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## The ‘Kagame Reforms’ of the AU: Will they stick?

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# Abstract

At the 27<sup>th</sup> Ordinary Session of the AU Assembly of Heads of State in 2016, Rwanda's President Paul Kagame was entrusted with leading the institutional reform process of the AU. The decision to reform the organisation was a response to the seemingly perennial issues of an inefficient bureaucracy, lack of implementation, funding shortages, overlapping institutional mandates and political battles. These issues continue to hinder the AU's ability to promote peace and security, and socio-economic and political integration on the continent. As a result, 'The Imperative to Strengthen our Union: Report on the Proposed Recommendations for the Institutional Reform of the African Union', commonly known as the 'Kagame Report', was presented in 2017 as the blueprint for change at the organisation. The report was premised on creating a powerful commission and sustainable self-financing. It identified 19 recommendations (later expanded to 21) that covered six reform areas, namely: focusing on fewer priority areas, ensuring a clear division of labour between AU structures, making the AU Commission more efficient and effective, strengthening the current sanctions regime, improving decision-making and the implementation of resolutions after AU summits, and ensuring equitable regional representation and gender parity in the recruitment process. Drawing on a comprehensive literature review and interviews with key stakeholders, this paper aims to provide an objective assessment of the progress made, including on the implementation of the Kigali Financing Decision, the implementation of decisions, and the changing mandate of the African Peer Review Mechanism (APRM) and the New Partnership for Africa's Development (NEPAD). It begins by providing background on some of the challenges facing the AU and why previous attempts to reform the organisation have fallen short. This is followed by an analysis of the Kagame reforms, their achievements and the obstacles faced to date. Subsequently, the paper provides recommendations on how the reforms can be strengthened and consolidated to ensure that they do not suffer the same fate as previous attempts to reform the AU.

# Introduction

The point of African Unity has never been about rhetoric alone, but rather the practical need to work together to realise concrete improvements in the well-being and security of our citizens which would be unattainable working as individual entities. Nevertheless the unfortunate truth is that Africa today is ill-prepared to adequately respond to current events, because the African Union, despite its achievements, still has to be made fit for purpose.<sup>1</sup>

Inefficient bureaucracy, lack of implementation and inadequate funding were among some of the main issues on the table in July 2016, when the 27<sup>th</sup> Ordinary Session of the AU Assembly of Heads of State ‘determined that there was an urgent need to accelerate the ongoing reform of the African Union’.<sup>2</sup> The president of Rwanda, Paul Kagame, was tasked with preparing a report on the way forward.

Appointing Kagame to propose and drive a new set of reforms was intended to provide the necessary political clout behind mooted changes to the functioning of the continental organisation. Six months later, he presented ‘The Imperative to Strengthen our Union: Report on the Proposed Recommendations for the Institutional Reform of the African Union’ (the Kagame Report).<sup>3</sup>

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The schedule for the implementation of the Kagame Report spans three AU summits and targets the 32<sup>nd</sup> summit for completion of all decisions. This summit took place in February 2019. Prior to this, it was decided at the 31<sup>st</sup> AU summit to hold an Extraordinary Session of the Assembly on the AU institutional reform process. This session took place on 17-18 November 2018 in Addis Ababa.<sup>4</sup>

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1 Kagame P, ‘The Imperative to Strengthen our Union: Report on the Proposed Recommendations for the Institutional Reform of the African Union’, AU, 29 January 2017a, p. 3, <https://au.int/sites/default/files/pages/34915-file-report-20institutional20reform20of20the20au-2.pdf>, accessed 6 July 2018.

2 *Ibid.*

3 Some interviewees cautioned against using this term, as it tends to perpetuate the mindset of ‘big man’ politics and makes it more likely that the reforms will be sidelined by his successors. However, the reforms are widely referred to by this shorthand.

4 AU, ‘11<sup>th</sup> AU Extraordinary Summit’, November 2018, <https://au.int/summit/extraordinary/11>, accessed 5 July 2019.

In total, the Kagame Report identified 19 recommendations across six reform areas. These included: focusing on fewer priority areas, ensuring a clear division of labour between AU structures, making the AU Commission more effective and efficient, improving decision-making and implementation following AU summits, strengthening the current sanctions mechanism, addressing management and recruitment issues, and implementing the Kigali Financing Decision (the so-called ‘Kaberuka Plan’, discussed below). These 19 recommendations were expanded to 21 decision items in a subsequent July 2017 presentation by Kagame, entitled ‘Report on the Implementation of the Decision on the Institutional Reform of the African Union’. While the number of proposed reforms dropped as a result of negotiations and compromises between AU member states, there are no expectations of a final report on agreed reforms.<sup>5</sup>

Research for this paper was conducted between July 2018 and April 2019, with the intention of providing a timely, balanced assessment of progress made by the Kagame reforms, highlighting achievements and flagging areas of concern, and providing analysis on why previous reform attempts have failed and what needs to be done to avoid falling into this trap again. This paper also provides recommendations on how the Kagame reforms could be solidified and which interventions should be next on the agenda to improve the functioning of the AU.

It is important to note that this paper does not aim to address and analyse all decisions across the reform areas. Instead it focuses on two main aspects of the report:

- Progress made so far in the AU’s institutional reforms, specifically implementing the Kigali Financing Decision and ensuring the implementation of decisions.
- Changing mandates of two bodies:

The APRM, whose expanded mandate involves tracking implementation and overseeing monitoring and evaluation of [Agenda 2063](#) and the UN’s [Sustainable Development Goals](#). According to the Kagame Report, ‘The APRM could be strengthened to track implementation and oversee monitoring and evaluation in key governance areas of the continent.’

NEPAD, which the report recommends ‘should be fully integrated into the Commission, possibly as [the] African Union’s development agency, aligned with the agreed priority areas and underpinned by an enhanced results-monitoring framework’

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<sup>5</sup> Personal interview, senior governance expert at a pan-African Institution, Midrand, 29 November 2019.

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The methodology used for this research entailed an extensive literature review, supplemented with interviews with key stakeholders.

## Previous reform attempts

The AU has a fairly recent history. It grew out of the Organization of African Unity (OAU), launched on 25 May 1963, which had the primary goal of decolonising the continent. Among its other goals was promoting unity and solidarity among African states. After a lengthy reform process over several years, the AU was formally launched on 9 July 2002 in Durban, South Africa during the first session of its assembly.

Any organisation, especially one that has 55 member states, should continue to evolve to remain relevant. Yet while there have been at least three previous attempts to reform the AU, all were ultimately unsuccessful.

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The first was an audit review, requested by the AU Assembly of Heads of State and Government in the [Accra Declaration](#), in July 2007. It was conducted by a panel led by the late Prof. Adebayo Adedeji and contained concrete proposals, most of which were not that different from those being proposed in current reform efforts.

