

# Governance Profile

## Explanatory Note

The governance profile should provide a qualitative, extensive and detailed assessment that helps identifying the main constraints in governance related areas in the broad sense. It is not meant to be exhaustive but focuses on some core issues of governance. Some governance-related issues are not fully covered by the governance profile, because they are already addressed in other relevant documents (annex on non state actors /local authorities consultation on the CSP, MDG indicators, environmental profile, ...).

The governance profile is a programming tool. Its main objective is to help identifying specific areas of cooperation (weaknesses) and agreeing on benchmarks and targets for reform (Government commitments), or on sectoral performance indicators, if governance is a focal area. It will help to assess the extent to which commitments undertaken by partner country are relevant, ambitious and credible for the “incentive tranche”.

The governance profile is not meant to be done necessarily jointly with the partner country but its content should be shared (but not negotiated and agreed) with partner country during the programming dialogue. EU Member States should be associated.

The governance profile is divided in nine sections

- (1) Political /democratic governance
- (2) Political governance/rule of law
- (3) Control of corruption
- (4) Government effectiveness
- (5) Economic governance
- (6) Internal and external security
- (7) Social governance
- (8) International and regional context
- (9) Quality of partnership

The profile, to be updated regularly, should be done for all country situations including, effective and stable partnerships, difficult partnerships and fragile states, post-conflict situations. Depending on the country situation other relevant issues can be addressed in the profile. In countries having completed the African Peer Review Mechanism Process, the profile will be based on the report of this review process.

Relevant sources of information and useful internet links are joined in Annex.

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## I. POLITICAL/ DEMOCRATIC GOVERNANCE (VOICE AND ACCOUNTABILITY FOR WBI)

### A. Human Rights

Does the government have any particular problem to sign, ratify or transpose to domestic law human rights related global/regional conventions <sup>1</sup> ? If so, why? Please provide comments on implementation of human rights ratified conventions.	
Has the government signed and ratified the statute of the International Criminal Court? Has it signed bilateral immunity agreements with third countries (USA)?	
If death penalty has not been abolished, under which circumstances and grounds it is applied (military, sharia courts..)?	
Do the watchdog public institutions (Ombudsman, Human Rights Commission), in case they exist, have problems in exercising effective power?	
Is the principle of non discrimination based on sex, race, colour, language, religion, political or other opinion, national or social origin foreseen by the law and effectively guaranteed? If not what are the main problems?	
Are minorities' and indigenous peoples' political and cultural rights effectively protected? What are the main controversial issues (land	

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<sup>1</sup> **Global instruments:** The Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the International Covenant on Economic, Social and Cultural Rights (1966), plus a number of specific conventions, such as the International Convention on the Elimination of Racial Discrimination (1965), the Convention on the Elimination of Discrimination Against Women (1979), the Convention Against Torture (1984), and the Convention on the Rights of the Child (1989). **Regional instruments:** **African countries:** African Charter on Human and Peoples Rights (1990), Grand Bay (Mauritius) Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999), African Charter on the Rights and Welfare of the Child (1990), African Platform on the Right to Education (1999), OAU Refugee Convention (1969), Protocol on the Rights of Women in Africa (2003). **Caribbean countries** (to be completed), **Pacific countries** (to be completed)

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rights, political rights,...)?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

## B. Fundamental Freedoms

Are the following fundamental freedoms recognised and effectively exercised by citizens (what are main restrictions and problems if not respected)	
- freedom of movement, including entering and leaving the country	
- the freedom of thought, conscience and religion	
- freedom of expression	
- freedom of information (are there restrictions to international media and to access to internet?)	
- freedom of assembly and association (including meetings held by political opposition, demonstrations). Is the regulatory environment conducive for civil society organisations, professional associations, trade unions, political parties to operate	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

## C. Electoral Process

Were the last Presidential, parliamentary and/or local electoral processes considered free and fair by EU and/or other international bodies? If not, what are the main obstacles? Please refer to the following elements to assess the electoral process.	
- specific problems that undermine the independence, impartiality and credibility of the authority in charge of supervising the electoral processes	
- electoral census and the voters' registration system	
- specific problems that undermine the principle of equal	

