

Discussion Paper

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Can the regional economic communities support implementation of the African Governance Architecture (AGA)?

The case of the Intergovernmental Authority on Development (IGAD)

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Key messages

The African Governance Architecture (AGA) is a natural by-product of the transformation of the Organisation of African Unity (OAU) into the African Union (AU) and the principles articulated in the Constitutive Act of the AU. Within the interventionist and integrationist AU, and within Africa's regional economic communities (RECs), including IGAD, governance issues have become increasingly prominent. Governance is recognised as closely intertwined with peace and security.	Governance has generally occupied a secondary position, behind peace and security, within both the AU and IGAD. To move from an interventionist AU to a 'preventionist' AU will require another transformation: a shift of mission to structural conflict prevention hinged on substantive reforms of governance to address the root causes of conflict, fragility, and instability.	Despite the various binding constraints that the governance agenda in Africa faces, establishment of the AGA has high potential for bringing about this shift of focus to prevention. The AGA's primary goal is to build governance-related capacities within AU organs, RECs, AU member states, and other stakeholders, including civil society. But for the AGA to take root in Africa, it will need to be planted in member states and local communities with the support of the RECs. This would also foster implementation of the principle of subsidiarity.	Given their proximity, local expertise, and regional legitimacy, the RECs are a practical entry point for promotion of the AGA agenda at the regional level in Africa. IGAD could provide valuable knowledge about the region and even offer a mechanism for adapting the AGA agenda to local contexts. Similarly, for the AGA, IGAD could provide a platform for implementation and evaluation of progress.	Cooperation with external partners on governance is hindered by factors such as the sensitivity that governance evokes, scarcity of funding, and capacity constraints. These have led to perceptions of limited political determination and a lack of sincere commitment to the governance agenda within Africa. Given the increased interest in the governance–peace and security nexus, there is now momentum that African institutions and donors can seize upon to streamline their support to governance for conflict prevention. This will require that the AU and IGAD bring the governance agenda to the forefront.
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Table of Contents

Acknowledgements.....	v
Acronyms.....	vi
Executive summary	ix
The main conclusions of the study.....	xi
Methods and general approach	xii
1. Governance and the African Governance Architecture	1
1.1. Introduction	1
1.2. The roots of the African Governance Architecture	4
1.3. The Addis Charter and the AGA: A legal basis?	5
2. IGAD: Its inception, evolution, and mandate	7
2.1. Introduction	7
2.2. IGAD: Mission, vision, and core functions.....	8
2.3. Institutional framework: Governance of IGAD	8
2.3.1. Institutional organs	8
2.3.2. The IGAD Secretariat.....	8
2.3.3. Specialised institutions and programmes	9
2.4. IGAD's partners.....	10
2.4.1. Continental and international partnerships	10
2.4.2. Partnership on governance	10
3. The governance agenda within IGAD: From default to design.....	12
3.1. Introduction	12
3.2. Trends and implications for the IGAD governance agenda	15
3.2.1. Move towards participatory and competitive elections.....	15
3.2.2. Are developmental states necessarily weak in governance?	16
3.2.3. Decentralisation, devolution, and federalism	17
3.3. The governance agenda within IGAD	17
3.3.1. Governance framework documents	17
3.3.2. From the Political and Humanitarian Affairs Department to the Peace and Security Division: A step backwards?	18
3.3.3. Avoiding the problem of turf wars	19
3.4. Draft treaty and draft protocol on democracy, governance, and elections.....	20
3.4.1. Towards a robust IGAD governance agenda?.....	20
3.4.2. Towards a robust, treaty-based mandate on governance	21
3.4.3. Towards a protocol on governance.....	22

3.5.	Participation: IGAD's relations with civil society and non-governmental organisations	24
4.	Linking the AGA to the IGAD governance agenda: Barriers and opportunities	26
4.1.	Introduction	26
4.2.	Barriers to an effective governance agenda within IGAD	28
4.2.1.	'Mutually assured destabilisation' by IGAD member states on governance	28
4.2.2.	Political sensitivity of governance	28
4.2.3.	Hard security mindset, with governance given low priority	29
4.2.4.	Capacity constraints impinging on donor perceptions and vice versa	29
4.3.	IGAD-AU relations	30
4.3.1.	Rhetoric of 'building block' overshadowed by mono-directional relations and blame games	30
4.3.2.	The principles of subsidiarity and complementarity	31
4.3.3.	A fragmented approach in dealing with the AGA and the APSA	32
4.4.	AU-IGAD special relations and recent efforts to promote governance	33
4.4.1.	Positive notes in the AU-IGAD relationship	33
4.5.	IGAD's involvement in the AGA	34
4.5.1.	A legacy of missed chances, with the occasional achievement by default	34
4.5.2.	Communication and participation	35
4.5.3.	Deficiencies in conceptualisation and legal basis	36
5.	Way forward and conclusions	38
5.1.	Shifting the mission of IGAD and the AGA	38
5.2.	Way forward for the AGA	39
5.2.1.	Initiate a comprehensive protocol to govern AU-REC relations	39
5.2.2.	Encourage greater REC participation in the AGA	39
5.2.3.	Encourage collaboration between the AGA and the IGAD Political Affairs Programme	40
5.2.4.	Utilise the RECs as platforms for AGA tailoring, operationalising, and reporting	40
5.2.5.	Encourage block endorsements	40
5.3.	Way forward for IGAD	40
5.3.1.	Transform behaviour and build state capacities	40
5.3.2.	Reform towards an era of delivery and democracy	41
5.3.3.	Reform the IGAD Secretariat	41
5.3.4.	Refine the draft treaty and the draft protocol on governance and address financial constraints	41
5.4.	Conclusion	42
	Annex	44
	Bibliography	45

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The views expressed in this discussion paper are those of the authors only and should not necessarily be attributed to ECDPM.

Acronyms

ACHPR	African Commission on Human and Peoples' Rights
AEC	African Economic Community
AfDB	African Development Bank
AGA	African Governance Architecture
AMISOM	African Union Mission in Somalia
APRM	African Peer Review Mechanism
APSA	African Peace and Security Architecture
ASALS	Arid and Semi-Arid lands
Assembly	Assembly of Heads of State and Government (IGAD)
ATT	Arms Trade Treaty
AU	African Union
AUC	African Union Commission
CBMPs	Cross-border and Mobile Populations
CBPMCs	Cross-border Pastoralist and Mobile Communities
CEWARN	Conflict Early Warning and Response Mechanism
CEWS	Continental Early Warning System (AU)
CIDA	Canadian International Development Agency
CM	Council of Ministers (IGAD)
CoA	Committee of Ambassadors (IGAD)
COMESA	Common Market for Eastern and Southern Africa
DPA	Department of Political Affairs
DPKO	Department of Peacekeeping Operations
EAC	East African Community
EAPCCO	Eastern Africa Police Chiefs Coordination Committee
ECA	Economic Commission for Africa
ECCAS	Economic Community of Central African States
ECDPM	European Centre for Development Policy Management
ECDPM	European Centre for Development Policy Management
ECOSOCC	Economic, Social and Cultural Council
ECOWARN	Conflict Early Warning and Response Mechanism
ECOWAS	Economic Community of West African States
EDF	European Development Fund
ESA	Eastern and Southern Africa
ESA-IO	Eastern and Southern Africa and Indian Ocean
EU	European Union
FTA	Free Trade Agreement
GCTF	Global Counter-Terrorism Forum
GIZ	Gesellschaft für Internationale Zusammenarbeit (Germany)
HoAI	Horn of Africa Initiative
IAG	Inter-Africa Group
ICBT	Informal Cross-Border Trade
ICRC	International Committee of the Red Cross/Red Crescent
IDDRSI	IGAD Drought Disaster Resilience and Sustainability Initiative
IDPs	Internally Displaced Persons
IIAG	Ibrahim Index of African Governance
IGAD	Inter-Governmental Authority on Development

IGADD	Intergovernmental Authority on Drought and Development
IMF	International Monetary Fund
IMT	Inter-Ministerial Taskforce
IOM	International Organization for Migration
IPF	IGAD Partners' Forum
IPSS	IGAD Peace & Security Strategy
IRAPP	IGAD Regional HIV/AIDS Partnership Program
ISAP	Institutional Strengthening Action Plan
ISSP	IGAD Security Sector Programme
IWDF	IGAD Water Dialogue Forum
JFA	Joint Financing Agreement (IGAD)
JTBC	Joint Technical Boundary Committee
LAPSSET	Lamu Port, South Sudan, and the Ethiopian Transport Corridor
LPI	Life and Peace Institute
LRA	Lord's Resistance Army
MAP	Migration Action Plan (IGAD)
MCM	Ministerial Committee on Migration
MDGs	Millennium Development Goals
MF	Migration Fund (IGAD)
MIGA	Migration Governance Architecture (IGAD)
MIP	Minimum Integration Plan
MOFA	Ministry of Foreign Affairs
MPFA	Migration Policy Framework for Africa
MSs	Member States of IGAD
NBI	Nile Basin Initiative
NCC	National Consultative Conference
NCMM	National Coordination Mechanism for Migration
NEPAD	New Partnership for Africa's Development
OAU	Organization of African Unity
OCHA	Office for the Coordination of Humanitarian Affairs
OLF	Oromo Liberation Front
ONLF	Ogaden National Liberation Front
OSBP	One-Stop-Border Post
OSSREA	Organisation for Social Science Research in Eastern and Southern Africa
PAP	Political Affairs Programme (IGAD)
PEGA	Political Economy and Governance Analysis
PESTLE	Political, Economic, Social, Technological and Legislative Environmental
PMU/PCU	Programme Management Unit/Project Coordination Unit
PS	Cross Border Security Governance
PSD	Peace and Security Division (IGAD)
RCP	Regional Consultative Process (IGAD)
REC	Regional Economic Community
RECSA	Regional Centre on Small Arms in the Great Lakes Region, the Horn of Africa and Bordering States
REGLAP	Regional Livelihoods Advocacy Project
RELPA	Regional Enhanced Livelihoods in Pastoral Areas
RMPF	Regional Migration Policy Framework (IGAD)
RPIHSSP	Regional Political Integration and Human Security Support Programme
SADC	Southern African Development Community

SALW	Small Arms and Light Weapons
TfP	Trade for Peace
ToR	Terms of Reference
UN	United Nations
UNAMID	United Nations and African Union Mission in Darfur
UNDP	United Nations Development Fund
UNECA	United Nations Economic Commission for Africa
UNHCR	United Nations High Commissioner for Refugees
UNISFA	United Nations Interim Security Force in Abeyi
UNMISS	United Nations Mission in South Sudan
UNOCHA	United Nations Office for the Coordination of Humanitarian Affairs
UNPoA	United Nations Plan of Action
USA	United States of America
USAID	United States Agency for International Development
WANEP	West Africa Network for Peacebuilding
WFP	World Food Programme
WHO	World Health Organisation

Executive summary

The African Governance Architecture (AGA) and African Governance Platform were established in 2011 by the 16th ordinary session of the Assembly of Heads of State and Government of the African Union (AU). Launched as an effort “towards greater unity and integration through shared values”, the AGA is a pan-African political, institutional, and collaborative framework for promotion of good governance on the African continent. The AGA framework has so far been developed and led by the AU Commission. However, as implementation has accelerated, several questions have arisen with respect to the roles of other actors in ensuring the AGA’s successful operationalisation. For instance, what role could the regional economic communities (RECs) play in order to ‘transpose’ and tailor some of the AGA’s ambitions to the regional level? What is the AGA’s relationship with the RECs? How deeply are the RECs involved in the conceptualisation, development, and implementation of the AGA? How could relations between the AGA and African Governance Platform and the RECs be improved to effectively implement the AGA? Above all, what are the views of the RECs on the AGA as an instrument to promote governance in the region? Do the RECs consider themselves adequately positioned and capable of implementing elements of the AGA? These questions become even more urgent when considering the potential linkages that could be created between the AGA and the African Peace and Security Architecture (APSA) and the possible role that the RECs might play. In this respect, the AGA framework document (2014) notes: “The AGA Platform provides a bridge for coordination, joint programming and interventions by the two architectures [AGA and APSA] in situations that require a consolidated response from the AU and RECs.” The questions raised pose basic, fundamental, and strategic concerns regarding the relations between the AU and RECs and the synergies between the APSA and the AGA (AU, 2015d).

Within this context, ECDPM has sought to produce a series of studies assessing the level of readiness, both institutional and political, of the RECs to take up the governance agenda as set out in the AGA framework. The study presented here examines IGAD and its work on the governance agenda as a case in point to help us to understand the current state of the AGA in the region. It responds to questions such as what successes have been achieved thus far, and what challenges do the AGA and RECs face in promoting the African governance agenda. The IGAD region was chosen due to the particular challenges it confronts in the governance–peace and security nexus. IGAD’s active engagement in mediations and peace-support operations (e.g., in South Sudan, Sudan, and Somalia) are naturally, if not primarily, entangled with governance concerns. The case of IGAD also lends itself to distilling some conclusions about potential linkages between peace and security and governance at the regional level.

This study is presented in five chapters. The first introduces the governance agenda and the AGA,¹ highlighting the current state of governance but also of peace and security in the IGAD region and how governance and peace and security relate. Chapter 1 looks at the priority given to governance and to peace and security, particularly on the AU political agenda, concluding that governance has occupied a secondary place, behind peace and security. Some of the factors that have determined this order of priorities are identified, as well as some trends that may be changing this. Furthermore, the breadth of the concept of governance is explored, alongside the AU charters and instruments that address governance, especially those pertaining to the IGAD region. Finally, the AGA is introduced, touching upon the AGA’s relevance for Africa’s RECs, particularly IGAD.

¹ In this study, the ‘governance agenda’ is conceived differently from the ‘AGA’. While the AGA encapsulates the AU’s approach to and programme on governance issues in Africa, the ‘governance agenda’ refers to the discourse and fragmented initiatives undertaken by various actors at the local, national, regional, continental, and global level in a bid to bring good governance into the public sphere.

Chapter 2 looks at IGAD from two perspectives: as a region and as a regional economic community. Its history, mandate, and priorities are identified and discussed, along with IGAD's institutional setup, policy organs, and secretariat. The IGAD Political Affairs Programme (PAP) under its Peace and Security Division (PSD) is discussed in more detail, including its change of nomenclature from 'Political and Humanitarian Affairs' to 'Peace and Security'. Moreover, IGAD's overall mandate and its structural and resource-related challenges are examined. Finally, IGAD's partners and mechanism for partnership are briefly introduced.

IGAD started out as a regional response mechanism to address the twin problems of desertification and drought. Even after its mandate was expanded in 1996, it still did not explicitly include governance. IGAD activities have been most prominent in the sectors of agriculture, environmental degradation and climate change, and peace and security. IGAD's involvement in the state of governance in the region has been indirect. Like the AU, IGAD has not addressed governance as a key agenda topic. Chapter 3 looks at how the IGAD structure has helped it to avoid many of the turf wars between political affairs and peace and security divisions that have affected the AU and the United Nations (UN). Nonetheless, increased IGAD-led mediation and peace-support operations, alongside trends including the development of a draft IGAD protocol on governance, suggest that governance is becoming a higher priority in IGAD programming. This chapter looks at two draft policy documents currently under consideration within IGAD that hint at progress towards a more robust governance-related mandate for the institution. These two policy documents are the draft IGAD protocol on democracy, governance, and elections (henceforth 'protocol on governance') and the draft revised treaty on IGAD as an institution. The protocol on governance is compared to the Addis Charter, in which most provisions are similarly formulated. Finally, the unfortunate failure of the IGAD Forum for Non-Governmental and Civil Society Organisations is discussed.

Chapter 4 examines barriers to the IGAD governance agenda and ways in which IGAD and the AGA could break down these obstacles. Several of the main barriers are the longstanding animosity and history of mistrust among the IGAD member states; the sensitivities associated with political and governance issues, which are considered domestic affairs; and the low perceived efficacy of governance as a structural conflict prevention tool. Inhibitors internal to IGAD are also discussed, related to resources as well as to organisational structure. Institutional challenges associated with the AU and AGA's relationship with IGAD are examined, also considering that many of these apply equally to the AU's interactions with other African RECs. These challenges include the mono-directionality of AU-REC relations, blame games played between the AU and RECs, and lack of a clear definition of what being a 'building block' entails in terms of rights and duties. The principle of 'subsidiarity' is often spoken of, but it is far from being commonly practised in the relationship between the AU and RECs. Some successful initiatives are introduced in this chapter, such as the AU's Agenda 2063, which could provide lessons for improving some of difficulties experienced thus far in AU-REC relations. Specific to the AGA, the chapter concludes that there is a pressing need to address deficiencies in communication and participation and in the conceptualisation and legal standing of the RECs vis-à-vis the AU. As the principle of subsidiarity is becoming increasingly prominent in the conversation between the RECs and the AU, the AGA is encouraged to apply this principle in all of its engagements with the RECs. This implies allocating tasks and resources taking into consideration the RECs' proximity, local expertise, and legitimacy in the regions. Finally, the chapter suggests that IGAD may offer the best opportunity for the AGA to build its REC outreach and test its approach.

By way of conclusion, Chapter 5 considers the role that IGAD and the AGA could play in transforming IGAD member states from being a primary source of challenges to governance in Africa into drivers of the good governance agenda. For this, the AGA will need to be employed as a mechanism for building capacities and reform behaviours of states. The chapter also presents recommendations based on the

study's analysis. One of these is the suggestion to develop joint projects between the AGA Secretariat and IGAD's Political Affairs Programme (PAP) as part of an action plan for swift ratification and implementation of the draft IGAD protocol on governance. The second recommendation is to develop procedures for regular reporting on governance by the RECs, with these reports then serving as a basis for a continental 'state of governance' report. Building on the existing good relations between the AU and IGAD, strategic-level engagement between the AU's Department of Political Affairs and IGAD's PAP could render the AU-IGAD relation a model for other RECs and initiatives to follow.

The main conclusions of the study

Overall the relation between the AU (and by extension the AGA Secretariat) and IGAD is superficial, fragmented, competitive, confused, and in some respects even parasitic (as in the case of the REC liaison officers to the AU Peace and Security Department). In connection with the AGA, there has been an absence of prior consultation on conceptualisation, design, and implementation. To demonstrate its relevance, the AGA will need to generate a supply-driven demand by indicating the added value that it can bring to the RECs' efforts.

