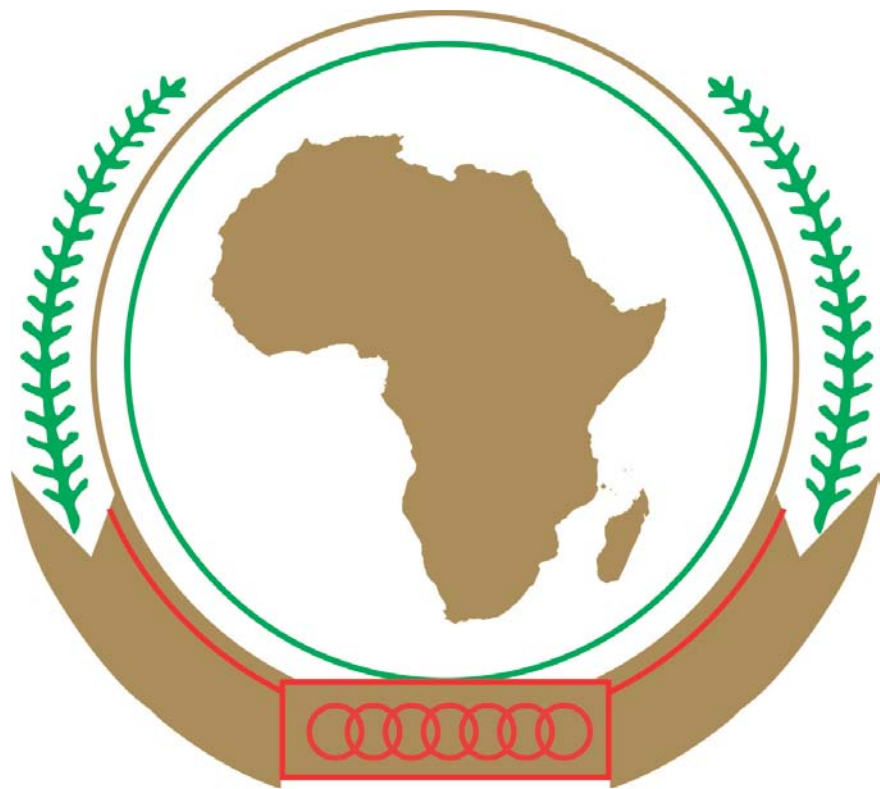


TOWARDS GREATER UNITY AND INTEGRATION THROUGH SHARED VALUES



DISCUSSION PAPER

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INTRODUCTION

1. The 14th Session of the Assembly of the African Union (AU) endorsed the recommendation of the Executive Council (EX.CL/Dec.525 [XVI]) that the theme of the 16th Ordinary Session of the Assembly in January 2011 be dedicated to *Shared Values in Africa*, in particular, the putting in place of a Pan-African Architecture on Governance. In its Decision, the Executive Council had also recommended that the 16th Ordinary Session of the Assembly should identify obstacles and measures to be adopted to facilitate continental integration based on shared values.
2. The Decision of the Assembly espouses the desire by the political leadership of the AU to reflect on how shared values in Africa can act as a catalyst to accelerate continental integration and provide a solid foundation for building a more prosperous Africa. This policy orientation further serves to highlight the imperative that African unity is founded on collective interest and a set of ideals, principles, values and norms that seek to promote a sense of common destiny, identity and togetherness amongst the peoples of Africa.
3. Whilst many of the necessary normative frameworks have been established in shaping the evolving Governance Architecture, the AU continues to face challenges and constraints in ensuring compliance and implementation. The Summit on the Shared Values Theme therefore provides a unique opportunity to reflect on the path that has been established and the measures that can be adopted to accelerate the implementation of already adopted shared values instruments which could, in turn, speed up the integration process.
4. To facilitate wider consultations and engagement before and during the Summit, this Discussion Paper seeks to provide a framework for dialogue aimed at building consensus on the policy actions that should be established to enhance integration through shared values of the AU.

