



POLICY BRIEF

Enhancing AU responses to instability Linking AGA and APSA

Yann Bedzigui

Despite the fact that bad governance is a major cause of instability in Africa, the African Union (AU) has struggled to develop a comprehensive response to improve governance. The links between the African Peace and Security Architecture (APSA) and the African Governance Architecture (AGA) remain limited, largely because of institutional differences between the two approaches. This policy brief proposes options to link AGA and APSA in order to enhance AU responses to structural and cyclical instability.

Key recommendations

- ▶ Give a more prevalent role to the African Union (AU) Peace and Security Council (PSC) in defining the guidelines of both the African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA).
- ▶ Include the promotion of governance as a key goal of the PSC.
- ▶ Increase the role of the AU's Commissioner for Political Affairs in the proceedings of the PSC.
- ▶ Create a joint analysis unit to ensure coherence between AGA and APSA.
- ▶ Consider the establishment of a single architecture with a mandate covering peace, security, governance and human rights.

Introduction

Poor governance in many African states is to blame for much of the continent's instability. Looking at crisis situations in Africa over the past few years, instability has been triggered by governance-related issues such as contested electoral processes (the Democratic Republic of the Congo and Burundi); political and economic marginalisation (Darfur); violations of human rights and fundamental freedoms; and mismanagement of natural resources (Niger Delta).

While the link between instability and a lack of governance has been widely recognised, these issues are tackled by two different architectures within the African Union (AU). Also, the AU has consistently opted for reactive responses that focus on erupting and ongoing crises, and has struggled to proactively address the root causes.

When applied in concert, the structures and mandates of AGA and APSA can provide a functional framework for a comprehensive approach to crises

The African Peace and Security Architecture (APSA), created in 2002, represented the willingness of AU member states to break with the inertia of the former Organisation of African Unity regarding the sources of instability on the continent. Eight years later, the AU created the African Governance Architecture (AGA), a platform designed to enhance the promotion of democracy, human rights and good governance through improved coordination among various actors.

When applied in concert, the structures and mandates of AGA and APSA can provide a functional framework for a comprehensive approach to crises, especially if member states have the required political will. It is from this perspective that this policy brief proposes policy options to link the two instruments, which should allow for a comprehensive approach to instability by the AU.

The policy brief is divided into four parts: a presentation of the structures; the state of relations between AGA and APSA; the factors explaining the limited links; and policy recommendations.

Two different architectures

The protocol establishing the AU's Peace and Security Council (PSC) in 2002 in Durban is the founding document of APSA. The PSC is APSA's decision-making body. It is supported by a number of structures, namely the AU Commission, the Panel of the Wise, the Continental Early Warning System, the African Standby Force and the Peace Fund.¹ Moreover, the Regional Economic Communities (RECs) recognised by the AU are also part of APSA.²

In the aforementioned protocol, the mandate of the PSC – the main body of the architecture – includes, among other tasks, to:

- Promote peace, security and stability in Africa.
- Anticipate and prevent conflicts.
- Promote and implement peacebuilding and post-conflict reconstruction activities to consolidate peace and prevent the resurgence of violence.
- Promote and encourage democratic practices, good governance and the rule of law, and protect human rights and fundamental freedoms, respect for the sanctity of human life and international humanitarian law, as part of efforts to prevent conflicts.³

The AU created AGA in 2010 as ‘a framework of dialogue between various stakeholders’ in order to facilitate continental integration based on the shared values of the African Union.⁴

The AU Constitutive Act includes, among the principles of the union: the promotion of gender equality; respect for democratic principles, human rights, the rule of law and good governance; the promotion of social justice to ensure balanced economic development; respect for the sanctity of human life; condemnation and rejection of impunity and political assassination, acts of terrorism and subversive activities; and the condemnation and rejection of unconstitutional changes of government.⁵ All of these areas fall into AGA’s remit.

