

FIRST DRAFT

THE APRM APPROACH TO PEACE & SECURITY GOVERNANCE IN AFRICA

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I

INTRODUCTION

My argument is that the approach of the African Peer Review Mechanism (APRM) to questions of peace and security in Africa goes beyond the negative definition of peace and security, as the absence of war or violent political conflict, to embrace a positive one that seeks to create, nurture and consolidate the enabling environment for democracy and development in the African state. This positive approach is grounded in the notion of *human security*, which anchors the provisions of the African Charter on Human and Peoples Rights, and constitutional provisions such as are provided for under Chapter 2 of the Constitution of the Federal Republic of Nigeria, 1999; Chapter IV of the Constitution of Kenya, 2010; Chapter VI of the Constitution of Ghana, 1992; Chapter II of the Constitution of the United Republic of Tanzania; Ch. II of the Constitution of Sierra Leone, 1991; and. Ch. II of the Constitution of the Republic of South Africa, 1996.

The aim of such provisions is to strengthen state capacity through reconstructing the African state into a democratic developmental state. Thus, policy framed around this aim is designed to target the historically deep-rooted causes, and remove or mitigate the consequences, of violent political conflicts that constrict the prospects for democratic consolidation and development in the African state.

What intertwines human security and state capacity? State capacity should not be narrowly understood as, or conflated with human and physical resource capacity-building or capacity-

enhancement. It should not be defined only by econometric or statistical computations of gross domestic product or national income data, though it includes and requires both. State capacity, broadly understood, should be a function of a democratic, open and inclusive political system, arising from the redefinition of citizenship in terms of constitutional provisions stipulating the socio-economic and political rights of their citizens, and the responsibility or duty of the state to provide the rights.

In short, the approach shifts focus to specifying the determining material and socio-political conditions or environments for strengthening state capacity. This link between human security and state capacity is well captured by Amartya Sen's [1999:298] thesis that, "Development is indeed a momentous engagement with freedom's possibilities."

II

THE COMPLEMENTARITY OF APRM, AGA, & APSA

In so connecting human security to state capacity, and attributing the absence of peace and security in the positive sense in the African state to the character of domestic and global structures of power relations, the APRM approach turns the theoretical and applied policy searchlight on the relevance of new modes of governance in domestic and international society to address the broader, positive peace and security problem. It does so, by placing emphasis on the design of the facilitative economic, political and sociocultural environment and arrangements-- what Sen [1999:3] theorizes "as an integrated process of expansion of substantive freedoms that connect with one another," namely, "(1) political freedoms, (2) economic facilities, (3) social opportunities, (4) transparency guarantees, and (5) protective security"—to address the question of democracy and development in the African state, as one requiring the democratic management of diversity, and the establishment of domestic and external accountability mechanisms, of which the APRM is one, to monitor, and where feasible, apply peer pressure, such as moral suasion, or sanctions, to ensure compliance with the arrangements.

This is where the complementarity of APRM, the African Governance Architecture (AGA), and African Peace and Security Architecture (APSA) is to be sought---they seek the root causes of violent conflicts in Africa from a structural-materialist lens and from a normative policy framework, anchored on the democratic management of diversity, as provided for in several

international and African standards and codes.¹ Indeed, the awareness of the complementarity of the APRM to the institutions of the AU led to the integration of the APRM into the AU in 2014. The strategic policy objective of the APRM, as is the case with the AGA and APSA, is typically constitutional and political reform to consolidate the democratization process begun in the mid-1970s in the African state. .

By avoiding a negative definition of peace and security, and by raising troubling questions about justice, income redistribution and equality in national and international society, the APRM approach in particular focuses on the harmful, even debilitating impact of structures and institutions on the individual and collective groups, and on the need for public policies to promote peace and security in the broader, positive sense of human security. Peace, in the positive sense, requires posing the national question as a citizenship question, “who owns the state?” The answer is phrased by the APRM in terms of reconfiguring the African state as a developmental state, with responsibility to provide for human security and to manage diversity democratically.

Box I summarizes the theoretical pillars on which the governance architecture of the APRM democracy and political governance thematic area rests, providing the enabling governance environment, within which to pursue the governance objectives outlined in the three other thematic areas---economic management and governance, corporate governance, and socioeconomic development. .

Box I: Theoretical Pillars of the APRM Governance Architecture

<p><u>Pillars of the Governance Architecture</u></p>
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¹ Among the essential component of the building-blocks of APRM, AGA and APSA are: *the African Charter on Human and People’s Rights [1981]*; *the African Charter for Popular Participation in Development and Transformation [1990]*; *the Conference on Stability, Security, Development and Democracy(CSSDCA) Memorandum of Understanding [2000]*; *the Constitutive Act of the African Union [2000]*; *the African Charter on Democracy, Elections and Governance [2012]*; *the Algiers Declaration on Unconstitutional Change ; the OAU/AU Declaration on Principles Governing Democratic Elections in Africa [2002]*; *the New Partnership for Africa’s Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance [2002]*; *the Memorandum of Understanding on the African Peer Review Mechanism () [2003]*; *Solemn Declaration on Gender Equality in Africa [2004]*; and *the Declaration on the Theme of the 2012 Summit “Towards Greater Unity and Integration Through Shared Values.” [2012]*. see also, L. Adele Jinadu, “Governance and Development in Africa,” pp51-66, in Charles Mutasa and Mark Patterson (eds.), *Africa and the Millennium Development Goals: Progress, Problems and Prospects*, Lanham, MD:Rowman & 2015Littlefield,

The theoretical foundations of the new constitutional and political architecture painted in the democracy and political governance thematic area of the APRM rests on six pillars:

1. Democratic political succession, in the form of competitive party and electoral politics and free, fair and credible elections, typically under universal adult suffrage, managed and conducted by independent electoral management bodies, based in the case of elective positions of heads of state and/or government on fixed non-renewable term limit.;
2. Bill of rights, providing the basis for affirmative-action type policies to promote and protect various forms of diversity, such as cultural, ethno-regional, gender, linguistic, political party, religious, and other identity-based diversities in representation on elective and other public political offices and in public institutions.
3. Separation of powers, to enable the judiciary and legislature in particular play their respective oversight and investigatory roles more effectively.
4. Devolution of political power to multiple centers on the basis of the principle of limited home rule, but informed by considerations of subsidiarity, usually supplemented by shared rule at the national level.
5. Reforming the party system as a democracy- and diversity-promoting mechanism to ensure competitive party and electoral politics, within and between the political parties
6. The establishment of horizontal, democracy-promoting governance institutions to serve, in effect, as a fourth branch of government to ensure accountability and transparency in public life, by making them insulated from the deployment of political influence.