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campaigning opportunities (equal access for all contesting parties to the state-controlled media, availability of published and broadcast media in all constituencies, transparency of financing of political groups / candidates)	
- existence of mechanisms for checking and validating election results - possibility to use recourse procedures	
- possibility of requesting an authorised international election observation - possibility for local observers (from independent NGOs or political parties) to operate	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

### D. Principles of constitutional democracy

Does the Constitution contain the principle of the separation of powers?	
How does Parliament exercise its main powers? (legislative functions, power to decide the national Budget, oversight of the executive/government's action and capacity to dismiss the executive)	
Are there any political parties or similar structures? If not, what are the main obstacles for their formation and functioning?	
How the political parties ensure political pluralism? (their capability of being representative, their budget, ...)	
Is the security system, including law enforcement institutions such as police, armed forces, paramilitary forces, etc, under democratic control and oversight by Parliament and civilian authorities? If not, what are the main obstacles?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

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## II. POLITICAL GOVERNANCE/RULE OF LAW: JUDICIAL AND LAW ENFORCEMENT SYSTEM

What type of judicial systems (modern, religious, traditional,...) coexist in the country? What is their respective jurisdiction?	
Do procedures of nomination, removal, sanctions and promotion ensure the independence of judges?	
Is the current system conducive to a performing judicial system (appropriate salary, training, transparent disciplinary regulations, trained judges, equipped courts)?	
Does the judicial system guarantee the right of every citizen to a fair trial? The following elements could be taken into consideration: - Is the access to justice reasonably ensured (including its geographical coverage) and judicial decision taken in a reasonable time? - Is the system for appeal deemed effective?	
In the exercise of its functions, does the law enforcement system (police, judges, penitentiary system) guarantee security of citizens and respect of law, while respecting human rights? Are penalties proportional to crimes? Do prison conditions respect human dignity?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

## III. CONTROL OF CORRUPTION

What are the sectors in which cases of corruption are reported? What kind of corruption is it? <i>(ie :customs, public procurement, revenue collection.. ?)</i>	
Does the country have an appropriated legal framework enabling to fight against corruption? <i>(ie Do national law criminalise active and passive corruption to/by a</i>	

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<i>public official, Is an anti-corruption commission or other similar institution in place,...?)</i>	
Is the national legal framework implemented? Are the institutions adequately financed to fulfil their mandate?	
What is the position of the country towards international law regarding the fight against corruption (UN conventions, Financial Action Task Force)?	
Is the country contributing to FATF-GAFI (Financial Action Task Force / Groupe d'action financière)? Is the country implementing FATF/GAFI recommendations on money laundering and terrorism financing <sup>2</sup> ? Through which regional mechanisms <sup>3</sup> ?	
Does the country have a strategy or reforms addressing the main weaknesses identified here above? Are these strategies / reforms integrated in the poverty reduction strategy ?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

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<sup>2</sup> FATF 40 recommendations on money laundering  
[http://www.fatf-gafi.org/document/23/0,2340,fr\\_32250379\\_32236920\\_34920215\\_1\\_1\\_1\\_1,00.html](http://www.fatf-gafi.org/document/23/0,2340,fr_32250379_32236920_34920215_1_1_1_1,00.html)  
 FATF 9 special recommendations fighting terrorism financing  
[http://www.fatf-gafi.org/document/51/0,2340,fr\\_32250379\\_32236920\\_35280947\\_1\\_1\\_1\\_1,00.html](http://www.fatf-gafi.org/document/51/0,2340,fr_32250379_32236920_35280947_1_1_1_1,00.html)

<sup>3</sup> Such as Groupe d'action financière des Caraïbes GAFIC, [Groupe anti-blanchiment de l'Afrique orientale et australe GABAOA](#)<sup>3</sup>, Groupe Inter-gouvernemental d'Action contre le Blanchiment en Afrique –de l'Ouest- GIABA<sup>3</sup>, [Groupe Asie/Pacifique sur le blanchiment de capitaux GAP](#)<sup>3</sup>

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## IV. GOVERNMENT EFFECTIVENESS