While not a comprehensive AU restructuring proposal, in 2013 Olusegun Obasanjo, the former president of Nigeria, came up with two ways to generate funding: a \$2 levy for tourists staying in a hotel in Africa and a \$10 levy on flight tickets to and from the continent. In 2015, another levy was suggested: a \$0.005 fee on SMSs.<sup>6</sup> Neither scheme was implemented. Given the prominence of Internet-based messenger services such as WhatsApp, Facebook Messenger and Telegram, it is doubtful that this would have raised the required funds anyway.

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6 *Ibid.*

The next attempt took place around the 2015 adoption of Agenda 2063, the AU's 50-year development vision, as it provided an opportunity to restructure the AU, its commission and other organs. The AU Commission led this effort and hired a consultancy firm, Bain and Company, to produce a report. Some of its recommendations, particularly a revision of staffing rules and regulations, as well as a review of salaries, are currently underway. However, recommendations that were more political in nature, such as restructuring AU institutions and organs, were left unattended.<sup>7</sup>

## Can the Kagame reforms address the AU's challenges?

Before delving into the detail of the reforms, it is necessary to provide background on the AU's current challenges. One reason for the transformation of the OAU into the AU was the changing context of African politics. Although the OAU's primary goal of decolonisation was achieved with the liberation of South Africa in 1994 (despite the ongoing dispute over the independence of the Sahrawi Arab Democratic Republic from Morocco), by the late 1990s an understanding emerged that the OAU had failed in numerous other areas. It was perceived as 'a club of African strongmen', whose leaders (all male) were unwilling to criticise each other. These leaders were also respectful of each other's sovereignty and the artificial borders established by the former colonial powers. This meant turning a blind eye to undemocratic practices and atrocities that occurred within their neighbours' borders. It also resulted in 125 failed and 78 successful coups in Africa between 1946 and 1999.<sup>8</sup> Something had to give. The third wave of democratisation,<sup>9</sup> which swept across the continent at the end of the 20th century, gave the impetus for political and structural reforms of the OAU. The 1994 genocide in Rwanda also deeply affected the continent, and there was a determination that nothing resembling that massacre would ever be permitted to happen again.

However, 'the AU did not start with a clean slate and had to construct a new agenda while consolidating some of the gains of its predecessor'.<sup>10</sup> Most analysts agree that the AU has been most successful in differentiating itself from the OAU in its response to unconstitutional changes of government. Article 30 of the AU's Constitutive Act stipulates: 'Governments which shall come to power through unconstitutional means shall not be

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7 Okeke J, 'Ambition versus realism: Evaluating the prospects of success of the African Union institutional reform agenda', in Ndiaye M (ed.), *A Wind of Change? The Institutional Reform of the African Union and Africa's Security Provision*, 2018 Tana Papers. Addis Ababa: Institute for Peace and Security Studies, 2018.

8 Marshal MG & DR Marshall, *Coup d'état Events 1946-2012: Codebook*. Vienna VA: Centre for Systemic Peace, 9 April 2013.

9 With the first wave taking place in the 19<sup>th</sup> century and the second wave after World War II.

10 Hengari TA & Y Turianskyi, 'The OAU/AU at 50: Democratic Governance as a Precondition for a Sustainable African Future', SAIIA (South African Institute of International Affairs) Policy Briefing, 82, January 2014, [http://www.saiia.org.za/wp-content/uploads/2014/02/saia\\_spb\\_82\\_Hengari-and-turiansky\\_20140120.pdf](http://www.saiia.org.za/wp-content/uploads/2014/02/saia_spb_82_Hengari-and-turiansky_20140120.pdf), accessed 6 July 2018.

allowed to participate in the activities of the Union.<sup>11</sup> Indeed, several states, including the Central African Republic, Côte d'Ivoire, Guinea, Guinea-Bissau, Madagascar, Mali, Mauritania, Niger and Togo, have been suspended from all AU activities following coups. More than a mere 'naming and shaming' mechanism, suspension has significant implications for a country's status and political standing. Specifically, exclusion from the political activities of the AU is a strong motivation to put government affairs in order and either reverse the coup or hold elections.

Zimbabwe's November 2017 'coup that was not a coup'<sup>12</sup> exemplifies how seriously ruling elites take the continental stance against undemocratic power changes. The country's military did everything possible to make the power transition seem as democratic as possible (although this did not convince critics and the opposition in Zimbabwe, or the international community) and hold elections soon thereafter, on 30 July 2019.

Yet the AU was not able to address decisively and effectively the tainted legacy of its predecessor in other areas. One widely acknowledged AU challenge is coordination between the AU Commission, its member states and regional economic communities (RECs). This lack of coordination has profound implications for continental policy development and implementation. Subsidiarity (deferring to RECs that are closer to the situation) in handling peace and security issues exemplifies this. Should the AU Commission send mediators or troops to respond to a crisis, or should RECs or neighbouring states do so? The end result is often confusion, overlapping mandates and political battles, as seen in the Democratic Republic of Congo (DRC). Another challenge is an overall incapacity (often coupled with a lack of political will) to implement AU decisions and policies at all levels: national, regional and continental. Thirdly, the AU struggles to mobilise resources, particularly financial contributions to support its activities, from member states.

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## Why Kagame?

Kagame is known for his ruthless efficiency, as well as authoritarian style, in Rwanda. Since his coming into power in 2000 (although he has been the de facto leader since 1994), Kagame has instituted an economic reform drive that has made the country one of

11 OAU (Organization of African Unity), 'Constitutive Act of the African Union: Article 30', 11 July 2000, p. 17, [https://au.int/sites/default/files/pages/34873-file-constitutiveact\\_en.pdf](https://au.int/sites/default/files/pages/34873-file-constitutiveact_en.pdf), accessed 10 July 2018.

12 Spector JB, 'Zimbabwe: When is a coup not a coup?', *Daily Maverick*, 20 November 2017, <https://www.dailymaverick.co.za/article/2017-11-20-zimbabwe-when-is-a-coup-not-a-coup/>, accessed 10 February 2019.

Africa's top performers in socio-economic and corporate governance. Rwanda moved up an astonishing 114 places (from 143 in 2008 to 29 in 2018) in the World Bank's Ease of Doing Business rankings.<sup>13</sup> A governance expert interviewed for this paper said: 'The personality of Kagame is playing a leading role. When people see the example of Rwanda and how he changed things around, they believe he can do the same at the AU.'<sup>14</sup> However, in the same decade (2008-2018) its democratic performance remained stagnant, as demonstrated by The Economist Intelligence Unit's Democracy Index: Ten years ago Rwanda ranked 121, while today it is at 128.<sup>15</sup>

It is noteworthy that Kagame was not alone in developing these reforms. He was joined by a high-profile pan-African advisory team consisting of Donald Kaberuka (former president of the African Development Bank), Carlos Lopes (former executive secretary of the UN Economic Commission for Africa [UNECA]), Strive Masiyiwa (entrepreneur and philanthropist), Cristina Duarte (former minister of finance of Cabo Verde), Acha Leke (from McKinsey & Co), Tito Mboweni (current South African minister of finance and former governor of the South African Reserve Bank), Amina J Mohammed (deputy secretary-general of the UN), Mariam Mahamat Nour (governor of the Islamic Development Bank) and Vera Songwe (executive secretary of UNECA).<sup>16</sup>