Source: Summarized from L. Adele Jinadu, “Building Effective Democratic Institutions in Africa,” paper presented at the APRM Tenth Anniversary Colloquium, Addis Ababa, May 2013

Box II provides the AGA focus areas, which significantly bear similarity with the APRM governance architecture in **Box I**

Box II: AFRICAN GOVERNANCE ARCHITECTURE (AGA) FOCUS AREAS

AFRICAN GOVERNANCE ARCHITECTURE (AGA) AREAS OF FOCUS

1. Coordination , Synergy & Cooperation

Coordinate efforts and ensure synergy between various initiatives aimed at deepening a culture of democratic governance, respect of human rights.

2. State Reporting

Coordinating evaluation of and reporting on implementation and compliance with AU norms on governance and democracy.

3. Knowledge Management

Fostering dialogue and sharing comparable lessons as well as generate and contribute to knowledge on trends, challenges, opportunities and prospects for improving governance and democracy in Africa.

4. Citizen Engagement

Enhancing citizens' engagement on issues of democracy, governance, human rights and humanitarian affairs as a way to realize a people-centered Africa.

5. AGA-APSA Synergy

The AGA architecture complements its sister architecture, APSA—for without a situation of peace much of the efforts to establish democratic governance are moot-and vice versa. AGA thus seeks to facilitate joint engagement and deepen its coordination with APSA. Particular areas of convergence include areas of preventive diplomacy, conflict prevention and post-conflict as well as reconstruction and development.

Source: aga-platform.org/what-we-do

Framed in this way, my argument is also that the APRM approach is preferable in the medium- to long-term, although complementary in the short-term, to the “unbridled militarization” or “law and order” approach towards questions of peace and security in Africa. It is an approach, which unlike the APRM’s, tends to neglect, or isolate violent political conflicts in Africa from their underlying causative material and historical roots, while immersing the African state, even in the post-cold war era, as a proxy for the world’s “imperial powers,” in the pursuit and prosecution of their global security and political objectives. The advantage of the APRM approach is that its

policy framework is anchored on providing and firmly securing the durable cultural, economic, normative and political environment to nurture, strengthen, and ensure sustainable African ownership of the intertwined democracy and development process.

In short, I argue that the APRM approach provides an applied theoretical policy framework on which to build and lay durable human security foundations for the emergent African Governance Architecture (AGA) and the African Peace and Security Architecture (APSA).² Indeed, AGA and APSA both draw from, and reflect the same doctrinal or normative sources of the APRM, in their concern with nurturing and strengthening a culture of human security in the African state.

Drawing on the unfolding contours of AGA and the APSA, I argue, in what follows, that the APRM evinces the potential of evolving into a refreshing instrument, which can and ought to be used more consciously to strengthen both architectures. This is because, like the APRM, AGA and APSA, as Matlosa [2014] points out, “are supposed to address the structural root causes of crisis and conflict in Africa. It is only when democratic and participatory governance is institutionalized and peace and political stability prevail that Africa stands a better chance for sustainable human development and prosperity for all its citizens.” This is why the APRM requires engagement by African peace researchers, who have tended to overlook its relevance, as uniquely an African home-grown human security approach for laying durable foundations for peace and security in the African state.

What gave rise to the APRM? What is the nature of the APRM approach to African peace and security governance, and what its relevance to AGA and APSA?

² APSA is designed around structures and institutions outlined in the Peace and Security Council Protocol [2002], whose main building block is the Peace and Security Council (PSC), with the following structures, among others: the Commission; the Panel of the Wise; the Continental Early Warning System; the African Standby Force; and the Peace Fund. But the Protocol provides for relationships between the PSC and the AU and its organs, notably the Pan-African Parliament and the African Commission on Human and Peoples’ Rights, and other stakeholders such as the Regional Economic Communities (RECs)/Regional Mechanisms for ² Conflict Prevention, Management and Resolution (RMs), African civil society organizations, the United Nations, and “other relevant international stakeholders.” See also, www.peaceau.org

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III

CONTEXTUALIZING ESTABLISHMENT OF APRM

The establishment in 2003 of the APRM grew out of long-drawn out popular struggles and pro-democracy agitations in the 1970s and 1990s in Africa against authoritarian (military/one party/single-party dominant) rule on the continent and the imperative to address the consequential crisis of democracy and development that engulfed the African state. The crisis was complex, multifaceted and historically deep-rooted. It was typically accentuated by the massive structural problem of the deepening, and deplorable material condition of the African state and its peoples. It also assumed the form of violently decimating combination of identity-based, resource-driven, and political succession-based political conflicts. In many cases these violent conflicts were triggered by, or were defensive reactions against militarized/law and order responses by public authorities and the state to demands for political reform that served to aggravate the underlying causes of the crisis.

The APRM, which, under the MOU establishing it is subject, to review every five years, is one of several interconnected Pan-African and Afrocentric initiatives, anchored on the common interests and shared values of African countries and peoples, spawned out of the struggles and agitations of African peoples. Their major objective is the design of a new people-centered architecture of democratic governance and a sustainable development agenda. This underscores a shift from a posture of “non-interference,” albeit pursued in the form of “quiet diplomacy” and peer-pressure, in violent intra-state conflicts by African regional and continental organizations. The new architecture, anchored on “non-indifference,” has typically taken the form of the establishment of quasi-supranational regional and continental institutions, such as the regional and continental courts, and various intergovernmental arrangements to help resolve intra- and inter-state conflicts in Africa, and, in many cases, serve as external African accountability mechanisms to reinforce domestic ones.