CONCEPTUALISING SHARED VALUES

5. In as much as Shared Values has never been formally defined within the AU, it is generally conceived as those norms, principles and practices that have been developed or acquired, which provide the basis for collective actions and solutions in addressing the political, economic and social challenges that impede Africa's integration and development. These values are embedded at the individual, societal, regional, continental and global levels. They are not mutually exclusive and often complement and reinforce each other as individuals and communities interact.

6. Shared values are the essence of the mandate of the Union and are reflected in all its programmatic activities. At the operational level, the shared values agenda is advanced through peace and security, integration, development and institutional building activities. These serve to reinforce the overall shared values framework, which encompasses areas, such as Governance, Democracy, Elections, Human Rights, Humanitarian issues, Civil Society Participation, Gender and Culture. It is the content of the overall shared values framework and the efforts directed at enhancing the African Governance Architecture that informed the Decisions of Executive Council and Assembly on the Summit Theme.
7. At the continental level, shared values of the Union are conceived as providing the framework for interactions between and within Member States. They reflect and govern the ways in which leaders and citizens relate to each other, and they also serve as the normative framework for the Continent's interaction with the global community. In addition to the values shared within the Union, the concept is also used to facilitate dialogue with the global community and to highlight the realities of Africa, as it pertains to the application of universal values.
8. Consequent to the discussion on the creation of a Union Government, the AU aggregated the shared values, as extracted from Declarations, instruments, statements and Decisions from previous Assembly Sessions. The aggregated values are listed in the Executive Council document entitled "The Ascendancy of Shared Values in the AU Government", attached herewith as Annexure 1. The Document is part of the Report of the Ministerial Committee on the Union Government. The AU General Assembly took note of this Report in its Decision Assembly/AU/Dec.185 (X) relating to the Report of the Executive Council on the Audit of the Union and the Report of the Ministerial Committee on the Union Government.
9. The significance accorded to shared values is reflected in the evolution of the African integration agenda and the instruments and activities of the Union and its Organs. During the formative years of the Union, Member States built upon the work that started during the Organisation of African Unity (OAU) and focused attention on further articulating and establishing the shared values of the Union, as well as reaffirming principles embodied in the Constitutive Act through the establishment of specific instruments and structures.

EVOLUTION OF SHARED VALUES OF THE AFRICAN UNION

10. Shared values have always been the basis of African integration efforts and have been a matter of dialogue in interactions within the OAU and the AU. Values and principles are reflected in the numerous instruments, Decisions and Declarations that have been adopted since the formation of the OAU.

11. In the short history of the OAU and the AU, Member States have placed emphasis on specific overarching and driving values and principles. During the initial years of the OAU, the emphasis was on 'emancipation from foreign domination' and the 'sovereignty of Member States'. Whilst retaining these values, the creation of the AU ushered in a period of added attention to 'unity', 'solidarity', 'non-indifference' and 'collective responsibility', in the areas of peace, governance, gender equality, development, human rights, citizen participation and cultural renaissance.
12. With the establishment of the AU, African States began to shift greater attention to cooperation and unity as a basis for collective development. The movement towards enhanced integration resulted in increased focus on establishing and promoting shared values in a number of spheres of engagement. The consequence of the evolution was an expressed desire amongst Member States to deepen agreement on values and practices that can be upheld throughout the Continent.
13. The desire for the deepening of shared values is reflected in the provisions of the AU Constitutive Act. The Act builds upon previous Declarations and Treaties, such as the 1991 Abuja Treaty, the Lagos Plan of Action and the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA). The CSSDCA Solemn Declaration, adopted in 2002, detailed a range of core values, together with commitments that would be needed to give effect to these values. In addition to provisions relating to participation of civil society, there are provisions relating to peace, security, governance, human rights and anti-corruption.
14. In adopting and ratifying the Constitutive Act of the AU, Member States reaffirmed a commitment to promote unity, cohesion and cooperation amongst the peoples of Africa and African States. In so doing, AU Member States committed themselves to the principles of non-indifference and collective responsibility. To facilitate the achievement of its objectives and the upholding of the founding principles, the AU established specific Organs and adopted legal instruments for the implementation of its programmes and for the upholding and deepening of shared values.
15. The Constitutive Act marks a step forward from past commitments by embodying a new orientation towards non-indifference in upholding human rights and promoting governance and democracy. This approach is furthermore, evidenced in the numerous shared values initiatives that unfolded since the establishment of the AU. Within the governance and democracy terrain, the desire for consolidation and implementation of articulated values is reflected in, amongst others, the establishment in 2003 of the African Peer Review Mechanism (APRM) and the adoption in 2007, of the African Charter on Democracy, Elections and Governance. Collectively

