TWENTY-FIVE YEARS OF PAN-AFRICAN DEMOCRATIC GOVERNANCE DIPLOMACY

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Abstract

While there has been growing analysis of Pan-Africa agency on the international stage, there has been less consideration given to the interactions between states on the continent and how these engagements have been central in the development of Africa's governance architecture, and are key to their on-going implementation. In this article, which adopts a source-based, textual and analytical approach, the analysis assesses the role of inter-continental agency and the development of a "new" Afro-continentalism, a modernistic Pan-Africanism, which has increasingly come to the fore. This "new" Afro-continentalism is marked by a governance policy revolution negotiated in Africa, articulating new norms, principles, values, mechanisms and structures, which are fundamentally different from the ones that prevailed during the era of liberation. It is different, because continental leaders are breaking with the paradigm of "non-interference" in each other's affairs, and are embracing new values and norms, which had started by the end of the Cold War and accelerated in 1999 with the OAU's summit in Sirte, Libya. This approach places issues of development, governance, democratisation, economic growth and peace and security firmly on the continental agenda. The analysis concludes that, while there has been some progress in inter-African diplomacy in negotiating the new post-Cold War governance frameworks, there remain challenges in their implementation and operationalization, with questions on whether African states show enough inter-continental agency and ownership to appropriate the new agenda.

Keywords: "New" Pan-Africanism; "new" Afro-continentalism; diplomacy; African governance architecture; inter-Africa relations; "good" governance; "democratic" governance; compliance deficit, African Union (AU).

Sleutelwoorde: "Nuwe" Pan-Afrikanisme; "nuwe" Afro-kontinentalisme; diplomasie; Afrika-regeringsargitektuur; inter-Afrika verhoudings; "goeie" regering; "demokratiese" regering; gehoorgewende leemte; Afrika-Unie (AU).

1. INTRODUCTION

In the analysis of African politics scholars typically use a discursive approach, and yet there is a tendency not to engage with primary information, certainly not as far as African inter-state relations and diplomacy is concerned. This article applies a source-based, textual and interpretive approach, which relies on primary

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documentation and information, to help explain what we dub here as the "new" wave of Pan-Africanism underway in Africa – otherwise described here as the "new Afro-continentalism", and we apply it to the continent's diplomacy in support of democratic governance (Landsberg 2012). Afro-continentalism refers to the painstaking process of transforming 54 African states into a community of states and a continental union, by which states live by common norms and values, and commonly strengthen African institutions so as to reinforce the idea of continental sovereignty. This points to developments in inter-Africa engagement, or the agency between Africa's 54 different countries; inter-continental relations which are key in building Africa as a "strong, united and influential global player and partner" (AUC 2014:2).

Afro-continentalism highlights, as one of its major challenges, the idea of African states reclaiming their agency by speaking with a common voice and building a sense of continental sovereignty, so as to transcend the culture of selfish national interests which seems to bedevil Africa's unity. Striving for continentalism and unity is, of course, severely challenged by the effects of globalisation and the global financial crisis where there is a tendency by states to compete with each other, instead of co-operating amongst one another. Uneven development across regions, and inter- and intra-regional inequality, also mitigate against unity and integration in the continent. In addition, formations like the Brazil-Russia-India-China-South Africa (BRICS) constellation, the Forum on China Africa Cooperation (FOCAC), or the EU-Africa strategy, raise questions regarding the role of external actors in hindering, or supporting African unity, as states vie for attention and pursue self-interests, as opposed to striving for the common good.

In focusing on developing constructive relations between African states themselves in ways that would transcend the realist, power politics paradigm, it is important to consider the changing context in which these relations take place. The continent and its leaders have committed themselves to the values of democracy and good governance, what they describe as "pillars of democracy", to show that they have made a break with the past. This has seen the drafting of a number of innovative African policy frameworks, such as the African Peer Review Mechanism (APRM) and the New Partnership for Africa's Development (NEPAD), which set out a particular continental approach towards governance and socio-economic development, discussions on regional integration, and their subsequent analysis in the literature; yet there has been little discussion on the role of diplomacy in developing relations between states in support of these initiatives. Certainly research has considered the growing agency of Africa on the international stage, particularly through the development of Common African Positions (CAP) on issues such as the post-2015 Development Agenda and climate change. Yet, there is still much to consider in how African states engage with each other,

and how this may support continental priority areas, such as good governance, human rights, democracy and inclusive growth, and sustainable development and security; all key elements of the aspirations set out for the "Africa we want" in *Agenda 2063* (AUC 2014:2).

In seeking to understand the policy revolution of the past twenty five years, SKB Asante (2008:vii) argues that, "since the turn of the twenty-first century, Africa has been going through what may be termed a major governance revolution, a revolution that is quite different from the struggle for political independence". Through their continental diplomatic initiatives, Africa has crafted and adopted new norms, principles, values, mechanisms and structures, which are fundamentally different from the ones which prevailed during the era of liberation and the struggle against white minority domination and apartheid in South Africa. Africa's state actors have negotiated a new, progressive Pan-Africanism; one that makes a fundamental break with the past characterised by the period of the Organisation of African Unity (OAU).