### A. Institutional capacity

<p>What are the main obstacles for public institutions (ministries, central bank, tender authority, audit) to exercise their power in an effective manner? The following elements could be taken into consideration:</p> <ul style="list-style-type: none"> <li>- is their mandate clearly defined?</li> <li>- do they dispose of qualified staff and adequate budgetary resources?</li> <li>- is there an effective coordination between the central and local level government?</li> <li>- is the national and local administration able to formulate and implement policy initiatives?</li> <li>- are they able to manage external aid?</li> <li>- do they have the capacity to respond effectively to natural disasters?</li> </ul>	
<p>If a decentralisation process is ongoing, Are the relevant competencies devolved to local authorities? Are appropriate resources (staff and budget) secured through allocations in the State's budget or through their own revenues?</p>	
<p><i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i></p>	

### B. Public Finance Management (PFM)

<p>Is there an up-to-date assessment of PFM in the country?</p>	
<p>Describe if there are problems with:</p> <ul style="list-style-type: none"> <li>- the realism of the budget document?</li> <li>- the execution of the budget?</li> <li>- the comprehensiveness and the transparency of the budget ?</li> </ul>	

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- internal controls? - external scrutiny and audit?	
Is there a reform programme to improve the quality of PFM? - <u>If not</u> , is one being drafted? - <u>If yes</u> , Is there evidence of the authorities' commitment to its implementation	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

### V. ECONOMIC GOVERNANCE (REGULATORY CAPACITY FOR WBI)

#### A. Private sector/market friendly policies

Is the business climate attractive for private sector investment in particular taking into account - The time and cost to start/end a company	
-The level of access to capital market ; Inadequate bank supervision	
-The customs regulations and the application of the rule	
-The property regime	
-The labor regulations	
-The unofficial payment for firms to get things done	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

#### B. Management of natural resources

Has the country adhered to the EITI (Extractive Industries Transparency Initiative)? If not, what are the problems regarding the adhesion? Has the country encountered any problems in the implementation of the EITI (programme, activities, creation of a EITI specific	
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department)?	
In case the country is concerned by the illicit production and trade of “conflict diamonds”, is the Government involved in and cooperative with the Kimberly Process Certification System (KPCS)? Has it put in place the appropriate controls to eliminate the presence of conflict diamonds in the chain of producing and exporting rough diamonds?	
FLEGT (Forest Law Enforcement, Governance and Trade) Is the country affected by illegal logging and the trade in illegally-harvested timber? If yes, what steps has the government taken to strengthen forest sector governance, and address underlying causes of illegal logging? Has there been dialogue between the government and the Commission concerning the EU FLEGT Action Plan, and is the country a potential candidate for a partnership under the FLEGT Action Plan?	
Does the country implement the FAO Code of Conduct for Responsible Fisheries (CCRF)?	

### VI. INTERNAL AND EXTERNAL SECURITY (POLITICAL STABILITY AND ABSENCE OF VIOLENCE FORWBI)

#### A. Internal stability/conflict

What kind of internal ethnic/regional conflict can be identified? Please specify its causes and the ongoing conflict resolution process, if any.	
Can signs of civil unrest be detected? If yes, which sectors of society are affected?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

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## B. External threats and global security

Is the country respecting international/regional agreements related to Antipersonnel Landmines, Explosive Remnants of War and illicit trafficking and spread of Small Arms and Light Weapons	
Does the country respect international law and its regional obligations in managing external conflicts? Is the country involved/affected by any external conflict?	
Is the country contributing positively (troop contributions to PK by UN) to the maintenance of peace in the world, continent, region?	
Is the country involved actively in peace mediations?	
Is the country committed to implement UN Security Council Resolution 1373 (2001) and UN Convention on Terrorism? Does the country have the institutional capacity/legislation to contribute to the fight against terrorism?	
Does the country comply with and implement international norms and convention against the proliferation of weapons of mass destruction and their means of delivery?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

## VII. SOCIAL GOVERNANCE

Does the government have any particular problem to sign, ratify or transpose to domestic law the eight fundamental ILO Conventions <sup>4</sup> ? If so, why? Please provide comments on implementation of ILO	
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<sup>4</sup> Conventions on freedom of association and collective bargaining (conventions 97, 98) , on elimination of forced and compulsory labour (conventions 29, 105), on elimination of discrimination in respect of employment (Conventions 100, 111), on abolition of child labour (Conventions 138, 182)