these efforts symbolise a movement in the process of implementing the CSSDA Solemn Declaration and related Memorandum of Understanding, adopted in 2002.

16. Even prior to the adoption of the African Charter on Democracy, Elections and Governance, Member States of the Union demonstrated, through action, a commitment to a shared approach to governance and democracy. By the 1990s, the shift towards democratic governance spread across the Continent and most African States introduced constitutional guarantees with provisions for periodic elections, as well as mechanisms for the effective transfer of power and the renewal of leadership.
17. The Charter and related instruments, Declarations and Decisions of the AU (Annexures 2 and 3) signify the commitment towards a wider and more encompassing vision of a prosperous Africa with its people living in peace and harmony. As inspirational documents, the instruments, Declarations and Decisions are directed at building a better future for all and hence creating the programmes and activities to support the established vision of the Union.
18. The evolution of shared values within the AU has also taken place in a context of wider engagements with broader universal values and to some extent on the basis of interactions from outside of the Continent. Many of the values deemed universal, such as in the areas of democracy and human rights are articulated in AU established instruments.
19. Articulated shared values by the AU reflect general congruence between the AU and Member States in policy developments within the realm of governance. Cognisant of this congruence and inspirational nature of the shared values, a detailed reflection on the establishment and implementation would serve to provide a better indication of progress and the challenges that stand before the AU as it seeks to deepen integration.

PROGRESS AND ACHIEVEMENTS OF THE AFRICAN UNION IN SHARED VALUES

20. Since the establishment of continental and regional organisations, AU Member States have demonstrated a concern for safeguarding African cultural norms and values and an associated commitment towards building the shared values agenda of the Continent. Progress on this commitment and concern is evidenced in the contents of the instruments established and the efforts directed at creating and enhancing institutions that would implement the shared values agenda.
21. In July 1990, African Leaders, meeting in their 26th Ordinary Session in Addis Ababa, Ethiopia, formally endorsed the OAU's involvement in the democratization process, through the adoption of the Declaration of the

Political and Socio-economic Situation in Africa and the Fundamental Changes taking Place in the World. During the same Session, the Assembly of Heads of State and Government also adopted the African Charter for Popular Participation in Development and Transformation, which further emphasized the consolidation of democratic institutions through popular participation.