The OAU placed considerable emphasis on unity, a struggle for political liberation, and non-interference in the domestic affairs of African states. In contrast, this "new" wave of inter-African co-operation places the issues of development, governance, democratisation, economic growth, and peace and security firmly on the continental agenda. It therefore espouses a progressive agenda, which key leaders, driving this process, have dubbed the "new African agenda", geared towards breaking away from the decades-old regime of "non-interference", "non-intervention" and an obsession with "national sovereignty" (Mwanasali 2004). The once sacrosanct legal principle of the sovereignty of states and non-interference in their domestic affairs is now being balanced by a greater emphasis on the rights of peoples and the responsibility of governments towards their citizens. Critically for inter-state diplomacy, it articulates a new interventionism in defence of democratisation, accountable governance and human rights. The problem is that many of these fundamentals are in short supply on the continent, and this inadequacy has negatively impacted on the chances of successful implementation.

2. BREAKING WITH THE PAST: FROM LIBERATION TO DEMOCRATISATION

In 2014, the African Union Commission's *"Agenda 2063: The Future we want for Africa"* placed the challenges and aspirations of democracy and governance squarely on the agenda. Claiming that the continent has made good and substantial progress in this regard, *Agenda 2063* claimed that, "democracy and good governance is consolidating, notwithstanding occasional reversals and challenging of managing elections, most people live in conditions which are better governed than two years ago" (AUC 2014: 6).

While African leaders may have initially distanced themselves from the ideas and views of the "new" Africa, there was a U-turn when they decided to build on the initiatives that went before, which sought to inculcate and restore African pride, self-determination, democratisation, governance, peace and security, and development. During the past two decades there has been a group of pioneers, what Gilbert Khadiagala (2010:381) calls, "the renaissance coalition", who set out to, "stop blaming donors" and calls for "Africans" to take, "control of their affairs". This "renaissance coalition", argues Khadiagala (2010:381), "creatively fashioned" institutions and programmes around NEPAD, the African Union (AU) and the APRM, so as to articulate, "a strategy for African development and a framework for best practice in political and economic governance". These leaders were determined to take responsibility for restoring Africa's agency in world affairs through their African Agenda camaraderie.

These cross-border "renaissance coalitions" are evidence of the growing inter-Africa diplomatic engagement, which sought to put in place new policies and strategies of democracy, good governance, peace and security, development, and co-operation on the basis of partnerships. Indeed, the "new" Pan-Africanism (Landsberg 2015:157-170), described here as Afro-continentalism, puts interventionism firmly on the agenda. African leaders, such as South Africa's Thabo Mbeki, Nigeria's Olusegun Obasanjo, Algeria's Abdulaziz Bouteflika, Mozambique's Joachim Chissano and Senegal's Abdoulaye Wade, have all helped to shape this new agenda (Landsberg 2004). In particular, at the level of the summit, Thabo Mbeki and his Nigerian counterpart, Olusegun Obasanjo, emerged as central actors seeking to put in place punitive measures against unconstitutional changes of government in Africa; this move against *coups d'état* was a bid to entrench democratic norms of governance. These two AU leaders and their allies borrowed soccer terminology in invoking a "yellow" and "red" card threat analogy, which said that, in the event of a *coup*, the putschists would first be warned and urged to return to democratic rule – the yellow card. In the event of a failure to comply, such regimes would then be expelled from the OAU and face other punitive sanctions – the red card (Adebajo and Landsberg 2004). As the idea of "sovereignty as responsibility" increasingly took root in African diplomacy, the OAU subsequently barred the military regimes of Côte d'Ivoire and Comoros from attending its summit in Lomé in 2000 (Adebajo and Landsberg 2004).

During the period 2000-2001, the process of restructuring Africa's governance architecture crystallized when four leading African states – South Africa, Nigeria, Senegal and Algeria – and their continental partners undertook eight initiatives filled with new, and at times radical, policy directives, such as the Conference on Security, Stability, Development and Cooperation in Africa and its formal incorporation into the OAU's conflict prevention, management and resolution

machinery (established in 1993); the decision taken in Lomé in 1999 by the OAU to transform itself into the African Union; the acceleration of the OAU-mandated drafting of the Millennium Africa Recovery Plan (MAP) under the leadership of Mbeki, Obasanjo, and the Algerian leader, Abdelaziz Bouteflika; the merger of MAP and the Omega Plan (the initiative spearheaded by the Senegalese president, Abdoulaye Wade) to create the New Africa Initiative; the launch of NEPAD; and the APRM (Landsberg 2004).

The design and construction of these policy initiatives form the crux of the "new" African architecture. All these negotiated policy ordinances proposed a major restructuring of Africa's development, governance, and peace and security ethos; they come out in defence of intervention in the domestic affairs of states in four particular instances (Mwanasali 2004):

1. genocide;
2. gross violations of human rights;
3. instability in one country which threatens broader regional stability; and unconstitutional changes of government.

Through these initial inter-Africa diplomatic processes there has thus been a break with the past; but successfully implementing this new interventionism will require political commitment from states – a coalition of the keen and eager, so to speak. It will require member states to continue their engagement in forming a consortium to act in defence of the new regime, requiring further development of inter-Africa diplomatic platforms. This is particularly important given the challenges of implementation. So, while the policy designs and scope have been addressed, without constructive diplomatic engagement between these states (through both formal and Track II channels) there is little guarantee that the continent will be successful at operationalising and implementing these new policy programmes and plans.

