



AGA
African Governance Architecture



**2018 HIGH-LEVEL DIALOGUE ON DEMOCRACY, HUMAN RIGHTS
AND GOVERNANCE IN AFRICA: TRENDS, CHALLENGES AND
PROSPECTS**

THEME:

***“WINNING THE FIGHT AGAINST CORRUPTION: A SUSTAINABLE
PATH TO AFRICA’S TRANSFORMATION”***

Draft Concept Note

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A. Contextual Background

On July 11, 2003, the African Union (AU) Heads of State and Government adopted the AU Convention on Preventing and Combating Corruption in Africa (AUCPCC). The Convention which entered into force on August 5, 2006, signaled the political commitment of African leaders to fight and combat the cancerous scourge of corruption on the continent. To give effect to Article 22 of the Convention, the AU established in 2009, an Advisory Board on Corruption with a broad range of functions including to promote and encourage adoption and application of anti-corruption measures on the continent. These efforts are grounded in the commitment of African leaders as espoused in the Constitutive Act of the AU. The Act enjoins the Member States to coordinate and intensify their cooperation, unity, cohesion, and efforts to achieve a better life for the peoples of Africa. The Act specifically calls for the protection and promotion of human and peoples' rights, consolidation of democratic governance and the rule of law, as well as the promotion of social justice to ensure balanced economic development.

Corruption, a global phenomenon, continues to be at the heart of governance deficits in Africa. Without a doubt, it is a daunting challenge to good governance, sustainable economic growth, peace, stability, and development in Africa¹. Corruption continues to negatively hamper efforts aimed at promoting democratic governance, socio-economic transformation, peace and security in the AU Member States. According to the Report of the High-Level Panel on Illicit Financial Flows from Africa, popularly known as the Mbeki Report, Africa loses over fifty (50) billion US dollars every year through illicit financial flows. This huge drain on the resources continues to negatively impact on developmental efforts of the continent. If sustainable efforts are not put in place to address this challenge among other elements of corruption, attaining the goals of Agenda 2063 - Africa's 50-year development blueprint - as well as the Global Sustainable Development Goals may be slow to achieve.

Corruption impedes development in the society by denying citizens access to quality infrastructure, adequate health facilities, affordable education and above all, breeds inequality and exacerbates governance deficits which in turn give rise to violence and conflict. The adoption of the AU Convention in 2003 and its rapid entry into force in 2006 gave a major boost to various national, and indeed global efforts to eradicating corruption.

Since its adoption, the convention provided the normative and structural basis for some of the modest achievements that have been recorded in the fight against corruption in Africa. In particular, 40 of the 55 AU Member States have ratified Charter, and many of these have domesticated the convention through the establishment of national anti-corruption institutions, development of legal and policy frameworks and the reform of public institutions and service delivery processes. As a result, the continent has recorded modest changes in accountable, transparent and responsive governance. Over the past two decades, sustained advocacy and reforms in open contracting, public procurement processes and budgeting processes continue to spur socio-economic growth and development in addition to increased measures to enhance accountability and transparency.

Nonetheless, corruption continues to erode public confidence in governance systems. Inability to clamp down on grand corruption and Illicit Financial Flows, the rise of state and institutional capture by powerful interest groups, opacity in political party financing, perceived illegitimate civic and democratic processes as a result of allegations of corruption and the inability to recover stolen assets, all remain critical challenges.

¹ UNECA (2001), Combating Corruption, Improving Governance in Africa
<https://www.uneca.org/sites/default/files/PublicationFiles/combating-corruption-improving-governance-in-africa-2011-2016.pdf>

Also, the gravity of the challenge on the continent is such that finding a sustainable solution is not solely the responsibility of the government. Building sustainable efforts towards preventing and combatting corruption will require a new paradigm and approach in the addressing these challenges. Such approaches must be built on the collective consciousness of African citizens as a major stakeholder in the quest for accountable, transparent and responsive governance systems.

It is in the realisation of these that the AU during its 30th Assembly of Heads of State and Government held in January 2018 in Addis Ababa, Ethiopia launched 2018 as the African Anti-Corruption year. This followed the declaration made at the 29th Assembly of the Heads of State and Government in January 2017 to dedicate the theme for 2018 to ***“Winning the fight against corruption: a sustainable path to Africa’s transformation.”*** To further give political weight to this declaration, the AU Assembly designated H.E Muhammadu Buhari, President of the Federal Republic of Nigeria as the Champion for the theme of the year, in recognition of the efforts made by H.E Buhari in the fight against corruption.