The nature of the APRM approach to African peace and security governance

The APRM conceptualizes good governance and development as a seamless connection between democratic political processes (governance or “soft infrastructures”) and development (socio-economic arrangements, including “social and physical infrastructures”), which are designed to protect and promote the freedoms and socio-economic and cultural rights of citizens. It seeks to advance human security through broad-based, state-led allocation and distribution of social surplus.

There are four types of review: (a) a base or “first country review” review; (b) a periodic review, after every two to four years of the base review; (c) a review, not part of the periodic reviews, at the request of a member state, “for its own reasons”; and (d) a review “called for by participating Heads of State and Government in a spirit of helpfulness to the Government concerned,” because of and to address “early signs of impending political or economic crisis in a member country.”³

Table I summarizes the stages of the APRM country review process.

TABLE I: STAGES OF THE APRM

STAGE	ACTIVITY
One	Study of political, economic and corporate governance, and the development environment of country to be reviewed.
Two	Country Review Team (CRT) of independent African consultants selected by APRM Secretariat visits country to be reviewed, as part of a Country Review Mission (CRM) to carry out the widest possible range of consultations with state and non-state stakeholders, including the private sector, across the country, at national and regional/sub-national levels. ⁴

³ NEPAD Secretariat, *African Peer Review Mechanism (APRM) Base Document*, NEPAD/HSGIC/03-2003/APRM/MOU/Annex 2, June 2002

⁴ In Sierra Leone, for example, the Country Review Mission (CRM) met with representatives of government, civil society and the private sector from 21 May to 6 June, 2011, holding meetings with all levels of government, representatives of state institutions, with the legislative and judicial branches, and in all four regions of the country, including Freetown and the regional capitals Kenema (East), Bo (South), and Makeni (North). Moreover, the CRM met three times with the President of Sierra Leone. [summarized from, APRM, *APRM Country Review No. 15, Republic of Sierra Leone*, January 2012, pp.44-45

Three	Preparation of the Country Review Report (CRR), including the National Programme of Action by the CRT, against the applicable political, economic and corporate governance commitments made by the country's government.
Four	Submission of CRR to the APRM Forum, comprising the Heads of State and Government of the APRM member states, through the APRM (continental) Secretariat for their consideration, adoption and decisions.

Source: Abstracted from the *APRM Base Document*.

The APRM country reviews, which are conducted by independent African consultants, “must be technically competent, credible and free of political manipulation,” while the review process is carried out in four stages, with funding based on the “assessed contributions from participating member states.”⁵

Table II provides a list of the 36 APRM member states, with indications of when they acceded to the APRM MOU, and the status of the APRM process in each member state in July 2017. The table shows that, of the 36 member-states, 20 have undergone the base review.

TABLE II: STATUS OF THE APRM PROCESS IN PARTICIPATING MEMBER STATES AS OF JULY 2017

	APRM Member States	Date of accession	Date of peer review	Progress Reports on Implementation of the NPOA
1	Ghana	9 March 2003	19 June 2005	28 Jan 2006 30 Jan 2008 31 Jan 2009 Tabled July 2012 (but no discussion) Tabled May 2013 (but no discussion)
2	Rwanda	9 March 2003	19 June 2005	28 Jan 2006 30 Jan 2008 31 Jan 2009
3	Kenya	9 March 2003	30 June 2006	31 Jan 2009

⁵ *APRM Base Document*.

			28 Jan 2017	
4	South Africa	9 March 2003	1 July 2007	31 Jan 2009 29 Jan 2011 29 Jan 2014
5	Algeria	9 March 2003	1 July 2007	31 Jan 2009 July 2012
6	Benin	31 March 2004	30 Jan 2008	31 Jan 2009 30 June 2011
7	Uganda	9 March 2003	30 June 2008	30 Jan 2010 14 July 2012 July 2015
8	Nigeria	9 March 2003	25 Oct 2008	29 Jan 2011
9	Burkina Faso	9 March 2003	25 Oct 2008	30 Jan 2010 30 June 2011 14 July 2012
10	Mali	28 May 2003	30 June 2009	No progress report
11	Mozambique	9 March 2004	30 June 2009	29 Jan 14 26 August 16
12	Lesotho	8 July 2004	30 June 2009	29 Jan 2011
13	Mauritius	9 March 2003	24 July 2010	No Progress Report
14	Ethiopia	9 March 2003	29 Jan 2011	No Progress Report
15	Sierra Leone	8 July 2004	30 Jan 2012	
16	Zambia	22 January 2006	26 Jan 2013	

17	Tanzania	26 May 2004	26 Jan 2013	No progress
18	Djibouti	1 st July 2007	28 January 2017	
19	Chad	26 January 2013	28 January 2017	
20	Senegal	9 March 2004	28 January 2017	
21	Cote d'Ivoire	January 2015		
22	Gabon	14 March 2003		
23	Congo (Republic)	9 March 2003		
24	Angola	8 July 2004		
25	Cameroon	3 April 2003		
26	Egypt	9 March 2004		
27	Malawi	8 July 2004		
28	Mauritania	30 January 2008		
29	Sao Tome and Principe	28 January APRM 2007		
30	Sudan	22 January 2006		
31	Togo	29 June 2008		
32	Liberia	29 January 2011		
33	Niger	14 July 2012		
34	Tunisia	26 Jan 2013		
35	Equatorial Guinea	29 Jan 2014		
36	Namibia	28 Jan 2017		

Source: APRM Secretariat, *Status of the APRM Process in Participating Member States, As of July 2017*, Midrand, S. Africa: APRM Secretariat, October 2017

The four interlocking thematic areas of the APRM (*democracy and political governance; economic management and governance; corporate governance; and socioeconomic development*) are guided by standards and codes defining the principles of democratic governance and development, which APRM member states have acceded or are expected not only to accede to but also to ratify and implement.