3. THE NEW AFRO-CONTINENTALISM AND INTER-CONTINENTAL RELATIONS

Within the context of the "new Pan-Africanism", key actors openly state that they favour, "an Africa critical of its own weaknesses" (African Union 2004). The new architecture set out to introduce the politics of "mutual accountability" and "mutual responsibility" in Africa, and urged Africans to live by a new set of democratic principles, as opposed to the old architecture that was so heavily dependent on non-interference in the affairs of states. This, however, depends, amongst others, on political will, human and financial resources, respect for new norms, values and principles, the strengthening of new institutions, inter-African co-operation,

and the forging of new strategic partnerships between Africa and the outside world (Landsberg and MacKay 2003).

As the architects of the new Afro-continentalism worked on the assumption that there is a fundamental link between "good" and "democratic" on the one hand, and development and peace and security on the other, and as Africa's leadership focused on promoting Africa's agency internationally, so policy positions reflected the need to avoid the ire of conditionalities from donor interlocutors. Against this context, these new policy vehicles unambiguously put on the agenda the issue of good governance, including accountability, transparency, the rule of law, the elimination of corruption, and the unhindered exercise of individual rights as enshrined in the African Charter on Human and People's Rights and the Universal Declaration of Human Rights. For Desmond Orjiako, the new continentalism, "is a political, economic and social project aimed at creating a democratic space across Africa, promoting economic development, and for reflecting a common African identity" (cited in Mathews 2008:33). Nevertheless, while there is commitment to human rights on paper and in theory, there appears to be scant attention for it in practice. For example, the idea that there is a common African position on the International Criminal Court (ICC) is contestable, since there are as many dissenting voices as there are those in favour of opting out of the ICC and Rome Statute arrangement.

In the post-Cold War era, the message from Africa was that they needed no reminding from western powers about the importance of "good" governance; that Africans realised that it was in the continent's own interests to embrace "good" governance. In this regard, Archie Mafeje said as early as 2000 that, "when Africans speak for themselves and about themselves, the world will hear their authentic voice, and will be forced to come to terms with it in the long-run […] If we are adequately Afro-centric the international implications will not be lost on the others" (cited in Karumbidza 2013:6). This has particular implications for strengthening inter-Africa relations. Kay Mathews (2008:37) also ventures a view in favour of African agenda-setting and self-determination when he asserted that, "without creating a strong, democratic, independent and self-reliant New Africa, the continent will remain easy prey to the penetration of external economic interests".

In speaking for themselves, and strengthening their own voices, the negotiators of Africa's emerging governance architecture argue that a fundamental link exist between stability and human security on the one hand, and democratic governance on the other. The one is a prerequisite for the other. They assert that sustainable stability in Africa demands the establishment and strengthening of democratic structures and good governance, based on commonly-held tenets of democracy. These tenets reject unconstitutional changes of government in any

African country as a threat to order, and seek to make this rejection the foundation for national and continental stability. This has already been seen.

African diplomatic initiatives remain central to continental socio-economic development, and in support of good governance and democracy. This is evident in examples such as the use of diplomatic sanctions and the suspension of states, like the Central African Republic which experienced a recent *coup* and was suspended from membership of the AU. For Smunda Mokoena (2002:4), "good governance is the building block for peace and security in the long-term and for sustained national development". According to Mokoena (2002:4), "NEPAD leaders [were] committed to promoting good political and economic governance through the formulation and dissemination of appropriate standards of good practice". It is clear from Mokoena's statements that the emphasis was on policy-making and norm articulation. A 2011 World Bank report on Africa titled *Africa's future and the World Bank's support to it*, echoed the centrality of governance in Africa when it asserted that a clear message from African civil society, private sector and government officials alike, "was that governance and leadership were the most important factors driving Africa's future development" (World Bank 2011:26). The report further reasoned that, "accountability […] 'defined by one as ensuring that politicians and civil servants do what they say they will do', is the central governance challenge" (World Bank 2011:26). However, while the AU's *Agenda 2063*, "envisages a continent that is peaceful, prosperous, integrated and people-centred, and takes its rightful place in the world" (Dlamini-Zuma 2015:29), this much-vaunted new continental vision says very little about the real compliance deficit that is playing itself out in the continent with regard to norms and values, including in the realms of democratic norms and values. As early as 2003, the United Nations Development Programme (UNDP) stressed the need for Africa to take democratic governance seriously and to strengthen the state in Africa. In the final analysis, a "new" Afro-continentalism could only be said to be underway if African states go beyond rhetorical commitment to actualise the new values through action and behaviour.

4.   DEMOCRATIC PRINCIPLES AND PRACTICE

One of the new points of departure contained in Afro-continentalism as the "new" Pan-Africanism, is an emphasis on the political stabilization of African states. This endeavour stresses democratic governance and "good" governance as the best means of bringing about stability on the continent. There is, therefore, a link being made between the promotion of "good" (especially democratic) governance and the promotion of stability.

Long before the much hyped-up *Agenda 2063*, there were other continental initiatives which punted the commitment to ostensible democratic values.

The governance frameworks of the AU and NEPAD called for the fundamental tenets of a democratic society to include African societies being run on the basis of:

1.　legitimate constitutions and, where applicable, Bills of Rights;

2.　free and fair elections;

3.　independent judiciaries;

4.　freedom of expression;

5.　a separation of powers between the executive, legislative and judicial branches of government; and

6.　the sub-ordination of the military to legitimate civilian authority (African Union Commission 2003:17).

The core tenets speak out against unconstitutional changes of government. African leaders and institutions have negotiated for themselves the ambitious tasks of developing and codifying these principles over the next few years. This may, of course, be too ambitious a task and, again, it might emerge that Africans lack the will to turn the stated commitments into practice.