To make the AGA and African Governance Platform effective venues for the RECs' engagement will require a reframing of the AGA and its relationship to the RECs. Drawing on the 2007 Protocol on the Relationship Between the AU and the RECs and the 2008 MoU on Cooperation in the Area of Peace and Security, one option would be for the AU Department of Political Affairs to propose a new protocol governing AU-REC relations that also covers cooperation on governance issues. The new instrument would define how the AU and RECs relate to one another, spell out what it means to be a 'building block', and clearly articulate the principles governing the relationship, especially the principle of subsidiarity.

Furthermore, the orientation of the AGA and its cooperation with the RECs needs to shift from norm-setting to norm-implementing in order to promote and entrench the AGA at the member state level. In this respect, recognising the realities on the ground and working with them will be critical.

For its part, IGAD has to enter a new 'era of delivery and democracy' based on strict adherence to the Constitutive Act of the AU and IGAD instruments such as the forthcoming revised establishment treaty and the protocol on governance. These progressive norms represent indirect recognition of a reconceptualised principle of sovereignty and a shift from non-interference to non-indifference regarding domestic affairs. This trend is helping to pave the way for strengthened governance promotion, opening opportunities for an AGA that is anchored in the regional context.

The AGA holds vast potential for contributing to transitions within Africa towards better governance. Such transitions are particularly relevant within the IGAD region, where democratic governance and peace-building efforts are at a critical juncture. As IGAD already plays an irreplaceable role in regional peace-building – for example, in Somalia, South Sudan, and Sudan – promotion of the AGA through combined AU-IGAD efforts would almost certainly deliver high returns and impact, both on governance and on peace and security concerns. The AGA, with its people-centred fundamental principles, could play a role in helping IGAD move away from its still interventionist 'fire brigade' approach, towards 'governance'-based prevention of conflicts.

Given their proximity, local expertise, and regional legitimacy, the RECs provide a practical entry point for promotion of the AGA at the regional level. IGAD could serve as a model in this regard, providing valuable knowledge about or even a mechanism for adapting the AGA agenda to the peculiarities of the region.

Similarly, for the AGA, IGAD could serve as a platform for implementation of the governance agenda and for evaluation of progress.

To help promote implementation of the AGA, IGAD could formulate declarations of block endorsement of legal frameworks. Examples might be a block endorsement of the Addis Charter; the African Charter on the Values and Principles of Decentralisation, Local Governance and Local Development; the African Charter on Values and Principles of Public Service and Administration; the Niamey Convention on Cross-Border Cooperation; and other Shared Values instruments.

Methods and general approach

The current study integrates and employs two main research methods: (i) PESTLE Scanning (Political, Economic, Social, Technological, and Legal Environment Scanning) and (ii) PEGA (Political, Economic, and Governance Analysis). Accordingly, the study is a result of consultations with representatives of the AU Commission and IGAD in Addis Ababa and Djibouti, a desk and literature review, a general review of AU and IGAD policies and reports related to governance, and the personal reflections of the authors including their previous work related to policy formulation, strategic planning, and project evaluation within IGAD, the AU, and other RECs.

1. Governance and the African Governance Architecture

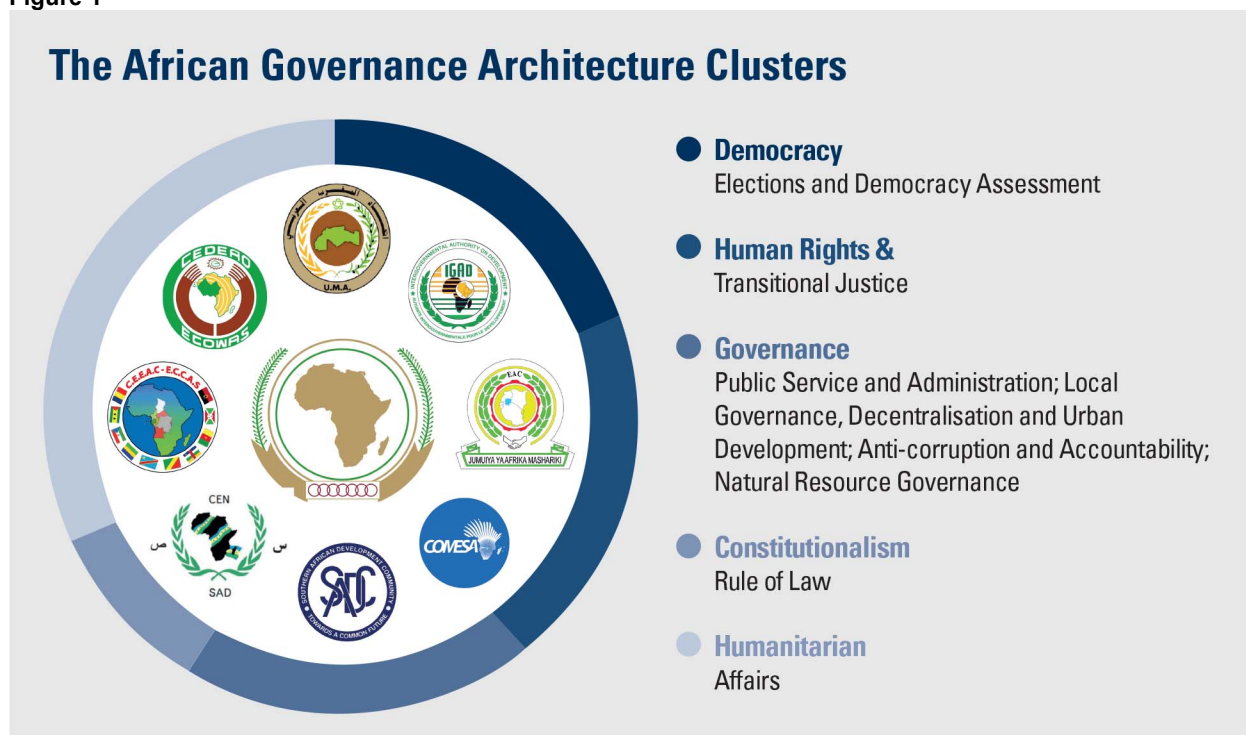
This chapter looks at the priority given to governance and to peace and security on the political agenda of the African Union (AU), concluding that governance has occupied a secondary place, behind peace and security. Some of the factors that have determined this order of priorities are identified, as well as some trends that may be changing this. Furthermore, the breadth of the concept of governance is explored, alongside the charters and instruments addressing governance within the AU, particularly those pertaining to the north-eastern/Horn of Africa region. Key charters, instruments, and elements by which the AU has defined governance are the Constitutive Act of the AU; the African Charter on Democracy, Elections and Governance; and the African Shared Values. Finally, the chapter introduces the African Governance Architecture (AGA), touching upon the AGA's relevance for Africa's regional economic communities (RECs), particularly the Intergovernmental Authority on Development (IGAD).

1.1. Introduction

Like many key concepts, 'governance' is defined in different ways by different actors. No single definition is universally accepted, and the various crosscutting themes and associated challenges are also subject to a wide range of interpretations. Ultimately this has made it difficult to forge a common understanding of what has been perfunctorily labelled as 'good governance' or 'democratic governance'. The Constitutive Act of the AU incorporates various components of governance in its conceptualisation, strongly linking these to what it has termed 'African Shared Values'. These emphasise principles of democratic governance, democratic culture, popular participation, the rule of law, human and peoples' rights, justice, and balanced and sustainable socio-economic development (AU, 2000: art. 3–4). This conception of governance as defined in the AU's Constitutive Act underlies the African Charter on Democracy, Elections and Governance (the 'Addis Charter'),² which in turn provides the legal foundation for the AGA. The Addis Charter articulates a comprehensive notion of governance that includes both human security and the objectives of the UN Millennium Development Goals (MDGs) and the New Partnership for Africa's Development (NEPAD) (AU, 2007: art. 37, chp. 10). The African Governance Platform – the coordinating arm of the AGA – reflects this breadth, encompassing five thematic clusters: (i) democracy; (ii) human rights and transnational justice; (iii) governance; (iv) constitutionalism and rule of law; and (v) humanitarian affairs (Figure 1).

² The authors have opted for the term 'Addis Charter', referring to the city where the Charter was adopted, for the purpose of brevity and following its use in previous publications such as the *AU Herald* volume 2012.

Figure 1



Source: Authors (2015), based on a visual by the African Governance Institute.

Governance appeared on the agenda of the Organisation of African Unity (OAU) in the late 1990s, and remained a key issue after the institutional transition from the OAU to the AU. Among the pan-African community, however, increased interest in governance is more recent. A number of factors help to explain this trend towards Africa's greater awareness of and readiness to address governance.

The first factor relates to the AU's establishment and the principles enshrined in the Constitutive Act of the AU. Indeed, the governance agenda emerged strongly during the late 1990s and 2000s, the same period in which the OAU was being superseded by the AU, a transformation in response to the post-Cold War era challenges in Africa. Article 4 (f, g, and h) of the Constitutive Act sets out principles to guide the AU which articulate new ways of thinking and new approaches within and across African states: respect for democracy, human rights, rule of law, and good governance; popular participation; establishment of a common defence policy; the right of the AU to intervene in member states under certain conditions; and promotion of self-reliance, gender equality, and social justice. Although some of these principles had been recognised in the later years of the OAU, under the AU they received formal constitutional standing for the first time. These changes transformed the anti-colonial and anti-apartheid OAU into the interventionist and integrationist AU (Maru, 2012a).

Second, within Africa, governance and peace and security are increasingly understood to be interrelated and mutually reinforcing imperatives, though in the past, governance has generally been relegated a secondary role, behind peace and security. Peace and security has long been the predominant issue on the continent's development agenda, together with economic integration, from the time the OAU was established in 1963. Many African countries have prioritised nation-formation and state-building over democracy and governance, emphasising the need for communal and social solidarity (key informant 23). Today, despite Africa's still limited levels of economic growth and stability, there is greater introspection and recognition on the continent that much of its recent growth and relative stability has been the result of a confluence of mainly internal factors, not least improvements in governance and in the quality of institutions

(UNECA, 2015). Numerous publications have emphasised the role of governance in providing a strong foundation for peace and security, economic growth, and development. A 2015 United Nations Economic Commission for Africa (UNECA) report on innovative financing for Africa's transformation argues that three factors are needed to move African economies from their current status to middle-income level: (i) effective governance and institutions, (ii) effective development policies, and (iii) technical and financial resources with which to implement development programmes and projects. Article 37 and other provisions of the Addis Charter link governance with human security, peace and security, sustainable development, and human development (e.g., art. 24, 26, and 46). More crucially, a 2015 report by the Chairperson of the AU Commission on the follow-up to the Peace and Security Council communiqué on conflict prevention (AU, 2015b) reiterates the importance of governance in addressing the root causes of conflict, fragility, and instability. Against a backdrop of issues such as rapid urbanisation, youth unemployment, inequality, and social exclusion, the Chairperson's report underlines the significance of several structural prevention activities. One of these is strengthening the democratic legitimacy and effectiveness of governance institutions that could promote sustainable economic development, good governance, and respect for human rights. Thus, despite the various binding constraints that the governance agenda in Africa faces, establishment of the AGA – which seeks to build governance-related capacities within AU organs, RECs, AU member states, and other stakeholders, including civil society – would seem to be a step in the right direction.

Third, but closely associated with the first factor discussed above, is the adoption and entry into force of the 'Addis Charter', or African Charter on Democracy, Elections and Governance. Over the past decade, the AU has embraced several normative instruments associated with shared values in governance, human rights, and democratisation processes, as well as on peace and security issues such as terrorism and interstate conflicts (see Annex for a listing of these instruments). Nonetheless, due to their low levels of implementation, these normative frameworks have proven rather ineffective in promoting governance and preventing and reducing conflict (Maru, 2012b). The only exception to this general trend has been the AU's consistent rejection of unconstitutional changes of government.³ The Addis Charter requires that the AU Commission establish a framework and guidelines for cooperation with RECs for the implementation of the Addis Charter and that it designate 'focal points' at the regional level for coordinating, evaluating, and monitoring implementation and ensuring participation of civil society and other stakeholders (AU, 2007: chp. 10).

³ The AU's re-admission of the Egyptian military leadership that took over power from an elected civilian government and the recent Burundian crisis present further tests for the AU with regard to unconstitutional changes of government.

1.2. The roots of the African Governance Architecture

The AGA was established as a by-product of the AU Shared Values agenda (Matlosa, 2014). In 2010, as preparations were under way for the 2011 AU Summit on Shared Values, the AU Department of Political Affairs proposed that a study be conducted on a pan-African governance architecture (AU, 2011). The Summit, held in Addis Ababa, then issued a mandate to set up this pan-African architecture on governance as a platform for dialogue among the various stakeholders. This led to issuance of a declaration establishing the governance architecture as simply the AGA, without the 'pan' (key informant 23). The main goal of the AGA was defined as to connect, empower, and build the capacities of AU organs, RECs, and stakeholders, including civil society, to enhance good governance and democracy in Africa. Specifically, the AGA seeks to deepen synergies, coordination, and cooperation towards this goal among AU organs, institutions, and RECs; to foster effective implementation of the decisions and norms of AU organs; and to deepen popular participation and citizen engagement in attainment of democracy, governance, and respect for human and peoples' rights and humanitarian affairs. Thus, creation of the AGA was aimed not only to remedy the lack of will and capacities to address governance issues, but also to promote the Shared Values agenda and to strengthen participation of African stakeholders. The AGA was furthermore envisioned as an implementation instrument for the Addis Charter. While the AU Peace and Security Council is mandated to determine and impose appropriate sanctions for infringements of the Addis Charter, the AGA provides the mechanism for it to do so (for the Peace and Security Council's powers in relation to governance, see AU, 2007: art. 24, 26, and 46).

The AGA was without resources for activities until 2014. With a staff of seven, the AGA initially aimed to raise a five-year budget of some US \$8 million. However, no funds from AU member states' assessed contributions have as yet been applied towards the AGA Secretariat's operational costs, leaving it entirely dependent on donor funding. Nonetheless, it has been able to secure only \$2 million from donors (key informant 32). Most of these donor funds have been provided by Germany's GIZ, the European Union (EU), and the World Bank (key informant 5). All AGA staff, including the head of the Secretariat, are project staff hired by GIZ and accordingly report to GIZ as well as to the AU Commission (key informant 30). Donors' relative lack of interest in funding the AGA, compared to the comparatively better off African Peace and Security Architecture (APSA), is attributed to a perceived lack of progress and initiative regarding the AGA on the part of the AU Commission (key informant 30). However, donors working closely with the AGA, particularly GIZ, consider the AGA head and Secretariat to already be playing a pivotal role in Africa. Nonetheless, the absence of funding from the AU suggests a lack of political determination to own the AGA and raises questions about the legitimacy of the entire AGA project.

The AGA has held three technical meetings since 2014: in Dakar in October 2014, in Cape Town in March 2015, and in Arusha in September 2015. These gatherings, which considered procedural rules and the roles of the RECs, member states, and individual actors (key informant 32), were viewed as a positive development with the potential to further strengthen the AGA's capacity to promote the governance agenda in Africa. In this regard, and given, for instance, the positive role that the AGA has played in election observation and assistance, African stakeholders and donors have welcomed the increasing technical refinement of the AU election missions (key informant 30). Indicative of its incremental approach, the detailed and critical contents of election mission reports signify an improvement on the political announcements made previously at the end of election observations.

1.3. The Addis Charter and the AGA: A legal basis?

The Addis Charter is at the heart of the AGA, although the areas and mechanisms covered by the AGA extend beyond the Addis Charter (Box 1 lists the key points of the Addis Charter). The AGA applies a comprehensive definition of governance encompassing political aspects, economic and social development, and corporate governance (key informant 23). In this respect, the AGA is well attuned to the AU's 'Agenda 2063', which is a 50-year vision and action plan for Africa's development being formulated in a participatory fashion. Encompassing the public and the private sector, the AGA addresses national and local governance, decentralisation, urban development, anti-corruption, and accountability issues. However, its precepts do not explicitly mention cross-border governance that provides integrative opportunities for the continent. Neither is the African Peer Review Mechanism (APRM) as yet fully integrated with the AGA, as the AU Department of Political Affairs initially planned to develop its own AGA assessment tool, which would be less expensive to implement than the APRM (key informant 23).

While the African Shared Values agenda opens the way for a rather broad definition of governance, promotion of the shared values is by no means free of controversy. Governance remains a sensitive issue at the national level, even though regional recognition of the importance of governance for development and for peace and security has gained momentum. The resulting discord when it comes to tackling governance issues continues to be a stumbling block to cooperation between the AU and RECs and remains an obstacle to dedicated commitment to governance-related initiatives. Topic such as anti-corruption and electoral integrity are indicative of the potential sensitivities involved, as confirmed throughout the interviews conducted for the current study.

Box 1: Key points of the Addis Charter (2007) - What state parties shall do:**Democracy, Rule of Law, and Human Rights**

- Commit to democracy, rule of law, and human rights
- Recognise and ensure universal suffrage
- Take measures to ensure constitutional rule and transfer of power
- Eliminate all forms of discrimination and protect equality before the law

The Culture of Democracy and Peace

- Promote good governance through transparency and accountability
- Strengthen political institutions
- Provide support for the existence and operation of civil society
- Ensure and maintain political and social dialogue

Democratic Institutions

- Strengthen and institutionalise constitutional civilian control over the armed and security forces
- Take legislative and regulatory measures to deal with unconstitutional removal of an elected government
- Establish public institutions that support democracy and constitutionalism, ensure that such institutions are independent and accountable to competent national organs
- Cooperate regionally and continentally to build and consolidate democracy

Democratic Elections

- Regularly hold transparent, free, and fair elections in accordance with the Union's Declaration on the Principles Governing Democratic Elections in Africa
- Establish and strengthen independent and impartial national electoral bodies
- Ensure there are national mechanisms that timely redress election-related disputes
- Ensure fair and equitable access by contesting parties and candidates and a binding code of conduct for all political parties involved

Political, Economic, and Social Governance

- Strengthen the capacity of parliaments and legally recognised political parties
- Foster popular participation and partnership with civil society organisations
- Undertake regular reforms of the legal and justice systems
- Improve public sector management, effectiveness of public services, and combating of corruption
- Institutionalise good economic and corporate governance
- Decentralise power to democratically elected local authorities

2. IGAD: Its inception, evolution, and mandate

This chapter looks at the Intergovernmental Authority on Development (IGAD) from two perspectives: as a region and as a regional economic community (REC). Its history, mandate, and priorities are identified and discussed, along with IGAD's institutional setup, policy organs, and Secretariat. The IGAD Political Affairs Programme (PAP) under its Peace and Security Division (PSD) is discussed in more detail, including its change of nomenclature from 'Political and Humanitarian Affairs' to 'Peace and Security'. Moreover, IGAD's overall mandate and its structural and resource-related challenges are examined. Finally, IGAD's partners and mechanism for partnership are briefly introduced.