Instability and a lack of governance are tackled by two different architectures within the African Union

Several bodies make up the AGA platform: the Pan-African Parliament; permanent representatives of member states; the PSC; the Continental Early Warning System (CEWS); the Economic, Social and Cultural Council (ECOSOCC); the New Partnership for Africa’s Development (NEPAD); the AU Advisory Board on Corruption; the Democracy and Electoral Assistance Fund; the African Commission on Human and Peoples’ Rights (ACHPR); the African Court on Human and Peoples’ Rights; the African Peer Review

Mechanism Secretariat; and the Regional Economic Communities (RECs).

AGA is organised into five clusters: democracy; human rights and transitional justice; governance; constitutionalism and the rule of law; and humanitarian affairs.

Its secretariat is located in the Department of Political Affairs (DPA) in the AU Commission. The goal of the AGA platform is to drive coordination and complementarity in the promotion of governance among AU bodies and their respective initiatives.⁶

Table 1: Composition of APSA and AGA

APSA	AGA
Peace and Security Council	Peace and Security Council
Regional Economic Communities	Regional Economic Communities
Continental Early Warning System	Continental Early Warning System
AU Commission	AU Commission
African Standby Force	Economic, Social and Cultural Council
Peace Fund	New Partnership for Africa’s Development
Panel of the Wise	AU Advisory Board on Corruption
	The African Commission on Human and Peoples’ Rights (ACHPR)
	The African Court on Human and Peoples’ Rights
	The African Peer Review Mechanism (APRM) Secretariat
	Permanent representatives of member states

Source: *Protocol relating to the establishment of the Peace and Security Council of the African Union*, art.2; African Governance Architecture, <http://www.aga-platform.org/about>, consulted on 5 December 2017.

On paper, the mandates of the two frameworks overlap on the issues of good governance, respect for human rights and fundamental freedoms, and the rule of law. The difference between the mandates lies in the priority given to these critical goals. Good governance, respect for human rights and fundamental freedoms, and the rule of law constitute the core of the AGA mandate.

Meanwhile, in the PSC protocol, the promotion of good governance, human rights and democracy is ranked behind more operational priorities such as conflict prevention, peacebuilding and post-reconstruction activities.

These respective features impact not only on the interaction between the architectures, but also on the activities of their respective stakeholders.

Indeed, there are fundamental differences in terms of the members of these two structures. APSA has fewer stakeholders; instead, the AU Commission plays a central role. The AU Commission hosts the respective secretariats of the Panel of the Wise and the PSC, the CEWS and the staff dedicated to the African Standby Force. Thus it plays a critical role in framing the debate and proposing policy options on how to respond to crises to the member states, which are the ultimate decision makers both in the PSC and the Assembly of the AU.

The mandates of the two frameworks overlap on good governance, respect for human rights and fundamental freedoms, and the rule of law

This bureaucratic setting has a serious impact in terms of reporting lines, internal coordination and policy coherence. Because the PSC – supported by the AU Commission chairperson – is the steering wheel of the architecture, the activities either respond to its requests, or are directed towards it to respond to thematic issues on peace and security or specific conflict situations.

AGA is established in five clusters: democracy; constitutionalism and the rule of law; human rights and transitional justice; humanitarian issues; and governance. These clusters constitute the framework for coordination in this area among its members.

Its stakeholders are mostly based outside Addis Ababa: the Pan-African Parliament (Johannesburg, South Africa); NEPAD (Johannesburg, South Africa); the AU Advisory Board on Corruption (Arusha, Tanzania); the African Commission on Human and Peoples' Rights (Banjul, Gambia); the African Court on Human and Peoples' Rights (Arusha, Tanzania); and the African Peer Review Mechanism (Johannesburg, South Africa).

This makes the coordination role played by the AU Commission, through the secretariat located in the DPA, more complex. The AGA's framework makes it explicit that 'the platform (which is an informal body) is therefore not supposed to duplicate the mandate or work of existing organs/



THE CHALLENGE IS
POLICY COHERENCE AND
COORDINATED ACTION

institutions and initiatives; or to act as a decision-making body'.⁷ Therefore, AGA is more a horizontal network/ coordinating body than a vertical one like APSA.