22. As the process gained added momentum on the Continent and the Member States demands for OAU involvement in elections observation correspondingly increased, the Assembly of Heads of State and Government of the OAU, at its 38th Ordinary Session held in Durban, South Africa in 2002, approved a Declaration on the Principles Governing Democratic Elections in Africa. The Declaration underlined the need to strengthen the Organisation's efforts in the observation of elections. Since the Declaration and the subsequent creation of a Democracy and Electoral Assistance Unit and the Democracy and Electoral Assistance Fund, the overall interest in the conduct of national elections has increased and the AU has put in place mechanisms to support the work of national elections management bodies (EMBs) in Member States.
23. Within the process directed at establishing the AU, Member States of the Union have expressed greater interest in matters relating to governance and democracy within the shared values space. The immediate result of such engagements was the articulation of governance and democracy principles in the Constitutive Act of the AU and the establishment of appropriate governance and democracy frameworks for collective actions aimed at taking forward the shared values agenda.
24. To channel and manage the enthusiasm generated in governance and democracy as shared values, the AU Assembly approved the African Charter on Democracy, Elections and Governance and the AU Convention on Preventing and Combating Corruption and affirmed the participation of the AU Member States in the APRM. In addition, the Assembly also provided added impetus to the work of the African Commission on Human and Peoples' Rights (ACHPR) with the establishment of the African Court on Human and Peoples Rights (AfCHPR).
25. The AU interest towards shared values is further highlighted by the attention which the Assembly gave to matters relating to women's rights and gender issues. In addition to adopting, at the Third Ordinary Session of the AU Assembly, the Solemn Declaration on Gender Equality in Africa (SDGEA), as an instrument for promoting gender equality and women's empowerment, the AU declared 2010-2020 as the African Women's Decade.
26. The adoption of the African Youth Charter in July 2006 was aimed at securing the participation of youth in the development of the Continent. The

Charter specifies the duties and responsibilities of the young people of the Continent and importantly, also provides that they ‘partake fully in citizenships duties including voting, decision-making and governance’. It further urges the youth of the Continent to ‘defend democracy, the rule of law and all human rights and fundamental freedoms’.

27. The Charter for African Cultural Renaissance, for its part, seeks to ensure that the shared values agenda is rooted in African history and is locally owned. This Charter reflects an unwavering determination to strengthen understanding among African peoples and cooperation among African States in order to see ‘brotherhood and solidarity reinforced and integrated within a greater cultural unity which transcends ethnic, national and regional divergences on the basis of a shared vision.’
28. The establishment of the required frameworks to enhance integration through shared values and facilitate implementation at the level of Member States and within the regional and continental organisations is a continuing process. More recently, the AU adopted the African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa. In addition, African Ministers of Public Service have finalized a Draft African Charter on the Values and Principles of Public Service and Administration for submission to the Assembly for adoption.
29. In addition to the establishment of various policy instruments for the promotion and deepening of shared values, the AU has made significant progress in the setting up of institutions necessary for the achievement of the objectives embodied in the adopted shared values. Further to putting in place the African Union Commission, the Pan African Parliament (PAP), established in 2004, has during this initial period been most strategic in securing wider participation and engagements with the peoples of the Continent and has demonstrated a capacity to engage with AU Policies and facilitate their popularisation.
30. The Assembly of the Union, guided by the provisions of the Constitutive Act and the need to build partnerships between governments and all segments of civil society, in particular women, youth and the private sector, approved the Statute of the Economic, Social and Cultural Council of the African Union (ECOSOCC). This Council was established with the objective of enhancing the participation of all Africans in the integration process and, by implication, the shared values journey of the AU.
31. The ACHPR has been instrumental in enhancing Member States commitments to safeguarding and ensuring respect for human rights. In line with its mandate to promote adherence to human rights instruments, the ACHPR has, as per the relevant provisions of the African Charter on Human and Peoples’ Rights, received periodic reports from Member States on the

status of human rights, and has also initiated numerous studies and missions in areas of concern in human rights. The newly established AfCHPR is set to demonstrate its capacity to ensure that impunity will not be tolerated in the Continent.