Through various activities and initiatives within the context of the theme of the year, the AU aims to rally various segments of the African society including AU Organs, Institutions, Regional Economic Communities (RECs) and the Member States; Civil Society Organisations, as well as citizens including youth, women and media to address the urgent need to fight corruption and impunity on the continent as a sustainable path to a prosperous and peaceful Africa.

Rationale

The World Economic Forum estimates that the cost of corruption is at least \$2.6 trillion, or 5 percent, of global gross domestic product. According to the World Bank, businesses and individuals pay more than \$1 trillion in bribes each year². In Africa, the challenge is even more disturbing. According to the African Union and the UN Economic Commission for Africa, Africa is estimated to have lost more than \$1 trillion in illicit financial flows (IFFs). An amount roughly equivalent to all of the official development assistance received by Africa over the last 50 years.

Like many other regions around the world, corruption is at the heart of development challenges facing the African continent. The continent continues to grapple with this cankerworm which threatens the attainment of national, regional and continental development goals. Many of the political, social and economic challenges faced by Africa today are traceable to some of corruption or the order. Corrupt practices on the continent range from petty corruption involving monetary incentives to aid normal bureaucratic procedures to large-scale corruption involving huge sums of money in exchange for government contracts and privilege. In addition, the absence of string legislature and other restrictive mechanisms/institutions also provide a fertile ground political, economic and social corruption. The impact has been huge. Direct and indirect costs of corruption include lost revenues, wastages and inefficiencies, economic and social distortions, difficulty in doing business, inefficient service delivery and ultimately, hindrance of growth and development opportunities³.

There are indeed many drivers of corruption in Africa. These include amongst others weak governance institutions, rent-seeking, patronage and clientelist political systems, weak judicial and redress institutions, and overt centralisation of the power of the state with limited citizen’s

² United Nations (2018) Maintenance of international peace and security, Report of the 8346th Meeting of the Security Council held Monday, 10 September 2018. Accessed on 29 September 2018 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_pv.8346.pdf

³ Gbenga Lawal (2007) Corruption and Development in Africa: Challenges for Political and Economic Change Humanity & Social Sciences Journal 2 (1): 01-07, 2007 <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.631.5272&rep=rep1&type=pdf> accessed 30 September 2018

oversight and participation⁴. All these have also been exploited by external forces who due to lack of sufficient restrictive mechanisms continue to rip the continent of resources that could have been channeled to finance development programmes. In more extreme cases, these corrupt practices have fuelled the undermining of State institutions and weakening of the rule of law in AU Member States.

AU Member States have a huge responsibility in turning the tide. While indeed, the continent has recorded normative and institutional gains particularly in the establishment of national anti-corruption agencies, the gap between norms and implementation remains very wide. In fact, of the 55 AU Member States, only 40 have ratified the AU Convention on preventing and combatting corruption. Of this 40, only a few comply with the annual reporting responsibilities as stipulated in Article 22 of the Convention.

Tackling corruption in Africa must be seen as a top priority. Taking action and preventing corruption from festering in Africa's political, economic and social systems is a sure path to transformation on the continent. Achieving this will, however, require concerted efforts from the broad spectrum of Africa's society including state and non-state actors.

AU Member States must lead from the front by ensuring the fulfillment of their commitments in the AUCPCC particularly to build up the capacity of national anti-corruption commissions and other related institutions. Deepening separation of powers and ensuring independent and effective legislatures, judiciaries, vibrant civil society, free media and instituting effective whistleblower protections are all strategies that must be put in place. In addition, cooperation with regional and international institutions to support efforts towards effectively tackling money laundering, tax evasion, and the illicit financial flows remains paramount. Commitments must be made to promote integrity, transparency, and accountability, by exploring innovative solutions and new technologies as well as investment in formal and informal educational efforts that amplify ethical and values-based lifestyles.

Addressing these issues is therefore at the core of winning the fight against corruption and ensuring collective and sustainable efforts. The Seventh High-Level Dialogue on Democracy, Human Rights and Governance: Trends, Challenges, and Prospects⁵ will, therefore, grapple with these issues. This dialogue is being convened at an opportune moment in light of the designation of 2018 as the African Anti-Corruption Year and the 15th anniversaries of the AUCPCC as well as the United Nations Convention Against Corruption (UNCAC). This historical milestone compels us to assess the level of progress in respect of the fight against corruption, and inspire more efforts in ridding the continent of the cancerous scourge.

