallel to decreasing levels of satisfaction with Kenya's democracy, perceptions of economic conditions are on the decline as well. When asked about the country's economic conditions in 2003, 45% of respondents stated

that they were fairly or very good. But this proportion decreased to 28% in 2005, to 12% in 2008, and to 10% in 2011. Perceptions of economic trends have also deteriorated. While in 2003, only 23% of respondents stated that the country's economic conditions were worse or much worse than they had been 12 months previously, in 2011 more than 58% said the same. Overall, the trend from 2003 to 2014 clearly reflects public perceptions that are growing increasingly negative.

Kenyans less optimistic about the future

People's optimism about the country's future has also been eroded. In 2003, when asked what they thought the country's economic condition was going to be in 12 months time, Kenyans were quite optimistic, with 80% stating that the future was going to be better or much better. By 2014 this optimism had been eroded: just 33% were optimistic about the economic future. People's declining optimism seems to be related to their reduced freedoms, their worsening living conditions and their pessimism about their future. While in 2003 only 35% said that their living conditions were fairly bad or very bad, this deteriorated to 71% by 2011 and remained high in 2014. In the last 12 months alone, more than half of respondents in both 2014 and 2011 said their conditions were "worse or much worse compared to 12 months ago."

A similar response was recorded when Kenyans were asked about their expectations regarding their living conditions in the next 12 months. While in 2003 only 4% said that their living conditions were likely to be worse or much worse, this proportion increased to 42% in 2011 and 2014.



2008 Minnesota: Kenyans protest the violence in their country. Photo: Joshua Wanyama, flickr.com

Increasing corruption influencing dissatisfaction

Alongside anxieties about personal living conditions and the economy, perceptions of increasing corruption and bad governance may be factors contributing to public dissatisfaction with democracy in Kenya. People's perception of the government's handling of corruption dropped from a high level of support (85%) in 2003 to an approval rating of only 26% in 2011, which has remained low in 2014.

Kenyans happy with acquired freedoms...

In Kenya, there is consensus about increased democratisation and the opening up of the political space to more participants - more political parties, more media outlets, freer expression of views, and more freedoms. But clearly anti-democratic features - rigging of elections, violence, bribery, and attempts to close the very political spaces for some groups - have also increased. Despite more than two decades of democratisation, the transition does not seem to have yielded significant changes in the institutional composition of the country. And even when institutions have changed, this does not seem to have brought about meaningful socio-economic and security gains for the citizenry. Despite the promulgation of a new constitution in 2010 and other institutional reforms

which enjoyed widespread popular support, Kenyans are not happy with the transition. The politics that have characterised its implementation, and the increased tensions and conflicts that have emerged in the pursuit of the "freedoms" that the new constitution has provided, have coloured Kenyans' perceptions of the democratisation taking place in the country.

Kenyans are happy with the freedoms they have acquired as a result of the democratisation process in the last three decades. Kenyans' perceptions about their freedom to say what they think and to join any political organisation have been very high and have not changed since 2008. Four out of five Kenyans said that they were "somewhat free" or "completely free" to express their thoughts, and free to associate with whomever they wanted. Similarly, more than 90% of respondents said they were free to choose who to vote for.

...but dissatisfied with a benefit-less democracy

Despite these freedoms, Kenyans do not see their country as a full democracy. Results from the Afrobarometer survey revealed that only 9% of Kenyans consider Kenya a full democracy. In a significant shift in Kenya's perceptions on democracy and democratisation, the number of respondents who consider Kenya either "not a democracy" or

"a democracy with major problems" increased from 17% in 2003 to 47% in 2011.

Similarly, levels of satisfaction with democracy declined over time. While in 2003, 79% of Kenyans were either fairly or very satisfied with Kenya's democracy, this proportion dropped to 51% in 2005 and then declined still further to 42% in 2008 before increasing marginally to 47% in 2011 and 2014.

The democratic transition in Kenya has not yielded tangible economic benefits for the people; survey results show that Kenyans have been growing increasingly negative about their living conditions and pessimistic about the future. This parallel decline in political and economic satisfaction deserves further testing through research, as well as careful attention from political leaders. ■

About the author



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Putting into practice the new EU policy on civil society: The case of Madagascar

by Rachid Karroum and Sophie Fernagu-Bialais

With the implementation of the Dinika programme, the exchange with EU policymakers and the development of a road map have all helped create a climate of trust between CSOs and the EU.