Within these negotiated principles, the emphasis is placed on the idea of "good", as opposed to "democratic" governance. "Good" governance stresses sound management of public finances and commonly agreed indicators for national legislatures (including decentralization of administration and effective and transparent control of state expenditure) (Mokoena 2002:2-3). All African countries are expected to enact legislation to provide for the impartiality of the public service, the independence of the judiciary and the necessary autonomy of public institutions, such as the Central Bank and the office of the Auditor-General. Democratic governance, however, goes beyond this to include, most notably, public participation – especially giving a voice to the poor and indigent; groups that are normally marginalised in many societies. Public participation requires that the public are able to associate and organise beyond political parties and political representatives to collectively influence the decisions of the state. It requires the freedom of people to organise and to engage with the decision-making processes of the state, in order to influence policy outcomes (Mokoena 2002:3).

Formal mechanisms for public participation, such as the Economic, Social, and Cultural Commission (ECOSOC), will need to be strengthened to enhance opportunities for enhanced deliberative policy-making and governance processes. With the emphasis on public participation, further attention should be given to the role of Africa's parliamentary diplomacy, or engagement between parliaments across the continent, as a means of building inter-Africa relations. The Pan-African Parliament (PAP), as well as regional parliaments such as the Southern African Development Community Parliamentary Forum (SADC-PF), the East African

Legislative Assembly (EALA) and the Economic Community of West African States Parliament (ECOWAS-P), present the opportunity to act as platforms for engagement between publics, as well as offering peer-learning, information sharing and dialogue among political parties that is not always available to the formal representatives of state. As Prammer (2009) argues, the value of engaging across inter-regional or international parliamentary platforms is, "when members have to work with their national parliaments on particular issues […] The creation, consolidation and support of representative institutions in young democracies contribute doubtlessly to creating a stronger foundation for democracy and the rule of law".

One of the more radical departures that the new Afro-continentalism supports, is the development over the next few years of a commonly derived Code of Conduct for political office holders (African Union Commission 2003:18). Such a Code is expected to stipulate, among other things, the inviolate constitutional limitation on the tenure of elected political office holders. This would be based on nationally stipulated periodic renewal of mandates through free and fair elections. Again, while it is hoped that governments will scrupulously abide by such a Code, there are sure to be major challenges in practice.

In addition to the focus on limiting periods of tenure for political office holders, a further fundamental aspect of the Afro-continentalism vision is a democratic society, credible elections and the need for Independent National Electoral Commissions. Again, this opens up opportunities for engagement between sub-national level entities, such as the electoral commissions, in deepening inter-Africa relations. The opportunity that this para-diplomacy – or parallel diplomacy to that of the formal state structures – has for supporting Africa's emerging governance architecture includes learning from regional initiatives, such as the Economic Community of West African States (ECOWAS) Network of Electoral Commissions. Established in 2008, this regional group is focused on sharing experiences and harmonizing electoral standards (Hounkpe and Fall 2010).

These regional initiatives support the broader AU African Charter on Democracy, Governance and Elections (2007), which encourages all African states to establish (where they do not exist) Independent National Electoral Commissions and/or other appropriate mechanisms and institutions to ensure free, fair and transparent elections. The AU and the Democracy Charter went to the extent of adopting and standardizing guidelines for independent and effective observations of elections in its member states. It also intends to set up an electoral unit within the AU Commission, creating an inter-Africa platform for engagement of Electoral Commissions. In practice, however, there remains a gap between rhetoric and reality, as the AU still needs to:

1. finalise the handbook on African elections;
2. set up the AU's Elections, Governance and Democracy Unit; and
3. embark on actual implementation of the Charter on Democracy and the declaration on elections. In this regard, the AU Commission has reached out to African NGOs, think-tanks, and centres of excellence in the democracy and governance fields, so as to build up a network of researchers and resource persons (Saungwane 2007:5).

While rules have been adopted about elections, there is still a lot of work to be done in the area of operationalization of the rules and norms. The AU has pleaded for the Commission to be gradually equipped and funded, so as to enable it to conduct independent election observation. One of the major challenges facing the AU is its over-reliance on financial resources from outside of the continent. Nevertheless, engagement between states through Electoral Commissions and regional organisations offers an opportunity to address the problems around election results, as in many states there has been the serious problem of the non-acceptance of results. Both incumbents and opposition parties in many countries tend to be bad losers when it comes to accepting elections results which are not in their favour. This includes, amongst others, Kenya, Ivory Coast, Malawi, and Zambia. Deepening diplomatic inter-African ties, particularly between Electoral Commissions and other organisations that support the electoral process, provides a proactive approach that may be able to address some of the challenges ahead of elections, rather than relying on retro-active interventions to address national and regional instability that may have resulted as a consequence of electoral disputes.

Closely related to the important issue of elections, has been the contentious issue of campaign finance reforms. One of the difficult challenges that continues to face the continent, is the conclusion of legal mechanisms for the reform of campaign financing, including disclosure of campaign funding sources and transparent state funding of all political parties so as to ensure transparency, equity and accountability in electoral contests. This difficulty has been aptly illustrated in the South African case where both the main opposition and the ruling party have opposed court action by an advocacy Non-Governmental Organisation (NGO), the Institute for a Democratic South Africa (IDASA), to force political parties to reveal their sources of financing from private donors. IDASA argued that if there is no access to information about private donors, the founding Constitutional provisions calling for transparent, open and responsive government are diminished, as are the rights to make political choices (IDASA 2003). On 20 April 2005, the Cape High Court ruled that political parties in South Africa should not, as a matter of principle, be compelled to disclose details of private donations made to them (*Mail & Guardian* 2005).