32. Through the leadership of the Heads of State and Government, significant success has been registered in peer-review, by way of the APRM. Thirty AU Member States have signed the Memorandum of Understanding on the APRM. Of these, thirteen have already undergone the review process and are focused on implementing the Plan of Action that emerged therefrom.
33. As a reflection of the overall progress in governance and democracy, there is a continent-wide consensus on zero tolerance for unconstitutional changes of government. The Continent has also set up a functional Peace and Security Architecture to respond to conflict situations. As part of the Peace and Security agenda, attention has also been placed on promoting conflict prevention and on post-conflict reconstruction, which encompasses, amongst others, promoting governance and democracy in the context of solidarity, reconciliation and harmony.
34. Shared values have been central in the efforts directed at securing peace in Africa as reflected in the Union's approach toward peace building and mediation in conflict and post conflict situations. In upholding the orientation towards non-indifference, African specific approaches towards solidarity, harmony, reconciliation and communalism have shaped the evolving Peace and Security Architecture and remain central to Africa's contribution to global efforts to secure peace.
35. By positive engagements from the AUC and the work of ECOSOCC, the PAP, other AU Organs and partner organizations, there has also been some achievements in ensuring that the AU-adopted shared values are the values espoused by the peoples and organizations of the Continent. Furthermore, success has been noticeable in policies aimed at specific demographic and vulnerable groups such as women, youth and persons with disabilities.
36. Africa has played an important role in the development and success of international law and sometimes provided leadership in initiating a new paradigm. African solidarity, as reflected in the principle of common heritage of mankind is firmly entrenched in the Law of the Sea. Africa has also taken the lead in articulating human security as the cornerstone of peace and security. The Continent's commitment to fight impunity has seen African States constituting the majority of States Parties to the Statute of the International Criminal Court (The Rome Statute). Africa has in this respect also articulated the need to ensure consistency and subsidiarity in the application of international law.

37. The evolution of shared values in Africa has contributed directly to established global shared values. Values, such as solidarity, consensus and communalism, which are deeply rooted in African culture, are now reflected in international engagements on development, governance and human rights. The concept of peoples' rights is now an important principle of international human rights law and African leadership and contribution to the UN Human Rights Council cannot be understated. Africa has been in the forefront of ensuring that considerations on human rights and governance are extended beyond individual freedoms to include social and economic rights and duties.
38. All partners and institutions have recognized the imperative of respecting the values articulated by the leadership of the Continent and making certain that these are considered in the manner in which organizations work and the way people interact with each other. The Continent has thus experienced an enhanced collective approach in deepening and implementing shared values.
39. The overall journey prior to and during the period leading to the establishment of the AU depicts a Continent that has travelled a long way in putting in place the shared values policy frameworks and the institutional architecture for their implementation. During the last few years, a number of shared values instruments have come into force, but the pace of ratification of the central instruments within the shared values space has generally been mixed. Whilst peace and security matters have been a major preoccupation for Member States, attention during this initial period has also been focused on popularizing the frameworks established and on ensuring that the relevant Charters and Conventions are ratified.

CHALLENGES AND OBSTACLES IN SHARED VALUES

40. Shared values instruments, the APRM and implementation institutions reflect progress achieved at the continental level. However, embodied within the shared values establishment journey are challenges relating to the adequacy of the frameworks, institutional constraints, the pace of implementation, the capacity to implement, the efficacy of the institutional arrangements and other obstacles to achieving the articulated vision of the Union.
41. The articulation of values, principles and norms in the various instruments of the AU and in the instruments that emerge within the Regional Economic Communities embody within them an absence of a coordinated approach. As a result of the wide scope of the AU and the propensity for shared values within different sectors of work, numerous instruments have emerged and there has been limited focus on ensuring that these are well coordinated and do not contain contradictions. In many instances, the process of

ratification has also not kept pace with wide expectations that the Union should be focused on implementation.