After a lengthy dialogue process, the EU issued a landmark Communication (approved in September 2012) defining a new civil society policy. It expresses a clear EU commitment to responding to widely observed community/societal dynamics in partner countries. It recognises the key role that local civil society plays as a 'governance actor' and the need for different, more politically savvy EU engagement strategies based on three priorities:

1. Strengthening efforts to promote an environment conducive to civil society organisations (CSOs) in partner countries;
2. Promoting effective CSO participation in domestic policy processes as well as in the EU's programming cycle and in international processes; and
3. Empowering local CSOs to more effectively perform their role as development actors.

Heeding calls from civil society, the EU is now confronted with the challenge of implementing the new civil society policy in a wide set of country contexts, including hostile environments where governments seek to close space for autonomous civil society action. This will require fresh thinking on how to promote endogenous dynamics, particularly by: supporting grass-roots associations so that disenfranchised groups can access basic services; using an appropriate mix of funding modalities so as to best respond to the widest possible range of actors; and strengthening CSOs' strategic, institutional and operational capacities, thereby enabling them to be accountable, knowledgeable and competent actors in the economic, political and social policy arena.

Experimenting new approaches to engage with civil society

How can local CSOs (as development and governance actors) be strengthened in a country like Madagascar where ongoing political turmoil has led to an erosion of state institutions at all levels and where an equally weak civil society had to largely take over basic services (such as education)? Donor agencies have for a long time contributed to this state of affairs by channelling funds to CSOs for service provision (in substitution of a defaulting state). Where does one start revitalising local civil society in such a context?

Confronted with this burning question, the EU Delegation (EUD) decided to first invest in a deeper understanding of civil society. In 2012, it mapped out all civil society actors on the ground and established a real dialogue based on a thorough understanding of the CSOs and

the socio-economic context in which they operate.

This knowledge was then used to design an adequate civil society support programme called Dinika (meaning consultation or dialogue in Malagasy). In order to establish a true relationship of trust, the Dinika programme, once active, invited all civil society actors in Madagascar to become key players and to take ownership of the programme. Not limited solely to merely funding CSOs, the EU also seeks to use Dinika to strengthen civil society's institutional presence through initiatives carried out by civil society itself, moving away from the service provider model. The programme adopts a flexible 'learning-by-doing approach' and is supported by a team of facilitators.

The next step was to structurally improve the dialogue with civil society. In 2014, the EU assumed a more strategic,

*A group of women doing road repairs on the national highway in Madagascar.
Photo: lamNotUnique, flickr.com*

country-level engagement with CSOs by establishing a 'political dialogue' with civil society actors through effective consultations (with the EU Ambassador, the directors of EEAS and DEVCO, EU Development Commissioner).

These dialogue channels were used to elaborate the "civil society roadmap" for a strategic engagement with the civil society in Madagascar (the 2012 EU Communication obliges Delegations to define such a "roadmap" together with member states and other interested donors). Approved by the CSOs and validated by the EUD and member states as of July 2014, the road map reflects the true expectations of civil society translated into an action plan and an implementation timetable via more suitable modalities of support, defining the results to be achieved. The roadmap agreed upon four priorities for the next 5-10 years: (1) a more legitimate, viable civil society capable of assuming its role as a governance actor; (2) civil society will contribute to a more effective rule of law; (3) the co-creation of public services will be promoted; and (4) civil society will contribute to inclusive local economic development.

No shortage of implementation challenges

Yet adopting a different way of thinking about civil society is no easy matter. A number of actors are involved, including citizens, national and local authorities, technical and financial partners (TFPs), the private sector and civil society itself. Many habits have been formed, and change takes time. Challenges include adopting a new perspective about an actor undervalued in the past, confined by tools within a context of service delivery and substitution.

Recognising that the stakes are high and that the need for changing practices is considerable, the Delegation of the European Union (DEU) has decided to take up these challenges by allotting more resources to helping civil society

becoming strong governance actors with legitimacy, credibility and capacity to make policy inputs or demand accountability. To this end, CSOs now need to organise themselves, consult with one another and work together.

Via the Dinika programme, the DEU's priority from the outset has been to listen to civil society, initiating an alternative civil society funding mechanism in order to meet the needs of a wide range of formal and informal CSOs, and for capacity building, monitoring and evaluation, and, finally, a component focused on structuring CSO groups and their community approach. The funding mechanism for CSO initiatives favours direct awards over calls for proposals owing to greater suitability, guaranteeing greater access to local CSOs' expectations.