B. About the 2018 High-Level Dialogue

The Seventh High-Level Dialogue on Democracy, Human Rights and Governance is convened under the auspices of the African Governance Architecture (AGA) and will serve as a forum for reflection on the 2018 AU theme of the year on "*Winning the Fight Against Corruption: A Sustainable Path to Africa's Transformation*". Particularly, discussions at the Dialogue will focus on examining the theme within the framework of AU's democratic governance agenda and guided by the AU Convention on Preventing and Combatting Corruption (AUCPCC), the African Charter

⁴ P.L.O. Lumumba (2014) Corruption: The bane of Africa published in Corruption in Africa. A Threat to Justice and Sustainable Peace. Edited by Nduku, E & Tenamwenye, T. Geneva: Globethics.net
https://www.globethics.net/documents/4289936/13403252/GE_Focus_14_web.pdf

⁵ The High-Level Dialogue on Democracy, Human Rights and Governance is an annual convening that is intended to provide a frank, open and inclusive space for African Governance Platform Members, AU Member States and non-state actors, including civil society, think tanks, research institutions, media and selected Africa citizens to reflect on the impact of their work towards the consolidation of democracy and strengthening of participatory governance in Africa. The Dialogue that is in its 6th convening analyses emerging trends, challenges and prospects of given thematic democratic governance and human rights issues in Africa.

on Democracy, Elections and Governance (ACDEG) as well as other shared values instruments adopted at the continental, regional and national levels.

At the normative level, promoting the fight against corruption is part of the objectives of ACDEG while states parties to the Charter must abide by the principle of condemnation and rejection of acts of corruption and impunity while promoting and strengthening good governance through the institutionalization of transparency, accountability, and participatory democracy. The operative articles of ACDEG identify the state, private sector, and civil society as being key actors in the fight against corruption.

The Dialogue is therefore intended to provide a frank, open and inclusive space for policymakers, the private sector, the academia and practitioners to interrogate policy and practice imperatives to enhance the fight against corruption. In addition, the Dialogue will focus specifically on appropriate governance responses and recommendations that shall guide state and non-state interventions at national, regional, continental and international levels.

In this vein, the High-Level Dialogue will be preceded by some preparatory consultations including three regional youth consultations, one gender forum amongst others. Outcomes and resolutions from these consultations will systemically dovetail into the discussions at the HLD and eventually form parts of the outcomes.

C. Thematic Focus of the 2018 High-Level Dialogue

The Dialogue will focus on the five thematic areas;

- i. **Political Economy of Corruption in Africa:** This sub theme will explore the issue of corruption within the context of Africa's political and socio-economic development trajectory. Emphasis will be on the key drivers of corruption and how normative, structural and policy responses have not yielded expected results at envisaged pace. Furthermore, issues such as political corruption, state capture and how these issues influence governance deficits will be a major focus. Discussions are expected to highlight linkages between political corruption and the challenge of governance deficits in Africa. In addition, discussions will also bother on how corruption impacts civic and electoral processes as well as how transparency can be enhanced in political party financing and democratic processes broadly. Conclusions will be drawn on how policy responses can leverage multi-disciplinary approaches emphasising the need for a new governance socialisation that will turn the tide against corruption in Africa;
- ii. **Leadership and Institutions for combatting Corruption in Africa:** This sub theme will emphasise the centrality of leadership and institutions as key for sustainable fight against corruption in Africa. The discussion will focus on political will and institutional structures put in place as well as highlight the limitations to their effective implementation. Furthermore, discussions under this theme will also interrogate the issue of enhancing the role, independence and capacities of National Anti-Corruption Bodies and other related organisations saddled with the responsibility of tackling corruption and fostering accountable, transparent and responsive governance in the AU Member States. Discussions will highlight the issue of independence and political interference in the work of Anti-Corruption institutions as well as their capacities to carry out their mandate efficiently;
- iii. **Strengthening the role of actors in the fight against corruption in Africa:** This sub theme will explore the imperative for a citizen-based approach to the fight against Corruption. Emphasis will be based on strategies that worked on the continent, leveraging

the capacities of the broad spectrum of the African society to foster accountable and transparent governance on the continent. In doing this, the role of parliamentarians, women associations, the media, the business community, faith-based groups, the youth, educational institutions and traditional leaders, among others will be highlighted. Also, this theme will make a case for the partnership between state and non-state actors in the fight against corruption particularly on the need to find a balance between state and citizen's centered approaches to the prevention of corruption;

- iv. **Lessons Learnt and Experience Sharing on the fight against Corruption:** This sub theme will highlight transformational case studies of the fight against corruption. Selected member states with experiences as well as results to share in the fight against corruption will showcase their experiences in winning the fight against corruption.

- v. **Partnerships and Cooperation for the fight against corruption:** This sub theme will focus on the much talked about Illicit Financial Flows, asset recovery and highlight the international dimensions to the fight against corruption in Africa. In particular, discussions will highlight the need for regional and international partnerships and cooperation in the fight against corruption and enhancing asset recovery. Also, experiences of selected American, Asian and European countries will also be leveraged to broaden the scope of the conversations on this theme.