Nonetheless, having a high-profile politician overseeing a process seems a prerequisite for change. As Louw-Vaudran notes, 'History has shown that change in the AU comes through consensus and by including the organisation's big powers.'<sup>17</sup> She points to a previous major change – the transformation of the OAU into the AU. This process was driven by notable African personalities, in the first instance presidents Thabo Mbeki of South Africa and Olusegun Obasanjo of Nigeria, supported by their counterparts, Abdelaziz Bouteflika of Algeria and Abdoulaye Wade of Senegal. The process was difficult and time-consuming, starting at the Lomé Summit in 2000, then the signing of the AU Constitutive Act in 2002 and ending with the establishment of key agencies, bodies and organs, such as NEPAD (2002), the APRM (2003) and the Peace and Security Council (2004). Wachira and Kilonzo agree that implementation 'requires continued consultations and dialogue to obtain full

There is also a lack of consensus on strategic issues, such as financing and military action (or inaction), that characterises the continental body. Whether Kagame can achieve such a consensus is debatable

13 Trading Economics, 'Ease of Doing Business in Rwanda', 2018, <https://tradingeconomics.com/rwanda/ease-of-doing-business>, accessed 19 August 2018.

14 Interview, senior governance expert at a pan-African institution, *op. cit.*

15 Economist Intelligence Unit, 'Democracy Index', 2018, <https://www.eiu.com/topic/democracy-index>, accessed 19 August 2018.

16 AU, 'AU Reforms Advisory Committee', <https://au.int/en/AUReforms/advisory>, accessed 3 February 2019.

17 Personal interview, Liesl Louw-Vaudran, Senior Research Consultant at the Institute for Security Studies (ISS), Johannesburg, 26 November 2018.

ownership and consensus by the member states'.<sup>18</sup> This will not be easy, given the current divisions between different countries, regional blocs, and anglophone and francophone leaders. There is also a lack of consensus on strategic issues, such as financing and military action (or inaction), that characterises the continental body. Whether Kagame can achieve such a consensus is debatable. As discussed later, he is already struggling with getting SADC on board.

## AU institutional reforms

The following section is structured around some of the major sub-headings from the Kagame Report. Each one is discussed and analysed in turn.

### 'Focus the African Union on key priorities with continental scope'

This section of the Kagame Report states that the AU is currently involved in almost every area of the continent's development. It therefore recommends focusing on the strategic allocation of resources and increased effectiveness of the organisation.

There are two recommendations under this section:<sup>19</sup>

*1. The African Union should focus on a fewer number of priority areas, which are by nature continental in scope, such as political affairs, peace and security, economic integration, and Africa's global representation and voice*

*2. Accordingly, there should be a clear division of labour between the African Union, regional economic communities (RECs), regional mechanisms (RMs), member states, and other continental institutions, in line with the principle of solidarity*

Discussions on these issues have started, but RECs do not feel sufficiently involved in decision-making on the AU's reform process.<sup>20</sup> Wachira and Kilonzo discuss the difficulty of implementing these recommendations and conclude that further research and analysis may be needed. Specifically, legal revisions will need to be made to documents on the mandates, powers and functions of RECs, such as the Protocol on Relations between the AU and RECs. Such revisions would need to be based on 'a thorough analysis of the complementarities and differences among RECs as well as between RECs and the AU'.<sup>21</sup>

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18 Wachira GM & J Kilonzo, 'AU institutional reforms: Legal implications for member states', in Ndiaye M (ed.), *op. cit.*

19 Kagame P, 2017a, *op. cit.*

20 Okeke J, *op. cit.*

21 Wachira GM & J Kilonzo, *op. cit.*

A senior governance official said:<sup>22</sup>

I think there was also a lot of overlap between AU organs. On issues of human rights, political affairs, RECs, the courts, etc. Then there was also the role that the AUC [AU Commission] was playing as a big brother, which made it difficult to establish synergies to implement the objectives. The reforms are intended to address that.

A major outcome is the decision to cut the number of AU commissioners from eight to six by 2021, and to combine the Peace and Security Council and the Department of Political Affairs under a single commissioner. A leaner commission should make for more effective decision-making and implementation, and it is a natural fit for the two departments to be combined. However, it is too early to assess whether this will in fact improve operations.

## **‘Manage the African Union efficiently at both the political and operational levels’**

This section recognises political and operational issues in the management of the AU. The organisation’s working methods are described as inefficient, impeding decision-making and implementation. The Kagame Report refers to delayed summit sessions and overloaded agendas. It also notes that consultation with RECs is inadequate and that there is no way to enforce assembly decisions:<sup>23</sup>

The Assembly has adopted more than 1,500 resolutions. Yet there is no easy way to determine how many of those have actually been implemented. By consistently failing to follow up on the implementation of the decisions we have made, the signal has been sent that they don’t matter. As a result, we have a dysfunctional organisation in which member states see limited value, global partners find little credibility, and our citizens have no trust.

A Pan-African activist jokingly refers to the AU as “resolutionaries”, not revolutionaries.<sup>24</sup>

Recommendations under this section are as follows:<sup>25</sup>

*8. Reform the working methods of the Summit:*

*(a) The African Union Assembly should handle an agenda of no more than three strategic items at each Summit, in line with the Mekelle recommendations.<sup>26</sup>  
Other business should be delegated to the Executive Council*

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22 Interview, senior governance expert at a pan-African institution, *op. cit.*

23 Kagame P, 2017a, *op. cit.*

24 Remark by Jeggan Grey-Johnson at a workshop at SAIIA, 28 January 2019.

25 Kagame P, 2017a, *op. cit.*

26 This was an AU Ministerial Retreat of the Executive Council Brainstorm on the Implementation of Agenda 2063.

Six months after unveiling his initial report, Kagame provided an update at the 29<sup>th</sup> AU summit in July 2017. He said that some progress had been made in terms of this recommendation, with the number of strategic agenda items being limited.<sup>27</sup> Okeke concurs, noting that there were fewer priorities in the July 2017 and January 2018 summit agendas.<sup>28</sup>

*(b) One Summit per year should be convened at the Assembly level, except for extraordinary sessions*

The 30<sup>th</sup> Ordinary Session of the AU Assembly has confirmed 'that the move to one Ordinary Summit shall take effect from 2019 onwards'.<sup>29</sup>

*(c) The second Summit of the year should focus on coordination with RECs, with participation by the Bureau of the African Union Assembly together with the chairs of RECs and regional mechanisms. Ahead of this Summit, the African Union should play a more active coordination and harmonisation role with the RECs, in line with the Abuja Treaty*

*(d) External parties should be invited to Summit on an exceptional basis and for a specific purpose*

Item c has already been implemented and in July 2019 a Coordination Summit between the AU Commission, the AU chair and representatives of RECs was to take place in Niamey, Niger instead of the usual large-scale mid-year summit. Item d, it seems, would by the overly broad definition of 'external parties' affect civil society. This decision was taken because AU stakeholders felt that the presence of development partners (ambassadors and sometimes ministers) was hampering focus and decision-making at summits. While representatives of development partners are still being invited to attend the opening and closing of the summits, their presence has been restricted otherwise.