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ratified conventions, in particular on children	
Does the country have a National Strategic Plan to enable it to respond to the challenges of HIV/AIDS e.g.; a national Coordination Committee etc.?	
Where national strategies and structures exist to respond to the challenges of HIV/AIDS, how far is there the political will and the commitment of domestic resources to ensure that they are effective?	
Does the government have any particular problem to sign, ratify or transpose to domestic law the most important international conventions and declarations on gender equality? <sup>5</sup> If so, why? Please provide comments on implementation	
Has the country put in place strategies and structures to respond to the challenges of gender equality, e.g. a national strategic plan, a coordination committee or the like?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

### VIII. INTERNATIONAL AND REGIONAL CONTEXT

#### A. Regional integration

Level of implementation at national level of the economic integration agenda, particularly the creation of a free trade area or of a customs union	
Level of application of regional programmes or action plans in other regional policy areas that are part of the common regional "acquis" (transport policy, trade facilitation, etc)	

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<sup>5</sup> Convention on all forms of discrimination against women (CEDAW, 1979), the Cairo Programme of Action (1994), the Beijing Platform for Action (1995)

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Level of engagement in the regional institutions, notably the respect of the financial commitments of the country, and respect of legal decisions taken by regional judicial bodies	
Technical and legal coherence and compatibility of the country's positions towards the various regional agendas and level of commitment towards the rationalisation of regional economic cooperation	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

### B. Involvement in regional initiatives on governance and peer review mechanisms (such as APRM)

Is the country actively participating in regional initiatives on governance ?	
Has the country acceded to the Africa Peer Review (APR) process? Is the country being reviewed or has it been reviewed? Is APR programme of action integrated in the PRS, in the MTEF, etc	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

### C. Migration

Has the country been invited to deepen the dialogue with the EU on the broad agenda of migration related issues contained in art. 13 Cotonou ? If yes, has it responded positively? Have interlocutors been identified? Has an agenda for dialogue been proposed / agreed? Is there an open debate and good cooperation on the implementation of the readmission obligation?	
In case where development aspects of migration have been identified as an important issue (e.g. brain drain / return of qualified nationals, remittances, relation with diaspora), does the country show	

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<p>willingness to address them in the programming dialogue? Does the country pursue a pro-active approach in this policy field? What steps have been taken in this context?</p>	
<p>In case where refugee aspects of migration have been identified as an important issue (either as a host country or as a country of origin), does the country show willingness to address the position of refugees in the programming dialogue? Does the country, when appropriate, cooperate on initiatives to enhance domestic or regional protection capacity?</p> <p>Does the country pursue a pro-active approach in this policy field? What steps have been taken in this context?</p>	
<p>In case where illegal migration, smuggling and/or trafficking of human beings have been identified as an important issue, does the country show willingness to address these issues in the programming dialogue?</p> <p>Does the country pursue a pro-active approach in this policy field? What steps have been taken in this context?</p>	
<p><i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i></p>	

### IX. QUALITY OF PARTNERSHIP

#### A. Political dialogue

<p>Are there agreed terms of reference, joint agendas and established calendar for article 8?</p>	
<p>Would you qualify it as open and constructive? If not, what are the main difficulties?</p> <p>Did the political dialogue lead to any concrete achievement?</p>	
<p>Within art. 8 is dialogue on essential elements systematic and</p>	

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formalised? Have specific benchmarks or targets been agreed?	
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### **B. Programming dialogue**

Does the government involve Parliament, non-state actors and local authorities in the programming dialogue?	
Was the programming exercise effectively a joint and open process? Did the Government actively promote co-ordination and harmonisation with other donors?	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

### **C. Non State Actors**

Participatory approaches to development: does the government involve non-state actors and local authorities in the PRS process (preparation, follow-up)? <i>Note: an assessment of the quality of participatory approaches should be provided in Annex 5 to CSP</i>	
<i>Other relevant information, overall appreciation and summary of the main problems identified in this area</i>	

### **OVERALL CONCLUSION**

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## GOVERNANCE DATA – EXAMPLES

Details and internet links to the tools below as well as to other guides are provided in Annex.