AGA's priorities are organised according to its five clusters. The expected outcome of the dialogue among the various stakeholders of AGA is the drafting of 'concrete proposals to be submitted to the relevant policy organs for consideration and decision-making'.⁸ Thus AGA constitutes a consultative process among various actors – a process that is supposed to lead to the adoption of decisions by the AU Assembly or the PSC, depending on the issue.

The situation differs from that of APSA, where the occurrence of crises leads to activities that inform a policy process. AGA mainly has a normative ambition while APSA's agenda normally consists of deploying concrete instruments in the context of an emerging crisis situation. AGA is inward-looking (coordination among its members) while APSA is outward-looking (responding to threats to peace and security).

But this view should be tempered by the fact that the expected impact of AGA is outward – namely enhancing the AU's ability to promote good governance, and the respect of human rights, fundamental freedoms and democratic values in member states. Both architectures differ in the nature of their respective outputs: exogenous for APSA and endogenous for AGA.

This critical difference impacts on the creation of operational links between AGA and APSA.

Similar goals but different approaches

There are some links between AGA and APSA from a normative perspective. The goals of the PSC include 'to promote and encourage democratic practices, good governance and the rule of law, protect human rights and fundamental freedoms, respect of sanctity of human life and international humanitarian law, as part of efforts for preventing conflicts'. These goals create confluence in the missions of both architectures on paper – but stakeholders have to implement this shared task in practice.

Also, one of the objectives of AGA is to 'facilitate joint engagement and deepen synergy with the African Peace and Security Architecture (APSA) in strategic

interventions: preventive diplomacy, conflict prevention, and post-conflict reconstruction and development in Africa'.⁹

Therefore the challenge is how to put into practice achieving these common objectives through complementarity among the bodies and the instruments; thereby generating policy coherence and coordinated action.

AGA is largely concerned with the development of norms, while APSA has a clear conflict-management mandate

To sum it up, one could argue that AGA is largely concerned with the development of norms, while APSA has a clear conflict-management mandate. Thus APSA would be the operational architecture, because of the pre-eminence of peacemaking activities (for example peace support operations, mediation and preventive diplomacy, and early warning) with a lesser emphasis on norm-setting.

However disagreements on norms, defined by the PSC protocol, can paralyse APSA from deploying its operational features. Therefore APSA can be considered an operational structure based on a normative construct. In comparison, AGA has a normative purpose (fostering regional integration based on shared values of democracy, human rights and good governance) that is not followed by the deployment of instruments, with the exception of electoral observation missions.

APSA has policy processes but its downsides are its reactive approach to crises and its limitations when it comes to addressing structural issues. In contrast, AGA – as a normative structure – lacks the operational features that could streamline its policy process. Creating an adequate framework that promotes policy coherence and coordination between both structures should improve the implementation of their respective mandates.

Limited links between AGA and APSA

The areas of collaboration between the relevant departments are identified in AGA's framework: preventive diplomacy and post-conflict reconstruction and development. Conflict prevention is the main area

where some progress has already been made. An interdepartmental task force has been created in order to foster a comprehensive approach to emerging conflicts.

The adoption of new instruments of conflict prevention, such as the Continental Structural Conflict Prevention Framework – which includes country-strategic vulnerability assessments and mitigation strategies – could provide an interesting space for collaborative synergy between the two units.¹⁰

As APSA's mandate is focused primarily on direct prevention, the adoption of a framework for structural prevention could foster collaboration on issues such as the rule of law and governance, which are included in the portfolio of the DPA.

The existence of two distinct bodies means differences of agenda and institutional culture as well as conflicting vested interests

However, there are still many obstacles to this ideal scenario. The first is structural. All the instruments of coordination and policy coherence cannot overcome the transaction costs resulting from inter-departmental work. The existence of two distinct bodies means differences of agenda and institutional culture as well as conflicting vested interests that could undermine the cohesiveness of any joint initiative.