However, the current wording could in effect prevent continental or local civil society organisations from attending AU summits. The authors of this paper have struggled to get accreditation to attend the AU summit as observers since 2012. There were some instances of success, but in the majority of cases this accreditation was ultimately not obtained.<sup>30</sup> The accreditation process for civil society has always been opaque at best. It further

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27 Kagame P, 'Report on the Implementation of the Decision on the Institutional Reform of the African Union', AU, July 2017b, [https://au.int/sites/default/files/documents/33272-doc-au\\_reform\\_implementation\\_report\\_july\\_2017\\_final\\_v2.pdf](https://au.int/sites/default/files/documents/33272-doc-au_reform_implementation_report_july_2017_final_v2.pdf), accessed 27 June 2019.

28 Okeke J, *op. cit.*

29 AU, 'Decision on the progress report on the status of implementation of Assembly Decision Assembly/AU/Dec.635(XXVIII) on the institutional reform of the African Union', January 2018, <https://www.tralac.org/documents/resources/african-union/1857-au-decision-on-the-progress-report-on-the-status-of-implementation-of-the-institutional-reform-of-the-au-january-2018/file.html>, accessed 13 November 2018.

30 This was not owing to a lack of effort by the authors. This included sending formal requests to appropriate AU structures, including the Economic, Social and Cultural Council, the body designated as the official channel for accreditation by members of civil society, months before the summits and constantly following up with them. These emails went unanswered. Even being on the ground in Addis Ababa during summits and attempting to register as a member of civil society did not prove successful.

deteriorated when the AU Commission was under the leadership of Nkosazana Dlamini-Zuma (October 2012 to January 2017), when civil society was prevented from attending mid-year summits.

Implementation of this recommendation could legalise and entrench this exclusion going forward. Civil society should participate in summits in order to ensure greater transparency around the meetings, as well as to establish additional linkages between African leaders and their citizens.

*10. To ensure continuity and effective implementation of Assembly decisions, a troika arrangement between the outgoing, the current and the incoming chairpersons should be established. This would require the incoming chairperson to be selected one year in advance*

Implementation of this recommendation seems to be well on track, with Abdel Fattah el-Sisi, the president of Egypt, elected as the chairperson for 2019 a full year in advance. South Africa was chosen as chair for 2020 in February 2019. It remains to be seen if el-Sisi is as committed to implementing the reforms as their architect, Kagame. Overall political will to push all the reforms through seems to be lacking currently. There are some concerns over expanding the role of the chairperson at the expense of the AU Assembly.<sup>31</sup> The AU has always had strict unwritten rules about balance of power based on regional, linguistic and other elements. The previous troika, consisting of Kagame, Idriss Déby (Chad) and Alpha Condé (Guinea), was criticised for its lack of representativeness, since it did not include Northern or Southern Africa.<sup>32</sup>

Existing perceptions of limited inclusivity in the consultation process and the AU's rotating chairpersonship – which means frequent personnel changes<sup>33</sup> – are inevitable. Yet political buy-in to ensure the implementation of reforms is crucial. At the 30<sup>th</sup> AU summit in January 2018, members of SADC circulated a document that outlined many of their disagreements with the reforms, in terms of their form and substance, and the lack of consultation during development.<sup>34</sup> As a senior governance expert from a pan-African institution said: 'Some SADC countries have issues with Kagame and use the issue of human rights in Rwanda to discredit him and his reforms. The SADC countries are not behind him, even on issues of ratification.'<sup>35</sup> Louw-Vaudran concurs that 'many SADC countries are anti-Kagame and are rallying against his authoritarianism'.<sup>36</sup>

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31 PSC Report, '30<sup>th</sup> AU Summit: Time to implement first AU reforms', 9 January 2018, <https://issafrica.org/pscreport/on-the-agenda/30th-au-summit-time-to-implement-first-au-reforms>, accessed 14 November 2018.

32 *Ibid.*

33 Okeke J, *op. cit.*

34 Louw-Vaudran L, 'Can the AU win SADC's approval?', *ISS Today*, 31 August 2018, <https://issafrica.org/iss-today/can-the-au-win-sadcs-approval>, accessed 12 November 2018.

35 Interview, senior governance expert at a pan-African institution, *op. cit.*

36 Interview, Liesl Louw-Vaudran, *op. cit.*

In order to ensure inclusivity in the implementation process, the 30<sup>th</sup> AU Assembly decided:<sup>37</sup>

*1. That further consultations will take place on matters raised by some Member States in order to deepen the consensus and report to the next Summit;*

*2. That the Reform Troika shall be expanded to the Bureau of the Assembly and will collaborate with President Kagame in his capacity as Leader on the AU Institutional Reform process;*

*3. That fifteen (15) Ministers of Foreign Affairs, three per region, shall play an advisory role to the AU reform implementation process. [This was subsequently expanded to ministers from 20 member states, four per region.]<sup>38</sup>*

*11. The current sanctions mechanism should be strengthened and enforced. This would include consideration of making effective participation in African Union deliberations contingent on adherence to Summit decisions.*

These decisions seek to gain greater buy-in from the member states, and overcome the objections from countries such as South Africa that the reforms originated from a retreat of heads of state called by Kagame and not through the formal channels of the AU, and that the reforms have been driven in an autocratic manner.<sup>39</sup> South Africa's negative attitude to the reforms was a common theme in interviews conducted for this paper. When the authors contacted a senior official at the South African Department of International Relations and Cooperation with a request to discuss South Africa's position on the Kagame reforms, the official refused to meet and responded: 'The AU works on a consensus basis. Decisions are discussed and when adopted are binding on all member states. There is no South African position.'<sup>40</sup>

## 'Finance the African Union ourselves and sustainably'

This section of the Kagame Report starts off by listing the latest AU budgets, including the amount that was funded by donors.<sup>41</sup>

Over the past decade, 60%–90% of the AU Commission, its projects and peace operations were funded from outside the continent.<sup>42</sup> Varying numbers are often reported, as they refer to different budgets. For instance, there are operational (including salaries, building

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37 AU, '30th AU Summit AU Assembly Decisions', [https://au.int/sites/default/files/decisions/33908-assembly\\_decisions\\_665\\_-\\_689\\_e.pdf](https://au.int/sites/default/files/decisions/33908-assembly_decisions_665_-_689_e.pdf), accessed 12 November 2018.

38 AU, '31st AU Session Decisions', [https://au.int/sites/default/files/decisions/34634-assembly\\_au\\_dec\\_690\\_-\\_712\\_xxxi\\_e.pdf](https://au.int/sites/default/files/decisions/34634-assembly_au_dec_690_-_712_xxxi_e.pdf), accessed 12 November 2018.