Under the rubric of "Inclusive Systems of Governance", the AU encouraged African states to conclude appropriate arrangements, including electoral reforms, for the institution of more inclusive systems of government (African Union Commission 2003:18). Here, efforts needed to be undertaken to promote democratic pluralism and to create the space for a plurality of political parties to compete for power in a free, fair and transparent manner. Moreover, civil society organisations representing the citizenry at large, it was argued, have to be given the space and freedom, not only to exist without undue duress from the state, but also to engage the state and its organs on matters of law or policy that affect citizens.

Closely related to the idea of "inclusive systems of governance" is the notion of state-society relations and the imperative of encouraging "popular participation" in governance and decision-making (African Union Commission 2003:18). One of the more serious challenges facing states in Africa is that of deliberative governance and democratising decision-making, giving citizens, especially the poor, a stake in and a say over the decisions which affect their lives. As pointed out above, African states, both democratising and undemocratic, are faced with the challenge of opening up processes of governance more, so that people can participate in such processes. Provisions for public participation are already contained in the Charter for Popular Participation for development and transformation in Africa, adopted by the OAU Assembly of Heads of State and Government in 1990. This Charter calls for the creation of better enabling conditions in Africa, so that the participation of women, the youth and civil society organizations can be increased. It should, however, be pointed out that, while there are provisions and statutes for civil society engagement, many NGOs and civil society actors face challenges in terms of capacity and limited resources to engage the AU, NEPAD, and aspects of the continental architecture. To the extent that engagement is taking place with these structures, it tends to be the better resourced northern NGOs that seems to engage more actively on the questions of peace and security, governance, democratisation, and trade (CCP-AU 2012:4). Encouraging democratic participation is therefore not just confined to domestic policy, but should be encouraged in shaping inter-Africa diplomatic engagement in deepening relations between non-state and sub-state actors.

In addition to public participation, the AU's new democratisation regime conceded that political parties remain key actors for the building and consolidation of democracy in Africa. The AU, NEPAD and sub-regional organizations have set for themselves the challenge of adopting, where these do not exist, enabling legislation on the formation and operation of political parties to ensure that such parties are not formed and operated on the basis of ethnic, religious, sectarian, or regional loyalties or extremism (NEPAD 2002). However, while at the continental level institutions and programmes tend to adopt these grand ideals, in reality and on the ground, many African states tend to turn a blind eye to these provisions, and

thereby again highlight the gap between stated policy and actual operationalisation. There is thus a real implementation deficit playing itself out in the continent.

5.   THE COMPLIANCE DEFICIT: THE CHALLENGE OF IMPLEMENTATION

Examples abound of the continent, during the course of the past decade and half, having adopted policies, declarations, and signing treaties with enthusiasm. On this score, there has been a policy revolution unfolding in Africa. Whether this is backed up by a commitment to live by these provisions and commitments seems increasingly to be mere verbal ideas with little intention of having them realised in practice. Indeed, there is a compliance deficit that is bedevilling the continent's politics. This speaks to the rhetoric versus the commitment gap amongst many of Africa's leaders. For example, since independence, Africans have had an uncomfortable relationship with issues of human rights. In the new dispensation, the architects of the new order expressed themselves on the "observance, protection and promotion of human rights" (African Union Commission 2003:18). They harbour progressive values and even suggested that African states should move towards, "enacting key elements of a Bill of Rights" (African Union Commission 2003:18). This was indeed a progressive idea, given the continent's ambivalent track record, particularly with regards to first generation rights. Even where they do exist, the challenge has always been to go beyond incorporating elements of a bill of rights into their national codes of laws, and to institute mechanisms for the monitoring and effective implementation of such codes. We have already seen some member states, notably from North Africa, resisting such an idea as it would purportedly clash with some of their politico-cultural traditions and systems. Therefore it would be foolhardy to expect major progress on this score in the short term.

For its part, the AU has challenged all African countries that have not done so, to ratify the Protocol to the African Charter on Human and People's Rights (as that would lead to the establishment of the African Court on Human and People's Rights), as well as all other relevant international instruments for the protection and promotion of human rights. All African countries will need to submit annual reports on the status of human and peoples' rights within their countries to the African Commission on Human and Peoples' Rights. This Commission needs, in turn, to be provided with adequate resources to enable it to produce comprehensive, independent and publicly available annual surveys.

The pioneers of the new Afro-continentalism continue to pursue progressive commitments in the areas of, "the gender relations of power" (African Union Commission 2003:17). This has indeed been one of the most neglected areas on the African political landscape. While African states are encouraged to take measures to promote the equality of women and to ensure their representation in

all national, regional and continental institutions, as well as to eliminate all laws that discriminate against women, there appears to be a lack of political will and commitment on this issue by some governments. African states are expected to adopt, sign and ratify the Protocol to the African Charter relating to the Rights of Women in Africa, as well as other instruments and mechanisms, to guarantee and preserve the rights of women. All member states are also expected to sign, ratify and accede to the UN Optional Protocol to the Convention on the Elimination of all forms of Discrimination against Women (CEDAW). While there have been advances in the representation of women in African governance architecture, such as in parliaments, particularly in Rwanda and South Africa, there are still areas across the continent where the addressing of gender discrimination is not been taken seriously.

