

**New Partnership for Africa's Development (NePAD):  
*Democracy and Political Governance Initiative*  
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Fifteen African countries comprising NePAD's Implementation Committee\* will recommend to the founding meeting of the African Union in Durban, South Africa, July 2002, a set of commitments, obligations and actions that constitute the essentials of good governance.

*The Democracy and Political Governance Initiative* (DPGI), as it is currently called, will be the basis for deciding which countries participate, and to what extent, in NePAD. The DPGI addresses a strategic issue for Africa: the need for new norms, more effective regional and international institutions, and greater political will to prevent severe abuses of power within states while not undermining those sovereign rights and responsibilities that help maintain peace and security among states. Political decisions will ultimately rest with NePAD heads of state, presumably according to recommendations from an African Peer Review Mechanism (APR), described below.

NePAD's founders recognize that Africa's greatest handicap is the prevalence of weak states that lack the capacity, resources and/or will to provide adequate security for their citizens, to be effective regional partners, and to deal with the new forces of globalisation. Promoting good governance and holding governments more accountable for their domestic behaviour is, in Nelson Mandela's term, "democratic realism." It is essential for preventing the deadly conflicts that have ravaged much of Africa, overcoming poverty, achieving sustainable development, and dealing with a growing list of national and transnational problems, including terrorism, refugees,

It is no secret that South Africa's president, Thabo Mbeki, is the architect of NePAD. It is a role that might be compared to the one Kwame Nkrumah's played in promoting Pan African unity forty years ago. Both leaders emerged out tha27an

The plan then received the backing of the G-8 at last year's Genoa summit. And only then did the OAU give its unanimous approval, in principle, at their 2001 summit in Lusaka. Along the way NePAD has acquired a Chair, President Olusegun Obasanjo of Nigeria, the fifteen nation executive committee, and a secretariat based at the Development Bank for Southern Africa between Pretoria and Johannesburg and headed by Mbeki's economic advisor, Prof. Wiseman Nkuhlu.

NePAD cannot succeed if left only to governments and intergovernmental organisations. Support from civil society and the private sector, within and beyond Africa, will be vital, especially in the development, implementation and monitoring of the DPGI. All donors – bi-lateral, multi-lateral, and non-governmental should view the DPGI as a potential target for assistance and as a source of guidance/criteria in setting country priorities for all other NePAD projects and programs.

The next section of this paper summarizes the commitments, obligations and actions that are expected of NePAD members. A brief description of the African Peer Review Mechanism (APRM) follows. Several immediate political issues affecting the advancement of NePAD are then considered. A concluding section suggests how the Centre for Global Studies and State of the World Forum (CFGS/SWF) project might contribute to its advancement.

### **DPGI Commitments, Obligations and Actions**

The version of the DPGI accepted by the NePAD Implementation Committee at their March summit in Abuja contains twelve commitments and obligations and lists 20 actions to be taken.

To improve the chances that all members of the African Union will feel politically compelled to adopt the initiative, DPGI drafters shrewdly inserted a preamble to remind African governments that most have signed and ratified six regional and seven of already existing formal instruments that most have already signed. Most lack enforcement provisions but because their aims already enjoy the formal backing, DPGI backers expect that most governments will be reluctant to challenge something derivative of established instruments.

The Constitutive Act of the African Union tops the list. Among its objectives under Article 3 are to “Promote democratic principles and institutions, popular participation and good governance” and “Promote and protect human and people's rights in accordance with the African Charter...and other relevant human rights instruments.” In what is also regarded as a small but significant step the Article 4 (h) grants the AU the right to “intervene in a Member state pursuant to a decision of the Assembly in respect of grave circumstances, namely war crimes genocide and crimes against humanity.” The first step in implementing this provision has already been taken, following adoption in 2000 of the Framework for an OAU Response to Unconstitutional Changes of Government. The OAU has since imposed sanctions, for the first time in its history, against two members -- Ivory Coast and Comoros – with positive effect.

The initial twelve commitments and obligations accepted in Abuja will no doubt appear to many sceptics as further widening the gap between promise and

performance of African countries in areas of human rights and democratisation. If donor agencies, public and private, can find ways to use these as framework to guide their funding priorities, and if they become the focus for grass-roots political mobilization in support of NePAD across Africa, prospects that these commitments and obligations will influence policies in African capitals will likely improve. They include:

- To demonstrate and exercise the necessary political will to keep to the core values, commitments and obligations of NEPAD and of the aforementioned legal instruments.
- To empower people and institutions within civil society to ensure an active and independent civil society that can hold government accountable to the people.
- To adhere to the principles of a constitutional democracy, the rule of law and the strict separation of powers, including the protection of the independence of the judiciary.
- To promote political representivity, thus providing opportunities for all citizens to participate in the political process in a free and fair political environment.
- To ensure the periodic democratic renewal of leadership, in line with the principle that leaders should be subject to fixed terms in office.
- To ensure freedom of expression, inclusive of a guaranteed free media.
- To ensure the effective participation of women, minorities and disadvantaged groups in political and economic processes.
- To ensure impartial, transparent and credible electoral administration and oversight systems.
- To combat and eradicate corruption.
- To ensure a dedicated, honest and efficient civil service.
- To establish oversight institutions providing the necessary surveillance, checks and balances, and to ensure transparency and accountability by all layers of government.
- To protect and ensure respect for universal human rights and the African human rights system (noted above).
- To create and strengthen institutional capacity to ensure the proper functioning of democratic institutions and instruments.

