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AFRICAN CONCEPT NOTE
ON THE PARTNERSHIP ON DEMOCRATIC
GOVERNANCE AND HUMAN RIGHTS WITHIN THE
FRAMEWORK OF THE JOINT AFRICA-EU STRATEGY

THE AFRICAN CONCEPT NOTE

On the Partnership on Democratic Governance and Human Rights within the Framework of the Joint Africa-EU Strategy

CONTEXT

1. The Joint Africa-EU Strategy (JAES), which was adopted during the Lisbon Summit (December 2007), represents the beginning of a **new era** of EU-Africa relations. The two continents, under the aegis of the African Union (AU) and the European Union (EU), have committed to forge more balanced and solid relations, based on consensus around a set of common values, interests and objectives.
2. The **founding principles** of the Joint Strategy are: interdependence between the two continents and shared responsibilities; the treatment of Africa as one; political dialogue; participatory approach through the integration of different levels of governance (local, national, regional, continental); as well as coherence of policies and instruments of cooperation. The Joint Strategy will be implemented through eight partnerships based on shared priorities.
3. One of the partnerships deals with democratic governance and human rights. Its **mandate** is defined in the Joint Africa-EU Strategy.
4. To facilitate the implementation of the mandate of the JAES, the 2008-2010 Plan of Action of the Partnership on Governance makes provisions for the creation of a '**platform for dialogue** on all governance issues of mutual interest, including political issues, human rights, children's rights, gender equality, local governance and on "situations of fragility", as well as on the death penalty'. This is a specific provision for this Partnership (which is not found in other partnerships).
5. It is important to underscore that the process of the construction of an African position on governance also responds to an internal dynamic on the continent. Great efforts have been made to develop an African Governance Architecture. This is reflected in:
 - The extension of the African Union mandate on governance issues;
 - The definition of a strategic framework for the promotion of governance by the African Union Commission, 2004-2007;
 - The setting up of new governance structures at the pan-African level (pan-African Parliament, ECOSOCC, the African Court on Human and People's Rights);
 - The promotion of an African Peer Review Mechanism;
 - The holding of a "Forum on Governance in Africa" under the auspices of the African Union in Addis Ababa in November 2005, being an early initiative to unite different governance actors on the continent;
 - The adoption of a programme of the African Union Commission on governance (financed by the European Commission within the framework of its 55 million euro support) for the year 2007/2008. This programme is

being revised and developed to take into account the implementation of the governance partnership in its African component. The programme budget will also be revised;

- The recent setting up of an African governance platform within the framework of the consolidation of the African Governance Architecture (AGA), which reinforces the initial African position on a dialogue platform between Africa and the European Union.
6. The African position presented in this Note, is inspired by the intra-African reflections started two years ago and that have been the subject of informal consultations. They are also based on all the initiatives and evolutions on the continent. This note is destined to both serve as a basis for the continuation of African internal consultations and for the development of a joint document UA/EU in view of the coming troika. Within this framework, the African party considers that the new partnership with the EU constitutes a major opportunity for reinforcing the ongoing dynamics in Africa and for consolidating the emerging African governance architecture.

CONDITIONS FOR THE SUCCESSFUL IMPLEMENTATION OF THE PARTNERSHIP: THE AFRICAN PERSPECTIVE

7. The African side is of the opinion that the implementation of the eight partnerships is a 'test' of the renewal of EU-Africa relations. The need to innovate is particularly pertinent in the area of governance. A strong partnership cannot be created using the *modus operandi* and structures of the past – which limits have been proven and recognised by both the EU and Africa – or by focussing on short term results – quick deliverables.
8. From the African perspective, **four essential conditions** are required for real progress in the Partnership of Democratic Governance:

- Respect of certain political pre-conditions
- An innovative institutional Framework that fully uses the potential of the 'platform for dialogue' which was specifically linked to this partnership
- The creation of a monitoring and evaluation mechanism that would serve in identifying coherence and synergies in policies and programmes of European cooperation in the area of governance – or lack thereof.
- Consolidation of the African Governance Architecture as pushed by different African institutional actors and operating under the aegis of the AU.