2.1. Introduction

IGAD is one of the eight RECs that make up the African Economic Community (AEC). IGAD was launched in 1996 to supersede the Intergovernmental Authority on Drought and Development (IGADD), which was established in 1986 by six countries: Djibouti, Ethiopia, Kenya, Somalia, Sudan, and Uganda. The State of Eritrea⁴ and South Sudan joined later, respectively, in 1993 and 2011, as the seventh and eighth member states.

IGADD was initially created as a response mechanism to address the twin problems of desertification and drought, which continued to press on the region despite national-level efforts and support received from the international community. In 1986, an Assembly of Heads of State and Government in Djibouti signed the agreement formally launching IGADD and establishing its headquarters in Djibouti. The Cold War came to an end soon thereafter, and the dynamics of the protracted conflicts in Ethiopia, Eritrea, Sudan (mainly South Sudan), Somalia, and Uganda quickly turned against the incumbent Cold War era governments.⁵ New leaders came in, and the changes brought a fresh impetus for regional integration. With the new governments leading the way, a 1995 Assembly of Heads of State and Government in Addis Ababa moved to replace IGADD with IGAD and expanded the areas of cooperation among the institute's member states.

The revitalised IGAD was inaugurated on 25–26 November 1996 in Djibouti with a broadened three-part mandate: (i) food security and environmental protection; (ii) economic cooperation, regional integration, and social development; and (iii) peace and security and humanitarian affairs. As the new organisation's implementing body, the IGAD Secretariat was created and mandated to work towards achieving these goals. The motivation for revitalising and expanding IGAD's mandate was twofold. First, there was a keenly felt need to quicken the pace of regional economic cooperation and integration processes. Second, there was a clear imperative to address the peace and security challenges that continued to plague the region.

Since its inception, IGAD's areas of involvement have expanded still further, though more by default than by design. On 1–2 October 2005 in Khartoum, Sudan, IGAD launched a strategic planning process on peace and security that produced a 2010–2014 strategy document (IGAD, 2010).⁶ IGAD played an active role in negotiations that culminated in the signing of the Sudanese Comprehensive Peace Agreement in Nairobi in 2005 and in the formation of transitional governments in Somalia. IGAD has often exercised authority without an explicit mandate to do so, for example, observing elections in member states upon invitation or taking part in talks towards peace agreements. This implicit authority can be construed as member states' tacit endorsement of IGAD's engagement on governance issues.

⁴ In 2007, Eritrea withdrew its membership, citing its border dispute and war with Ethiopia in 1998 and Ethiopia's military intervention in Somalia in 2006. It remains absent from IGAD to this day.

⁵ In the early 1990s, new leaders of Ethiopia (Meles Zenawi), Eritrea (Issaias Afewerki), and Uganda (Yoweri Museveni) overthrew abusive regimes of the Cold War era.

⁶ This peace and security strategy, however, was never endorsed by the IGAD Summit of Heads of State and Government.

2.2. IGAD: Mission, vision, and core functions

IGAD's vision is to become the premier organisation for promoting peace, prosperity, and integration in the region by assisting and complementing the efforts of its member states towards increased regional cooperation. The agreement establishing IGAD identifies some 20 areas of cooperation among its member states. Under its post-1996 expanded mandate, IGAD has become active on almost all regional issues, which it encapsulates in six strategic pillars: (i) agriculture (crops, livestock, fishery, and food security); (ii) natural resources and environmental protection; (iii) economic cooperation and regional integration; (iv) social development; (v) peace and security; and (vi) gender.

Article 7 of the agreement establishing IGAD summarises the institution's aims under four rubrics:

- *norm-setting*, through development and harmonisation of policies and strategies;
- *norm diffusion*, through design and promotion of strategies for regional and cross-border cooperation regarding the norms set;
- *norm implementation*, through mobilisation of resources, building of capacities, and initiating and promoting jointly coordinated and complementary programmes and projects;
- *monitoring norm implementation*, through institutional and reporting mechanisms including policy and decision-making organs, regional consultative meetings and forums, research, and seminars and other public events.

2.3. Institutional framework: Governance of IGAD

2.3.1. Institutional organs

IGAD's highest political decision-making body is its Heads of State and Government Assembly, which meets at least once a year. IGAD looks to this Assembly for its most significant political and economic policy decisions. Accountable to the Assembly is the IGAD Council of Ministers (CoM), which is composed of the ministers of foreign affairs and one other focal minister designated by each member state. The CoM meets biannually and is responsible for formulating policy and approving the work programme and annual budget of the IGAD Secretariat. The Committee of Ambassadors (CoA), composed of ambassadors of the IGAD member states attached to the IGAD headquarters in Djibouti, is IGAD's only standing policymaking organ. It oversees policy-relevant initiatives undertaken by the IGAD Secretariat and monitors the Secretariat's implementation of decisions taken by IGAD's other policy bodies. Together, these organs represent the aggregated and overlapping national interests of IGAD's member states and shape the workings of the implementing body: the IGAD Secretariat.

2.3.2. The IGAD Secretariat

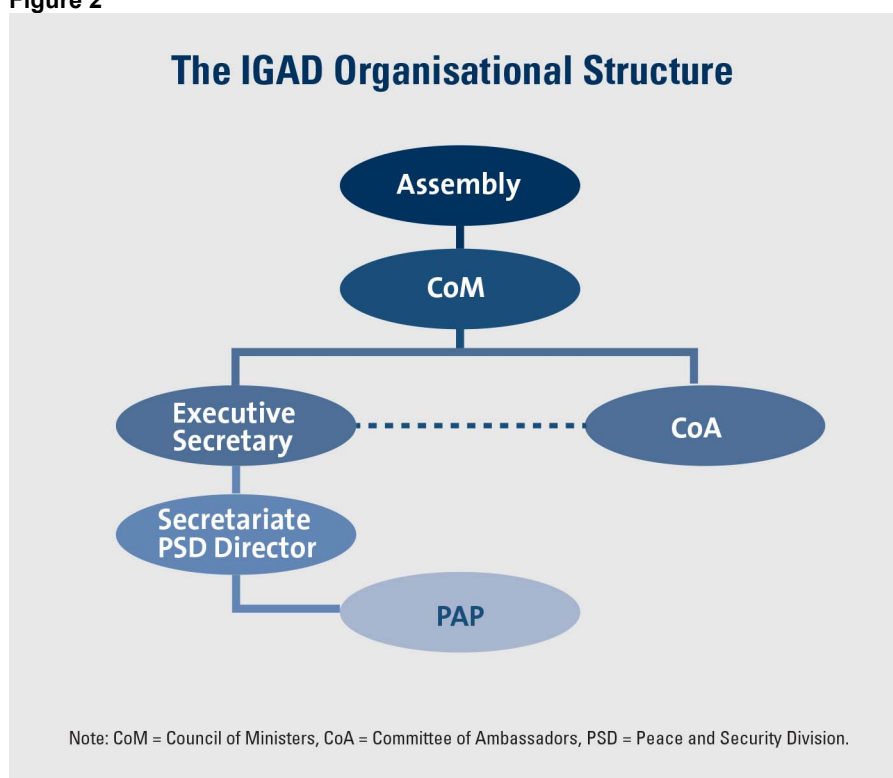
The IGAD Secretariat is based in Djibouti with specialised institutions and liaison offices in the other member states. Among its responsibilities are to formulate regional projects in priority areas, to facilitate coordination and harmonisation of development policies, and to mobilise resources to implement the regional projects and programmes approved by the CoM. An executive secretary heads the Secretariat, which has three thematic divisions: Agriculture and Environment, Economic Cooperation and Social Development, and Peace and Security. Each of these divisions has its own director. Their work is supported by the Administration and Finance Division, which also has its own director.

The IGAD Secretariat has a number of core functions, the first of which is to serve as the powerhouse for IGAD and its governing organs. As IGAD's implementing body, the Secretariat conducts the institution's day-to-day affairs (IGAD, 1996), while also providing substantive expertise for the Assembly, the CoM, and the CoA and coordinating their activities and meetings. Second, the Secretariat represents IGAD in all

international, continental, and national forums, promoting and defending the interests of the organisation and its members (ibid.). Third, it facilitates the convening of summits and other member state meetings at which common agenda items are discussed and decisions taken. These gatherings constitute the single most continual platform for norm-setting in the IGAD region (ibid.). As its fourth core function, the Secretariat disseminates the norms set and decisions taken by IGAD executives. It also assists member states in implementing norms and decisions and supervises such implementation. To accomplish this, the Secretariat prepares IGAD strategic plans and budgets in consultation with a range of actors. Since September 2014, the Secretariat has also been conducting a bottom-up consultative study and meetings towards formulation of a 2016–2020 IGAD strategy and implementation plan.

The IGAD Political Affairs Programme (PAP), under its Peace and Security Division (PSD), is tasked to contribute to peace and security in the IGAD region through preventive diplomacy focused on democracy, governance, elections, and human rights, thereby paving the way for gradual political integration of the region. Figure 2 presents part of IGAD's organisational structure, showing the position of PAP.

Figure 2



Source: Maru (2014).

IGAD's average annual budget is US \$40 million, of which \$7 million on average (constituting less than 20 per cent) is from the assessed contributions of member states (key informants 3, 17, and 34). Donors contribute more than 80 per cent of IGAD's total budget (ibid.).

2.3.3. Specialised institutions and programmes

Besides the four divisions at headquarters in Djibouti, IGAD maintains specialised institutions and programmes based in the capital cities of its other member states: the Office for Special Envoys for South Sudan (OSESS), the Conflict Early Warning and Response Mechanism (CEWARN), and the IGAD Security Sector Programme (ISSP) are all based in Addis Ababa; the IGAD Centre for Pastoralist Areas and Livestock Development (ICPALD) and the Climate Prediction and Application Centre (ICPAC) are based in

Livestock Development (ICPALD) and the Climate Prediction and Application Centre (ICPAC) are based in Nairobi; and the IGAD Regional HIV/AIDS Partnership Programme (IRAPP) is located in Kampala. Among IGAD's temporary liaison offices are the Office of the Facilitator for Somalia Peace and National Reconciliation in Addis Ababa, the Sudan Liaison Office in Khartoum, and the South Sudan Liaison Office in Juba.

2.4. IGAD's partners

2.4.1. Continental and international partnerships

IGAD recognises the need for close and cooperative partnerships with stakeholders in order to translate its strategic ideals into concrete results. To this end, IGAD cooperates at the local, national, regional, and global levels with relevant actors that have similar mandates for achieving sustainable development in the region. Among these partners are the African Development Bank, the World Bank, the EU, the US Agency for International Development (USAID), the Canadian International Development Agency (CIDA), and the governments of Denmark, Finland, Germany, Italy, Ireland, the Netherlands, Norway, Sweden, and Switzerland. Further, IGAD maintains close cooperation with the AU, other RECs, United Nations (UN) agencies, and civil society organisations. In 2007, a group of IGAD's partners (Denmark, Finland, Norway, and Sweden) signed a joint financing agreement (JFA) for implementation of IGAD's Institutional Strengthening Action Plan (ISAP). The European Commission, CIDA, and the World Bank are contributing resources to the ISAP outside of the JFA. Finland has since withdrawn its financial support, due to a difference on administrative rules.

2.4.2. Partnership on governance

IGAD officials have expressed their interest in working with partners on governance-related issues – and external partners are not opposed to such cooperation. However, differing perspectives between IGAD and donors on the potential for effective cooperation on governance remains a stumbling block, according to the interviews conducted for this study. From IGAD's perspective, its work on governance is limited by funding and capacity constraints. International partners, for their part, have been reluctant to support governance activities at levels similar to their support to peace and security because of what they perceive as a lack of clear commitment, political will, and sufficient visible results in the area of governance. Donors are also more drawn to collaboration on peace and security due to the transnational nature and associated international implications of threats in the peace and security domain. Donors further note the lack of a solid basis and practicality of the IGAD governance agenda, which remains broad and ambiguous. These two perspectives obviously condition each other. As long as they prevail, donors and IGAD will continue to pursue governance only marginally, and promotion of the governance agenda and implementation of the AGA will make slow progress indeed.

Donors perceive significantly greater capacity and potential for addressing peace and security issues within IGAD and at the AU level. They have therefore chosen involvement in this domain as opposed to working on governance in the framework of the AGA. Among donors, there is certainly recognition and interest in the AGA's potential, for instance, to feed into early warning or election monitoring systems and thus contribute to preventing conflicts. Donors feel, however, that the African Governance Platform still lacks clear direction on how it intends to address governance-related challenges. In light of the increased interest in cooperation on governance issues, not least in the framework of the 2014–2017 Africa-EU Roadmap, there is a growing momentum that could be seized upon for streamlining support to governance for conflict prevention. To demonstrate the measurable impacts demanded by donors, the African Governance Platform will need to externalise clear actions in areas where there is demonstrable political will. Strategic

planning in cooperation with IGAD could not only unveil where political momentum lies at the member state level, but also imbue the institutions involved with the legitimacy they need to credibly advance the governance agenda. Given the numerous synergies between the AGA and the APSA – both are recognised by donors and by IGAD – there would seem to be ample grounds for future cooperation on conflict prevention as well as on better governance. This, however, requires articulation of objectives and positions on governance by member states and that the region support ratification of legal documents advancing clear arguments for the governance–peace and security nexus.

3. The governance agenda within IGAD: From default to design

IGAD started out as a regional response mechanism to address the twin problems of desertification and drought. Even the expanded mandate given to the institution with the post-1996 transition did not explicitly include governance. IGAD's activities have been particularly prominent in the sectors of agriculture, environmental degradation and climate change, and peace and security. Though IGAD has been indirectly involved in the state of governance in the region, like the AU, it has not addressed governance as a key agenda topic. This chapter looks at how the IGAD structure has helped it to avoid many of the turf wars between political affairs and peace and security divisions that have affected the AU and the UN. Nonetheless, increased IGAD-led mediation and peace-support operations, alongside trends including the development of a draft IGAD protocol on governance, suggest that governance is becoming a higher priority in IGAD programming. This chapter looks at two draft policy documents currently under consideration within IGAD that hint at progress towards a more robust governance-related mandate for the institution. These policy documents are the draft IGAD protocol on democracy, governance, and elections (henceforth 'protocol on governance') and the draft revised treaty on IGAD as an institution. The draft protocol on governance is compared to the Addis Charter, in which most of the provisions are similarly formulated. Finally, reasons are sought for the unfortunate failure of the IGAD Forum for Non-Governmental and Civil Society Organisations.

3.1. Introduction

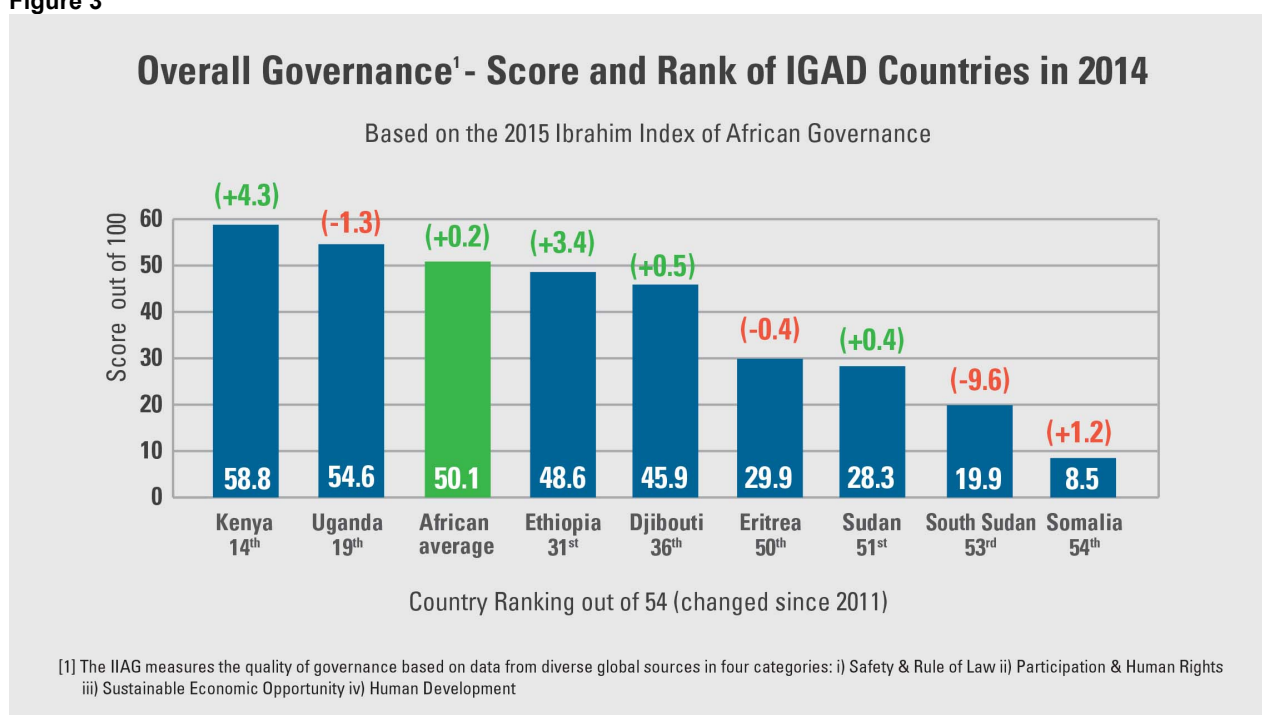
Many African countries have progressively improved their governance through participatory politics, organisation of competitive elections, and peaceful political transitions. This section presents a review of governance in the IGAD region based on the Ibrahim Index of African Governance (IIAG) compiled by the Mo Ibrahim Foundation, as it is considered the most comprehensive, relevant, and robust tool for measuring governance in Africa (see Mo Ibrahim Foundation, 2015). The IIAG annually assesses the quality of governance in every African country using data from diverse global sources. Ranks and scores for overall governance are based on four categories: (i) Safety and Rule of Law, (ii) Participation and Human Rights, (iii) Sustainable Economic Opportunity, and (iv) Human Development. According to the IIAG, 94 per cent of the people in Africa in 2013 lived in a country that had demonstrated improvements in overall governance since 2000 (IIAG, 2013). Nonetheless, many elections are still contested and governments unresponsive. This has allowed conflicts to become protracted and even transnational in nature, producing spirals of unrest and violence (Weber, 2012). Furthermore, the results of the 2015 IIAG indicate that progress on overall governance is stalling in Africa. Half of the top-ten performing countries registered a decline in their governance performance over the last four years (IIAG, 2015).