39 Personal interview, senior South African diplomat, Pretoria, 7 March 2019.

40 Correspondence with a senior South African official, 29 April 2019.

41 Kagame P, 2017a, *op. cit.*

42 Hengari TA & Y Turianskyi, *op. cit.*; Louw-Vaudran L, 'A new financing model for the AU: Will it work?', *ISS Today*, 25 July 2016, <https://issafrica.org/iss-today/a-new-financing-model-for-the-au-will-it-work>, accessed 15 November 2018.

and computers), programmatic (initiatives such as the year of anti-corruption and the decade of women) and peacekeeping budgets.<sup>43</sup> In the 2015 financial year, for example, international partners provided only 4.5% of the operational budget, but 92.5% of the programmatic budget.<sup>44</sup>

<b>Year</b>	<b>Budget</b>	<b>Percentage funded by donors</b>
2015	\$393 million	63%
2016	\$417 million	60%
2017	\$439 million	74%

Source: compiled by authors based on data from the Kagame Report

Geert Laporte, deputy director at the European Centre for Development Policy Management, pointed out that while there was a need for joint agenda-setting and balanced dialogues on issues important to both the AU and its development partners, Africa needed to fund its own institutions. The AU is too dependent on European funding.<sup>45</sup> Michelle Ndiaye, of the Institute for Peace and Security Studies at Addis Ababa University, echoed this, claiming that ‘over-dependency on international partners for the provision of funding has undermined the AU’s legitimacy and leadership in Africa’s affairs’.<sup>46</sup>

Kagame himself said that ‘[i]t is important to recall that this reform was not forced on us by anyone. The choice arose from necessity. The need to implement the changes urgently and carefully is therefore self-evident.’<sup>47</sup>

Dalmar Jama, Principal Strategic Planning Officer at the APRM Secretariat, also underlined the need for reform: ‘The proposed reforms were necessary, because we had a Union with many organs and institutions which were not coordinating their approach. We were therefore not witnessing synergies between them.’<sup>48</sup>

The report notes that AU programmes are 97% funded by donors, while member states are failing to pay their dues in full when they have committed to do so. By December 2016 only 24 of 54 (then) member states had paid their full contributions for that financial year. Fourteen states had paid more than half and 15 states had not made any payments. As the Kagame Report asks: ‘How can member states own the African Union if they do not

43 Interview, Liesl Louw-Vaudran, *op. cit.*

44 Engel U, ‘The road to Kigali: The AU finances between dependence and increasing ownership’, in Ndiaye M (ed.), *op. cit.*

45 Turianskyi Y, ‘Strengthening Africa-Europe ties in the city of dragons’, SAIIA, 23 May 2018. <http://www.saiia.org.za/research/strengthening-africa-europe-ties-in-the-city-of-dragons/>, accessed 14 November 2018.

46 Ndiaye M, ‘Introduction’, in Ndiaye M (ed.), *op. cit.*

47 Kagame P, ‘Report on Reform Implementation by President Paul Kagame Closed Session at the 30<sup>th</sup> African Union Summit’, 28 January 2018, <http://paulkagame.com/?p=12424>, accessed 15 November 2018.

48 Personal interview, Dalmar Jama, Principal Strategic Planning Officer at the African Peer Review Mechanism (APRM) Secretariat, Midrand, 13 February 2019.

set its agenda?<sup>49</sup> In fact, this has been a problem for years. Libya's former leader, Colonel Muammar Gaddafi, wielded enormous influence as he paid the dues of numerous other countries, effectively buying their support.

The following recommendations are listed:<sup>50</sup>

*15. The Kigali Financing Decision should be implemented immediately to ensure the African Union's financial sustainability*

*16. Consider adopting the following crucial complementary measures to reinforce the Kigali Financing Decision:*

- *The current scale of assessment should be revised based on the following principles: (a) ability to pay, (b) solidarity, and (c) equitable burden sharing (to avoid risk concentration)*
- *The Committee of Ten Ministers of Finance established under the 2017 Kigali Financing Decision should assume responsibility for the oversight of the African Union's budget and finances*
- *The Committee of Finance Ministers should develop a set of 'golden rules' setting out clear financial management and accountability principles and these [should be] written into the African Union Commission Statutes and Financial Rules and Regulations. These could include, but should not be limited to, the following:*
  - » *External financing should not exceed levels established by the 2015 African Union Assembly Decision. This calls for African Union member states to finance 100% of the operating budget, 75% of the programme budget and 25% of the peace support operations budget*
  - » *Penalties for failure to honour assessed contributions should be reviewed and tightened, in line with the new enforceable sanctions regime. In particular, membership could temporarily lapse after failure to meet full obligations within 18 months, and resuming members required to pay outstanding arrears plus additional charges.*

As mentioned earlier, the AU has different budgets. In January 2015 AU member states decided that they should fund the organisation's operational budget at 100%, programme budget at 75% and peace support budget at 25%.<sup>51</sup> Following from this, Kaberuka unveiled a new financing plan for the AU six months prior to the publication of the Kagame Report (colloquially known as the 'Kaberuka Plan'). His proposal was to fund the AU through a 0.2% levy on all eligible exports of member states. Rwanda's finance minister, Claver Gatete,

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49 Kagame P, 2017a, *op. cit.*, p. 14.

50 *Ibid.*

51 Engel U, *op. cit.*

estimated that the levy would generate \$1.2 billion per year, which is far more than the AU's 2016 (\$447 million) and 2017 (\$782 million) budgets.<sup>52</sup>

Louw-Vaudran has raised concerns about the implementation of the Kaberuka Plan. Firstly, implementation could pose administrative challenges, since certain products, including medicines and fertiliser, are excluded from the proposed levy. Secondly, will there be compliance and transparency in implementation? The AU is reluctant to 'name and shame' those who do not currently pay their annual fees.<sup>53</sup> Member states' financial contributions are also currently not disclosed.<sup>54</sup> In addition, attempts to implement previous levies meant to fund the AU had failed. A notable instance is the 2013 Obasanjo Report, discussed earlier.

Indeed, it is evident that states are less than enthusiastic about implementing the levy – only 21 of 55 member states have so far agreed to do so

Indeed, it is evident that states are less than enthusiastic about implementing the levy – only 21 of 55 member states have so far agreed to do so. Originally planned for implementation in 2017, the Kaberuka Plan is already behind schedule. As of February 2018, only 12<sup>55</sup> AU member states had started implementing the levy, with another five<sup>56</sup> stating that they were at advanced stages of activating the necessary domestic processes to do so. Mauritius and Seychelles meanwhile stated that because of national economic and legal constraints they would need to find alternative means of fulfilling their financial obligations. Egypt and South Africa also said that they were unable to comply with the Financing Decision in its current form.<sup>57</sup>

A governance expert interviewed for this report pointed out that financing reform is a sensitive issue, particularly for the large continental economies, hence the pushback. She said this was the main reason for changing this levy from a compulsory to a voluntary one.<sup>58</sup> Another expert commented: 'A country like South Africa does not want to give everything to the AU. It will not benefit them. That's why they are more aligned with SADC.'<sup>59</sup>

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52 Louw-Vaudran L, 25 July 2016, *op. cit.*

53 *Ibid.*

54 Engel U, *op. cit.*

55 Cameroon, Chad, Republic of Congo, Côte d'Ivoire, Djibouti, Gabon, The Gambia, Guinea, Kenya, Rwanda, Sierra Leone and Sudan. See AU, 'Revised Report on the Implementation of the Kigali Decision on Financing of the African Union', January 2018 (unpublished).