The standards and code, some of which are listed in Table III, include most of the ones that constitute the building blocks of AGA.

TABLE III: SELECT APRM STANDARDS AND CODES

STANDARDS & CODES THAT NEED SIGNING AND/OR RATIFICATION	STANDARDS THAT DO NOT NEED RATIFICATION
1. Charter of the United Nations (1945).	1. The Constitutive Act of the African Union (2000)
2 Universal Declaration of the Human Rights	2. New Partnership for Africa's Development –Framework Document (2001)
3. International Convention on Civil, Social and Cultural Rights	3., Protocol to the AU Constitutive Act on the Statute of the African Court of Justice and Human Rights (2008)
4. Convention on Political Rights of Women (1952)	4. Protocol Relating to the Establishment of the Peace and Security Council of the AU (2002)
5. Convention on the Elimination of All Forms of Discrimination Against Women (1979)	5. Grand Bay (Mauritius) Declaration And Plan of Action for the Promotion and Protection of Human Rights (1999)
6. Convention on the Rights of the Child (1989)	6. Declaration on Principles Governing Democratic Elections in Africa (2002)
7. Optional Protocol to the Convention on the Rights of the Child on the Involvement Children in Armed Conflict (2000)	7. NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2003)
8. Convention Relating to the Status of Refugees (1951)	8. Resolution on Women in Conflict (2000)
9. The African Charter on Human and Peoples Rights (1981)	9. Declaration on Elimination of All Forms of Violence and of Discrimination Based on Religion or Belief (2010)
10. African Charter on the Rights and Welfare of the Child (1990)	10. African Platform on the Right to education (1999)
11. OAU Refugee Convention (11. Cairo Declaration of the Assembly of Heads of State on the Establishment within

	the OAU of a Mechanism for Conflict Prevention, Management and Resolution (1993)
12. Protocol to the AU Convention on the Prevention and Combatting of Terrorism (12. Declaration on Rights of Persons belonging to national or Ethnic , Religious and Linguistic Minorities (1992)
13. African Union Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention (2009)	13. Declaration of Principles on Freedom of Expression in Africa (2002)
14, Protocol Relating to the Rights of Refugees (1967	14. Memorandum of Understanding: Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) (2002)
15. Charter on the Public Service in Africa (2001)	15. African Union Non-Aggression and Common Defence Pact (2005)
16. African Youth Charter (2006)	16. Declaration on the Elimination of Violence Against Women (1993)
17. African Charter for Popular Participation in Development and Transformation (1990)	17. Declaration on Framework for an OAU Response to Unconstitutional Changes of Governments (2002)
18.	18. Cairo Declaration of the Assembly of Heads of State on the Establishment, within the OAU, of a Mechanism for Conflict Prevention, Management and Resolution (1993)
	19. Solemn Declaration on Gender Equality in Africa (2004)

While, as pointed out earlier on, the combination of the thematic areas of economic governance and management, corporate governance, and socioeconomic development, on the one hand,

outlines the policy framework and environment for achieving human security, the democracy and political governance theme elaborates the judicial, legislative and political environment to facilitate the pursuit of socio-economic policies for sustainable human security.

The APRM country and continental processes are designed and structured to promote and strengthen a domestic political culture of inclusive and participatory engagement by various stakeholders in public affairs.⁶ The processes are also fashioned to nurture and strengthen external African accountability mechanisms, and to provide a framework for monitoring and assessing compliance of APRM member states with the standards and codes, under each thematic group. The major deliverables of the processes are the country self-assessment reports, and the country review reports, incorporating national programmes of action, which provide a framework for monitoring and evaluating the major recommendations in the country review report for improved governance under each thematic area.

The APRM's substantive thematic focus and participatory methodology set it apart, from other governance assessment tools in its emphasis on citizens' inclusion and participation in the assessment and validation exercises. Thus, it turns the searchlight on "increasing the demand-side pressures...that would lead to a gradual increase of in rules-based governance, transparency, and accountability," in APRM member states.[Busia, 2010:14] This is due to what the APRM methodology brings about through (i) the judicious mix of qualitative- and quantitative-generated data and information; (ii) the combination of context-specific and universal indicators; (iii) the deliberate and self-conscious use of international standards and codes as assessment indicators and benchmarks; (iv) the extent and the diversity of the "national voices" involved in the country review process; (v) focusing more on processes and institutions than on outcomes.

Thus, the value-added that the APRM brings to the governance and development debate in Africa is broadly two-fold. First, it is framed within the ambit of the challenges of contemporary globalization for Africa, notably (i) the new scramble for Africa; (ii) the new multilateralism; (iii) the increasing high profile role of non-state actors in domestic and international politics; (iv) the ethno-nationalist resurgence and religious sectarianism, and their challenge to the (neo)liberal

⁶ For national processes of the APRM, see Open Society Initiative for Southern Africa, *The African Peer Review Mechanism: A compilation of the process in nine African countries*, Johannesburg: Open Society Initiative for Southern Africa, 2010

as well as to the welfare and the socialist/Marxist state; and (v)the intertwined link between sustainable development, security, new modes of democratic governance and state capacity in Africa.

Furthermore, the APRM has provided (a) early warning signals of impending governance and development crises, such as in pointing to the premonitions of looming crises of xenophobic attacks on foreign African nationals in South Africa and violent ethno-political related post-election conflicts in Kenya, emerging out of findings of the country review missions to both countries; (b) data-based recommendations of policy options to avert or address such crises and related governance issues; and (c) a reinforcing external African system of accountability mechanism, notably at the level of the APRM continental structures and processes (the Committee of Focal Points, the Panel of Eminent Persons, the Country Review Mission and the Forum of Heads of State and Government).