The IGAD region, despite improvements, continues to score lower on governance indicators than much of the rest of Africa (see figures 3 and 4). The region's low ranking is due in part to the fact that some of its states are not only among the lowest scoring in Africa but even have slid into civil wars, like South Sudan, which has registered a 9.6 point decline since 2011 on indicators of democratic governance and fragility. Indexes measuring governance achievements and shortcomings generally highlight six troubling aspects in the region: (i) instability and violent conflicts; (ii) extreme poverty; (iii) weak and unresponsive governance; (iv) non-inclusive development; (v) group-based grievances; and (vi) highly fragmented political, military, and economic elites. Since the IIAG was launched in 2007, the index's East Africa region, which contains the IGAD member states, has consistently ranked fourth of Africa's five regions.

This means that East Africa, with its score of 44.3, is comparably weak in terms of overall governance compared to Southern Africa, which was the best performing region in 2014 (average score 58.9), followed by West Africa (52.4), and North Africa (51.2). Central Africa was the weakest performing region, with an average score of 40.9 (IIAG, 2015). The African average score for overall governance was 50.1, a minor improvement of 0.2 since 2011.

Figure 3 presents the overall governance scores and ranks of IGAD countries in 2014 based on IIAG (2015) as well as the changes in countries' scores since 2011. Among the IGAD member states, Kenya is the best performer, with a score of 58.8 out of 100 and ranking 14th among all 54 African countries. Kenya has furthermore registered a 4.3 point improvement since 2011. Uganda, with a score of 54.6, ranks 19th in Africa and is second in the IGAD region. Nonetheless, its performance declined by 1.3 points compared to 2011. Ethiopia ranks 31st in Africa with a score of 48.6; its score has improved by 3.4 points since 2011. Eritrea ranks 50th with a score of 29.9; its performance has decreased by 0.4 since 2011. Eritrea's overall governance performance is so weak that the country has been reduced to the status of a 'garrison state' (Tronvoll & Mekonnen, 2014). Sudan follows immediately after Eritrea, positioned 51st in Africa and scoring 28.3, which is a 0.4 increase since 2011. South Sudan occupies position 53 with a score of 19.9 and represents the largest deterioration in Africa, 9.6 points, since 2011. Somalia holds the last and 54th position in Africa, with an overall governance score of only 8.5, which nonetheless is a 1.2 point increase since 2011 (IIAG, 2015).

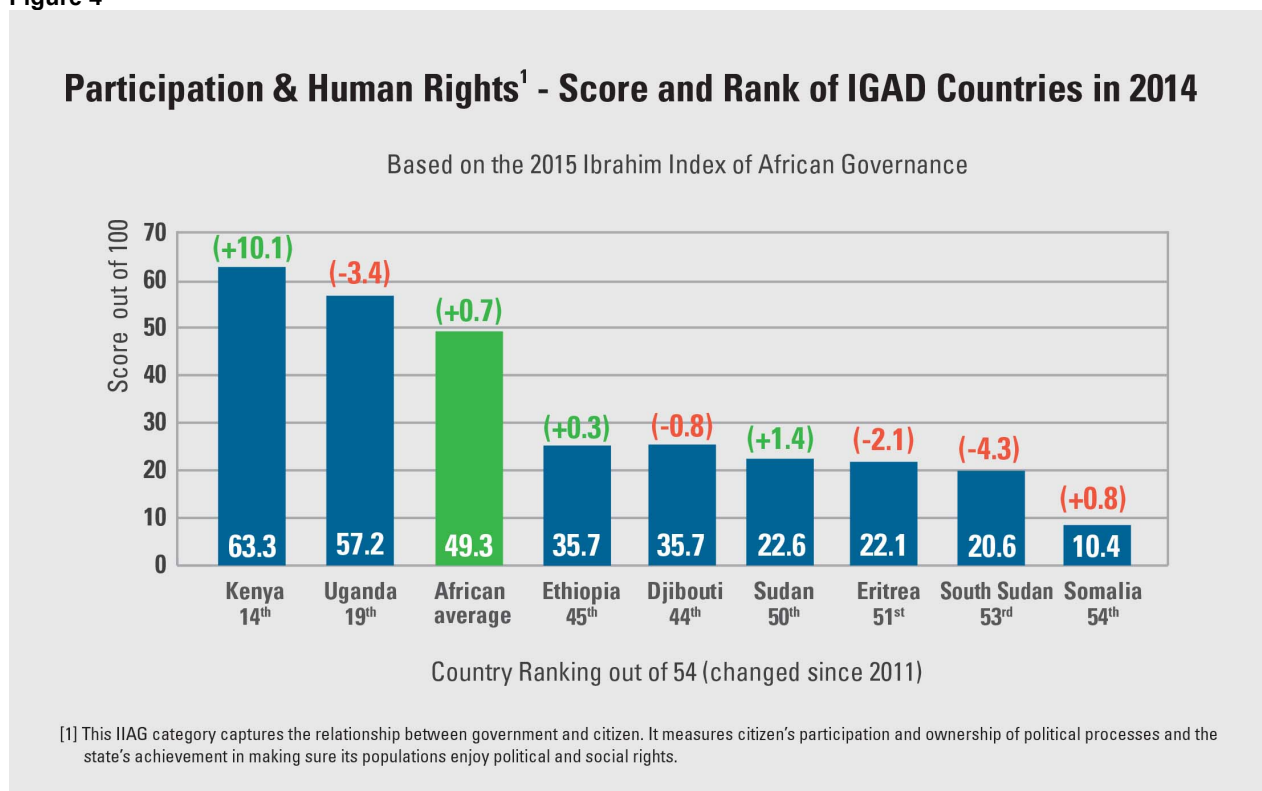
Figure 3



Source: Compiled by the authors based on the IIAG (2015).

Regarding Participation and Human Rights (Figure 4), the IIAG captures the relationship between government and citizen. It measures citizens' participation and ownership of political processes as well as states' achievements in ensuring that their populations enjoy political and social rights. Four IGAD member states improved their performance in the Participation and Human Rights category in 2014, registering an increased score over 2011 (Kenya, Ethiopia, Sudan, and Somalia), while scores diminished in the other four IGAD states (Uganda, Djibouti, Eritrea, and South Sudan).

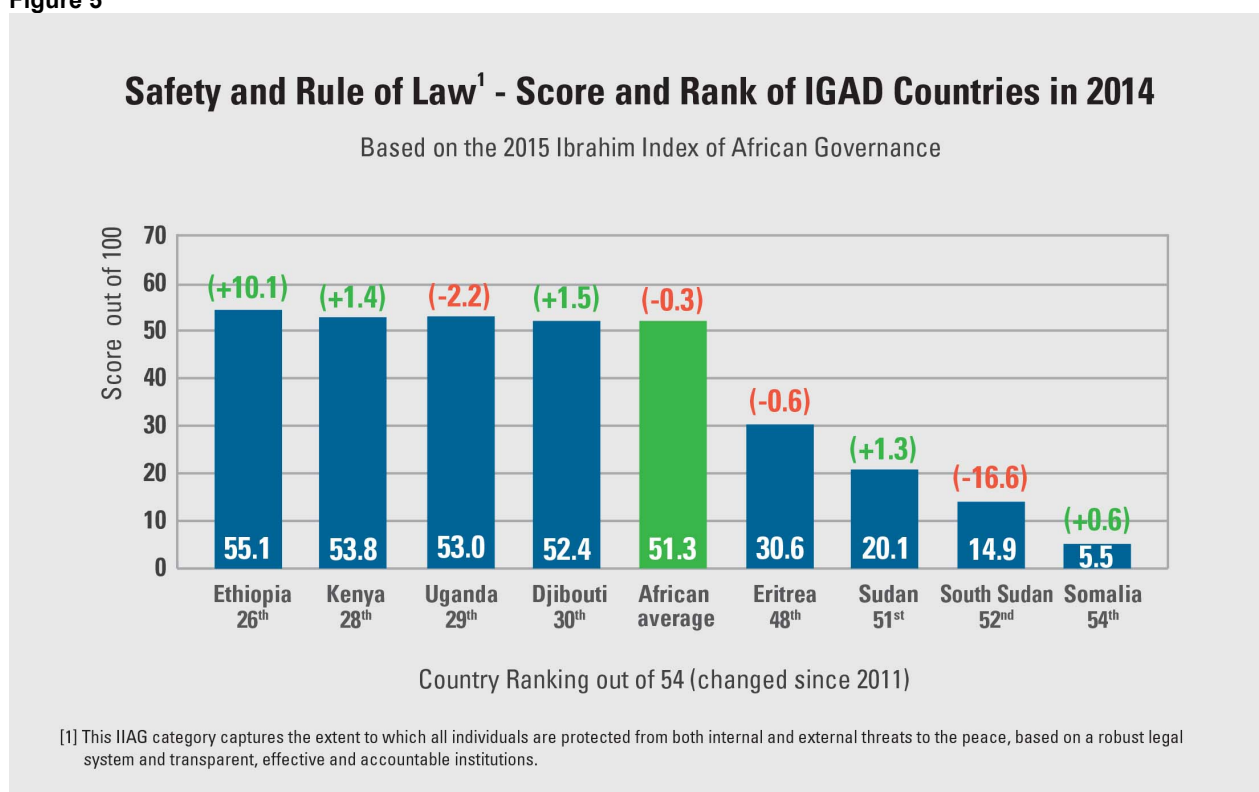
Figure 4



Source: Compiled by the authors based on the IIAG (2015).

With respect to Safety and Rule of Law (Figure 5) five IGAD member states showed improvements (Ethiopia, Kenya, Djibouti, Sudan, and Somalia). This category captures the extent to which all individuals are protected from both internal and external threats to the peace, based on a robust legal system and transparent, effective, and accountable institutions. Ethiopia made impressive gains in this category, improving by 10.1 points for a score of 55.1 in 2014. However, South Sudan's performance dropped dramatically, by 16.6 points, to only 14.9 points, due to the leadership crisis faced by South Sudan's ruling party in December 2013. Under the Safety and Rule of Law category, IGAD member states are relatively strong and effective in national security. On this indicator, Djibouti scored 81.1, Uganda 71.2, Ethiopia 67.8, and Eritrea 59.4. Thus, although they possess minimal predictive and preventive capabilities, IGAD member states do have relatively high responsive and adaptive capacities in the face of adversity, even when emanating from global powers (as the example of Sudan demonstrated). Despite relatively high participation in voting, low levels of political competition were observed in elections among IGAD's members. On rule of law and accountability, Somalia scored a dismal 0.3 and 2.1, respectively. Eritrea's performance was also very low on these indicators, with a score of 8.2 for rule of law and 16.2 for accountability. Sudan (18.1 and 11.5) and South Sudan (28.5 and 6.7) ranked alarmingly low on these indicators. Similarly poor performance was registered in only three other African countries (namely, Central African Republic, Equatorial Guinea, Guinea-Bissau, and Libya). This indicates the low level of democratic citizenship and the irresponsive nature of states in the region.

Figure 5



Source: Compiled by the authors based on the IIAG (2015).

3.2. Trends and implications for the IGAD governance agenda

3.2.1. Move towards participatory and competitive elections

One of the elements often advanced as a prerequisite or contributor to good governance is the organisation of participatory and competitive elections. IGAD member states, except Eritrea, have been holding elections with regularity. However, in a number of these elections the results have been vigorously contested, leading to a diminished legitimacy of government (e.g., in Kenya and Uganda), or the polls themselves have been participatory but uncompetitive (e.g., in Ethiopia and Djibouti). In Sudan, elections have been neither competitive nor participatory, while in Somalia security concerns and other institutional limitations have demanded that elections be conducted through clan representatives.⁷ Eritrea and South Sudan have never held elections as a result of leadership crises and the indefinite suspension of their constitutions. Elections in some cases, though intended to guarantee legitimate exercise of power, have nonetheless also triggered conflict and violence. This occurred in Ethiopia (2005), Kenya (2007), Uganda (2010), Djibouti (2010), and Sudan (2005, 2015). Despite the current mixed character of elections, ranging from purely participatory exercises to highly contested polls with election-related violence, the general trend is towards elections that are more competitive and conducted under the strict purview of the public, IGAD, the AU, and the international community. Though many of the electoral shortcomings experienced thus far may be indicative of the relative newness of the political culture, they must be subjected to corrective measures, making them an exception rather than the norm. The AGA may offer entry points for addressing governance deficiencies associated with electoral processes.

⁷ It is unlikely that the post-2016 government in Somalia will be popularly elected as planned in the current constitution.

3.2.2. Are developmental states necessarily weak in governance?

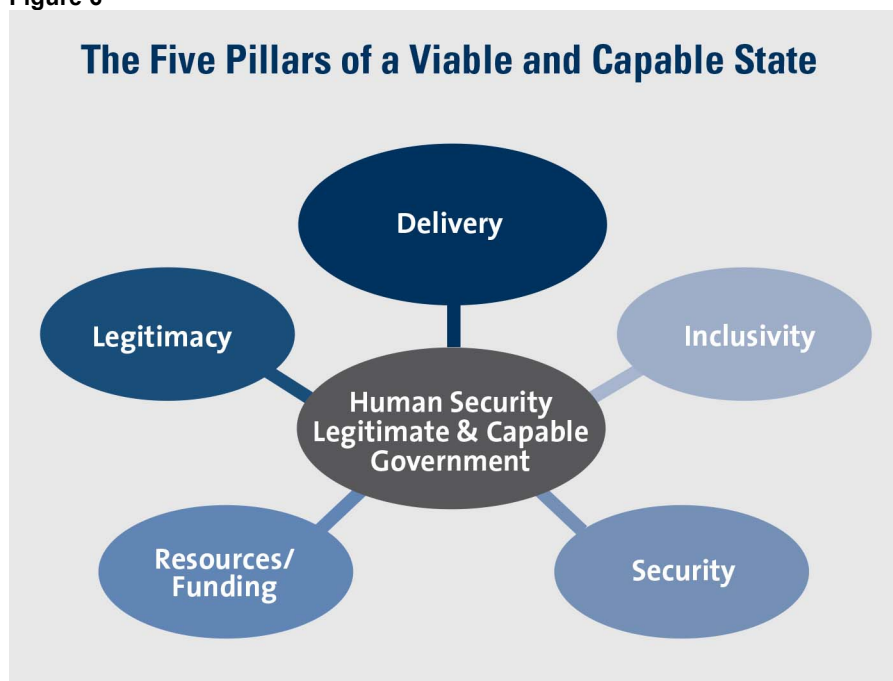
As in many African states, most governance and peace and security problems in the IGAD region emanate from the nature of states and political parties as well as external interferences. Currently all of the region's protracted conflicts and its most challenging governance issues can be attributed to lack of legitimacy due to unpopular governments, intolerance of diversity, and lack of capacity and willingness to deliver public goods. Indeed, many African states in conflict are strong in the wrong functions of state, effective only in the maintenance of regime security and safeguarding the interests of political parties and colluding individuals or groups. They are vigorous and resourceful in deception, intimidation, and repression. At the same time, such states are weak in the rightful core functions of states, especially ensuring human security for their populations. Human security has two aspects: 'hard security', referring to the absence of a direct risk to physical survival, for example, from war, violence, and destructive conflicts, and 'soft security', entailing eradication of the root causes of war and violent conflicts.

Economically, the IGAD region has shown remarkable progress. Despite serious concerns regarding the sustainability of growth, the most rapidly expanding economies in the world are found among IGAD's members (World Bank, 2013). Expectations of the region's continued rapid economic growth are confirmed by various international and regional development and financial institutions such as the International Monetary Fund (IMF) (*ibid.*). The African Development Bank (AfDB) has projected rapid economic expansion in the Eastern African region, including IGAD, forecasting economic growth at more than 5.6 per cent in 2015 and 6.7 per cent in 2016, which is higher than in other African regions (AfDB, 2015). A key factor in this optimistic outlook is the region's efforts to improve human development, accompanied by infrastructural development and maintenance of good diplomatic relations with the international community (Institute for Economics and Peace, 2014).

While the demonstrated desire to improve human and economic development is a positive sign in itself, developmental states tend to focus on service delivery, usually relegating democracy to a subordinate position.⁸ An example in this regard is the developmental state of Ethiopia, which aims to be a 'service delivery government', likened to the operations of the United Nations Development Programme (UNDP). A by-product of such delivery-oriented politics is the undermining and deflation of the necessary focuses on political popularity and democratic accountability, in particular the need for contestation on political visions and ideology-based politics. Governments that bank their legitimacy on performance are, furthermore, highly susceptible to widespread 'delivery protests' if for some reason they fail to meet delivery demands in terms of quality or quantity. As registered in the IIAG, IGAD member states have improved their performance on Safety and Rule of Law and on Human Development. Yet, they will be increasingly challenged to ensure that security and service delivery go hand in hand with legitimacy of the authority exercised. In this regard, developmental states are not compelled to be weak when it comes to governance. Public service delivery and economic performance should rely on and shape popular legitimacy through democratic participation. This in turn contributes to the promotion of good governance. Legitimacy of governance gained through adequate economic performance and service delivery can provide a basis for revenue generation, which can serve as a sustainable foundation for the other pillars of a viable and capable state (Figure 6).

⁸ Thandika Mkandawire describes the developmental state in his 2001 article, "Thinking About Developmental States in Africa". His argument considers two components: one *ideological* and one *structural*. In terms of ideology a state is 'developmentalist' if it aims to ensure economic development, which tends to be understood as high rates of accumulation and industrialisation. In terms of *structure*, the developmental state's *capacity* to effectively implement economic policies is emphasised.