The second obstacle is the mismatch between the entities involved. The AGA platform consists of a variety of actors. The staff of its secretariat are mobilised for the coordination of the platform rather than for joint analysis and policy drafting. Meanwhile, the CEWS unit, for example, is already a bureaucratic actor with clear reporting lines, facing its own challenges. This difference in nature could hamper the prospect of close collaboration.

Another factor is the relationship at the highest level between the DPA and PSD. Effective coordination between the two architectures depends on full commitment from both the commissioners of Peace and Security and of Political Affairs. This element is critical because of the strong hierarchical nature of the AU bureaucracy. Therefore, while the creation of new instruments could be a vehicle for cooperation between the various departments, the current institutional setting would need improvement for this challenge to be overcome.

Despite these areas of collaboration, the links between AGA and APSA have not been institutionalised. This is due to three main factors: the reactive approach favoured by the AU in dealing with crises; few joint initiatives between actors of both architectures; and the lack of clarity regarding the division of labour between the DPA and the PSD – the main bureaucratic bodies of both architectures.



ONLY ELECTIONS HAVE PROVIDED AN OPPORTUNITY FOR INTERACTION BETWEEN AGA AND APSA

Looking at the first factor: the AU in general has seldom proactively addressed the underlying structural causes of conflict. So far, the AU has acted more as a firefighter than as an architect. The AU can be effective in addressing the short-term effects of conflicts – deaths of civilians, territorial expansions of terrorist groups – while ineffective in tackling the core causes of instability, such as developmental challenges, lack of good governance, flawed electoral processes, and a lack of accountability.

A good illustration is in the area of elections. While the AU has developed a deep body of knowledge on election monitoring, its methodology is still limited when it comes to long-term political dialogue with member states to improve electoral processes or establish objectivity and independence across its own election-monitoring activities.

While limited resources are one reason the AU is not sufficiently proactive in preventing conflict, other significant shortcomings include the lack of political will from member states that hampers any existing policy framework.

Regarding the second factor: so far, only elections have provided the opportunity for interaction between the respective actors of AGA and APSA. For example, the Commissioner for Political Affairs mainly briefs the PSC on short-term challenges regarding issues such as elections and humanitarian affairs.

Coordination exists between the Democracy and Electoral Assistance Unit and CEWS when it comes to pre-electoral assessments and electoral observation. But these links are about pressing situations and don't allow for strategic long-term approaches to improving issues such as governance.

The lack of clarity over who does what, when and with which tools creates bureaucratic competition and gets in the way of the necessary coordination

The third factor is the unclear division of labour between the DPA and the PSD. Since governance is part of the DPA's portfolio, there is an assumption that this department deals mainly with activities associated with structural conflict prevention. In reality, however, the respective areas of competence of the two departments overlap.

For example, the PSD deals with border demarcations, through the AU Border Programme – an issue which one could call structural conflict prevention. On the other hand, the Commissioner for Political Affairs was at the forefront of efforts in Gambia because it was a post-electoral crisis.

This lack of clarity over who does what, when and with which tools creates bureaucratic competition and gets in the way of the necessary coordination. Moreover, more often than not, coordination – even when clearly mandated – relies too much on the quality of the personal relationship between the commissioners leading the DPA and the PSD.



THE DIVISION OF LABOUR
BETWEEN DPA AND PSD
MUST BE CLARIFIED

Policy options for linking the two architectures

There are a few scenarios to consider in order to link AGA and APSA. Of utmost importance, however, is the need to amend the PSC protocol to adapt it to current challenges. A key aspect would be renaming it the ‘Protocol for peace and stability’.