Secondly, as a specific item on the agenda of national political debate on democracy and development in Africa, the APRM approach helps to turn the searchlight on the joint, seamless responsibility of state and non-state actors to evaluate and monitor the domestication and faithful implementation of African and international standards and codes, to which APRM countries have acceded, resulting in country-self assessment report, and a Country Review Report (CRR), including a national programme of action; (b) recommending policy options to avert or address such crisis; and (c) providing a reinforcing external system of accountability mechanism, notably at the level of the APRM continental structures and processes (the Committee of Focal Points, the Panel of Eminent Persons, the Country Review Mission and the Forum of Heads of State and Government).

IV

EXPLORING TRENDS FROM APRM PROCESSES

What trends in governance and development have emerged, and with what implications for peace and security, from the constitutional and political architecture in APRM countries, as revealed by the findings and recommendations in the APRM Country Review Reports of peer-reviewed countries? The answer to the question, based on the findings under some of the objectives of the democracy and political governance and the socioeconomic development thematic areas of the

APRM, will indicate the extent to which the architecture is providing the facilitative governance environment for nurturing and strengthening peace and security in Africa.

In what follows, the answer is sought under the following issues emerging from the findings.

Democracy and political governance: political succession and competitive electoral politics; intra-state conflict management; separation of powers; political devolution; and horizontal institutions of governance.

Socioeconomic development: eradication of poverty and hunger; and promotion of gender equality and empowerment of women.

Presidential Term Limits and Electoral Competition

APRM country review reports show that presidential term limits have generally been respected. But the reports also show that much more than constitutional provisions for presidential term limits are required, for example, to strengthen competitive and credible elections as a positive and preferable mechanism for managing diversity and conflict attenuation.” Several APRM country review reports, in drawing attention to the dangers of fragile material, institutional, and cultural base of democracy and development in peer-reviewed countries, recommend measures to (i) nurture and sustain of a democratic political culture and democratic institutions; and (ii) provide the material and social anchors to enhance state capacity and citizen commitment to the state.

Electoral Representation & Diversity

The objective of preventing the stalemate and acrimony often associated with close presidential elections, owing mainly to the winner-take-all implications of the elections and the plenitude of powers of the president, especially regarding patronage disbursement and political appointments, has given rise to power-sharing and related consociational arrangements to manage diversity in a number of APRM. One suggested form of such arrangements is the prescription of a per cent of ministerial and other public and political appointive positions to political parties that cross a minimum threshold of the validly cast votes in presidential and national parliamentary elections.

Redesigning the constitutional architecture of the African state in this way has featured in (i) ongoing constitutional reform debate in Ghana; (ii) the recommendation in the African Peer Review

Mechanism (APRM) Uganda Country Review Report that the country should “review the current First-Past-The-Post electoral model with a view to injecting the element of proportionality into the ...model as part of broadening representation in governance and managing diversity and reintegration on a national scale”; and (iii) the recommendation of Nigeria’s Electoral Review Committee, rejected by the federal government, that “political parties that secure at least 25 per cent of national assembly seats during general elections should be considered for cabinet level appointments.”

form of Electoral System-Representation of Women and other Marginalized Groups: The reform of the electoral system and internal political party nomination processes for elective party and public political office, particularly to promote diversity through affirmative action-type policies to favor women in the legislature and in public, including public political appointments, is another pillar of the recent constitutional and political architecture of many African countries. In the following APRM countries, Burkina Faso, Kenya, Rwanda, Senegal, Tanzania, and Uganda, there are constitutional provisions for quotas (reservations) for women in their national parliaments. In the Sudan and Tanzania, the electoral laws provide parliamentary quotas for women, while in Cote D’Ivoire, Malawi, Mozambique, and South Africa, internal party political regulations by some parties (in Cote D’Ivoire, the Ivorian Public Front; Malawi, the United Democratic Front; Mozambique, the Frelimo; and South Africa, the ANC.) require them to nominate a per cent of women candidates for parliamentary elections..

Consociational (Affirmative Action and Power-sharing) Arrangements and Diversity:

The concern with the stalemate and acrimony often associated with close presidential elections, owing mainly to the winner-take-all implications of the elections and the plenitude of presidential powers of the African power to disburse patronage and make a vast range of public and political appointments, has given rise to power-sharing arrangements to manage diversity in a number of African countries. One form of such arrangements is the prescription of a per cent of ministerial and other public and political appointive positions to political parties that cross a minimum threshold of the validly cast votes in presidential and national parliamentary elections.

Renegotiating the constitutional architecture of the African state in this way has featured in (i) on-going constitutional reform debate in Ghana; (ii) the recommendation in the African Peer Review Mechanism (APRM) Uganda Country Review Report that the country should “review the current

First-Past-The-Post electoral model with a view to injecting the element of proportionality into the ...model as part of broadening representation in governance and managing diversity and reintegration on a national scale”; and (iii) the recommendation of Nigeria’s Electoral Review Committee that “political parties that secure at least 25 per cent of national assembly seats during general elections should be considered for cabinet level appointments.”

Intra-State Conflict Management

The democratic management of diversity, which constitutional provisions political succession are intended to ensure, is also viewed as a conflict prevention and management mechanism, set against the context of the experience of peer-reviewed countries, especially post-conflict ones or those with a history of violent ethno-regional, religious, racial, and party and electoral political conflicts. In some of them, such as Nigeria, Sierra Leone and South Africa, truth and reconciliation commissions were established as part of efforts to lay the ghost of the sad experience. **Box III** contain excerpts from the country review reports of three peer-reviewed countries on findings and recommendations on the management of intra-state conflicts in Ethiopia, Sierra Leone and South Africa.

Box III: EXCERPTS FROM APRM FINDINGS & RECOMMENDATIONS ON INTRA-STATE CONFLICTS IN SOME APRM PEER MEMBER STATES

ETHIOPIA

...Whilst the creation of regional states within Ethiopian Federation has enhanced the political, social, and cultural standing of nations, nationalities and ethnic groups within the federation, it seemed to have also sharpened differences between indigenous and non-indigenous ethnic groups and within and between regional states. Some of these differences have escalated into violent conflicts. Moreover the potential for conflict is entrenched in the federal system of government. How Ethiopia conforms to international norms and codes, as well as how it develops institutions and processes for the prevention, management and transformation of internal conflicts and with its neighbours, will enable it to effectively consolidate and sustain its system of democratic governance and self-reliant development...