42. Within the orientation towards action, African States have not been able to focus adequate attention on making sure that there is no duplication and that complementarities between different instruments and institutions are secured. The Organs and institutions of the Union often do not work as a collective to avoid duplication as they promote and implement the shared values instruments of the Continent.
43. The capacity and resources for implementation have not matched the progress achieved in building the frameworks. A consequence of this reality is that implementation has not met wider expectations and the non-domestication of instruments continues to be a matter of concern at the level of the AU.
44. Member States and stakeholders have expressed a concern at the pace of ratification of instruments and the ability of the Organs to deliver on the responsibilities entrusted on them within the instruments. The capacity and resources of the Organs and institutions have simply not been adequate to deliver on the expectations. Furthermore, limited attention has been focused on monitoring and supporting implementation at the level of Member States.
45. Though the principle of non-indifference is at the heart of the shared values agenda, Africa has not taken complete ownership and responsibility to monitor its success, evaluate and identify needs and capacity constraints for collective action. Whereas there is significant progress in the establishment of necessary shared values instruments, the measurement of actual progress in implementing the ratified instruments continues to be a challenge. All of the instruments make provision for standards and measures, but these have not been established and there is no coordinated approach to review and measure progress.
46. Whereas AU instruments are adopted by the Assembly of Heads of State and Government, there are still contestations on the extent to which Member States are demonstrating ownership and responsibility over these instruments and the values that they embody. More attention has been focused on building a democratic culture, ensuring that unity is deepened and that wide African diversity serves as a source of strength. Elections-related conflicts and political violence, for instance, continue to be matters of concern in the Continent.
47. Africa has been reactive rather than proactive, in some cases, in its interactions with the global community on shared values. African ownership over internal governance and democracy challenges has not been effectively communicated and the Continent is often marginalised in global

policy fora. African contextual realities that necessitate differential application of globally established shared values are also not often clearly articulated, communicated or appreciated.

A FUTURE POLICY PATH ON THE SHARED VALUES OF THE AFRICAN UNION

48. In shaping a path into the future, a balance would have to be retained between all that can be done and what is possible given the resource constraints faced by Member States and the Organs and institutions. Whilst the shared values journey reflects a focus on the required collective instruments, the future path should be on wider consolidation and deeper implementation.
49. Consolidation and implementation are premised on enhancing AU's ownership and responsibility to its shared values agenda. This is crucial in transforming the shared values of the Union from being aspirations to actions which Member States of the Union are individually and collectively responsible for. Greater attention would hence need to be focused on encouraging the building of a democratic culture and a deeper commitment amongst peoples for unity and appreciation for diversity.
50. Consolidation and implementation are also critical to establishing a common perspective and deepening convergence. Harmonization and convergence of the Union's shared values will contribute in fast-tracking the integration process by improving information flow and ensuring predictable and sustainable interactions amongst African governments and peoples. Efforts would have to be devoted towards harmonising regional instruments and ensuring that there are complementarities amongst all AU and regional institutions involved in the application of shared values.
51. Whereas the adoption of instruments reflects a willingness to be part of a collective, signature, ratification, domestication and implementation suggest a deeper commitment to shared values. Ensuring that continental shared values instruments are all ratified and implemented in accordance with the relevant provisions within the instruments, provides the basis as well as the capacity to respond to Africa's development challenges. Domestication of instruments would also serve to mobilise Africans, as it ensures that the espoused values feature in the practices and interactions of all peoples in the Continent.
52. To ensure that continentally-established values are African values, as reflected in the lives of people, it is essential that there be wider and deeper dialogue on these values and that they become known to all. In achieving congruence between the vision and reality of practices and action amongst people, greater attention would need to be focused on popularising shared

values and ensuring that all sectors of society remain in the forefront of implementation.

53. As a step forward from the adopted frameworks and instruments, attention would now need to turn towards the monitoring and review processes in the shared values space. Capacity for monitoring and review will have to be built and the Organs, institutions and Regional Economic Communities would also need to place emphasis on support to Member States for the domestication of the adopted shared values.
54. At the centre of the future efforts aimed at consolidating action and enhancing impact, is the strengthening of the African Governance Architecture. The establishment of an African Governance Platform, comprised of African Union Organs, Institutions and RECs involved in Governance, as the underlying mechanism to strengthen the Architecture, would serve to provide a firm basis for enhanced harmonized and complementary actions. Such a mechanism will, amongst others, also serve to facilitate ratification and domestication, as well as create firm links between the AU Charters and the APRM.
55. Communicating and establishing appreciation for African particularities, contexts and perspectives would enhance the image of the Continent on the development and application of shared values. A wider appreciation of the efforts and ownership, with respect to African values and specific approaches to development, peace and integration would require the strengthening of Africa's engagements in regional and global dialogue platforms.