Figure 6



Source: Maru (2014).

3.2.3. Decentralisation, devolution, and federalism

The surge towards decentralised, devolved, and federal constitutional dispensation in IGAD member states, including Ethiopia, Sudan, Kenya, Somalia, Djibouti, and potentially South Sudan, has brought about a paradigm shift with the potential for remarkable improvements in governance. Based on the principle of subsidiarity, this trend, if consolidated, could bring power closer to where it belongs: communities. Devolution can help to tackle longstanding, deep-rooted challenges related to diversity and inclusion. Decentralisation represents more than just a shift in the allocation of state powers; it can empower citizens at the local level and help ensure government accountability. Decentralisation can also impact cross-border governance and bilateral relations between states. Decentralisation and the need for cross-border cooperation among local authorities is covered in the AU Convention on Cross-Border Cooperation (also known as the 'Niamey Convention', see art. 8 and 9 of the convention; refer also to Weber, 2012). As infrastructural development and extractive industries begin to thrive, resources such as land, revenue from mining, and water become increasingly contested. Without effective cooperation between states, and if national regulatory and enforcement capabilities are absent, natural resources have a high potential to trigger national and regional wars. To avert such threats, pre-emptive measures are needed in the form of collaborative cross-border governance.

3.3. The governance agenda within IGAD

3.3.1. Governance framework documents

The IGAD region has a number of documents at its disposal dealing with governance issues (Box 2). But adoption of these has been mainly indirect, meaning that IGAD itself does not have an active and effective governance agenda. For example, IGAD does not yet have a progressive normative framework analogous to those associated with the AGA, the Addis Charter, or the Lomé Declaration (which provided a framework for the OAU to respond to unconstitutional changes of government). So far, IGAD's main initiative with regard to governance has been to draft a protocol on governance, democracy, and elections that has so far undergone three rounds of negotiations by IGAD member states.

Box 2: IGAD documents pertaining to governance

- Agreement Establishing IGAD, 1996
- The IGAD Peace and Security Strategy, 2010–2014
- Protocol Establishing the Conflict Early Warning and Response Mechanism (CEWARN), 2002
- Guidelines for Election Observers and IGAD Code of Conduct for Election Observers, 2011
- IGAD draft protocol on governance, democracy and elections, 2014

Election observations – a standard practice for promoting good governance – are routinely conducted by IGAD, though by default rather than design. As mentioned earlier, IGAD's election observation activities have taken place in response to invitations from member states rather than being advanced by IGAD as an institution. IGAD has also played a significant role in following up implementation of the Sudanese Comprehensive Peace Agreement. Vital aspects of that agreement were its stipulations on electoral processes and a referendum on independence which led to IGAD's deployment of an election observation mission to the country. IGAD's election-related work in Kenya (2008–2008) is an excellent example of the link between early warning and early response involving its Peace and Security Division (PSD). Engagement started with CEWARN's assessment and programmatic interventions by the IGAD Political Affairs Programme (PAP). Member states have since increasingly requested IGAD to engage in governance and election-related activities. As such, the Secretariat was involved in the constitutional referendum in Kenya and presidential elections in Uganda and Djibouti. IGAD has observed polls in Sudan (three times), Uganda, Kenya (twice), and Djibouti. Election observation has now become a norm rather than the exception in the region, with IGAD's de facto mandate emanating from the various implicit and indirect authorisations. Following on its election-related experiences, IGAD has documented trends in election-related violence and the contributions of elections to democracy, good governance, and the prevalence of peace, security, and sustainable development in the region. Increasing invitations and authorisations from IGAD member states for the Secretariat's involvement in elections and other governance matters means that IGAD now enjoys an implied mandate to participate in promotion of governance and human rights. Following on this norm, and based on its own experiences and AU documents, IGAD has developed guidelines and a code of conduct for election observers.

Following a trend set by IGAD member state governments (Ethiopia, Sudan, South Sudan, Somalia, and most recently Kenya), another recent and important PAP activity has been work on federalism and decentralisation. For example, with financial support from the EU, PAP has organised expert meetings on federalism and decentralisation focusing on Somalia and South Sudan.

3.3.2. From the Political and Humanitarian Affairs Department to the Peace and Security Division: A step backwards?

Institutionally, in 2008, IGAD set up the Political Affairs Programme (PAP) under its Peace and Security Division (PSD). The mission of PAP is twofold: (i) to advance peace, security, and development through the promotion of democracy, good governance, credible elections, and genuine respect for human rights; and (ii) to facilitate harmonisation of the policies of member states on democracy, governance, and elections. Both missions are broad and have high potential for norm-setting, norm diffusion, norm implementation, and even the monitoring of implementation of steps agreed and decisions taken by member states.

In its role as a leading RECs, IGAD strictly follows and refers to the AU's various instruments in its institutional configuration. Therefore, in alignment with the AU Peace and Security Department, in 2003 IGAD transformed its Political and Humanitarian Affairs Department (PHAD) into the Peace and Security

Division (PSD). Prior to 2003, PHAD had been a leading programme within IGAD's Political Affairs Programme. While the AU followed the UN structure, establishing its Department of Political Affairs as separate from its Department of Peacekeeping Operations, IGAD opted for incorporation of political affairs within the PSD. This nomenclatural change indicated the priority placed on peace and security within IGAD, as in general, governance receives less attention. However, the positioning of the governance theme within IGAD's institutional setting does not necessarily inhibit its promotion of a governance agenda.

3.3.3. Avoiding the problem of turf wars

A potential advantage of PAP being part of the PSD within IGAD is the opportunity to avoid rivalry and competition between political affairs and peace and security. Actually it may already have helped in averting the turf wars witnessed in the AU Commission (between the Peace and Security Department and the Department of Political Affairs) and in the UN Secretariat (between its Department of Peacekeeping Operations and its Department of Political Affairs). A recent example of this rivalry within the AU emerged during the 2014 Burkina Faso crisis when the AU, led by its Department of Political Affairs, and the Economic Community of West African States (ECOWAS) took the initiative to deliver a unified and unequivocal message to Blaise Comaporé to step down. This initiated fierce inter-departmental controversy stemming from the Peace and Security Department's insistence on leading any such efforts. Given that the matter was one of unconstitutional extension of a term of office, the Department of Political Affairs had the required mandate to intervene on behalf of the AU Commission. The institutional placement of the AU Peace and Security Council, which is constituted as a division within the Peace and Security Department, has been another source of disagreement. Under the current arrangement, the Peace and Security Department, through its Secretariat, can set agenda items for the Peace and Security Council. This arrangement has led the AU, and within it the Peace and Security Council, to treat the APSA as its 'offspring' and the AGA as a 'step child'. While the Peace and Security Department benefits from this arrangement, other departments of the AU Commission contend that it needs to be changed. The Peace and Security Council exercises a broad mandate on almost all matters related to peace, security, and regional order, including governance, elections, and unconstitutional changes of government; human rights and humanitarian affairs; and disasters, epidemics (such as Ebola), and displacements. Thus, given the multi-departmental nature of the issues that the Peace and Security Council is mandated to address, other departments, including the Department of Political Affairs, have suggested that the Secretariat of the Peace and Security Council should have been – and needs to be – constituted within the Office of the AU Chairperson.

Turf wars within the AU between the Department of Political Affairs and the Peace and Security Department, even on governance-related issues, have inhibited the much-needed collaboration between these departments. When it comes to allocations, too, the Peace and Security Department receives significantly more of the organisation's resources, including the attention and support of donors and secondments of staff. This exacts a price in the form of the fundamental interests of Africa and the long-term interests of the AU, as conflict prevention could be achieved via avenues such as concerted work on governance and socio-economic developmental sectors.

Effective pursuit of lasting peace in Africa requires empowerment and capacitation of departments for political affairs and social affairs, in addition to peace and security. A shift of mindset is called for, from 'fire brigade', or intervention in conflicts, to prevention. For this, a change of focus and funding will be needed towards governance and the AGA. So far, no such shift is yet evident within the AU or its development partners (donors). Each is still reluctant to move their centre of attention from interventionist to preventionist and allocate more resources to political and social affairs.

By bringing political affairs together with peace and security in one division, IGAD has avoided such turf wars, as IGAD established PAP under the PSD. Furthermore, including a programme that deals with governance within one for peace and security might foster links between interrelated areas of concern. Such a structure could also help shift the focus from an interventionist to a preventive orientation. The five thematic clusters of the AGA (democracy, human rights, governance, constitutionalism and rule of law, and humanitarian affairs) are closely related to peace and security. Promoting them within the framework of the PSD through a robustly mandated and well-resourced PAP could be quite effective.

A less propitious outcome of the transformation of the PHAD to the PSD was that the department's broader outlook was swallowed up within the traditional focus of the PSD, with its emphasis on intervention, peace processes, and mediation of conflicts. PAP was hereby relegated to a secondary position within IGAD. Despite being one of IGAD's oldest programmes, various barriers have made PAP the least active, very minimally resourced, and most feeble programme of the PSD. It is weaker even than programmes established very recently. Compared to the resources allocated to other PSD programmes (e.g., the Security Sector Programme), PAP remains very small in both human and financial resources. The institutional leadership's lack of emphasis on governance has resulted in PAP becoming a one-person show, even a decade after its establishment. The recruitment of an additional programme officer in early 2015 could be a reason to hope that this might change in the near future. Indeed, it might be appropriate to change the name of the division to refer explicitly to governance and humanitarian affairs. However, functionally the arrangement of PAP under the PSD has proven helpful.

3.4. Draft treaty and draft protocol on democracy, governance, and elections

3.4.1. Towards a robust IGAD governance agenda?

IGAD does not yet have its own internally formulated strategic governance agenda or any clear architecture or instruments for promoting the AGA. To give an example, even though an IGAD Inter-Parliamentary Union was formally established in 2004, it remains non-functional. While IGAD has taken steps to promote better governance more systematically, such as with election observation activities in response to elections in the region being marred by violence, its engagement cannot yet be characterised as strategic or effective.

Two of the most notable efforts made by IGAD to advance a governance agenda have been its recent formulation of a draft protocol on democracy, governance, and elections (henceforth 'protocol on governance') and its drafting of a revised treaty on IGAD as an institution. These two instruments, once they are ratified and enter into force, could make activities related to governance, democracy, elections, and human rights vital and acknowledged institutional functions. By establishing the governance agenda as part of the core mandate of the IGAD Secretariat, these draft instruments could also help link IGAD activities with efforts under the AGA.

3.4.2. Towards a robust, treaty-based mandate on governance

A revised treaty on IGAD as an institution has been formulated and validated by legal experts of IGAD member states and is expected to be adopted by the CoM in 2016. It has its roots in a December 2009 CoM meeting at which the legal counsel of the Secretariat, under the instructions of the IGAD executive secretary, prepared and presented a one page brief on the establishment treaty (key informant 27). The CoM then instructed the executive secretary to commission a study of the establishment agreement and the constitutive instruments of similar RECs and organisations and present the findings for its consideration. The Secretariat presented its study along with a revised draft treaty to replace the existing establishment agreement to a validation workshop held in Addis Ababa in 2010. After incorporating comments and suggestions made by member states, the draft treaty was validated a second time in Djibouti in 2011. The CoA has since approved it, and the final draft is awaiting adoption by an ordinary meeting of CoM and the Heads of State and Government. Once adopted and ratified, the revised treaty will remedy some of the fundamental gaps in the IGAD mandate, legal lacunas, and other shortcomings in the current agreement. It is also expected to solve some of the interpretation and implementation problems that IGAD is currently facing (key informant 27). The revised treaty provides IGAD a robust mandate for its governance agenda. Accordingly, IGAD's next strategic plan (2016–2020) is expected to reflect changes proposed in the draft treaty.

An aim of the draft treaty is to transform the 'implied mandate' into 'expressed full-fledged' authority for engagement on governance, democracy, elections, and human rights. Governance- and democracy-related issues will then become explicit parts of IGAD's core functions. Article 35 of the draft treaty is already dedicated to governance and peace and security. Despite being entitled 'Peace and Security', the draft treaty requires IGAD to develop programmes to counter "the causes of internal instabilities, by encouraging the establishment of democratic institutions, peoples' participation and empowerment including election observations and monitoring in all member states, accountability, social justice, respect for human rights and the guarantee of gender equality; the development and consolidation of democracy, governance and the rule of law and respect of human rights and fundamental freedoms" (IGAD, 2014: art. 35-1b, c).

3.4.3. Towards a protocol on governance

Within IGAD, PAP initiated the work leading to the draft protocol on governance by commissioning a baseline study in 2010 on the state of democracy, governance, and elections in the region (IGAD, 2011). A main aim of this study was to identify existing legal frameworks utilised by member states in relation to the issues addressed, to identify similarities and differences between them, and to formulate recommendations to help kick start a process of harmonisation based on the Addis Charter (IGAD, 2013). A first workshop was convened of IGAD member states and stakeholders in November 2010 in Addis Ababa to examine and discuss the draft study report. At that event, a number of questions were raised and many amendments proposed. Ultimately the consultant was requested to revise the study (Wambura, 2010), incorporating the comments and feedback of workshop participants. Due to financial constraints, however, the second validation workshop did not occur until two years later, in 2012, when the revised study and a draft protocol on governance were nevertheless approved (IGAD 2012). The study notes that IGAD's engagement in promoting democracy, elections, and good governance was long overdue (Wambura, 2010). Yet its concluding statement points out that IGAD still lacks a robust mandate on governance and that it needs a protocol on governance that is formally ratified by the member states (*ibid.*). The study, finally, argues that such a protocol would provide IGAD an enhanced legal standing for work on governance. The study received some criticism from member states for lacking sufficient detail on aspects related to governance in the IGAD region. However, its proposal for a protocol on governance was taken forward, and this has been interpreted as a positive step towards bridging the gap between governance norm-setting and the implementation of such norms. In 2013, delegates of IGAD member states validated the study report and recommended that IGAD begin negotiations for the quick ratification of the draft protocol on governance. At that same meeting, member state delegates also called on IGAD to facilitate the ratification of the Addis Charter by member states (IGAD, 2012a).

Departing from the current institutional setup and the one envisaged in the draft treaty, the draft protocol on governance stipulates establishment of PAP as a separate division within IGAD equal and parallel to the PSD.⁹ Yet, as discussed earlier, this could present serious challenges for IGAD, both financially and functionally. With these challenges in mind, and considering the content of the draft treaty (IGAD, 2014) and the findings of a 2010 study conducted by Earnest and Young, the proposal for establishment of PAP as a separate division within IGAD seems unlikely to be implemented. IGAD would do well to draw appropriate lessons from the difficulties that this structural arrangement has presented within the AU Commission and UN, as it has gravely distorted the AU's strategic focus. IGAD will need to find its own way to effectively promote its governance agenda in line with the AGA. This is a task made all the more urgent by the serious neglect of the governance agenda up to now, not only structurally within IGAD and the AU but, perhaps more so, in the will and determination within these two organisations' leaderships and in the resources made available for the governance agenda. Within the AU, the Department of Political Affairs is already separate and even has its own architecture for governance promotion, disconnected from the AGA. One reason why the AU Department of Political Affairs and other departments and their work are treated as secondary to the Peace and Security Department and APSA is simply that they have long been considered less important and hence allocated less attention, priority, and resources. Box 3 highlights some of the parallels between the IGAD draft protocol on governance and the Addis Charter.

⁹ The proposal was presented for consideration and approval to the meetings of the IGAD CoM and CoA, 3–4 June 2014, in Bishoftu, Ethiopia (see IGAD, 2012a).

Box 3: The IGAD draft protocol on democracy, governance, and elections (2014) compared to the Addis Charter (2007).

The draft protocol on governance makes clear statements regarding promotion of principles of good governance, democracy, and elections in 13 articles. Organised in chapters, the Addis Charter's 53 articles are often much shorter but contain similar information, employing similar wordings to outline the various commitments under analogous titles. While the Addis Charter is anchored in the objectives and principles of the Constitutive Act of the AU, the IGAD protocol goes beyond the IGAD establishment agreement, stating the institution's commitment to regional and international legal instruments. This departure from its establishment documents might have been a conscious decision by the drafters. Given the lacunas in the current IGAD agreement regarding the governance agenda, it seems appropriate for the draft protocol to avoid any reference to that agreement. Depending on the timeline for adoption of the revised treaty, the protocol may benefit from anchoring its provisions in the mandates accorded to IGAD under the new treaty. The protocol does alternately emphasise IGAD's commitment to the Constitutive Act of the AU, the Addis Charter, the African Charter on Human and Peoples' Rights (the Banjul Charter), and the UN International Covenant on Civil and Political Rights.

Moreover, the IGAD protocol clearly articulates the strong relation between the governance agenda and peace and security issues:

"Convinced that good governance is central in promoting peace, security and stability in the region [IGAD is determined to] promote and strengthen good governance in the region through the institutionalization of transparency, accountability and participatory democracy".

Both documents outline main activities to be carried out by state parties to promote democratic principles and practices (Chapter 5 in the Addis Charter). The IGAD protocol also reserves an important place for good governance and elections, in addition to the universal values and principles of democracy and respect for human rights that feature equally prominently in the Addis Charter. In this respect, election observation missions are linked to promotion of peace, security, and stability within the IGAD region and on the continent. Good governance, as expressed in article 4 of the IGAD protocol, is conceptualised as including political, economic, and social dimensions.

The IGAD protocol also recognises the importance of promoting national values and principles of governance. This aspect is key given the sensitivities of IGAD's member states to governance in all its various aspects and interpretations. National identities and idiosyncrasies are also reflected in the principles outlined to accommodate individual concerns of member states. Constitutional patriotism and national unity based on the consent of the people with respect for diversity and inclusiveness comes first in the IGAD protocol. This reflects the specific governance challenges confronting IGAD member states in the face of ethnic and religious diversity that may underlie conflicts that threaten national survival and territorial unity. The IGAD protocol furthermore adds points on good governance, accountability, and integrity, as well as a point on strong and independent governance institutions.

Good governance is given substantial attention in the IGAD protocol. Both the IGAD protocol and the Addis Charter state the need to enhance cooperation between the AU and RECs as well as with the international community in promoting good governance, democracy, and orderly elections. The IGAD protocol makes explicit reference to the AU, the UN, and other regional and international organisations as partners.