6.   THE PAN-AFRICAN GOVERNANCE ARCHITECTURE IN PRACTICE

From the above it is clear that, through inter-African diplomatic engagement, African states saw it fit to articulate a comprehensive set of new norms, values and principles in the interest of building an African community of states (Kornegay and Landsberg 2009:3). Two key frameworks, the APRM and NEPAD were both the result of this engagement, focused on bringing to bear the ideals behind the "new" Afro-continentalism. While this may place principles, such as human rights, democratic governance, good governance and public participation on the agenda, as the section above notes, the greatest challenge is in the implementation and operationalisation of this agenda. A key problem is that not all states are committed to the ambitious pillars of a "democratic society", nor to a common African position on this issue. Another problem is that the architecture makes much reference to "good" governance and it is not as strong on democratic governance, namely state-society relations and the participation of civil society in governance. Moreover, while much attention has been devoted to articulating and crafting norms and values, little attention has been given by way of implementation and operationalization, and turning a set of eclectic, new cosmopolitan values into "shared" and "lived" values.

Specific reference needs to be made here to architecture aimed at addressing Africa's governance challenges. The APRM is arguably Africa's most innovative form of governance promotion as a, "self-monitoring mechanism voluntarily acceded to by member states" (African Union and NEPAD, APRM Self-Assessment Report 2004). There is a great deal of confusion about the rationale behind the ARPM. The APRM was an attempt by African leaders to spearhead a governance regime on their terms, and not on the terms of outsiders and their diktats. As Hesphina Rukato (2012:94) argued, "the establishment of the African Peer Review Mechanism (APRM) as a governance tool further demonstrated the

resolve of African leaders to address the challenges of transparency, corruption and economic mismanagement".

Africa was also adamant that they would not turn the APRM into a conditionality instrument or sanctions tool as demanded by western donors. Indeed, the APRM is not aimed at imposing conditionalities; instead its aim is to foster, "the adoption of policies, standards and practices that would lead to political stability, high economic growth, sustainable development and accelerated regional and economic integration" (AU and NEPAD, APRM-Self-Assessment Report 2004). Former South African Minister of Public Service and Administration, Lindiwe Sisulu (2013:8), defended the non-punitive nature of the APRM when she stated in 2013 that, "The African Peer Review process does not seek to elicit compliance through penalties, fines or other forms of sanctions". She continued to argue that, "the defining element in the African Peer Review's voluntarism lies in the fact that it is a soft compliance instrument that seeks to induce or stabilise compliant behaviour among the participating states." The continent's leaders deliberately opted for a non-punitive approach to promoting "good" democratic governance.

Countries are encouraged to undertake "self-assessments", as the APRM promotes a, "holistic approach to development" (AU and NEPAD, APRM Self-Assessment Report 2004). This holistic approach emphasises:

1. poverty eradication;
2. gender balance;
3. decentralisation;
4. the capacity of countries to participate in the APRM;
5. access to and dissemination of information;
6. anti-corruption measures;
7. broad-based participation; and
8. sustainability in financial, social and environmental issues.

The APRM's conceptualisation of "democracy and political governance" takes both "good" and "democratic" governance into account. The APRM associates itself with UN Secretary-General Kofi Annan's 1998 definition, which says that, "good governance means creating well-functioning and accountable institutions – which citizens regard as legitimate, in which they participate in decisions that affect their daily lives and by which they are empowered" (quoted in AU and NEPAD, APRM Self-Assessment Report 2004). Democracy for the APRM constitutes:

1. the rule of law;
2. the equality of all before the law;
3. the liberty of the individual;

4. individual and collective freedoms, including the right to form and join political parties and trade unions in conformity with the Constitution;

5. equality of opportunity to all;

6. the inalienable right of the individual to participate, by means of fair, credible and democratic political processes, in periodically electing their leaders for a fixed term of office; and

7. the doctrine of separation of powers, including the protection of the independence of the judiciary, and of effective parliaments (AU and NEPAD, APRM Self-Assessment Report 2004).

These are clear and progressive, even cosmopolitan, values that the APRM subscribes to. The Democracy and Political Governance base of the APRM is concerned with, "measuring popular participation" and "political equality", under several broad categories:

1. a guaranteed framework for equal citizen rights;

2. institutions of representative and accountable government;

3. a vibrant civil society;

4. adherence to international standards and codes;

5. adherence to regional instruments and standards;

6. prevention and reduction of intra- and inter-state conflict;

7. decentralisation;

8. security services and the rule of law;

9. promotion and protection of economic, social, cultural, civil and political rights;

10. independence and effectiveness of the judiciary;

11. the independence of legislative bodies;

12. institutions for an efficient and effective public service;

13. transparent recruitment for positions in the civil service;

14. the state and combating of corruption;

15. promoting and protecting the rights of women;

16. promoting and protecting the rights of the child and young persons; and

17. promoting and protecting the rights of vulnerable groups (AU and NEPAD, APRM Self-Assessment Report 2004).

The APRM, therefore, is a tool to assess the state and health of democracy, political, economic and corporate governance, and socio-economic development in Africa (AU and NEPAD, APRM Self-Assessment Report 2004).