The inclusion of the word ‘stability’ would stress not only the long-term challenge but also the multi-dimensional nature of the task. In addition to the change of title, priority should be given to updating the protocol in the following areas:

- The inclusion of the African Charter on Democracy, Elections and Governance as a critical element of the protocol. The ratification and domestication of the charter would be mandatory criteria for election into the PSC. In this perspective, the emphasis should be put on the strengthening of electoral processes and accountable institutions as vehicles for security, stability and development.
- The inclusion of the AU’s Commissioner for Political Affairs in the proceedings of the PSC. So far, the protocol only cites the Commissioner for Peace and Security to assist the AU Commission chairperson.¹¹ It is necessary to add the Commissioner for Political Affairs to emphasise and strengthen the mandate of the PSC in governance and thus create the foundation for a deeper collaboration between the DPA and the PSD. In this regard, at least one member of the secretariat of the PSC should come from the DPA.

Of utmost importance is the need to amend the PSC protocol; a key aspect would be renaming it the ‘Protocol for peace and stability’

Besides the legal framework, there are three policy options for linkages:

- The creation of conditions that would enhance existing links. This option would address the AGA features that have hampered the operationalisation of linkages with APSA: the lack of a hierarchy and the role of the DPA. First of all, AGA would have a more vertical structure, with the PSC at the top as the main decision-making body. The PSC would define the guidelines, the orientation and the priorities of AGA on an annual basis. It would also consider the outcomes of High Level Dialogues¹² and adopt them. The DPA would play a greater implementing role in AGA, by implementing the priorities set by the PSC. Allowing a bigger role for the PSC would enhance coherence between security and governance agendas. It would also provide the foundation for enhanced coordination among the actors.
- A joint analysis unit. In order to increase coherence among the two structures, a joint analysis unit would feed the two actors. Since AGA and APSA share a normative common ground, a joint analysis unit would



THE POLITICAL BACKING OF
AU MEMBER STATES IS VITAL

enhance the coherence between the two architectures and their responses. Having a common base of knowledge would help the PSD in designing responses to crises. From AGA's perspective, it would provide the situational context that would help in choosing the themes of the High Level Dialogue and in implementing its goal to promote governance.

Such a unit would be composed of the CEWS, APRM and DPA governance analysts. The main activity would be the drafting of framework documents of this unit and designing country structural vulnerability assessments (CSVA) based on the conflict prevention framework adopted in 2015. The CSVA would constitute the analytical framework for this joint analysis unit. These assessments would encompass triggers of crises and long-term challenges. This unit would draft the guidelines of mitigation strategies that would feed the stakeholders in charge of conflict prevention, mediation and post-conflict reconstruction and development.

- The creation of a new architecture for stability as a solution. A new comprehensive framework – instead of cooperation at the unit level – could be a solution. A new architecture for stability should be created to reconcile the challenges of security, peace and governance. It would bring together APSA and AGA in a single instrument. This new architecture would provide the framework for an overall response to crises and conflicts: structural and direct prevention, management and post-conflict reconstruction. It would also define the modalities of a multi-dimensional nature of AU peacekeeping responses by emphasising the need for military, police and civilian pillars.

This tentatively named Architecture for Stability in Africa (ASA) would be focused on a preventive and proactive approach by stressing the root causes of instability, among which is the issue of governance. It should reinforce the civilian dimension of crisis management and conflict by allowing the AU to engage member states and prevent the deterioration of situations. The PSC, assisted by a reinforced secretariat, would define the overall mandate. The secretariat would create a policy unit that would draft the policy guidelines related to conflict prevention and management. A new department of political affairs would be created and merge the current units and the APRM and early

warning minus the unit for monitoring elections. This department would be in charge of early warning, long-term assessments, and the drafting of policy options. The DPS would be the operational arm of the framework in charge of implementation at various levels: mediation; election monitoring; technical assistance in governance; and peace support operations.

Conclusion

Ensuring the link between AGA and APSA illustrates the challenge of the AU to shift from a reactive approach that had limited success, to a comprehensive one. As there is donor fatigue regarding the funding of peace operations, a proactive – and less costly – approach by the AU is appropriate for its limited financial capacities. Such a shift requires the coming of age of the AU member states in order to allocate the proper political backing to the existing architectures and frameworks, especially when it comes to governance.