Political Preconditions

9. The **first condition** is for stakeholders to reflect on the **added value** of the Partnership on Democratic Governance. For the African side, the Partnership can be a 'plus' provided the new framework for dialogue:
- Helps build truly shared governance agendas based on a 'global vision' of governance;
 - Provides space for an inclusive approach that allows for the participation of

different governance actors (institutional and others) both in Africa and in Europe;

- Confirms through action the political will of the EU to fully support the consolidation of the African Governance Architecture under the leadership of the AU;
 - Improves the coherence of European policies towards Africa, particularly through the harmonisation of different dialogue frameworks and cooperation instruments;
 - Places governance in a global context with the view of working together on major challenges to governance.
10. The European side seems to approve the need to meet such political preconditions. The challenge, however, is to ensure the implementation of these stated principles by both parties (EU and Africa). There is also a need to closely monitor the implementation of some required changes in the operationalisation of the Partnership.

Platform of Dialogue on Governance: An innovative institutional Framework

11. In order to avoid a gap between stated principles and implementation, a **second precondition** needs to be met. The added value of the Partnership requires the creation of **innovative institutional framework for dialogue**.
12. For the African side, **institutional innovation** consists in putting into place a 'platform for dialogue' at the heart of the Partnership. The Platform should provide space for a deeper reflection and regular dialogue on governance challenges to feed the debate between existing institutional actors working on governance in African and in Europe. The participation of African institutional actors – which already have a governance agenda and roles to play – should form the basis of the innovation in the Partnership and its legitimacy. This space of dialogue should not be confused with the Joint Expert Groups. The platform shall discuss issues of a strictly thematic nature. The necessary institutional links between the platform and the IJEG shall be developed and established.
13. Within the framework of consolidation of the African Governance Architecture and the setting up of an African governance platform, the African party has already started brainstorming with African institutional actors on governance who could participate – within their specific mandate – in the dialogue platform with the EU (the African Union Commission, the African Court on Human and People's Rights, the African Commission on Human and People's Rights, PAP, ECOSOC and the Political Affairs Cluster, the APRM, the RECs, the Consultative Council of the African Union on Corruption, the Peace and Security Council of the African Union, the pan-African structure representing local communities at the continental level, the Permanent Representatives' Committee, ADB).
14. The participation of institutional actors in the setting up of the dialogue platform within the framework of JAES must be seen as an opportunity to reinforce African ownership, to consolidate the pan-African architecture, of coordination between the leadership and levels of governance and to bring together the African Governance Platform and the Africa-EU platform. Moreover, the objective of the involvement of the Peace and Security Council is to bring together the

Democratic Governance and Human Rights Partnership and the Peace and Security Partnership which share many problematic.

15. In a bid to reinforce the inclusive dimension of the new space of dialogue, this first circle of institutional actors could be supplemented by a second one composed of other African institutions with a mandate on sectional governance thematic (UNECA, IDEP, CODESRIA, etc), as well as by some African high level individuals recognised for their expertise on governance issues in Africa.
16. The information and involvement of member States in the process could be facilitated by the Permanent Representatives' Committee of the African Union.
17. The African position on institutional arrangements clearly goes further than those proposed by its European counterpart. The latter foresees the organisation of the Platform for Dialogue as a process culminating in a reoccurring **event** which foundations is to be prepared by the iJEG and which should be attended by a wide range of actors. The iJEG is then to prepare a number of proposals to be put for consideration at political level. From an African perspective, such approach does not guarantee legitimacy, effective implementation of the objectives of the Partnership, or the opportunity to change the modes of dialogue between Africa and Europe. The African approach as highlighted above presents a better alternative.
18. Overall, the African proposal on the Platform for dialogue is not incompatible with existing dialogue structures. It will rather complement the existing structure. The table below clearly shows how such complementarily can be guaranteed. It also describes the role of each actor.