Importantly for those who work in electoral administration, the peer review process commits those signed-up members to ensuring, "impartial, transparent and credible electoral administration and oversight systems" (APRM Self-Assessment Report 2004). It promotes a, "dedicated, honest and efficient civil service", and wishes to, "establish oversight institutions providing necessary surveillance, and to ensure transparency and accountability by all layers of government". It is also strongly in favour of the creation and strengthening of, "institutional capacity to ensure the proper functioning of democratic institutions and instruments". The Economic and Corporate Governance Peer Review Mechanism (Economic Commission for Africa 2002) for its part goes beyond just neo-liberal economic and fiscal dictates. It recognises that good political governance is a prerequisite for good economic and corporate governance. It says the ability of the state to deliver on its promises is key. The peer review singles out a number of areas in need of institutional reform. These include: administrative and civil service; strengthening parliamentary oversight; promoting participatory decision-making; adopting effective measures to combat corruption and embezzlement; and undertaking judicial reforms. It states that the key factors, which enhance good governance of economies, are transparency, accountability, an enabling environment for private sector development and growth, and institutional capacity and effectiveness.

The APRM is clearly a progressive instrument of governance, but just as it was starting to take shape it fell victim to the personal and personalised politics associated with the continent. With the APRM so closely associated with the personalities of Thabo Mbeki and Olusegun Obasanjo, their successors started to distance themselves from the key instrument, as they did in the cases of NEPAD and other AU programmes as well. Today the APRM is off the boil, and it is difficult to discern whether African states are still committed to this most innovative instrument of governance promotion. Failure to reclaim this important instrument, and to take ownership and responsibility for it on the part of Africans, will open the door to foreigners and western donors to use it as a tool for their own foreign policy projects on the continent, which would make a mockery of the idea of, "African solutions for African problems".

As in the context of the APRM, Africans took the lead in negotiating and crafting NEPAD. The NEPAD Political, Economic and Corporate Governance Declaration commits states to: just, honest, transparent, accountable and participatory government and probity in public life (NEPAD Governance Programme 2002). NEPAD undertakes to combat and eradicate corruption, which both retards economic development and undermines the moral fabric of society. The governance aspects also stress the issue of combating corruption and the need to establish Anti-Corruption Commissions. There was no guarantee that NEPAD was going to make a difference. In the past the OAU adopted a Convention on

Combating Corruption, but very little happened in the form of implementation, and the OAU Convention became something of a paper tiger as the continent had little to show for in terms of implementing anticorruption measures in any serious way.

NEPAD, as an inter-Africa initiative, was determined to show that it was different. It adopted positions in favour of good economic and corporate governance, including transparency in financial management, that are essential pre-requisites for promoting economic growth and reducing poverty. Mindful of this, the NEPAD leaders have approved eight prioritised codes and standards for achieving good economic and corporate governance. These prioritised codes and standards represent those "fundamental" internationally, regionally and domestically accepted codes and standards that all African countries should strive to observe within their capacity capabilities (NEPAD 2002). In other words, they are the codes and standards that need to be complied with as a minimum requirement, given a country's capacity to do so. The codes include the following: Code of Good Practices on Transparency in Monetary and Financial Policies; Code of Good Practices on Fiscal Transparency; Best Practices for Budget Transparency; Guidelines for Public Debt Management; Principles of Corporate Governance; International Accounting Standards; International Standards on Auditing; and the Core Principles for Effective Banking Supervision. These are all standards pertaining to "good" corporate and economic governance.

NEPAD's architects also approved other key codes and standards in transparency and financial management. These include: Principles for Payment Systems; Recommendations on Anti-money laundering; and Core Principles for Securities and Insurance Supervision and Regulation. The problem is that, despite NEPAD being a "home-grown" inter-Africa initiative, it is constrained in its resources and has itself become dependent on funding from outside the continent. Such dependency, especially if it becomes entrenched, can be detrimental to the interests of an African-inspired and owned agenda. As Essop Pahad (2013:2) correctly pointed out, "the fundamental weakness of the APRM, NEPAD, the AU and other institutions [is] relying on donor funding from the more affluent West. This is an issue and challenge that has to be addressed with a sense of urgency." Protestations to the contrary notwithstanding, the continent continues to rely disproportionately on the largesse of external funders for its operations and political programmes.

In the aftermath of the Cold War, the West felt emboldened and triumphant. Corruption was used as one area to try and steer Africans in the desired political direction. Again, determined to take ownership of their own political agendas and to determine their own courses, "African leaders steering the new continentalism have taken it upon themselves to put the question of eradicating corruption on the agenda" (Landsberg 2012). Africa acknowledges that corruption undermines

the continent's quest for socio-economic development and the achievement of sustainable stability on the continent. The leaders who spearheaded the "African agenda" acknowledged the important role of the state in economic development; not only in providing regulatory frameworks for the private sector, but also in encouraging active co-operation with the private sector and civil society, including business associations and organizations, as partners of development to promote economic growth, social and economic justice.