D. Goal and Objective

The overall goal of the Seventh High-Level Dialogue is to assess and explore normative, structural and implementation enablers for sustainable anti-corruption efforts in Africa. Specifically, the Dialogue will provide a platform to share evidence-based knowledge and analysis as well as exchange comparable lessons and experiences in fighting corruption while also developing policy recommendations to address current limitations and challenges.

The specific objectives of the HLD are to:

- a) Assess the progress in the fight against corruption and identify key hindrances to the sustainable prevention of corruption in the AU Member States;
- b) Facilitate an inter-disciplinary and sectoral conversation on the shared responsibility of policy makers, the private sector, media, and citizens in the fight against corruption;
- c) Highlight innovative, data-driven, technological and advocacy initiatives driving improved accountability, transparency and responsive governance across AU Member States;
- d) Strengthen existing efforts and facilitate enhanced programmatic capacities within the AU as well as its organs and institutions for the fight against corruption;
- e) Proffer policy recommendations and practice proposals to advance the fight against corruption at all levels; and,

E. Expected Outcome

It is expected that the 2018 High-Level Dialogue will meaningfully contribute towards the realisation of Aspiration 3 of Agenda 2063 which envisions "An Africa of good governance, democracy, respect for human rights, justice and the rule of law." The Dialogue will also assist

with identifying specific roles of AU Member States, Regional Economic Communities and non-state actors towards enhancing the fight against corruption.

F. Expected Outputs

The Dialogue shall produce the following outputs;

- i. Five (5) Policy Briefs focusing on each of the thematic focus of the Dialogue
- ii. One (1) Proceedings Report that will be creatively disseminated widely through traditional and new media;
- iii. One (1) Short Documentary on the HLD Proceedings and the Regional Youth Consultations;
- iv. Press Releases (Various);
- v. Media Interviews (Various)
- vi. One (1) Special Issue of the African Governance Newsletter on the HLD

G. Methodology

The methodology to be followed in preparation and execution of the project will include:

- i. Data collection, collation and analysis (Research)
- ii. Development of research papers and knowledge products
- iii. Consultations and dialogue (one main forum and pre-forum events including three regional youth consultations)
- iv. Dissemination of the publications
- v. Policy influence and advocacy

Specifically, Dialogue discussions will be conducted through several interactive strategies including TV-Style moderated Panel Discussions, conversations with high profile individuals, marketplace interactions and plenary forums. The Panel Discussions will be designed to ensure an intergenerational exchange as well as ensure a mix of policy and practitioner's perspective in the conversations.

Also, the High-Level Dialogue will include opinion pieces in the media, interviews, robust social media engagement, a video documentary and other innovative means to spur debate before and during the Dialogue, engage the virtual audience in the deliberations, and disseminate the outcomes of the Dialogue.

H. Documentation

In the interest of protecting the environment, the Seventh High-Level Dialogue will, to the extent possible, be paperless. Most of the documentation for the Dialogue Forum will be shared electronically. Very few basic documents will be reproduced in hard copy. All High-Level Dialogue documents and news updates will be available on the www.dgtrends.org and www.auanticorruption.org websites, Twitter @AUC_DPA and @info_auabc, Hashtags #DGTrends #AfricaAgainstCorruption

I. Participation

The key stakeholders to be invited to the High-Level Dialogue include the following:

- i. Heads of State and Government of the AU Member States
- ii. Former Heads of State and Government
- iii. AU organs and institutions
- iv. Regional Economic Communities

- v. Civil Society Organizations (CSOs) including Youth networks and Women's organizations
- vi. National and State Institutions (National Anti-Corruption Agencies, Supreme Audit Institutions and Financial Intelligence Units)
- vii. Political Parties
- viii. Development Partners and Agencies
- ix. Private Sector (Multinationals/ Local/Informal trade groups)
- x. Philanthropy Organisations and Individuals
- xi. Trade Union Movements
- xii. Religious Organisations
- xiii. African Traditional Authorities
- xiv. UN agencies and other International and continental financial institutions (e.g. AfDB, IMF, World Bank)
- xv. Media
- xvi. Academic and Research Institutions

J. Partnership

The Seventh High-Level Dialogue is a flagship Initiative of the African Governance Platform to foster dialogue. It will be jointly convened by the Department of Political Affairs of African Union Commission as the Secretariat of the AGA, the African Union Advisory Board on Corruption and the Government of the Republic of Botswana. Other partner organisations will provide technical and financial support towards the Dialogue.

K. Working Languages

The Meeting will be conducted in Arabic, English, French, and Portuguese.

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