3.5. Participation: IGAD's relations with civil society and non-governmental organisations

The increased funding, prominence, and legitimacy conferred on non-state actors by the international community has resulted in a backlash in some African states, where governments have attempted to stifle civil society organisations (CSOs). The rise of the developmental state and attempts by states to reclaim functions traditionally ascribed to them have led IGAD members to tighten their regulation of CSOs and non-governmental organisations (NGOs). This has at times been to the detriment of development of an independent and capable civil society. In Ethiopia, Uganda, and Sudan, for instance, CSO governance and regulation have come under fire from all walks of society. While there are reasons for strict governance of CSOs (particularly to ensure their independence and financial integrity), current regulation does not distinguish between the organic CSOs that are part and parcel of the societies they are embedded in, such as traditional and faith-based associations, and NGOs that are externally driven. Legislation recently passed in Uganda¹⁰ severely limits the room for manoeuvre and rights of CSOs working on sensitive issues like human rights, governance, rule of law, democracy, and corruption. Such restrictive legislation has in some cases resulted from state fears that CSO and NGO criticisms and activities may become a threat to incumbent regimes. Ethiopia's CSO law has tightened up on CSOs receiving more than 10 per cent of their funding from abroad, and CSOs with external funding are not allowed to work on activities labelled as 'advocacy', including rights-related political issues.

In 2002, IGAD moved to streamline its own relations with civil society and NGOs in its member states. It established the IGAD Forum for Non-governmental and Civil Society Organisations to "provide a framework for civil society consultation and cooperation with IGAD" (IGAD, 2003: preamble). At first, the forum was considered a valuable and cost-effective intermediary between central agencies and local communities in IGAD priority areas, particularly peace and security, agriculture and environment, economic cooperation, and social development. Officially the promotion of peace and security, as well as democratic governance, featured most prominently in the objectives formulated in the forum statutes. Among the forum's key tasks was to "promote participatory democracy and adapt it to suit local conditions in member states". In addition, NGO and CSO members of the forum were urged to "dedicate themselves to promoting freedom of expression and association, transparency and good governance" (*ibid.*: art. 6). At the forum's first meeting, in 2003, PAP with other participants developed a code of conduct to govern the forum and the dialogue between CSOs and member states. GIZ assisted in the forum's establishment and a secretariat was set up in Uganda hosted by national NGOs. Unfortunately, since its establishment more than a decade ago, the forum has failed to take off, mainly due to a lack of funding. One IGAD official characterised the forum as 'stillborn'; when GIZ stopped providing funding it became paralysed.

¹⁰ The Ugandan non-government organisations registration bill (amendment) of May 2014 categorises NGOs as foreign, national, or local and seeks to expand the government's powers to monitor them. It creates NGO monitoring committees from the national to the sub-county level and also seeks to empower national and district monitoring committees to dissolve any NGO that does not comply with the law. It furthermore introduces criminal penalties for NGO employees who violate the law, punishable by up to eight years' imprisonment.

Furthermore, the forum's constitutive document stipulates that the ministries of foreign affairs of the IGAD member states are to select the national CSOs that may become forum members. Thus, application for membership requires securing the support of the member state in which the organisation operates. This membership process and funding disbursements quickly became a major bone of contention between IGAD and major donors, in particular the EU. Donors object to some of the requirements for membership and perceive the forum as a sham, lacking independence from member state governments (key informant 31). With its own weak resource mobilisation capacity and limited staff numbers, PAP has itself remained very conscious of its dependence on donor funding and conducted only fragmented and ad hoc activities related to the forum. In a nutshell, three main causes can be pointed to for the forum's failure: (i) membership selection being heavily reliant on member state approval; (ii) donor disinterest in funding the forum, as its potential impact seemed slight due to the first point; and (iii) IGAD's own internal resource constraints (Nuwakora, 2011).

Eight years after the forum's establishment, IGAD commissioned a CSO capacity assessment study. That study's findings were validated at a workshop in Addis Ababa, 4–17 March 2011, at which forum members also received training in effective implementation of development programmes in the IGAD region. In 2012, the forum organised a two-day training seminar on 'media and democracy' for government and private media personnel in South Sudan (IGAD, 2012b). Some €42,000 was provided from the EU-funded Regional Political Integration and Human Security Support Programme. Beyond these rather disjointed efforts, however, there seems to have been little further scope for the forum to promote governance in a more strategic manner. Moreover, the forum is likely to remain dormant in the absence of greater fund-raising efforts, greater donor willingness to provide assistance, and greater trust among IGAD member states in the place of CSOs in governance in the region.

4. Linking the AGA to the IGAD governance agenda: Barriers and opportunities

This chapter examines barriers to the IGAD governance agenda and ways in which IGAD and the AGA could break down these obstacles. Several of the main barriers are the longstanding animosity and history of mistrust among the IGAD member states; the sensitivities associated with political and governance issues, which are considered domestic affairs; and the low perceived efficacy of governance as a structural conflict prevention tool. Inhibitors internal to IGAD are also discussed, related to resources as well as to organisational structures. Institutional challenges associated with the AU and AGA's relationship with IGAD are examined, also considering that many of these apply equally to the AU's interactions with other African RECs. These challenges include the mono-directionality of AU-REC relations, blame games played between the AU and RECs, and lack of a clear definition of what being a 'building block' entails in terms of rights and duties. The principle of 'subsidiarity' is often spoken of, but it is far from being practised in the relationship between the AU and RECs. Some successful initiatives are introduced, such as the AU's Agenda 2063, which may provide lessons for remedying some of difficulties experienced in AU-REC relations. Specific to the AGA, the chapter concludes that there is a pressing need to address deficiencies in communication and participation and in the conceptualisation and legal standing of the RECs vis-à-vis the AU. As subsidiarity is becoming increasingly prominent in the conversation between the RECs and the AU, the AGA is encouraged to apply this principle in all of its engagements with the RECs. This implies allocating tasks and resources based on proximity, local expertise, and legitimacy. Finally, the chapter suggests that IGAD may offer the best opportunity for the AGA to build its REC outreach and test its approach.

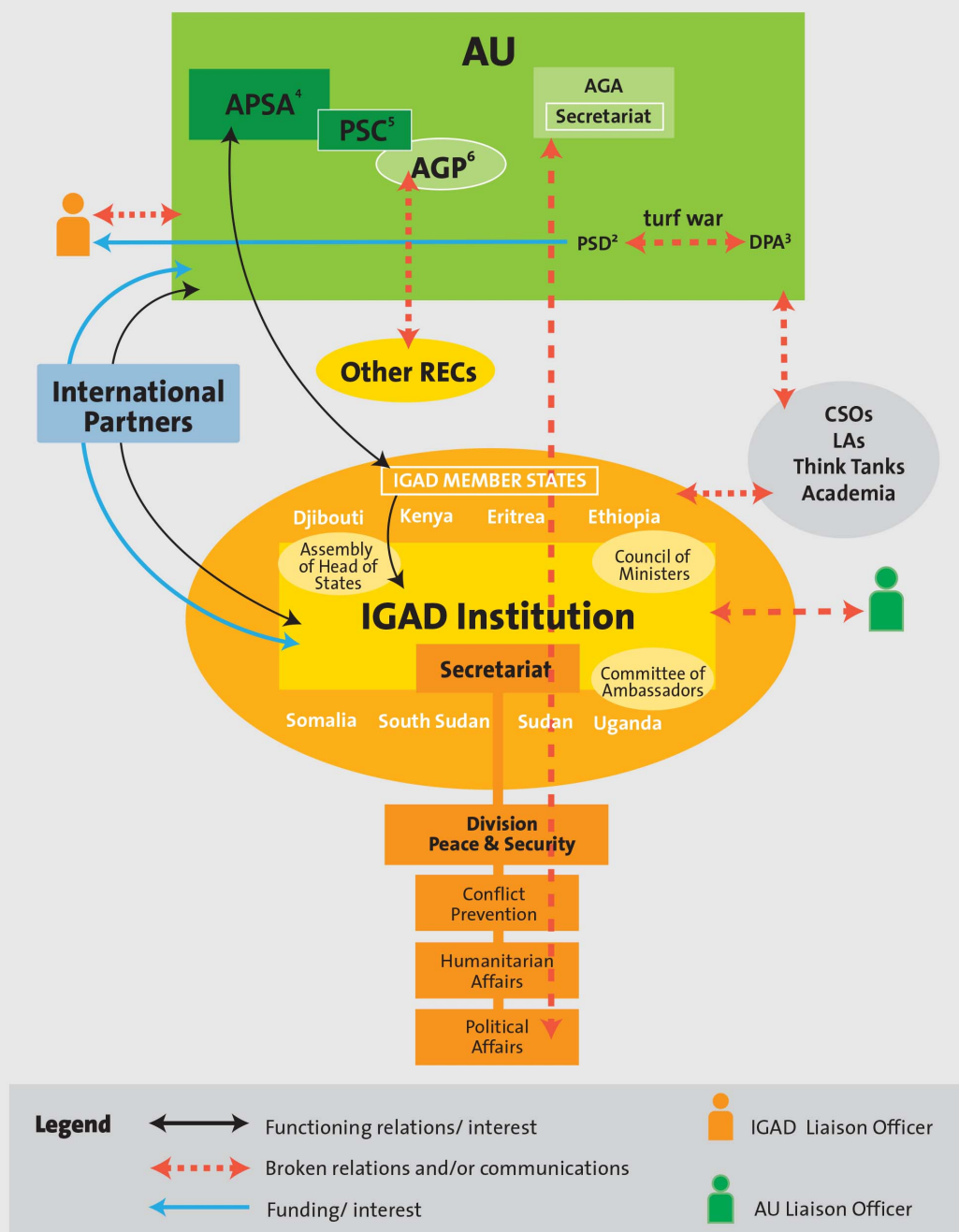
4.1. Introduction

IGAD has been transformed over the past two decades from a group of states primarily determined to fight drought and desertification into a prominent REC, recognised under the African Economic Community (AEC) of the Abuja Treaty. In addition to acknowledging IGAD's role as a 'building block' of the AEC, IGAD's potential to complement the AU's progress towards its own mission has been recognised (AU, 2013). Beyond IGAD's more prominent work in, for example, agriculture and environment, four of IGAD's less well-known regional contributions have had far-reaching consequences for governance and peace and security: (i) activating the recent surge in transnational infrastructural development (e.g., roads and hydropower); (ii) mediation and participation in peace processes such as those in South Sudan, Sudan, and Somalia; (iii) contributing substantial troop numbers for UN and AU peace-support operations; and (iv) initiating cross-border cooperation in health and trade. Nevertheless, to date governance remains the least advanced thematic area in the IGAD organisation, but why?

IGAD faces many challenges that affect its work under the Political Affairs Programme (PAP). These range from challenges related to member states and donors to its own institutional limitations. Figure 7 depicts some of the organisational barriers to effective promotion of an IGAD governance agenda pertaining specifically to AU-IGAD relations on the AGA.

Figure 7

AU-IGAD relations on the AGA¹



¹ The arrows are only indicative and do not claim to be exhaustive in displaying relations.

² Peace and Security Department (PSD)

³ Department of Political Affairs (DPA)

⁴ The African Peace and Security Architecture (APSA)

⁵ The AU's Peace and Security Council (PSC) is a decision-making body responsible for the maintenance of continental peace and security.

⁶ The African Governance Platform (AGP) was established in an informal setting to strengthen cooperation among AU organs/institutions and other stakeholders with a governance mandate (among others RECs, ECOSOCC, APRM, ACHPR)

Source: Compiled by the authors (2015).

4.2. Barriers to an effective governance agenda within IGAD

4.2.1. 'Mutually assured destabilisation' by IGAD member states on governance

A first barrier to an effective governance agenda within IGAD has to do with the longstanding animosity and history of mistrust among the IGAD member states. This has fed a lack of determination and urgency to tackle governance issues that have a bearing on the internal affairs of the countries concerned. There is fear that such involvement might fuel mistrust even further. This legacy partially explains the absence of an explicit commitment within the IGAD leadership to intensified activities in governance, democracy, elections, and human rights. Member states are much more supportive of cooperation in confronting transnational threats. National governance is often still perceived as a domestic concern, and states fiercely guard their sovereignty from outside interferences.

Discomfort with governance-related interventions is not unique to IGAD. AU member states, similarly, are more comfortable embracing the APSA, which is dedicated to upholding transnational peace and security, than the AGA, which they approach with great caution and concern. The AU's doctrine of non-indifference is slowly weakening the culture of non-interference, but it has not yet entirely replaced it. The line between what is considered unwarranted interference and legitimate intervention remains thin due to mistrust among member states and opposition to external forces, including regional organisations. Thus, the interventionist governance agenda of the AU and IGAD remains a work in progress.

4.2.2. Political sensitivity of governance

The second and perhaps more formidable barrier to a more active governance agenda within IGAD is the political nature of governance. Governance issues invariably elicit sensitivity and nationalism. Governance tends to be considered an externally led agenda, driven by foreign forces bent to exploit Africa. IGAD member states and some members of the IGAD Forum for Non-Governmental and Civil Society Organisations note an urgent need to do away with the current 'fixation with liberal democracy'. Distrust is particularly pronounced when it comes to components of the governance agenda such as state power, elections, transparency, accountability, corruption, and natural resource governance. Indeed, because delicate state-society relations are involved, governance and democracy are more sensitive in Africa than peace and security. This has rendered progress on the governance agenda 'controversial and slow' (key informant 23). Because governance plays a role in the distribution of power and resources in a society, it is open to corruption, abuse, and misuse. In countries where poverty is rampant and the institutional framework is deficient, accountability is rare and political power often serves as a tool for capturing and holding control over resources. In such contexts, issues like corruption, CSO participation, and elections become politically sensitive, which raises a barrier to IGAD's governance-related work. Interviewees often mentioned the fear of offending member states.

For now, a useful entry point for future engagement to foster the AGA agenda might be IGAD's election observation activities, which have enjoyed broad support. IGAD has not yet faced any serious opposition from member states, for example, for issuing critical reports on governance or election observations such as those on Sudan's recent elections. In close step with member states, IGAD has tried to expand the governance agenda, including by undertaking monitoring before, during, and after elections, hereby advancing several pillars of the AGA.

4.2.3. Hard security mindset, with governance given low priority

The third barrier to an effective governance agenda within IGAD is associated with the mindset of leaders of IGAD member states, and even within the IGAD Secretariat, and the way these actors define the threats facing the region. By framing threats such as terrorism as an immediate risk to state security (and not to human security), long-term 'soft' security issues associated with governance are typically neglected. Consensus can usually be found for collaborative action to counter transnational threats, as these are often considered of utmost urgency. In this same vein, the limitations imposed by IGAD's policy organs, particularly the CoM and CoA, have contributed to the low profile of PAP within IGAD. In 2012, for instance, the CoM requested that the Secretariat put peace and security at the top of its agenda, rendering governance and other domains as secondary concerns (key informant 27).

Hence, governance remains a source of division among member states and a rather low priority for IGAD as a whole and for its Peace and Security Division (PSD) in particular. IGAD still applies a 'fire brigade' approach, reacting to conflict situations when they erupt and prioritising intervention over prevention. Despite growing recognition of the importance of preventive action for boosting peace and security in the region, IGAD – like the AU – has utilised its meagre resources to cure symptoms, rather than addressing root causes. The reliance of IGAD, its member states, and donors on interventionist peace and security measures (e.g., mediation, peace processes, and peace-keeping) undermines long-term and sustainable preventive actions related to governance and the socio-economic agenda. Illustrative of the greater concern and caution exhibited by member states regarding governance compared to peace and security is that while the Addis Charter took five years to enter into effect, the Protocol Relating to the Establishment of the Peace and Security Council of the AU took only slightly more than a year (see www.au.int/en/treaties).

4.2.4. Capacity constraints impinging on donor perceptions and vice versa

The fourth barrier relates to IGAD's institutional capacity and communication challenges. Capacity for governance promotion is limited in every regard within IGAD, even for issuing a comprehensive and critical election observation report. Unlike other PSD programmes, PAP expenses are covered by the assessed contributions of the IGAD member states. These annual contributions, however, are at best paid inconsistently and often partially. As a result, PAP has long been limited to only one staff member for political affairs. No professional has been assigned to humanitarian affairs for almost a decade. This acute dearth of human resources has left IGAD no room to develop creative soft approaches to governance. In general, human and financial resource constraints are a principal contributor to IGAD's low level of attention and commitment to the governance agenda and promotion of the AGA.

The barriers IGAD faces in governance promotion in turn affect perceptions of the institution among donors and other stakeholders. They rarely view IGAD as an institution capable of promoting governance. This undermines implementation of the AGA through IGAD, while also paving the way for external partners to decide for IGAD what its area of excellence should be. Concerns in this regard were expressed in 2012 in a validation report on the IGAD protocol on governance. It states unequivocally that unless the member states pay their annual assessed contributions on time, donors will continue to unduly influence progress on the governance agenda (IGAD, 2012a).

4.3. IGAD-AU relations

4.3.1. Rhetoric of 'building block' overshadowed by mono-directional relations and blame games

How does the AU relate to the RECs? Article 20 of the Abuja Treaty Establishing the African Economic Community, adopted 3 June 1991, states that the RECs are 'building blocks' for the gradual establishment of the African Economic Community. Along similar lines, article 3(l) of the Constitutive Act of the AU mentions a coordination and harmonisation role for the RECs in implementation of AU policies. Rhetoric aside, what does 'building block' entail in terms of rights and duties? There is no legal regime that elaborates any commonly shared vision between the AU and RECs. Nor is there any single instrument that comprehensively governs the relationship. A number of documents address elements of the AU-REC relationship, but none places the relationship in a comprehensive light. Specifically, four documents refer to AU-REC relations: the Abuja Treaty; the Constitutive Act of the AU; the 2007 Protocol on the Relationship Between the AU and the RECs; and the 2008 Memorandum of Understanding (MoU) on Cooperation in the Area of Peace and Security Between the AU, RECs and the Coordinating Mechanisms of the Regional Standby Brigades. While the first two are too broad to adequately guide relations, the second two are very narrow. The 2007 protocol focuses only on economic and trade issues, while the 2008 MoU solely addresses implementation of the APSA. This fragmented approach initially implied that the heads of the AU Commission and RECs would need to hold four separate meetings annually. This number of meetings, each with its own agenda, proved untenable, however, and the required meetings were collapsed into two annual events encompassing all AUC-REC agenda items.