To this end the CRM [Country Review Mission] believes that the various national and regional state conflict management institutions need to be strengthened. Critical among these are the

House of the Federation, the Ministry of Federal Affairs...In order to strengthen some of the institutions that are important for conflict management and transformation, new structures and approaches are required. Critical among these are joint-border commissions and local governance institutions in cross border area. [African Peer Review Mechanism, *Country Review Report, Federal Republic of Ethiopia*, 2011 Pp73-74, paragraphs 116 and 118]

SIERRA LEONE

. ...It is noteworthy that the post-conflict cultural, economic and political environment of democracy and political governance in the country has improved significantly. However, there are some potential residual premonitions, carry-over from the country's civil war years that continue to threaten peace and development in the country. The premonitions include (i) a high poverty rate; (ii) youth unemployment; (iii) mutual distrust between the two major parties that have alternated in power since independence, the All People's Congress (APC), and the Sierra Leone People's Party (SLPP); (iv) electoral violence; and (v) perceived ethno-regional imbalance and alleged arbitrariness in the exercise of the presidential power of appointment. [African Peer Review Mechanism, *APRM Country Review Report No. 15, Republic of Sierra Leone*, 2012p. 7 paragraph xxvii]

SOUTH AFRICA

Internally, South Africa has competently managed potential conflicts since the end of apartheid in 1994 through a spirit of reconciliation and accommodation cultivated in the governance system and civil society. However, deeply entrenched socio-economic inequalities, coupled with competition among the citizenry for state resources, constitute potential sources of social conflict. Also the issue of ex-combatants who have sunk into poverty needs to be addressed as the social and security implications of this situation cannot be overemphasized. Access to land possession and usage also remains a potential explosive issue in South Africa. [p.6, paragraph 3.10]

3. South Africa also faces the major problem of vulnerable people such as refugees, displaced and undocumented persons. Xenophobic tendencies towards these groups prevail despite the fact that the country has signed and ratified relevant regional conventions. [African Peer Review Mechanism, *Country Review Report No. 5: Republic of South Africa*, 2007, p.8, paragraph 3.21]

Separation of Powers

Separation of powers, modified by a system of checks and balances, is another pillar of recent constitutional and political architecture of the African state. The principle underlying it is accountability through a system combining some separation and some fusion of powers and functions among the branches of government to prevent or check abuse or arbitrariness in the exercise of its powers and functions by any of the branches. In other words, the system is designed to recalibrate so as to rebalance the power relationship between the three branches of government in the African state, away from the concentration of powers in the executive branch that occurred during the years of authoritarian rule.

Expected to bring about a diversity of power centres in the governmental process, separation of powers has had mixed results in Africa; so much so that reference continues to be made to the “imperial” or “monarchical” presidency, to underscore its fragility as a pillar in the African political architectures. APRM country review reports from peer reviewed countries also generally underscore this development as a major source of concern for building effective democratic institutions in the countries.

The reasons for this state of affairs are not too far-fetched. In the case of the legislature, the general trend in several African countries is that historically deep-rooted debilitating capacity and resource deficits, which are due partly to long years of the dissolution, neglect, proscription or suspension of legislatures, as the case may be, under authoritarian rule, persist and continue to impair the effectiveness of African parliaments in exercising their powers and functions, particularly their oversight and investigatory ones. As Prempeh [2008:114] has observed, “Africa’s legislatures are on the shadows of executive hegemony...A combination of path dependency, legislative abdication and constitutional design accounts for this state of affairs.” One such constitutional design is the enormous power of presidential appointments and patronage disposal, which African presidents have learnt to use to strengthen the presidency, in spite of countervailing constitutional

powers of appropriation, investigation, oversight, confirmation and impeachment vested in parliaments in many African countries.

However, in Ghana, Kenya, Nigeria, Senegal, South Africa, Tanzania and Zambia, national parliaments have exercised their considerable powers to subject executive action to scrutiny and as strategic bargaining ploys to put the executive in check. What the experience of these peer-reviewed countries show is that there is an ebb and flow in the exercise of the legislative powers, especially in their relations with the executive branch. Moreover, separation of powers has made it more difficult for presidents to dissolve or suspend parliaments except during periods of emergency rule, and in such cases under constitutionally entrenched provisions, requiring legislative action.

As for the judiciary, strengthening its independence to make it an effective democratic institution under separation of powers has involved entrenched constitutional provisions, subject to checks and balances, that (i) largely vest the judicial powers and functions, including judicial review of the action of the other branches of government, in the judiciary; (ii) grant corresponding fiscal autonomy to the judiciary, usually as a first charge on consolidated revenue funds, to enable it exercise its powers and perform its functions under the constitution; (iii) guarantee the independence of judicial appointments, through the establishment of independent judicial service commissions or judicial councils to vet and process such appointments; and (iv) ensure the security of tenure of judges until retirement age, by making it difficult to remove them except for cause, and subject to the concurrence of the legislature in many countries.

If this is the typical constitutional arrangement, its actual practice and dynamics vary from country to country. As a result, one can talk, as in the case of the legislature, of the ebb and flow of judicial independence on the continent, and in the ability of the judiciary to (i) resist encroachments on its powers by the other branches of government; (ii) dispense justice fairly; (iii) provide easy access to justice by all; and (iv) protect and provide redress for assault on diversity by the other branches of government and other groups or forces in state and society.

Compared with the executive, the judiciary in several African countries suffers, like the legislature, from resource and capacity problems, especially at the level of the lower courts, that by and large

impair its independence and that also threaten access to, and the speedy delivery of justice. In the case of South Africa, for example, the country's *APRM Country Review Report* [APRM, 2007:101] found that, despite record of the independence of the country's judiciary, "capacity constraints at lower courts and the police could threaten the delivery of justice to communities," in the country.