ANNEXURE 1: IDENTIFIED SHARED VALUES

The table below is extracted from a document entitled “The Ascendancy of Shared Values in the African Union Government”. The document is an annexure to the Report of the Ministerial Committee on the Union Government, which was noted by the Assembly. The table is an aggregation of the shared values at the individual, state or regional level.

At the individual level

1. Basic rights to life, identity and opportunity
2. Basic Freedoms (Expression and worship)
3. Tolerance
4. Participation in governance
5. Solidarity with each other in times of joy and in times of sadness
6. Dignity and Respect
7. Justice
8. Sense of Fairness
9. Equality of persons (Gender, race, sex etc)
10. Respect for age
11. Integrity
12. Community spiritedness
13. Self determination

At the state or regional level

1. Sovereignty and the interdependence of states
2. Adherence to the rule of law
3. Democracy and Representation of the popular will
4. Care for the weakest
5. Self reliance (economic and social)
6. Justice
7. Law and order
8. Equity and equality
9. National determination
10. Solidarity of states (brother's keeper)
11. Stability of environment
12. Security

ANNEXURE 2: AFRICAN UNION INSTRUMENTS WITH DIRECT RELEVANCE TO SHARED VALUES

NAME	ADOPTION	NUMBER: SIGNATURE	NUMBER; RATIFICATION
Constitutive Act of the African Union	July 2000	53	53
AU Convention Governing the Specific Aspects of Refugee Problems in Africa,	September 1969	38	45
Cultural Charter for Africa	July 1976		34
African Charter on Human and Peoples Rights	June 1981	42	53
African Charter on the Rights and Welfare of the Child	July 1990	42	45
Protocol to the African Charter on Human And Peoples' Rights on the Establishment of an African Court on Human and Peoples' Rights	June 1998	51	25
Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa	July 2003	46	28
Protocol of the Court of Justice of the African Union	July 2003	42	16
African Union Convention on Preventing and Combating Corruption	July 2003	45	31
Charter for African Cultural Renaissance	January 2006	20	1
African Youth Charter	July 2006	38	22
African Charter on Democracy, Elections and Governance	January 2007	37	8
Protocol on the Statute of the African Court of Justice and Human Rights	July 2008	22	3
African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention)	October 2009	29	2

ANNEXURE 3: AFRICAN UNION DECLARATIONS AND DECISIONS WITH DIRECT RELEVANCE TO SHARED VALUES

1. Declaration on the Political and Socio-Economic Situation in Africa and the Fundamental Changes taking place in the world, 1990, Addis Ababa, Ethiopia
2. Declaration on the Code of Conduct on relations between States, 1994 Tunis, Tunisia
3. Agenda for the Re-launch of Africa's Economic and Social Development, 1995, Cairo
4. Algiers Declaration on Unconstitutional Changes of Government, 1999, Algiers, Algeria
5. Grand Bay (Mauritius) Declaration and Plan of Action, 1999, Mauritius
6. Lomé Declaration for an OAU Response to Unconstitutional Changes of Government, 2000, Lomé, Togo
7. CSSDCA Solemn Declaration ,2000, Lomé, Togo
8. OAU/AU Declaration on Principles Governing Democratic Elections in Africa, 2002, Durban, South Africa
9. New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance, 2002, South Africa
10. Kigali Declaration on Human Rights in Africa, 2003, Kigali, Rwanda
11. Memorandum of Understanding on Security, Stability, Development and Cooperation in Africa, 2002, Durban, South Africa
12. Decision of the 12th AU Assembly on the Resurgence of the Scourge of Coups d'état in Africa (Assembly/AU/Dec.220(XII), 2009, Addis Ababa, Ethiopia
13. Decision of the 14th AU Assembly on the Prevention of Unconstitutional Changes of Government and Strengthening the Capacities of the African Union to Manage such Situations (Assembly/AU/Dec.269(xiv)), 2010, Addis Ababa, Ethiopia