AU-REC relations have been described as mono-directional with the AU inviting and the RECs 'attending'. For instance, the AU Peace and Security Council usually invites RECs to come to its meetings and requests that they submit certain reports. However, once REC representatives have completed their presentations, they are asked to leave the meeting in order for the Peace and Security Council to deliberate and render its decision. Even though RECs are not allowed to take part in the deliberations and decision-making, they are expected to implement the decisions taken by the Council. The AU seems to see itself as a decision-making and policymaking organ and the RECs as its implementers (key informant 22, 16, and 19).

Indeed, the RECs are accorded fewer privileges and displays of respect than the EU, UN, and other AU observers (key informant 9). The REC liaison officers to the AU have not yet been able to counter this mono-directional style of relations. On the contrary, they have been perceived as intruders on the work of the AU Commission, despite being hired by the AU Peace and Security Department. RECs have objected to the limited role assigned to them and demanded a more robust position within AU decision-making processes. With the efforts now under way surrounding Agenda 2063, the RECs are increasingly being invited to contribute substantively to the formulation and the implementation of AU projects.

The relationship between the RECs and the AU remains poorly conceptualised, fraught with tensions, and on both sides prone to regressing to divisive blame games. The RECs fault the AU for treating them as subordinates, obliged to implement AU decisions without being proactively engaged. Some RECs have become disillusioned in work with the AU Commission (key informant 24). IGAD too has expressed frustration at the lack of open engagement, and even doubts about the value of investing its capacity in enhancing relations with the AU. The AU, in turn, has criticised the RECs as disinterested, uncooperative, passive, and incapable of collaboration. Competition for funding is another issue contributing to the anaemic AU-RECs relations.

This demands that both the AU and IGAD look at the factors that have negatively affected their interactions. Can approaches be developed for addressing the rampant misunderstandings, contestation on mandates and legitimacy, lack of mutual respect, and fatigue regarding the lack of progress towards regular consultation and substantive participation of IGAD in AU policy organs? What can be done to remedy the mutual distrust?

4.3.2. The principles of subsidiarity and complementarity

The principles of subsidiarity and complementarity are considered to govern AU-REC relations. They are frequently cited in various AU documents, and were often mentioned during the interviews conducted for this study. Particularly in well-developed programmes such as IGAD's CEWARN and the AU's Continental Early Warning System (CEWS), the principle of subsidiarity is becoming increasingly vital in the conversation between the AU and RECs. Some within IGAD have noted increasing AU requests for services and capacities, such as operationalisation of data collection, information-sharing, and contributions to media monitoring activities.

However, on both the AU and the REC sides, many intentions have been expressed without practical implementation. The 2008 MoU on cooperation in peace and security was unable to remedy this. As a result, there continues to be duplication of efforts and a lack of coordination and harmonisation. For example, the AU recently moved to develop a strategy on the transnational threats facing each African region, but it did so without consulting with the RECs (key informant 8).

The largest single benefit of subsidiarity could come from decentralisation and devolution of power to the RECs from the AU, and from the RECs to their member states and in turn to local authorities. For the AGA to take firm root, it will need to be planted by the RECs in member states and local communities. The principle of subsidiarity requires that external actors, including the AU and IGAD, take only supportive roles. The goal is to enable the member states and local authorities to solve their own problems, securing and maintaining their own peace, stability, and prosperity. For the long term, the objective of the AGA – and for that matter of IGAD – should be to build good governance from the local level upwards. Thus, the AGA would become a 'back-up' system for governance programmes within the RECs, such as under IGAD's PAP, which in turn would act as a back-up for the programmes of the member states. The role of the AGA, therefore, is not to substitute for an IGAD governance agenda within PAP, but to capacitate it.

The RECs have the required proximity, local expertise, and legitimacy to adapt the AGA to the peculiarities of Africa's various contexts. Their local presence can help ensure the relevance of the governance issues identified. Proximity also helps motivate responsiveness and accountability to local constituencies and propels a focus on problem solving. Equally important, geographic proximity provides for cost-effective engagement, contributing to efficiency and effectiveness goals. Local expertise, too, is vital for almost all aspects of norm-setting and implementation relevant to governance and the AGA. Most governance-related challenges are extremely complex and highly intertwined with local political, socio-economic, and historical contexts. Local expertise can help identify key barriers and accelerators to the governance agenda, and feed policy proposals adapted to each region.

The RECs can play a pivotal role in achieving ‘African solutions to African problems’, including in governance. However, the causes and consequences of African problems are not limited to Africans and Africa only; so the solutions to these problems cannot be entirely African. This catchphrase refers to sources where solutions can be found while also conferring added legitimacy on local knowhow. It should be understood as an assertion of the principle of subsidiarity in problem-solving, with partners providing support for mainly African efforts to solve Africa’s own problems. Strict implementation of subsidiarity, moreover, could enhance accountability by reducing the motivational and representation gap that emanates from greater distances between beneficiary populations and governance institutions.

Trust-building, understanding one another’s mandates, concerns, and limitations, and sharing a common vision of Africa’s future should all be part of the way forward. More importantly, the principle of subsidiarity needs to be practised. External actors should endorse efforts propelled by domestic drivers of the governance agenda (such as elected bodies, political parties, CSOs, and media) and support local and traditional participatory and accountability mechanisms.

4.3.3. A fragmented approach in dealing with the AGA and the APSA

The APSA is currently a top priority in AU-REC relations. The 2008 MoU sets out the nature of AU-REC collaboration focusing solely on the APSA. As repeatedly observed, this emphasis on peace and security – without however defining the legal standing, rights, and duties of the RECs in relation to the AU – has been detrimental to governance, especially consolidation of the AGA. Within the AU, the Peace and Security Department and the APSA have received more emphasis and resources than any other department, and disproportionately more than received by the Department of Political Affairs and the AGA.

Donors have played a role in relegating the governance agenda to a secondary position in both IGAD and the AU, as most funding has gone to peace and security programmes. Lack of donor support for governance work has limited IGAD’s capacity to engage on the topic. The AGA, too, is a victim of this favouring of the APSA and starving governance activities of resources, although the AGA could complement the APSA. Even the AU’s own High Level Audit Panel observed, “promotion of democracy, the rule of law and good governance, are all regarded as conflict prevention” (High Level Panel, 2007: para. 264). Nonetheless, the AGA’s potential is still not fully recognised. The AU does acknowledge that democratic governance is interrelated with peace and security, and that the two imperatives are mutually reinforcing. Many interviewees for this study expressed the conviction that without democracy, there could be no sustainable peace; and without peace, democracy rests on a weak foundation (e.g., key informant 32). IGAD’s 2010–2015 Peace and Security Strategy points out a lack of policy coherence and weakness within IGAD in linking governance and peace and security programmes, stating (in paragraph 12) that direct peace and security programmes appear more as stand-alone efforts without linkages to other areas of IGAD programming that have a bearing on peace and security. IGAD member states have also disregarded the nexus between stability and governance, resulting in state-led responses that have exacerbated instability and conflicts in the region. Here again, ‘hard’ peace and security issues, often requiring immediate intervention, have taken precedence over the softer aspects of prevention, such as addressing underlying causes of conflicts, often involving governance, democratic constitutionalism, credible elections, and human rights protection. Better cooperation with the AU and increased funding for governance could stimulate IGAD to be more invested in the issue. Within IGAD’s PSD, there are no links as yet between governance and other programmes, such as the IGAD Security Sector Programme (ISSP) and the Conflict Early Warning and Response Mechanism (CEWARN). Establishment of such links could make a more functional whole out of the disparate units.

4.4. AU-IGAD special relations and recent efforts to promote governance

4.4.1. Positive notes in the AU-IGAD relationship

IGAD's regional early warning mechanism (CEWARN) has maintained a pioneering and close working relationship with the AU's Continental Early Warning System (CEWS). The longevity and advanced level of institutionalisation of this collaboration make it an excellent example of the potential of regional-continental cooperation. Quarterly meetings are held that examine methodologies of early warning. However, even this longstanding relationship experiences coordination difficulties. For example, CEWS does not consult with CEWARN on matters related to its country desk offices in IGAD member states. Resources could be optimised if CEWS made use of CEWARN's resources within the region. Apart from CEWARN, IGAD's active role in peace and security processes in Somalia, Sudan, South Sudan, and Kenya has cemented relatively stronger relations between IGAD and the AU compared to some of the other RECs.

Adding to the relative strength of the AU-IGAD relationship, Ethiopia's capital Addis Ababa is the seat of the AU's headquarters, including its Peace and Security Council, the Permanent Representatives' Committee, and the AU Commission. Furthermore, many other representatives of the pan-African community and diplomatic corps are stationed here. High-ranking donor country officials controlling funding allocations are located in Addis Ababa as well. Ethiopia has served as the chair of IGAD for the past eight years. It has been elected three times to the AU Peace and Security Council, and has an influential voice in other AU organs and among diplomats residing in Addis Ababa representing other AU member states. Several IGAD offices are based in Addis Ababa. This proximity provides IGAD unique opportunities for increased high-level engagement and strengthened relations with the AU. Indeed, no other REC has easier access to the AU than IGAD (key informant 3). The swift establishment of the AU High-Level Implementation Panel (AU-HIP), the rapid deployment of the AU Mission in Somalia (AMISOM) and the Interim Security Force for Abyei (UNISFA), the sanctions on Eritrea, postponement of the release of the report of the AU Commission of inquiry on South Sudan – all these came about as a result of the close cooperation between IGAD and AU organs. The ongoing IGAD-led mediation on South Sudan with seamless collaboration with the AU is an excellent example of the application of the principle of subsidiarity and effective AU-REC collaboration. Another example of productive collaboration was the joint observation of the 2007 Kenyan elections. In this case, resource constraints forced IGAD to optimise and coordinate with the AU, the Common Market for Eastern and Southern Africa (COMESA), and the East African Community (EAC). Together, they assembled 59 observers, enabling them to cover more polling stations and constituencies. COMESA, EAC, IGAD, and the AU went on to issue a collective report on the 2013 Kenyan election (key informant 31). IGAD's involvement in the joint effort was in part a consequence of the region's interest in ensuring violence-free elections in Kenya, paired with the resource limitations IGAD faced. Yet, it served not only to pool resources, but also to unify the voices of pan-African election observers and to cover many more areas than would have been possible if IGAD had acted alone. This joint election observation mission could serve as a blueprint for election observation and monitoring in Africa. Unfortunately, it was a product of default rather than design, and it was not in fact duplicated in subsequent missions. As a continental organ expected to coordinate and lead the RECs, and given the endemic resource constraints, the AU could have taken responsibility for bringing African actors together for observing elections.

To solve some of these challenges related to AU-REC relations, the AU Commission decided in 2004 to establish AU liaison offices at the RECs (AU Commission, 2004). Nevertheless, this decision was implemented only in 2012, which is also the year that the AU Liaison Office at IGAD headquarters in Djibouti was established and commenced operations (key informant 18). The impact of these offices in the overall relations between the AU and RECs is yet to be assessed. Some observe that relations have

somewhat improved between the policy organs of the AU and the RECs. The RECs have continued to express strong interest in overhauling their relationship with the AU, demanding that instruments guiding the relationship be expanded to cover all aspects, and not be limited to the APSA. The AU's current Chairperson, Nkosazana Dlamini-Zuma, has also shown interest in improving relationships between the AU and RECs. She has taken concrete steps in this direction, including appointing an advisor in charge of AU-REC relations in her office. A study and discussion are also under way on how the institutional linkages and accountabilities of the REC liaison offices can be put to best effect (key informant 23). Dlamini-Zuma has furthermore met with the heads of the RECs. At her initiation, the consultations on Agenda 2063 have been made more inclusive, not only to AU member states and CSOs, but also to the RECs. IGAD is optimistic and participated actively in a consultative meeting on Agenda 2063 conducted by the Office of the AU Chairperson. IGAD is thus more familiar with Agenda 2063 than with the AGA. In part for this reason, IGAD takes Agenda 2063 seriously. Its interest in Agenda 2063 also stems from the content of this vision for Africa, which could be characterised as having a developmental state orientation with a focus on infrastructural mega-projects. Because Agenda 2063 reflects IGAD's own priorities, it is well supported within IGAD circles. However, a final undeniable reason for IGAD's strong support of Agenda 2063 is the consultative approach taken by the Chairperson on this initiative. This approach could be emulated to consolidate the AGA.

The AU Peace and Security Department has further called on the RECs to submit proposals for amendments to the 2008 MoU on peace and security. IGAD and the Economic Community of Central African States (ECCAS) have made submissions, but few of their amendments are substantive (key informant 22). While fragmented legal instruments and ad hoc mechanisms have governed AU-REC relations thus far, introducing and implementing improvements remains a thorny issue.

4.5. IGAD's involvement in the AGA

4.5.1. A legacy of missed chances, with the occasional achievement by default

IGAD's current involvement in the AGA is characteristic of AU-REC relations overall. It is marked by limited participation, poor communication, little incentive to cooperate, and a low level of ownership on the part of the REC. To bring the AGA to life, the RECs will need to become entitled and empowered to play a role as the mechanism's 'building blocks' and contribute to advance an effective continental agenda based on the African Shared Values. The AGA requires the RECs to promote and encourage democratic practices, good governance, and the rule of law; to protect human rights and fundamental freedoms; to respect the sanctity of human life; and to uphold international humanitarian law as part of efforts for the prevention of conflicts (AU, 2011). While the AU Shared Values instruments (see Annex) are indeed a common denominator for AU-REC cooperation, the principle of subsidiarity also plays a significant role. Collaboration between IGAD and the AU Department of Political Affairs has thus far been limited to elections, in particular, election observation. The collaborative activities during the 2007 Kenyan poll briefly enhanced the relation between IGAD's PAP and the AU Department of Political Affairs. Beyond this, due to the higher visibility of CEWARN, as well as its close and longstanding relations with the AU Commission, the head of CEWARN, not PAP, participated in the recent AGA meeting in Gambia (key informant 3).

When it comes to other areas, however, IGAD has almost no involvement or engagement with the AGA. Except for the aforementioned meeting, PSD, PAP, and the IGAD AU Liaison Office reported that they had never been consulted by representatives of the AGA. Of course, individual perceptions may be at play here, alongside a lack of institutional memory. Paradoxically, it was the current head of the IGAD Liaison Office to the AU, in consultation with the AU Department of Political Affairs, that organised the 2009 Khartoum Conference on the Addis Charter which led Sudan being one of the few countries to ratify the

Charter within a year of its adoption (key informant 9). In the words of an IGAD official, “The RECs are ready to work with the DPA [AU Department of Political Affairs] on the AGA, but the DPA is not proactive in engaging the RECs” (key informant 9). For instance, in 2010, IGAD PAP made a formal request for technical and financial assistance from the AU Department of Political Affairs for development of the draft protocol on governance (key informant 31). However, no financial assistance was forthcoming, though the AU did dispatch a staff member and an external consultant to provide technical assistance in the early consultations towards the protocol’s development. An AU Commission representative acknowledged that the experience gained from the 2009 Khartoum Conference could have provided a basis for stronger cooperation on the AGA between PAP and the AU’s Department of Political Affairs. Going a step further, the AU Department of Political Affairs could have developed the conference into a model for approaching the RECs for their endorsement of the AGA and Addis Charter as a block (key informant 9; see Table 1 for the Addis Charter ratification status of IGAD member states). Many of the weaknesses in IGAD’s involvement in the AGA are due to deficiencies (i) in communication and participation and (ii) in conceptualisation and legal basis.

Table 1: Addis Charter ratification status of IGAD member states

Ratification by		Signatories	Non-signatories
	Djibouti	 Kenya	 Eritrea
	Ethiopia	 Somalia	
	Sudan	 South Sudan	
		 Uganda	

Note: By signing the charter, a state expresses the intention to comply. However, this expression of intent is not binding in and of itself. To become legally binding the charter must go through the legislative process of approval by national organs of the state. Within the AU, like the UN, long time periods are usually needed for ratification of binding regional and international instruments. Given that on average it takes nine years for an AU convention to enter into force (Maru, 2014), the five years required for completion of the ratification process for the Addis Charter could be considered rather quick. See also www.au.int/en/treaties.

Source: Compiled by the authors (2015).

4.5.2. Communication and participation

AU member states have direct participation rights in the AGA as State Parties to the Addis Charter. The RECs, in contrast, play their role via their membership in the African Governance Platform. The platform, launched in Lusaka in June 2012, aims to identify flagship projects for the AGA and is composed of 12 bodies, including various AU organs. AGA technical meetings are conducted twice a year, while the African Governance Platform meets once a year (key informant 23). Representatives of both the AU Commission and the RECs considered the African Governance Platform to be ‘dormant’ and described its meetings as events “with too many speakers but too limited dialogue” (key informant 23). Though theoretically the platform includes all relevant actors, in reality, active participation is very limited (key informant 22). Underlying this absence of participation is a lack of ownership of AGA-related activities. These two factors – low participation and lack of ownership – are mutually reinforcing and at the heart of many of the challenges faced by the AGA. Deficiency of ownership of pan-African initiatives is not unique to the AGA. In

the 2015 consultations on Agenda 2063 in Gaborone, for example, IGAD was the only REC present (key informant 12).

Interviewees from IGAD and the AU Commission observed that IGAD had not participated in the conceptualisation, planning, or launching of the AGA. However, poor communication between the AGA Secretariat and RECs seems to be at the heart of many of the challenges experienced in AGA-IGAD relations. IGAD claims that its current official in charge of governance, the head of PAP, has never been invited to or consulted on the AGA (key informant 31). The AGA Secretariat, however, maintains that invitations have been sent to IGAD for all AGA technical meetings (four so far), but that IGAD participated in only one (key informant 32). The problem is that invitations, agendas, and background documents are sent rather late, usually just a week before the events. The lack of capacity within the AGA Secretariat is the main reason for such delays (key informant 22). Furthermore, the AGA's currently modest team does not have the capacity to remedy the problem. The irregularity of the AGA meetings has also contributed to IGAD's poor participation in the AGA, as has the AGA's own lack of funding and the excessive dependence of both the AGA and IGAD on donor funding for activities.