Actors of the Governance Partnership	Description of the Actor	Key functions
1 Enlarged Troika	Political Organ	<ul style="list-style-type: none"> • Decide on priority agenda of the Partnership • Lead the political dialogue • Guarantee the overall functioning of the Partnership
2 Joint Expert Groups	Technical Organ	<ul style="list-style-type: none"> • Identify ongoing initiatives • Support the implementation of activities • Search for financing • Follow up and report back to the Troika
3 Platform of Dialogue	Dialogue space (brings together different institutional actors from European and African sides)	<ul style="list-style-type: none"> • Enrich political dialogue on challenges to governance • Build shared agendas and identify shared strategic interest • Regularly evaluate the overall functioning of the Partnership and propose modifications

Implementation of the new approach to a limited number of priority themes

19. The validity of this new mechanism and the quality of the dialogue it will produce must be tested in practice. The African party considers that this dialogue must be progressive (in space and in time), and concentrate in a first instance on some priority themes shared by the various stakeholders. The African party proposes four themes to test the mechanism:

- Local governance;
- Governance and regional integration;
- Governance of the management of natural resources;
- Global governance.

Each of these themes features in the priorities of the EU and the AU, and the objective is that they contribute to trigger convergence of initiatives and coherence of tools, which will, by a training effect, in turn enables the tackling of more complex themes. The challenge is to demonstrate by example the added value of the new way of dialoguing

'Qualitative' Monitoring and Evaluation Mechanism on coherence of instruments and initiatives

20. The **third condition** for the success of the Partnership is linked to the creation of an adequate monitoring and evaluation mechanism that favours 'qualitative' assessment as opposed to quantitative evaluations that focus on projects. For instance: to which extent have we broadened political dialogue? Enriching the governance agenda? Elaborating common agenda? Improving the quality of participation of different actors?

21. The implementation of a monitoring mechanism should also focus on progress in creating coherence between instruments and cooperation policies in terms of governance with initiatives implemented at African levels.

Consolidating the African Governance Architecture

22. The **fourth pre-condition** for the success of the Partnership relates to the pertinence of consolidating the African Governance Architecture, while respecting the principle of ownership by Africans. For a constructive participation in the dialogue with Europe, African actors should strengthen synergies between their different institutions; elaborate African governance agenda; and prepare African agendas for dialogue with Europe. The European partners are therefore invited to support ongoing African dynamics (particularly the consolidation of the African Governance Architecture and the African Governance Platform) by recognising that the construction of a governance architecture, carried by African actors, takes time.

23. In recent years, a large number of measures were taken to establish the African Governance Architecture. **New initiatives**, which were recently launched, have taken into account some pertinent issues that have a bearing on the successful implementation of the Partnership, including:

- Exploring ways to reinforce the link between the APRM and the evolving African Governance Architecture;

- Setting up of an African Governance Platform with mandate's is to reinforce coordination between institutions and organs of the AU endowed with a formal mandate on issues of governance, democracy and human rights, and serve as a measure for reinforcing their capacities and optimize their impact;
- Launching the process of agreeing on a common African agenda on local governance.

IMPLICATIONS FOR THE REST OF THE PROCESS

24. Given what was noted above, the African side insists on the following:

- Holding an open debate on the objectives, nature, composition and functioning of the Platform for Dialogue with the view of reaching a common position (taking into account the time required to reach such consensus);
- Reflect on and validate the modalities of an adequate financing that ensures the durability of the innovative dialogue initiated for the Africa-European Union platform. For the African party, it seems logical to mobilise, among others, the regional reserve of the Governance Incentive Tranche of the Governance facility. Another operational priority consists of an exhaustive mapping of the various possible sources of financing on all available instruments. This tool could be finalised in the shortest time possible and presented for discussion;
- Examine the coherence and possibility of convergence between the Governance Incentives Tranche (GIT) and the APRM;
- Examine, for the purpose of the future progress report – scheduled to be debated at the upcoming Troika – the real difficulties encountered in the implementation of the Partnership as well as the steps to be taken to overcome them.