Centralization, Devolution or Decentralization

Political devolution remains problematic in practice in APRM member states. Devolved sub-national units of government are typically still under the stranglehold of the central government. The APRM Country Review Reports of countries ranging from Algeria, Benin Republic, Ghana, Kenya, and Rwanda provide detailed illustrations of how the rhetoric of political devolution has progressively given way to a process of recentralization of power, with devolved authorities no more in practice than "appendages" of the central government, which has "invasive" powers of political, administrative and financial control over them.

In Ethiopia and Nigeria, where ethnic federalism divides sovereignty between federal and regional or state governments, a recurring challenge remains how to arrest the trend towards centralized federalism, with implications of diminishing its effectiveness as a conflict prevention mechanism for managing ethno-regional and other forms of diversity in both countries. In Tanzania, questions have recurred since the founding Acts of Union of the United Republic of Tanzania and the enactment of the 1977 Constitution of the United Republic, over the extent and limits of the division of legislative competences between the United Republic and Tanzania Zanzibar, and over the asymmetric constitutional position of Mainland Tanzania. Indeed in these federal countries, a top-down approach to governance as well as constitutional, fiscal and political asymmetries, between the federal government and regional/state governments and among regional/state governments, continues to severely diminish federalism as a mechanism for managing diversity. At present, there is a process of constitutional reform process to renegotiate the state of federalism in Nigeria and Tanzania.

In both the unitary and federal African state, therefore, the tendency and trend towards political centralization or recentralization continues to provoke public policy debate about arresting and obviating the tendency and reversing the trend.

Reforming the Party System

Reforming the party system is another pillar of the new constitutional and political architecture of the African state. It is designed to strengthen the party system as a mechanism for building effective democratic institutions and for preventing or mitigating violent political and electoral conflict.

Yet, the party reform in peer-reviewed countries has generally fallen below reform expectations by significantly (i) lacking in internal democracy; (ii) failing to reflect and promote diversity. What the APRM Country Review Report of Uganda identified as deficits in the country's party system can be applied with equal force to many other African countries: that the deficits are due to the fact that the country's political parties (i) have failed to extend their presence beyond urban areas; (ii) do not have ideological distinctiveness; (iii) lack internal democratic culture; and (iv) are deficient in adequate resources to carry out their mandate.

Party reform has remained problematic because electoral management bodies have typically lacked (i) either the resource and capacity; or (ii) the political will; or (iii) the prosecutorial powers to enforce their regulatory and oversight powers over political parties, relying in most cases on moral suasion; or (iv) find themselves embedded in the political thicket...

Horizontal Democracy-Promoting Institutions

The extent of the independence of horizontal democracy-promotion institutions, established as a virtual fourth branch of government, in most APRM member states varies from country to country and is due to (i) the modality for enabling and disabling their members; (ii) their sources of finance; (iii) the support they receive from critical civil society groups and other stakeholders; (iv) the character of their leadership; and (v) the political will of the national leadership to keep faith with the spirit anchoring the establishment of the institutions. In the case of the political will of the national leadership, one may compare the damage done by the presidential pardon in Nigeria to a governor convicted of corruption to the positive signal of the determination to wage an aggressive anti-corruption by the action of the president of Tanzania in 2012 in sacking a number of ministers implicated in or found guilty of corruption.

Table IV provides a sample listing of such institutions in Algeria, Benin Republic, Ethiopia, Ghana, Kenya, Rwanda, Senegal and South Africa.

Table IV: Horizontal Democracy-Promotion Institutions in Selected African Country

COUNTRY	HORIZONTAL INSTITUTIONS OF GOVERNANCE
1. Algeria	<ul style="list-style-type: none"> i) Algerian Human Rights Commission ii) National Body for Preventing & Combating Corruption; iii) National Commission on Governance
2. Republic of Benin	<ul style="list-style-type: none"> i) Independent National Electoral Commission ii) National Organization Front for the Fight Against Corruption iii) The Benin Commission for Human Rights
3. Ethiopia	<ul style="list-style-type: none"> i) Human Rights Commission ii) National Electoral Board of Ethiopia iii) The Federal Ethics and Anti-Corruption Commission
4. Ghana	<ul style="list-style-type: none"> i) Commission for Human Rights and Administrative Justice ii) National Commission for Civic Education iii) National Electoral Commission
5. Kenya	<ul style="list-style-type: none"> i) Kenya Anti-Corruption Commission ii) Kenya National Human Rights and Equality Commission iii) Independent Electoral & Boundaries Commission
6. Rwanda	<ul style="list-style-type: none"> i) Ombudsman

	<ul style="list-style-type: none"> ii) Electoral Commission iii) National Human Rights Commission
7. Senegal	<ul style="list-style-type: none"> i) Commission Nationale de Lutte Contre la non Transparence, la Corruption et la Concussion ii) Médiateur de la République
8. South Africa	<ul style="list-style-type: none"> i) The South African Human Rights Commission ii) Commission for the Protection of the Rights of Cultural, Religious and Linguistic Communities iii) The Independent Electoral Commission

Source: National Constitutions and APRM Country Review Reports.

Some of the institutions are falteringly making an impact in some of the countries. The electoral management bodies in Benin Republic, Cape Verde, Ghana, Sierra Leone and South Africa have been able to engendering public confidence in their ability to conduct credible elections. The Federal Ethics and Anti-Corruption Commission in Ethiopia, the Serious Fraud Office in Ghana, and the Directorate of Special Operations in South Africa have made significant progress in waging the anti-corruption war in their countries. The Sierra Leone, anti-corruption commission has been given prosecutorial powers to strengthen its independence, especially from executive branch ministries and departments, such as the Ministry of Justice, the Solicitor-General, the Director of Public Prosecutions, and the Police. In other countries, such as Ghana, Kenya, Nigeria, and Sierra Leone, anti-corruption commissions have secured conviction of high profile public officers, including Ministers, and businessmen and businesswomen. In countries such as Kenya, Nigeria and Sierra Leone, it is an indication of the positive difference anti-corruption bodies were making that their chairpersons were either removed, had to resign for fear for their safety and security of their persons, or were subject to sponsored scurrilous attacks in parliament and the mass media.