Of critical importance is the strengthening of the framework of each CSO or group of CSOs, and passing on to them basic knowledge, thereby enabling them to take part in public debate on monitoring the development assistance budget, natural resources, human rights, social rights and other matters. Also of note are the emerging coalitions on the thorny issue of protecting forests mainly from rosewood trafficking and the involvement of CSOs in monitoring municipal budgets and producing alternative reports on human rights.

The Dinika programme is building a framework with CSOs from the ground up, supporting informal groups to small neighbourhood associations, and taking into account regional and local issues by working at the very heart of municipalities following a multi-actor strategy based on a territorial approach involving all stakeholders rather than a project-based approach. In this context, the mayors of the municipalities have received support in carrying out their Municipal Development Plan by targeting ordinary citizens in each fokontany (village or neighbourhood) by involving

each association so that citizens are aware of their role in local governance, particularly in terms of public policy management. The approach emphasises the connection between the national and local levels based on integrated local development, placing the municipality at the centre of decision-making in order to avoid substitution and a top-down approach. CSO initiatives supported by the programme are part of municipal development plans, thus meeting the needs identified by citizens now able to monitor their implementation. By using agreements to ensure the delegated management of public buildings, CSOs are becoming true agents of change, fully assuming their role in local governance and contributing to the proper management of public property.

The implementation of the Dinika programme, at the heart of which civil society is embedded, the exchange with EU policymakers and the development of the road map have all helped create a climate of trust between CSOs and the EU. Indeed, CSOs no longer view the EU as a donor, but as a partner, thus confirming the EU's commitment to pursue its new civil society policy. ■

This article was translated from by ECDPM from the original French version.

About the authors

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Our blogs aim to deepen the dialogue on policy issues, and get to the heart of the matter in an honest and concise way.

The 11th CAADP Partnership Platform: much positive talk, but little walk



Talking Points, Francesco Rampa, 10 April 2015

The 11th Partnership Platform (PP) of the Comprehensive Africa Agriculture Development Programme (CAADP) took place two weeks ago in Johannesburg, South Africa. As I said before travelling there, expectations were high: it was the first PP since the African Union (AU) Heads of State Malabo Declaration. The theme this year –“Walking the Talk: Delivering on Malabo Commitments”– reflected the objective to shape how the Malabo ambitions and new specific commitments will be translated into action, results and impact.

Can ‘Responsible Investment Principles’ de-polarise the debate on agricultural PPPs in Africa?



Talking Points, Sean Woolfrey, 7 April 2015

The use of public-private partnerships (PPPs) to promote agricultural development is becoming increasingly prominent in Africa, but has provoked fierce criticism due to concerns about their impact on local communities. There is a clear need for these instruments to mitigate the risk of large-scale investments to these communities and to ensure best practice is followed.

L'agenda universel post-2015 – Le partenariat ACP-UE répond-il encore a ses objectifs ?



Talking Points, Jean Bossuyt and Niels Keijzer, 3 April 2015

L'universalité est l'un des aspects clés de l'agenda global post-2015, mais que signifie-t-il pour les relations ACP-UE ? Jean Bossuyt et Niels Keijzer se penchent sur cette question dans ce blog ECDPM.

Public-private partnerships for development: From principles to practice?



Talking Points, Sebastian Grosse-Puppendahl, 2 April 2015

There is a need to readily embrace the complexity and diversity of public-private partnerships and focus on how to translate broad principles into operational tools.

The Weekly Compass

Want to know the direction in which development cooperation is sailing? Stay informed of all the latest news on EU-Africa and EU-ACP development cooperation with the ECDPM Weekly Compass (WECO)



Financing for development: The state of the debate in Africa | Financing for African development | 11th CAADP PP |

Weekly Compass, 17 April 2015

Against the backdrop of intensive global negotiations on the post-2015 sustainable development agenda, it seems opportune to look at the state of the debate on financing for development in Africa, explains Sahra El Fassi in this new ECDPM Talking Points blog. The African Ministers of Finance have endorsed a document entitled “Financing for Development: Africa’s perspectives”, which will guide negotiations by African countries in the leadup to the Addis Ababa summit on Financing for Development in July. The blog says African countries have been working extensively towards developing a common position on development financing, ensuring that international development plans are well aligned to regional plans. The priorities of the Sustainable Development Goals are already very much in line with those articulated in the Common African Position on the post-2015 development agenda. Africa’s increased interest in financing its own development is a step in the right direction.