56 Benin, Ethiopia, Ghana, Mauritania and Senegal. *Ibid.*

57 Okeke J, *op. cit.*

58 Personal interview, senior governance expert on the New Partnership for Africa's Development (NEPAD), Midrand, 29 January 2019.

59 Personal interview, senior governance expert on the Pan-African Parliament, Johannesburg, 29 November 2018.

Louw-Vaudran added:<sup>60</sup>

The finance levy was seen as waterproof. But it is not working out as planned. There is a big pushback from SADC. None of the 16 SADC countries, led by South Africa, is implementing. South Africa is even citing its constitution. The issue is much more complex than anticipated, despite a lot of hype initially. A lot are also unhappy about Kagame's methods and authoritative style. He did not follow the Constitutive Act, instead calling for a retreat of heads of state.

Another expert explains this last criticism:<sup>61</sup>

Decisions are not taken at retreats. Retreats are not a formal organ of the AU. The pushback is about the process and procedures. But Kagame thought that he only has one year to lock these reforms in, and if he were to follow the formal bureaucratic process, the reforms would not go through.

South Africa claims that the levy proposal is in direct conflict with its constitution's provisions that all revenue collected by the state should be deposited into the National Revenue Fund. Furthermore, it argues that the levy violates the World Trade Organization's (WTO) rules, as it would discriminate against imports from non-African countries.<sup>62</sup>

This situation is undoubtedly worrying for the architects of the plan, as Egypt and South Africa are part of the 'Big Five' contributing members (along with Algeria, Morocco and Nigeria), which jointly fund 56% of the AU's budget.<sup>63</sup>

The issue of national legislation being in conflict with proposed continental reforms is important, as it raises questions around state sovereignty. As a result, 'one-size-fits-all' proposals may not be implemented across the board. However, there is another issue at play as well – convincing member states that do not have confidence in those managing the finances of the AU to increase or make timely payments.<sup>64</sup> According to Louw-Vaudran,<sup>65</sup>

South Africa, and indeed most of SADC, has always argued that they have always paid their assessed contributions to the AU. Therefore they are not the ones at fault and do not really need the levy to make sure the AU has 'predictable and sustainable' funding.

In his update on implementation in July 2017, Kagame noted the necessity of addressing member states' concerns that the proposed levy would conflict with their WTO obligations.

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60 Interview, Liesl Louw-Vaudran, *op. cit.*

61 Interview, senior governance expert on NEPAD, *op. cit.*

62 South Africa, DIRCO (Department of International Relations and Cooperation), 'Presentation on the report on African Union institutional reform', 28 March 2018, <https://pmg.org.za/files/180328DIRCO.pptx>, accessed 16 November 2018.

63 Ndiaye M, *op. cit.*

64 Okeke J, *op. cit.*

65 Interview, Liesl Louw-Vaudran, *op. cit.*

He also emphasised that the Financing Decision was at the heart of the AU reform process. Kagame added that the Committee of Ten Finance Ministers, intended to provide oversight, had already been established.<sup>66</sup>

According to Jama,<sup>67</sup>

The financial reforms will give us a sense of continental pride and help us to establish a more independent AU. The current goal is for 100% of the operational budget and for 75% of the programmatic budget to be funded by members.

Notwithstanding the Financing Decision, there is the overall issue of a lack of transparency in the AU's finances. Engel notes that the AU does not publish an annual financial report or release audited financial statements – the figures it does release are budget estimates, not actual expenditure, and do not include information such as concrete contributions by member states or detailed donations by international partners (such as the EU).<sup>68</sup> He does add that in the 2014 financial year a more detailed 'Financial Report and Audited Financial Statements' document was published by the AU Commission, but it was not comprehensive.<sup>69</sup>

The 32<sup>nd</sup> summit in February 2019 adopted new scales of assessment for the Financing Decision, reducing dependence on the five or six biggest states from 60% to 45% for programmes and operations. There will thus be greater burden sharing, and a recognition that even if countries oppose the Kaberuka Plan's formula, they need to pay the AU regardless of the method applied.<sup>70</sup>

In February 2019 AU Commission chairperson Moussa Faki Mahamat said,<sup>71</sup>

The Extraordinary Summit on Institutional Reform of the Union held in November 2018 was a success. It made it possible to consolidate the existing consensus and the adoption of new decisions on some of its pending aspects. The road already travelled towards financial autonomy confirms, if it were necessary, the relevance of the approach initiated. We must continue in this direction and redouble the efforts under way.

## 'Implement for results and impact'

This section of the report begins by recognising that there have been previous, unsuccessful

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66 Kagame P, 2017b, *op. cit.*

67 Interview, Dalmar Jama, *op. cit.*

68 Engel U, *op. cit.*

69 *Ibid.*

70 Interview, Liesl Louw-Vaudran, *op. cit.*

71 AU, 'Statement of the Chairperson of the African Union Commission, Moussa Faki Mahat, on the Occasion of the 34<sup>th</sup> ordinary session of the Executive Council, 7-8 February 2019', <https://au.int/en/speeches/985>, accessed 1 March 2019.

attempts to reform the AU. It therefore proposes the following recommendations, to ensure implementation:<sup>72</sup>

*17. A high-level panel of Heads of State and Government should be put in place to supervise the implementation process*

*18. A Reform Implementation and Change Management Unit should be established in the office of the Chairperson of the Commission to drive the day-to-day implementation of the reforms in line with agreed timelines*

*19. A legally binding mechanism should be established to implement these reforms*

In a speech during the 29<sup>th</sup> AU summit in July 2017, Kagame provided an update on this reform area, particularly the three steps necessary to implement it. Step one is to improve the quality of decision-making, categorising each decision and listing resources needed to support it. Step two is for the AU Commission to monitor implementation and issue frequent progress reports. Step three is to apply penalties for non-compliance. Here, Kagame went as far as to warn recalcitrant members that '[t]here is certainly not going to be respect for those who won't keep their commitments or pay their own bills'.<sup>73</sup>

Indeed, analysts concur that this recommendation would have far-reaching implications for the AU as an intergovernmental organisation, as its member states often point to their sovereignty as justification for not implementing decisions made at the continental level. It remains to be seen whether AU members will be prepared to voluntarily limit their sovereignty in order to advance continental goals. Louw-Vaudran similarly points out that it may not be in the best interests of member states to have a strong AU Commission in Addis Ababa that can dictate to them.<sup>74</sup> She adds that '[m]ember states don't want the AU to be a supranational institution. Some of these reforms have failed because member states pushed back on issues that would have professionalised the AU.'<sup>75</sup> During the 30<sup>th</sup> AU summit in January 2018, SADC members even raised concerns about the 'transformation of the AU Commission into a supra-national organisation with limited accountability to its member states'.<sup>76</sup>

The APRM has previously challenged AU members' sovereignty by conducting peer reviews of their national governance systems, policies and practices, albeit in a voluntary manner. States voluntarily sign up for peer reviews, exposing themselves to outside scrutiny and committing to accepting recommendations made by their counterparts. In practice,

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72 Kagame P, 2017a, *op. cit.*, p. 15.