A proactive – and less costly – approach by the AU is appropriate for its limited financial capacities

Indeed, the ability of African states to respond effectively to the needs and aspirations of their citizens remains a key factor for the stability of the continent.

At the level of the AU, what matters most is the acceptance by member states not only to address the issue of governance, but also to design the appropriate response consistently while tackling crises at different levels. Despite the various policy frameworks and architectures that have been agreed by member states since 2002, commitment varies from one state to another.

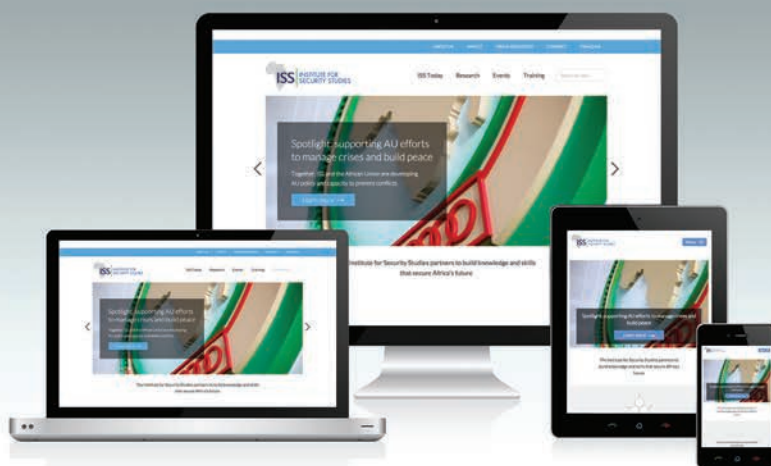
In this regard, as institutional reform is ongoing, various scenarios should be considered by African stakeholders to establish an effective link between the responses to instability and poor governance to enhance the impact of the AU on the lives of citizens.

Notes

- 1 African Union, *Protocol relating to the establishment of the Peace and Security Council of the African Union*, 2004, Article 2.2.
- 2 The RECs recognised by the AU are: the Arab Maghreb Union (AMU); Common Market for Eastern and Southern Africa (COMESA); East African Community (EAC); Economic Community of Central African States (ECCAS); Economic Community of West African States (ECOWAS); Inter-governmental Authority on Development (IGAD); Southern African Development Community (SADC); Community of Sahel-Saharan States (CEN-SAD).
- 3 African Union, *Protocol related to the establishment of the Peace and Security Council*, 2004, Article 3.
- 4 African Union, *Declaration on the Theme of the Summit: 'Towards Greater Unity and Integration Through Shared Values'*, 31 January 2011.
- 5 African Union, *Constitutive Act*, Article 4.
- 6 African Union, *Framework of the African Governance Architecture*, 6.
- 7 Ibid.
- 8 Ibid.
- 9 African Union, *African Governance Architecture Framework*, 3.
- 10 Peace and Security Council, *Report of the Chairperson of the Commission on the follow-up to the PSC communiqué on 27 October 2014 on Structural Conflict Prevention*, 502nd meeting, 29 April 2015. <http://www.peaceau.org/uploads/psc-502-cews-rpt-29-4-2015.pdf>
- 11 African Union, *Protocol related to the establishment of the Peace and Security Council*, Article 10.4. 'In the exercise of his/her functions and powers, the Chairperson of the Commission shall be assisted by the Commissioner in charge of Peace and Security, who shall be responsible for the affairs of the Peace and Security Council.'
- 12 According to the website of the AGA platform: 'The Dialogue is a flagship programme of the African Governance Architecture. It provides a frank, open and inclusive space for African Governance Architecture Platform Members, Member States and non-state actors to reflect and account on the impact of their work towards consolidating democracy and strengthening good governance in Africa.' <http://aga-platform.org/index.php/events/annual-high-level-dialogue>. Consulted on 31 August 2017.

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