- Governance country diagnostics by the World Bank Institute (available for a very limited number of countries)
- Economic Commission for Africa
- International IDEA
- Africa Development Bank's Governance Profiles

## ANNEXE - OUTILS – GUIDES DISPONIBLES

### Websites externes

APRM - <http://www.nepad.org/2005/files/aprm.php>

### Ranking of countries according to the evolution of selected governance indicators over time:

World Bank Institute - the link below present the updated aggregate governance research indicators for 209 countries for 1996–2004. Six dimensions of governance are examined: (1)Voice and Accountability (measuring political, civil and human rights), (2)Political Stability and Absence of Violence (measuring the likelihood of violent threats to, or changes in, government, including terrorism), (3)Government Effectiveness (measuring the competence of the bureaucracy and the quality of public service delivery), (4)Regulatory Quality/Burden (measuring the incidence of market-unfriendly policies), (5)Rule of Law (measuring the quality of contract enforcement, the police, and the courts, as well as the likelihood of crime and violence) and (6)Control of Corruption (measuring the exercise of public power for private gain, including both petty and grand corruption and state capture)

<http://info.worldbank.org/governance/kkz2004/>

TI Corruption Perception Index (2005 and previous years)

[http://www.transparency.org/policy\\_and\\_research/surveys\\_indices/cpi/2005](http://www.transparency.org/policy_and_research/surveys_indices/cpi/2005)

### Governance diagnostics

World Bank Institute – Governance country diagnostics

<http://www.worldbank.org/wbi/governance/capacitybuild/d-surveys.html>

African Development Bank – governance profile and other relevant data per country are available in the “African Development Report 2005”: <http://www.afdb.org>

### Signature and ratification of international instruments

Human rights – Global conventions

<http://www.ohchr.org/english/countries/ratification/index.htm>

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## ILO Conventions

<http://www.ilo.org/ilolex/english/convdisp2.htm>

(state of ratification of each convention - click on the reference on the left hand side)

## OAU/AU Treaties, Conventions, Protocols, Charters, including the list of countries which have Signed, Ratified/Acceded

<http://www.africa-union.org/root/au/index/index.htm>

(select “documents” in the left, then click on “Treaties, Conventions & Protocols”)

## Interamerican Convention Against Corruption (1996)

<http://www.oas.org/main/main.asp?sLang=E&sLink=http://www.upd.oas.org>

(select “corruption” under Sectors and topics, in the top)

## ADB-OECD Anti-Corruption Initiative for Asia-Pacific

<http://www1.oecd.org/daf/asiacom/index.htm>

## **Sites intranet de la Commission**

Nous avons développé des outils méthodologiques qui devraient faciliter l’élaboration du profil gouvernance, le dialogue de programmation ainsi que l’instruction des projets/programmes.

- Le nouveau format de CSP pour les pays ACP situe l’analyse des questions liées à la gouvernance dans le contexte plus large de l’analyse de la situation politique et fournit des indications utiles à ce sujet. Le but est de faciliter le lien entre l’analyse et la stratégie de réponse.
- Des fiches de programmation par sous-secteur (droits de l’homme et démocratie, Etat de droit -Judiciaire et Parlements-, Anti-Corruption, Décentralisation, Réformes Economiques et Institutionnelles -Appui budgétaire-) sont disponibles sur le site du iQSG. Ces fiches contiennent des éléments d’analyse plus détaillés et des indications sur des orientations possibles pour des interventions dans chacun des domaines.  
<http://www.cc.cec/home/dgserv/dev/newsite/index.cfm?objectid=E20B9EA4-ABD6-296E-65D6BCC3AE40E935>  
<http://www.cc.cec/home/dgserv/dev/newsite/index.cfm?objectId=E2D48344-DB4E-ED35-45155B9BE3AD8217>
- Le « handbook on Good Governance » produit par un réseau thématique de la Commission coordonné par Europe Aid facilitera l’identification de projets dans les « six clusters » (1)Support to democratisation including electoral processes and observation, (2)Promotion and protection of human rights, (3)Reinforcement of the rule of law and the administration of justice, (4)Enhancement of the role of non-state actors and their capacity building, (5)Public administration reform, management of public finances and civil service reform and (6)Decentralisation and local government reform and capacity building;  
([http://europa.eu.int/comm/europeaid/projects/eidhr/themes-governance\\_en.htm](http://europa.eu.int/comm/europeaid/projects/eidhr/themes-governance_en.htm))
- Some of the issues examined in the Commission’s “**Check list for root-causes of conflict**” are relevant for the governance profile  
[http://europa.eu.int/comm/external\\_relations/cpcm/cp/list.htm](http://europa.eu.int/comm/external_relations/cpcm/cp/list.htm)