Launching the European Report on Development | Quelle place pour les ACP dans l’action extérieure de l’UE

Weekly Compass, 3 April 2015

The European Report on Development (ERD) is an influential and independent report that aims to stimulate debate and research on topics of major relevance for development and to enhance the European perspective in international development. The fifth edition of the ERD (ERD2015) has the theme of “Combining finance and appropriate policies to enable a transformative post-2015 development agenda”. The ERD2015 will be launched on May 4th in Brussels - watch the teaser trailer and sign up for the launch event. A preview of the emerging messages of 2015 European Report on Development was made at the OECD Global Forum for Development this week. Recently, ECDPM’s James Mackie was invited to present the emerging messages of the report to a joint seminar hosted by the EU Delegation to Japan and the Japan International Cooperation Agency.

JOBS | High Stakes for Development | African Leadership | Economic Transformation | Power and Influence

Weekly Compass, 27 March 2015

Regional cooperation and integration in Africa are highly complex processes. The interests of state and non-state actors in such processes and the power they hold differ within countries and among countries. Often, the outcomes of regional cooperation are hard to predict, with the costs and the envisaged benefits unevenly spread over time among the interested stakeholders. Despite these complexities, this ECDPM Discussion Paper argues that these times offer good opportunities for domestic policymakers, regional organisations, non-state stakeholders and donors to engage purposefully in such regional enterprises. It points to opportunities and to new research that helps understand shapers and blockers of regional cooperation and helps identify opportunities and prioritise for politically and technically feasible support strategies. ECDPM and the IDL Group are currently undertaking a study, to be published in September, on the drivers and obstacles to regional cooperation and integration in Africa on behalf of the Swedish Embassy in Nairobi.

CAADP Partnership Platform | Local context in Extractives | South Africa civil society

Weekly Compass, 20 March 2015

The Partnership Platform taking place next week in Johannesburg is the key annual event of the Comprehensive African Agriculture Development Programme (CAADP). This year is particularly important because it’s the first platform meeting since the 2014 Malabo Declaration which introduced ambitious commitments for agricultural growth and transformation in Africa to be reached by 2025. ECDPM’s Head of the Food Security Programme, Francesco Rampa, argues in his latest Talking Points blog post that Regional Economic Communities (RECs) should have a stronger role in CAADP implementation. RECs, he says, are better positioned than continental institutions in helping Member States in their own CAADP processes. Rampa will be in Johannesburg raising this and other issues. Follow him on Twitter to know more of the day to day discussions at the CAADP Partnership Platform.

Latest ECDPM publications



Bilal, S., Vanheukelom, J. 2015.
Regional dynamics in Africa: High stakes for development.
(Discussion Paper 174). Maastricht: ECDPM.

Regional cooperation and integration have become key features of our globalised world. Such regional dynamics involve stakeholders who try to solve problems at a regional level that cannot be properly addressed at a national level. Many such problems affect poor peoples' lives in areas such as mobility of people and goods, access to vital services in water and energy, security, environment, etc.



Byiers, B., Berliner, T., Guadagno, F., Rodríguez Takeuchi, L. 2015.
Working for economic transformation
(Dimension Paper 03). London: ODI.

A key challenge for developing countries is to generate more and better employment opportunities while ensuring that all parts of the population are able to access these. This paper discusses what this means in practice, particularly in the context of economic structural transformation. Looking at job quality, quantity and access as they relate to sectoral labour demand and supply dynamics, the paper lays out some of the key progress indicators as they relate to structural change, and examines these for a group of Development Progress countries.



Byiers, B., Rodríguez Takeuchi, L., Rosengren, A. (et al.). 2015.
Work in progress: Productive employment and transformation in Uganda.
(ODI Case Study Summary - Employment). London: ODI

Agricultural contribution to gross domestic product (GDP) has been declining in Uganda, but early structural transformation has helped create a shift in employment mainly to services employment. In 2010/11 the service sector accounted for 92% of all new wage-employment opportunities.



Helly, D., Thérroux-Bénoni, L.-A., Galeazzi, G., Maïga, I., Ouédraogo, F. 2015.
Sahel Strategies: Why Coordination is Imperative.
(ISS Policy Brief 76). Dakar: ISS.

The Sahel has been at the centre of international and regional efforts to solve multiple crises that affect the region – the lack of human security, terrorism threats, governance failures and food insecurity. The Sahelian strategic environment has become more and more crowded as international and regional organisations propose their own solutions to tackle this multiplicity of challenges.

Next issue of *GREAT Insights*:
Territorial development
June/July 2015, Volume 4, Issue 4

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