However, the horizontal institutions are still fragile and typically are constrained in the effective performance of their statutory mandates by cultural, human resource, financial, and logistic capacity problems... Another constraint to their operations results from weaknesses and ambiguities in the statutes establishing them, and their overlapping functions among themselves and with other public institutions and agencies; such as the overlap between the Independent Corrupt Practices Commission and the Economic and Financial Crime Commission (EFCC) in Nigeria.

Socio-economic rights

APRM country review reports contain findings and recommendations on the achievements of reviewed countries in meeting objectives set out under the socio-economic thematic area of socio-economic development. The objectives include eradication of poverty and hunger, introduction of universal basic education, improvement in maternal health, effective action to combat HIV/AIDS and Malaria and other serious preventable diseases. Set against, for example, against the achievement of the Millennium Development Goals (MDGs), some of the findings indicate that the considerable progress towards achieving the MDGs might not be enough to enable them meet the 2015 targets of many of the goals. The performance between and within countries in this respect differs, owing to differential impact of political, cultural and structural forces and factors at work in each country.

The Algeria country review report finds that the country would achieve two goals by 2015---Goal One, reducing extreme poverty, and Goal Two---providing primary education for all. The Sierra Leone country review report, however, suggests that the country would fall short of achieving the two goals by 2015. In the case of Kenya, the country review report concludes that, though on the way to achieving MDG Two---providing primary education for all by 2015, the country's poverty alleviation initiatives might not.

V

CONCLUSION AND RECOMMENDATIONS

Conclusion

Constitutional and political reform in several African countries since the mid-1970s has brought about remarkable progress in the governance architecture of the African state, notably in respect of progress towards nurturing a culture of limited government and the democratic management of diversity to create the conducive governance environment within which to pursue the broader objective of peace and security in Africa and globally.

The path, including its trajectories, towards achieving and sustaining the objective is necessarily tortuous and “shark infested,” in view of what Guillermo O’Donnell (2007) characterizes as the “perpetual crises of democracy.” The obstacles along the path, deep-rooted in the colonial and post-colonial inheritance of the African state, and the over-powering impact of globalization as a historical process integrating Africa into the external world, are like “dangerous reefs,” requiring deft navigational instruments and determined political will by transformative leadership. If the navigational instruments have been constituted by the unfolding political architecture, the political will to demonstrate transformative leadership in state and society to navigate the African state out of the dangerous reefs remains the challenge before the APRM and its member states that is coming out of the APRM country review reports.

Indeed, as country review report of every peer-reviewed continues to document and underscore, there **cross-cutting or overarching issues** that recur across peer-reviewed countries, posing more as challenges than problems of nation-building and state-formation, and that require collective engagement at the domestic, African regional and continental as well as at the extra-African levels. Reinforcing the cross-cutting issues are also indications and identifications **of best/commendable practices**, thrown up by the country review process, as part of the shared learning objective of the APRM. The cross-cutting/overarching issues, each of which is typically elaborate in Chapter Seven of each report, range across the issues itemized in Box IV:

Box IV: OVERARCHING ISSUES IN APRM COUNTRY REVIEW REPORTS

OVERARCHING ISSUES
1. Capacity building.
2. Corruption.
3. Decentralization.
4. Gender Mainstreaming.

5. Land Reform.
6. Managing Diversity and Promoting Inclusion.
7. Poverty and Inequality.
8. Rapid Economic Growth.
9. [Youth] Unemployment.

While there are dangerous signposts that portend democratic reversals and therefore constitute “clear and present danger” to peace and security in the African state, it seems limited government is having a staying power and that reform measures entrenched in constitutions are taking on a life of their own as social forces, militating against and menacingly confronting what used to be business as usual in the past, in the form of coup d’états or life presidents. Unproblematic political succession and the allure of residual “imperial reflexes” by presidents remain a major problem but constitutional provision for not only separation of powers but also democracy-promoting (transparency and accountability) institutions, electoral integrity and the adjudication of election disputes, fragile or ineffectual as they may appear to be, are serving as mechanism to defuse the centrifugal portents, threatening to explode into violent political and social conflicts.

What this suggests is the need to continue to strengthen confidence-building institutions, such as the judiciary and the horizontal institutions of governance, such as electoral management bodies, human rights commissions, and anti-corruption commission, so that they become effective sentinels of democracy, development, peace and security, holding anti-democratic forces at bay.

Recommendations

The following recommendations for moving forward to build effective democratic institutions in Africa to secure peace and security in Africa are put forward

- (a) Re-invigorate recent Pan-African approaches to the nurture and sustainability of democracy and development, such as the APRM, AGA, and APSA, and create robust constituencies for them within African countries and at the regional and continental levels.
- (b) Popularize the report, especially the recommendations of the various APRM country review reports, including the National Programmes of Action, within APRM member states and in other African countries, with a view to integrating them into the national policy

debates, with the role of the APRM Forum as an external accountability mechanism strengthened in this respect.

- (c) Redesign democracy and democratic institutions in Africa to take account of the positive role of culture in strengthening the APRM, AGA and APSA as mechanisms for enhanced governance in the facilitative environment of peace and human security.
- (d) Ensure stronger role for the state in economic management and socio-economic development--promoting corporate social responsibility; subordinating economics to social/political agenda and promoting economic heterodoxy beyond neo-liberalism.
- (e) Enhance the capacity and effectiveness of the state through—retooling the state and ensuring that necessary human capacity is not tapped away from government.
- (f) Incorporate the vertical and horizontal participation of civil society organizations in the formulation, development, implementation, and monitoring of policies, programmes and strategies for sustainable development.

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