7.   CONCLUSION: THE ROLE OF INTER-AFRICA DIPLOMACY IN OPERATIONALISING AND IMPLEMENTING AFRICA'S PUTATIVE GOVERNANCE ARCHITECTURE

The continent certainly boasts an impressive array of inter-Africa negotiated declarations, protocols and conventions, such as the Constitutive Act of the African Union, the Conference for Stability, Security, Co-operation and Development in Africa (CSSDCA), and the Charter on Democracy, Governance and Elections which came into force in 2012 when a third of African states had ratified this charter. Most of these instruments came about in the post-1989 continental environment, and all of these mechanisms spell out "core values" to which committed African states purportedly dedicate themselves. There is no doubt that declarations, protocols and policy documents are important in idealistic and opportunistic terms, and help to socialise the epistemic realm and conditions. They may also foster a rhetorical high ground, providing a cognitive sense of unity in the continent; but they should not be confused for representing a continental inter-state realism. Despite these achievements in the realm of policy, the story of the new Pan-African diplomacy over the past quarter of a century, even the past half a decade, is a story where there is a gap in truly understanding the shape and impact of inter-Africa diplomacy on the continent's governance architecture; the problem is that of both implementation and compliance. This has an impact on the continued division between rhetoric (principles) versus reality and on the actual operationalization and follow-through in practice (implementation). Without attention in this regard, the balance of evidence suggests that the continent is going to experience a severe and debilitating implementation crisis. Westen Shilaho (2014:77) has strongly argued in this regard that, "the creation of institutions without the corresponding will to make them function, did nothing to move Africa from its legacy of authoritarianism, impunity, violence and underdevelopment that were the hallmarks of the one-party and military dictatorships".

Notwithstanding the fundamental overhaul of the governance architectural landscape in Africa over the past seven years, the transition from the OAU to the AU, for example, remains a complex and challenging process, especially with regard to human and financial resources, and in terms of setting policy priorities. The AU

continues to face the challenge of increasing, professionalising and equipping its staff with the necessary skills, while simultaneously making its structures effective and efficient. Moreover, the tensions between the AU and NEPAD over integrating the latter into the former will need to be negotiated. These tensions have ensured that NEPAD, like the AU, also has staffing and human resources problems, because NEPAD has put all policy and procedural matters, such as appointing staff and creating necessary structures, on hold because of uncertainty deriving from the NEPAD/AU tension.   Limited financial resources, especially for the AU and sub-regional organisations, remains a major problem impacting on all facets of these institutions' operations. The AU, for example, has inherited huge financial shortfalls. Many member states do not pay their dues in full and/or on time, and this creates huge financial problems for the AU. While some cash-strapped states are incapable of paying, many others, who continue to contribute their dues to the UN and other international organisations, lack the political will or interest to pay their AU dues. This raises questions on the importance attributed to building a new Afro-continentalism, as they focus on their external continental relations.

A challenge for the AU and sub-regional organisations is that they must be seen to be getting value for their money; this means that the AU will have to seriously start operationalise its lofty protocols, agendas and ideals – moving them from the realm of promises and vision to that of reality on the ground. It needs to do this if it is to finally break with the image associated with its predecessor, the OAU. This will be the organisation's most challenging task; closing the gap between the formulation of policy and treaty commitments and their actual implementation and operationalisation. Indeed, the OAU had long faced a crisis of implementation and a serious risk still exists that, over the next four years, the AU Commission could find itself bogged down by a backlog of unimplemented decisions.

On the point of institutional and other weaknesses, Shilaho (2014:57) has poignantly argued that, "the AU itself needs to overcome challenges that bedevilled its precursor, the OAU, such as organisational deficiencies and the impunity […] that rendered the OAU unable to meet the aspirations of the African citizenry".

On the one hand, inter-African diplomacy has been at the centre of a "new" Afro-continental focus through negotiations that have seen the development of the continent's governance architecture. The challenge is that further attention needs to be given to marshalling disparate institutional voices, so that Africa can begin to speak with a common and unified voice on key development challenges. However, many governments remain reluctant to empower the Commission with such powers and responsibilities. The Commission should therefore brace itself to address tensions in this regard between itself and governments.

While old-style, conventional Pan-Africanism punts the idea of a United States of Africa and the unification of Africa into one sovereign whole, the

"new" realistic Pan-Africanism advances the idea of states becoming a union and a community, living by a common set of norms, values and institutions. What mitigates against the idea of classical Pan-Africanism is that many African states remain jealous of their sovereignty and are not keen to surrender, or even pool, some of it. So, although member states have ratified the Constitutive Act, the risk remains that many governments would prefer the *status quo*, even at the risk of creating a weak AU. Some misunderstanding also seems to exist in the general public over the status of the AU and its constitutive bodies. Is the AU a supranational body or an inter-governmental organisation?

While many of the AU's and NEPAD's provisions make lofty commitments to the idea of popular and civil society participation, the commitments of member states and the institutions that are being set up for such participation, remain weak. To be sure, many new opportunities for civil society engagement have been created by the new architecture. However, the AU, NEPAD and other structures, institutions and programmes will be tested on the basis of the impact they have on the lives of ordinary African citizens. Indeed, if they wish to build their credibility in the eyes of the African populace at large, they will have to begin to show that they can be a source for the betterment of their lives – not just economically, although this is very important – but also in the human right, peace-making, peacekeeping and democratic governance areas. Building and deepening Pan-African and inter-Africa diplomatic relations thus remains central in consolidating the gains already achieved, and in driving the implementation of, and support for Africa's governance architecture vision. But the continent should start by addressing head-on the policy-compliance gap that is playing itself out in inter- and intra-Africa politics. In the next twenty-five years, the focus has to be on transforming the continent into a genuine constitutional union of states with respect for their own professed values and norms; less they continue to be dictated to by others who will appropriate their agency if they do not lead by example.

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