73 Du Plessis C, 'SA, Rwanda clash over AU reforms', *Mail & Guardian*, 2 February 2018, <https://mg.co.za/article/2018-02-02-00-sa-rwanda-clash-over-au-reforms>, accessed 16 November 2018.

74 Louw-Vaudran L, 'Kagame to push for sign-off of reforms in fourth African Union summit', *Daily Maverick*, 19 July 2018, <https://www.dailymaverick.co.za/article/2018-07-19-kagame-to-push-for-sign-off-of-reforms-in-fourth-african-union-summit/>, accessed 16 November 2018.

75 Interview, Liesl Louw-Vaudran, *op. cit.*

76 *Ibid.*

16 years after the establishment of the APRM it is safe to say that the sovereignty of APRM member states remained intact in all cases. Reviews were, for the most part, non-adversarial, most recommendations made by peers were rejected and the majority of those taken on board were not properly implemented.

## Key AU bodies

### 'Realign the structure of African Union institutions to deliver on key priorities'<sup>77</sup>

Recommendation 6 of the Kagame Report states: 'In alignment with the agreed priority areas, other African Union organs and institutions, such as the following, should also be reviewed and updated.' It then proceeds to provide the background to and recommendations for six entities. For the purposes of this paper, two of these are analysed.

**New Partnership for Africa's Development:** According to the Kagame Report,<sup>78</sup>

NEPAD has been incorporated into the Commission as a technical body, but in practice it has not yet been fully integrated. Coordination between the Commission and NEPAD is still a challenge, with each conducting planning and resource mobilisation activities independently, in some cases even competing for the same financial resources. For example, NEPAD focuses on industrialisation and infrastructure, while the Commission covers these areas as well. Moreover, the Commission and NEPAD have parallel lines into the African Union Assembly and Permanent Representatives Committee.

Recommendation:

*NEPAD should be fully integrated into the Commission, possibly as the African Union's development agency, aligned with the agreed priority areas and underpinned by enhanced results-monitoring.*

The AU Assembly took a decision in January 2017 that proposed transforming the NEPAD Planning and Coordinating Agency (NPCA) into the African Union Development Agency (AUDA).<sup>79</sup> The AU Assembly further deliberated on this during the 31<sup>st</sup> summit on 1-2 July 2018.<sup>80</sup>

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<sup>77</sup> Kagame P, 2017a, *op. cit.*

<sup>78</sup> *Ibid.*

<sup>79</sup> AU, 'Assembly of the Union: Decisions, declarations, resolutions and motion, 28<sup>th</sup> Ordinary Session', 30-31 January 2017, [https://au.int/sites/default/files/decisions/32520-sc19553\\_e\\_original\\_-\\_assembly\\_decisions\\_621-641\\_-\\_xxviii.pdf](https://au.int/sites/default/files/decisions/32520-sc19553_e_original_-_assembly_decisions_621-641_-_xxviii.pdf), accessed 3 April 2019.

<sup>80</sup> AU, 'Assembly of the Union: Decisions, declarations and resolution, 31<sup>st</sup> Ordinary Session', 1-2 July 2018, [https://au.int/sites/default/files/decisions/36130-assembly\\_au\\_dec\\_690\\_-\\_712\\_xxxi\\_e.pdf](https://au.int/sites/default/files/decisions/36130-assembly_au_dec_690_-_712_xxxi_e.pdf), accessed 3 April 2019.

(i) On the statute of AUDA: Approves the establishment of the African Union Development Agency (AUDA) as the technical body of the African Union with its own legal personality defined by its statute. In this regard, requests the Commission, in consultation with NPCA, to develop a statute for AUDA and submit it for adoption at the February 2019 Summit;

(ii) On the mandate of AUDA: Notes that the mandate of AUDA shall be finalized after consultation with the African Union Commission due to its own ongoing reform, and NPCA for adoption by the Assembly of the Union in February 2019;

(iii) On the Governance Structures of AUDA: Emphasises the importance of the Governance structures of AUDA and the need to render them more inclusive;

Further decides that the structures of AUDA comprise:

(i) A Heads of State and Government Orientation Committee (HSGOC) that provides political leadership and strategic guidance on the AUDA and reports to the Assembly. It will be constituted as follows:

(a) to ensure inclusivity, the HSGOC shall be expanded from twenty (20) to thirty-three (33) Member States as follows: eight (8) Member States chairing the Regional Economic Communities and five (5) Member States per region;

(b) the Principle of rotation shall be applied to the membership after a term of two (2) years;

(c) the rotation of the Chairperson of the HSGOC after a single term of two (2) years, shall alternate between initiating members and noninitiating members;

(d) the Steering Committee is established as an intermediary body to interface between the HSGOC and the AUDA. It consists of the personal representatives of the Heads of State and Government, members of the HSGOC. The Steering Committee shall be co-chaired by the Member State chairing the HSGOC and the Chairperson of the African Union Commission.

(ii) The Chairperson of the African Union Commission exercises supervisory authority over the AUDA.

For several years, there have been attempts to draw NEPAD closer to the AU, and this is a further step on this road. In practical terms – for now, at least – NEPAD remains headquartered in South Africa, which has a negative impact on its integration into the AU.

The declarations at the 32nd summit in February 2019 recall the decision made in Nouakchott, Mauritania in July 2018 that approved the establishment of the AUDA-NEPAD, and the outlining of its mandate at the November 2018 Extraordinary Summit.