The lack of proactive communication is not limited to the AGA, but affects the IGAD liaison offices too (key informant 31). Dysfunctional working relations and insufficient communication between different units under IGAD's PSD hinder cooperation both within and outside the organisation. As a result, invitations from the AU Department of Political Affairs and information concerning the AGA may not be channelled to the PAP in a timely manner. To solve these communication and coordination problems, organisers of the 2014 AGA technical meeting in Dakar requested that the RECs appoint a focal point on AGA affairs. This could be an important step forward, but it remains a short-term solution. Solving the problem for the long term will require a shift of mindset and approach, and the building of greater capacity and trust between IGAD and the AGA.

4.5.3. Deficiencies in conceptualisation and legal basis

The most fundamental challenge, one that has overshadowed even deficiencies in communication and participation, is the inadequate conceptualisation of the AGA and its relation to the RECs. Similar to the problems discussed earlier regarding AU-REC relations, the rights and duties of the RECs towards the AGA have not been elaborated. Thus, IGAD's relations with the AGA display many of the same shortcomings as its relations with the AU. Indeed, even though the RECs are expected to play an important role in promoting the AGA, REC interviewees noted that the AGA Secretariat had not yet adequately defined how the RECs were to make this contribution. The AGA, like other AU initiatives such as the APSA, expects RECs including IGAD to implement decisions on which they were not consulted. Unlike the RECs' experience with the AGA and AU Department of Political Affairs, the AU Peace and Security Department did actually invite the RECs early on to contribute to conceptualisation of the APSA (key informant 28).

The AGA was designed to serve as a deliberation platform and coordination mechanism to facilitate implementation of a continent-wide governance agenda (key informant 32). As the AGA becomes better known and established, IGAD will demand increased involvement throughout the entire process. To date the AGA has no mechanism for joint programming, joint financing, and joint evaluation. If no comprehensive AU-REC collaborative instrument is forthcoming – or a specific AGA-REC MoU and clear incentives for the RECs to engage – the AGA will continue to be left without any legal supporting mechanism for cooperation.

From conceptualisation to implementation, monitoring, and reporting on progress, the AGA would benefit from a joint action plan, funding mechanisms, and tools. The APSA has demonstrated over almost a

decade that a clearly demarcated collaboration mechanism is both useful and possible. Within IGAD, for instance, one PSD staff member is fully supported by the APSA (Peace Fund) to implement IGAD programmes related to the APSA (key informant 19). This is in addition to the two IGAD liaison officers to the AU. One reason why liaison officers tend to be more favourable towards APSA-related issues than to those associate with the AGA is the fact that they were hired and are paid by the AU Peace and Security Department. Direct funding and support to REC staff members, including provision of facilities for REC liaison offices at the AU, could provide sufficient incentive for the RECs to engage and work with the AGA. Particular actions by the AU Department of Political Affairs – or the lack thereof – have been interpreted by IGAD as a disincentive to collaborate with the AGA (key informant 19). One example is the abovementioned lack of financial assistance for IGAD's development of a protocol on governance based on the Addis Charter (key informant 31). The AU Department of Political Affairs did provide IGAD member states a training course on the Addis Charter (though in collaboration with the Open Society), but expenses were covered by IGAD (key informant 31).

5. Way forward and conclusions

This chapter considers the role that IGAD and the AGA could play in transforming IGAD member states from being a primary source of challenges to governance in Africa into drivers of the good governance agenda. For this, the AGA will need to be employed as a mechanism for building capacities and reform behaviours of states. The chapter also presents recommendations based on the analysis up to now. One of these is to develop joint projects between the AGA Secretariat and IGAD's Political Affairs Programme (PAP) as part of an action plan for swift ratification and implementation of the IGAD protocol on governance. A second recommendation is to develop procedures for regular reports on governance to be submitted by the RECs to serve as a basis for a continental 'state of governance' report. Building on the existing good relations between the AU and IGAD, strategic-level engagement between the AU's Department of Political Affairs and IGAD's PAP could render the AU-IGAD relationship a model for other RECs and initiatives to follow.

5.1. Shifting the mission of IGAD and the AGA

The orientation of the AGA and its cooperation with the RECs needs to shift from norm-setting to norm-implementing in order to promote and entrench the AGA at the member state level. The AGA remains as yet a conceptual framework. As it moves beyond conceptualisation, it will first need to ensure that the norms set are diffused, popularised, and owned by the RECs and their member states. Similarly, the African Governance Platform is not yet an effective venue for REC engagement (key informant 9, 31). Thus, the operational procedures and thinking underlying the AGA requires reframing.

While adoption of the various treaties, including the Addis Charter, is a milestone in itself, without effective implementation these remain nothing more than documents on the AU shelves. An increased pace of ratification of the Addis Charter would help promote the AGA agenda within IGAD (Mukundi Wachira, 2014), while conversely IGAD's close collaboration with the AGA Secretariat would likely speed up Addis Charter ratifications. Both the Addis Charter and IGAD policy documents – such as the draft revision of its establishment treaty and its draft protocol on governance – impose duties on member states (see also AU, 2007: art. 44c). For implementation of the governance agenda, these duties can be summarised in three important stages: (i) treaty popularisation, (ii) treaty ratification, and (iii) supervision of treaty implementation.

To demonstrate its relevance, the AGA will need to generate a supply-driven demand by indicating the added value that it can bring to the RECs' efforts. There are several possible approaches for accomplishing this task. For example, regional and national consultative conferences could be convened in collaboration with the RECs to raise awareness and stimulate wider discussion of the AGA and its related instruments, especially addressing the state of AGA implementation. Furthermore, a higher profile for the AGA will be critical to pave the way forward. With regard to IGAD, the AGA needs to work closely with IGAD's Political Affairs Programme (PAP) and also needs to formulate a robust strategy for communications and CSO engagement.

5.2. Way forward for the AGA

5.2.1. Initiate a comprehensive protocol to govern AU-REC relations

The relationship between the AU and IGAD remains fraught with difficulties, despite the marked progress observed in recent years in mutual understanding of the subsidiarity principle. Drawing on the 2007 Protocol on the Relationship Between the AU and the RECs and the 2008 MoU on Cooperation in the Area of Peace and Security, an option would be for the AU Department of Political Affairs to propose a new protocol governing AU-REC relations. The new instrument would define how the AU and RECs relate to one another, spell out what it means to be a 'building block', and clearly articulate the principles governing the relationship, especially the principle of subsidiarity.

An MoU focusing on the AGA is another option, if the AU is willing to develop a separate MoU for each architecture that it adheres to. This however would risk a proliferation of MoUs between AU organs and departments and the RECs. In terms of judicious utilisation of meagre resources, this would not be the preferred option, as difficulties would invariably arise in formulation and conclusion of the different MoUs and their separate implementations.

A more strategic option would be to develop a single AU-REC legal instrument in the form of a protocol articulating a shared vision, such as that expressed in the Constitutive Act of the AU. This document would allocate responsibilities and tasks between the AU and RECs, and more essentially, enunciate their rights and duties towards each other and mechanisms for leadership and joint deliberation, action, monitoring, and reporting. The AU Department of Political Affairs might consider proposing a draft AU-REC instrument in consultation with the AU Office of the Chairperson and Office of the Legal Counsel (via the heads of legal counsel of the AU and RECs). Such an arrangement might furthermore incentivise participation of RECs in the AGA.

5.2.2. Encourage greater REC participation in the AGA

Preventing election-related violence and term limit-related crises is an interest shared by the AU, the RECs, and African states. With the recent surge of contestations of national and local elections, the AGA could take this interest as a common denominator for all RECs and facilitate and incentivise its platforms to provide opportunities for cooperation.

The AGA may need to consider developing a follow-up mechanism with regular reporting. Such reporting might have three main components: a regional report on the state of governance within each REC, observations on these regional reports by the AGA, and observations by a technical expert group. These could serve as the basis of a consolidated AU report on the state of governance in Africa with specific consideration of AGA components. The consolidated report would incorporate remarks on the country reports, while making recommendations for addressing legislative and policy shortcomings and for resolving implementation inadequacies.

5.2.3. Encourage collaboration between the AGA and the IGAD Political Affairs Programme

Establishment of ad hoc, needs-based bilateral consultative meetings could help to improve the relationship between the AGA and PAP. The development of joint projects between the AGA Secretariat and IGAD's PAP would allow both institutions to take ownership and define projects that are relevant at the regional and member state levels. The AGA and IGAD could develop a collaborative action plan for promoting swift ratification and implementation of the IGAD protocol on governance and present it for joint financing to donors. Such a plan could provide an effective entry point for a strong and long-term partnership.

5.2.4. Utilise the RECs as platforms for AGA tailoring, operationalising, and reporting

Given their proximity, local expertise, and regional legitimacy, the RECs provide an practical entry point for promotion of the AGA at the regional level. IGAD could serve as a model in this regard, providing valuable knowledge about or even a mechanism for tailoring the AGA agenda to the region. Similarly, for the AGA, IGAD could serve as a platform for implementation of the governance agenda and for evaluation of progress. The AGA and IGAD could conduct a joint mapping of national and regional drivers and 'champions' of the governance agenda to indicate entry points with the greatest potential. For example, ministries and authorities responsible for youth and employment could provide such an entryway, as they are set to become increasingly important actors in member state governance and stability. Similarly, CSO forums such as national and regional bar associations working on constitutional matters and rule of law could be included in the mapping and in the AGA. The African Governance Platform could use REC progress reports as its starting point for preparing and presenting well-considered consolidated reports. This could help transform the African Governance Platform into a mechanism for consultations, dialogue, and mutual accountability between the AU, RECs, and the member states and their partners. Regular REC reports on governance could also be a basis for a continental 'state of governance' report.

5.2.5. Encourage block endorsements

The RECs could formulate declarations of block endorsement of legal frameworks to help promote implementation of the AGA. Examples might be a block endorsement of the Addis Charter; the African Charter on the Values of and Principles of Decentralisation, Local Governance and Local Development; the African Charter on Values and Principles of Public Service and Administration; the Niamey Convention on Cross-Border Cooperation; and other Shared Values instruments. Given the variety of governance trends within the IGAD region, the AGA would be well-advised to organise a regional consultative conference at which most IGAD member states could participate. The majority of IGAD member states has already adopted, and in some cases ratified, most of the AU conventions and policies, including the Addis Charter. Those that have ratified the Addis Charter could present progress reports on implementation of national action plans to stimulate others to follow their example.

5.3. Way forward for IGAD

5.3.1. Transform behaviour and build state capacities

Regardless of any efforts made by IGAD, the region will not change until the nature of its member states changes. The predatory nature of states is the main source of challenges to governance and peace and security in the region, so no solution can be achieved without their productive leadership. Only with the buy-in of member states can the fundamental causes of the peace and security challenges in the region be addressed. States need the capacity to deliver basic public services effectively, while at the same time retaining and exercising power legitimately.

5.3.2. Reform towards an era of delivery and democracy

Unless IGAD member states reform faster, they will face increasing popular grievances, protests, and political crises. Larger regional trends suggest that IGAD's prominence as an institution will continue to grow, depending on the capacity it builds and the legitimacy it gains within and beyond the region. To address the underlying causes of peace and security challenges, IGAD will need to further transform itself, placing governance at the centre of its core functions. Civil society and non-state actors already play a role in some IGAD programmes. Nevertheless, many more non-state actors in the region, particularly traditional, faith-based, and longstanding organisations with organic links to society, need to be targeted for capacity building and play a bigger role in governance promotion. IGAD has to enter a new 'era of delivery and democracy' based on strict adherence to the Constitutive Act of the AU and IGAD instruments such as the forthcoming revised treaty and the protocol on governance. These progressive norms represent indirect recognition of a reconceptualised principle of sovereignty and a shift from non-interference to non-indifference regarding domestic affairs. The principles emanating from this shift – namely, responsibility to protect, subsidiarity, and the complementarity of international human rights protection and national protection mechanisms – are important aspects that pave the way for strengthened governance promotion. IGAD's new mantra needs to be poverty eradication and constitutional democracy as new frontiers for progress.

5.3.3. Reform the IGAD Secretariat

While member states are IGAD's 'body parts', the Secretariat is the heart and engine on which the institution depends. Transformation within IGAD should aim not only for greater popular legitimacy, but also for greater performance legitimacy, gearing the institution towards achieving the objectives set out in the various policy documents including the forthcoming revision of its establishment agreement (once ratified). In order for IGAD to function effectively, five conditions will need to be fulfilled: (i) allow radical internal reforms of the Secretariat with a broadened mandate facilitated by a revised draft treaty and other instruments; (ii) increase human and financial resources; (iii) revise the recruitment policy to ensure selection of competent staff based on meritocracy, with representation playing a lesser role; (iv) end the utilisation of resources for norm-setting and use them for norm implementation instead; and (v) increase assessed contributions of member states to the organisation and seek alternative sources of funding.

5.3.4. Refine the draft treaty and the draft protocol on governance and address financial constraints

IGAD needs to refine the draft revision of its establishment treaty before the Assembly can adopt it. This includes adaptation of chapter 13 (art. 35) to reflect on governance and humanitarian affairs. A suggestion in this regard is to entitle this section: 'Governance, Peace, and Security'. This conveys the right message and encapsulates IGAD's legislative intent.

In a similar vein, the IGAD draft protocol on governance proposes reconstituting PAP as a directorate and establishing a new specialised technical institute for advancing the governance agenda. The first proposal, however, could undermine IGAD's success thus far in avoiding turf wars between directorates and in linking governance and humanitarian affairs with peace and security. Without a change of mindset and a shift of mission within IGAD, such a restructuring is likely to be a step backwards. The second proposal, for establishment of a specialised technical institute, seems unrealistic in its ambition. IGAD member states have uncritically proposed this institute, without making commensurate financial commitments. This leaves the burden of securing financing to the IGAD Secretariat and donors. Indeed, with the exception of Kenya and Ethiopia, IGAD member states already neglect regular payment of their full assessed contributions to IGAD. Some member states have arrears of more than a decade. Facing huge resource constraints for its existing programmes, any further proliferation of institutes without the necessary resources would merely

add to the IGAD initiatives that 'land before taking flight'. Experience and practicality would suggest the wisdom of selecting and entering into partnership with one of the existing local think tanks in the IGAD region to provide specialised technical services to IGAD. In addition to cost-effectiveness, such an arrangement would draw IGAD closer to existing physical facilities and pools of human resources. It thus seems advisable to exhibit perhaps less ambition, and effectively implement a joint programme, rather than erecting an institute that will exist only on paper.

5.4. Conclusion

The relationship between the AU, which hosts the AGA Secretariat, and IGAD is superficial, fragmented, competitive, confused, and in some respects even parasitic (as in the case of the REC liaison offices to the AU Peace and Security Department). The same can be said for other RECs' relationship with the AU. Up to now, an ownership gap, a communications gap, and a motivational and incentives gap have negatively affected cooperation between IGAD and the AGA. The AGA – and the AU in general – have considered the RECs to be merely implementing appendages, but the RECs have not assented to play this role. The lack of prior consultation with the RECs is particularly evident in the conceptualisation, design, and implementation of the AGA. The RECs, nonetheless, seem likely to demand increasing involvement in AU decision-making processes, and their adequate engagement will be crucial to advance the governance agenda and implement the AGA in the various member states.

The weak AU-REC relationship bodes ill for IGAD's implementation of elements of the AGA. This is all the more true in view of the surprising lack of awareness and information about the AGA among IGAD staff. Neither the IGAD Secretariat nor PAP are sufficiently familiar with the AGA. Despite IGAD's stated interest in programming related to the AGA, the AU Department of Political Affairs has so far failed to reach out to IGAD and supply the institution the necessary support. IGAD needs the AGA to build and pursue its governance agenda and to expand its PAP activities. Similarly, the AGA needs IGAD to overcome the governance deficit rooted in the Horn of Africa. Indeed, it could much benefit from IGAD's proximity, local expertise, and legitimacy in the region. The AGA holds vast potential for contributing to transitions within Africa towards better governance. Such transitions are particularly relevant within the IGAD region, where democratic governance and peace-building efforts are at a critical juncture. As IGAD already plays an irreplaceable role in regional peace-building – for example, in Somalia, South Sudan, and Sudan – promotion of the AGA through combined AU-IGAD efforts would almost certainly deliver high returns and impact both on governance and on peace and security concerns.

Since it was established to fight drought and desertification, IGAD has focused on community-level human security and on building the resilience of communities. Thinking strategically, however, economic efficiency and political effectiveness dictate that IGAD now be guided by the proverbial wisdom 'an ounce of prevention is better than a pound of cure'. Shifting focus from crisis intervention to prevention and to bridging the gap between early warning and early response will require a cultural and mission shift within IGAD, in addition to appropriate skills and technologies (Maru, 2012a). The AGA, with its people-centred fundamental principles, could play a role in helping IGAD move away from its still interventionist 'fire brigade' approach, towards 'governance'-based prevention of conflicts. Building on the existing good relations between the AU and IGAD, strategic-level engagement between the AU's Department of Political Affairs and IGAD's PAP could render the AU-IGAD relation a model for other RECs and initiatives.

To make the AGA more operational, further funding is needed. Several donors are waiting for the AGA to demonstrate concrete results and have expressed interest in promoting a regional governance agenda. For IGAD's PAP to become a more respected actor in governance promotion, it needs to showcase more proactive programmes to demonstrate its commitment to the AGA.

Annex

Table 2: Normative instruments associated with the AU Shared Values agenda

Constitutive Act of the African Union
African Charter on Democracy, Elections and Governance
African Charter on Human and People's Rights
OAU Convention Governing the Specific Aspects of Refugee Problems in Africa
African Charter on the Rights and Welfare of the Child
Protocol to the African Charter on Human and People's Rights on the Establishment of the African Court on Human and Peoples' Rights
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa
African Charter on Values and Principles of Public Service and Administration
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)
Protocol on the Statute of the African Court of Justice and Human Rights
The Protocol Relating to the Establishment of the Peace and Security Council of the African Union
The African Union Convention on Preventing and Combating Corruption
The African Youth Charter
The Algiers Declaration on Unconstitutional Changes of Government
The Lomé Declaration on Unconstitutional Changes of Government
The Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Memorandum of Understanding
The Organisation of African Unity/African Union Declaration on Principles Governing Democratic Elections in Africa
The African Union Post-Conflict and Reconstruction Policy
The New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance
Memorandum of Understanding on the African Peer Review Mechanism (APRM)
The Solemn Declaration on Gender Equality in Africa
Declaration on the Theme of the Summit: Towards Greater Unity and Integration through Shared Values

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