The document further declares that the 'Draft Statute and Rules of Procedure of the Governance Structures of the AUDA-NEPAD' be considered in June/July 2019, and gives the Executive Council the power to adopt these recommendations. Louw-Vaudran points out the importance of the double-barrelled name: 'Keeping the NEPAD "brand", together with AUDA, is another compromise and a recognition of some of the issues that member states had raised, especially the founding members such as South Africa and Algeria.'<sup>81</sup>

**African Peer Review Mechanism:** The Kagame Report states: 'The African Peer Review Mechanism (APRM) could be strengthened to track implementation and oversee monitoring and evaluation in key governance areas of the continent.'<sup>82</sup>

The 28<sup>th</sup> AU Assembly in January 2017 welcomed this recommendation in terms of the APRM, and strengthened it by replacing 'could' with 'should' in its language. It also welcomed the 'repositioning of the APRM to play a monitoring and evaluation role for the African Union Agenda 2063 and the United Nations Sustainable Development Goals (SDGs) Agenda 2030' and 'revisiting the APRM questionnaire in sync with current development frameworks including the AU Agenda 2063 and UN Sustainable Development Goals'.<sup>83</sup>

Corrigan and Gruzd<sup>84</sup> have conducted an analysis of the APRM's proposed expanded mandate. Firstly, they point out the normative congruence between the APRM, SDGs and Agenda 2063, which recognise the importance of good governance in development; reject authoritarian development philosophies; and argue that democracy offers necessary conditions for the attainment of developmental goals. Secondly, they note that the APRM could alleviate the financial, human resource and time reporting burden on African states. Research shows that African states that are members of multiple governance-improvement mechanisms often struggle with reporting, for the above reasons.<sup>85</sup> The APRM could consolidate information-collation and reporting. Thirdly, and related to the earlier point, the APRM, through the publication of reputable, well-researched and comprehensive Country Review Reports, has established a reputation for quality data collation.<sup>86</sup> There are also some areas of concern: the sheer size and scope of the APRM; the lack of APRM National Programme of Action budgeting and implementation; the lack of firm, consistent and quantifiable indicators; the political dimensions and contestation; occasionally indifferent political commitment by participating countries' leadership; a lack of funding; and administrative weaknesses.<sup>87</sup>

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81 Interview, Liesl Louw-Vaudran, *op. cit.*

82 Kagame P, 2017a, *op. cit.*

83 AU, 30-31 January 2017, *op. cit.*, p. 22.

84 Corrigan T & S Gruzd, 'Can the APRM be an Effective Tool to Monitor Agenda 2063 and the SDGs?', SAIIA Occasional Paper, 251, February 2017, [http://www.saiia.org.za/wp-content/uploads/2017/02/saia\\_sop\\_251\\_corrigan-gruzd\\_20170224.pdf](http://www.saiia.org.za/wp-content/uploads/2017/02/saia_sop_251_corrigan-gruzd_20170224.pdf), accessed 3 April 2019.

85 Chisiza M *et al.*, 'Multi-Stakeholder Initiatives in Africa: Case Studies of the African Peer Review Mechanism (APRM), Open Government Partnership (OGP) and the Extractive Industries Transparency Initiative (EITI) in Ghana, Liberia, Sierra Leone and Tanzania', USAID (US Agency for International Development), April 2018, <https://www.saiia.org.za/wp-content/uploads/2018/08/2018-MSI-Africa-Case-Studies.pdf>, accessed 5 May 2019.

86 Corrigan T & S Gruzd, *op. cit.*

87 *Ibid.*

The APRM has begun to implement this expanded mandate, most visibly through the publication of the African Governance Report in February 2019, which was presented at the AU summit. It covers governance issues in all AU states, not just APRM members. It has been criticised for being too vague and not naming individual countries, reducing its utility. This may have been the price paid for ensuring adoption by the AU Assembly.

Jama commented,<sup>88</sup>

I'm sure we will see a lot of change in the APRM going forward. The APRM is already incorporated into the AU, although it said that it will not interfere with our technical independence. However, we will have to operate according to the AU financial rules and procedures, and account for every cent.

Louw-Vaudran adds another comment on finances, noting that the APRM now receives predictable funding from the AU Commission budget, rather than relying on voluntary contributions by member states.<sup>89</sup>

## Conclusion

Different experts interviewed for this paper agreed that the reform process was necessary and that all those involved had made enough compromises for them to feel that they were, at least partially, getting what they wanted.<sup>90</sup> They also agreed that overall the reforms would be successful. This is signified by the fact that a number of AU Assembly decisions have been adopted, meaning that member states have taken ownership of the reforms. Notable decisions include reducing the number of departments (led by commissioners) from eight to six; transforming NEPAD into AUDA-NEPAD; incorporating the APRM into the AU; only holding one summit per year, and establishing a more transparent process in appointing chairpersons and deputy chairpersons.<sup>91</sup>

However, institutionalisation is far from guaranteed. El-Sisi has now taken over from Kagame, as the AU chair passed to Egypt in February 2019. According to a senior governance expert, '[i]t already seems that Egypt is not going to be as enthusiastic about the Reforms as Kagame. But Kagame will still be the designated point person to drive the reforms. He will have enough power to push them through.'<sup>92</sup>

This view was echoed by Louw-Vaudran, who said the following about the AU Extraordinary Summit in November 2018: 'Kagame insisted on holding an extraordinary summit to provide additional momentum for the reform process, even though there was no reason to

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88 Interview, Dalmar Jama, *op. cit.*

89 Interview, Liesl Louw-Vaudran, *op. cit.*

90 Interview, senior governance expert from a pan-African institution, *op. cit.*

91 Interview, senior governance expert on NEPAD, *op. cit.*

92 Interview, senior governance expert on the Pan-African Parliament, *op. cit.*

have one. The Egyptians are not really on board with the reforms and they weren't present at the summit.'<sup>93</sup>

She added that the challenge for the Kagame reforms was to survive the AU presidency not only of Egypt but also of South Africa in 2020, given the latter's criticism of the reforms and the manner in which they were promulgated: 'The big powers are not keen to have a strong AU Commission'<sup>94</sup> and largely see the AU as a secretariat to carry out the decisions and wishes of member states, rather than being an independent actor. Louw-Vaudran also noted that a vibrant democracy like South Africa with an active civil society and a free media could set an example for the AU. 'We can bring it as a contribution. Our role with setting the agenda is to give a voice to civil society, and infuse the spirit of consultation, and tolerance of dissenting voices.'<sup>95</sup>

It seems that if the reforms can survive 2019, they will be successful

It seems that if the reforms can survive 2019, they will be successful. However, this success will be qualified. Some of Kagame's reforms have already met with resistance while others have been changed substantially, and they risk getting mired in the AU's notorious politicised bureaucracy. The end result will be rather different from the original proposal. Yet this is to be expected, given the myriad of national interests – from 55 states in total – at play.

Jama concurred: 'The main bottleneck to implementation of reforms is self-interest. The organisational culture of the AU needs to be changed and become results-based. The AU also needs to learn how to self-criticise.' This is how Kagame's reforms will be judged in five or 10 years from now. Did the process change the institutional culture at the AU and result in a more efficient organisation that assisted its member states in times of crisis, as well as representing a united African voice to the outside world? Or were the changes incremental and does the AU continue to be largely funded by outside actors, while the old challenges remain? Ultimately, the answers to these questions will provide an assessment on the Kagame reforms in the future.

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93 Interview, Liesl Louw-Vaudran, *op. cit.*

94 *Ibid.*

95 *Ibid.*

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## Cover image

Africa Union Chairperson and the President of Rwanda Paul Kagame delivers a speech during the 11<sup>th</sup> Extraordinary Session of the Assembly of the African Union in Addis Ababa, Ethiopia, 17 November 2018 (Monirul Bhuiyan/AFP/Getty Images)

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