The twenty actions called for in the current DPGI draft are also very broad, with a few surprises, and deserve close scrutiny by governments and non-governmental organisations as the basis for deciding how to implement NePAD:

- Develop clear standards of accountability, transparency and participatory governance at the national, sub-regional and regional levels.
- Strengthen and empower national, sub-regional and regional institutions, mechanisms, instruments, and processes that protect democracy and promote good governance. If required, constitutions, treaties, charters and human rights instruments should be reviewed and strengthened at national, sub-regional and regional levels to ensure compliance with the principles of democratic good governance.
- Strengthen the separation of powers to ensure the necessary checks and balances to restrict the potential for the encroachment and abuse of executive powers.



- Make the Charter system part of the curricula of the different universities of Africa, with a view to educating future lawyers and judges in the promotion and development of an African body of jurisprudence. Improve conditions for the emergence of indigenous African human rights jurisprudence.
- Ensure consistent support for and expansion of the OAU position on Unconstitutional Changes of Government, including assisting in returning undemocratic regimes to constitutional order and expanding the yellow card/red card principle further to include patently undemocratic and unconstitutional behaviour, as well as gross violations of human rights by governments in power.

The list suggests how intrusive NePAD could become in seeking to transform African countries into politically capable partners. There no doubt will be political resistance to such actions in specific circumstances by many African states. Decisions on who to respond to country actions, within Africa and among donors, are likely to be tentative, inconsistent, and often confusing. But this list does offer an important starting point. It also indicates the need for a division of labour among different types of donors and in deciding appropriate mixes of implementing instruments. Setting and then adequately funding levels of support sufficient to be effective add to the new challenge of dealing with NePAD. Governments are likely to remain the main implementing actors for most of the items. Civil society locally and transnationally can play crucial roles in monitoring and evaluating performance, as well as helping to build the human and supporting institutional capacity that will be required.

### **African Peer Review**

The most innovative and politically problematic element in the DPGI is the African Peer Review Mechanism (APRM). Cynics assumed this idea would be stillborn but surprisingly it has continued to gain support from African countries actively supporting the NePAD process. At the Abuja summit in March the only recommendations to the NePAD secretariat regarding the DPGI was to strengthen and clarify the APRM. Peer review will attract much international attention, especially among public, private and multilateral donors considering how to condition levels and priorities of their assistance in accordance with NePAD standards. To operate effectively it will need the voluntary compliance of member countries, including a willingness to tolerate substantial regional involvement in their domestic affairs. Chances of success for such a politically sensitive and path breaking diplomatic experiment obviously would be enhanced if public and private donors, as well as foreign investors willingly and substantially reward good behaviour.

African peer review would serve six purposes that involve a learning process for participating countries:

- Enhance African ownership of its development agenda.
- Identify, evaluate and disseminate best practises.
- Monitor progress towards agreed goals.
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democratising countries will have the means to meet their commitments and entrench their achievements. In this regard, the rewards for progress in good governance should be quickly apparent, not only in terms of technical and material support, but also in increased market access, debt relief, and across the range of NePAD Action Plan sectors, as most appropriate for the particular needs and capabilities of each member country.

### **Current Political Issues Affecting NePAD's Adoption and Implementation**

There are major short and medium term issues that could accelerate or derail adoption and implementation of the DPGI and, by extension, the entire NePAD project.

In the current crisis in Zimbabwe has been characterized as a NePAD 'deal breaker.' How could the NePAD be taken seriously when African leaders appear willing to tolerate such wanton abuse of human rights and democratic values by and increasingly autocratic and brutal incumbent regime? The suspension of Zimbabwe from the Commonwealth on the unanimous recommendation of Presidents Mbeki and Obasanjo and Prime Minister Howard has helped to calm some of the most critical comments about the NePAD's stillbirth. In fact, Zimbabwe may become a positive test for the fledgling APR process.

Following the rejection of the constitutional referendum and controversial parliamentary elections in 2000, Zimbabwe threatened to polarize South Africa along racial lines and/or destroy an already divided Southern Africa Development Community. Zimbabwe's African neighbours faced difficult choices as they sought to promote both stability and democracy in Zimbabwe. Much as the US long opted for the "stability and reliability" over the uncertainties of promoting democratic transformation in a host of African clients during the Cold War, Western support for NePAD has been severely tested by African policies that preferred to tolerate abuses of power by Mugabe, the 'devil' they knew. The Commonwealth, with its substantial Western element for now salvaged the situation, proving the value of a tacit North-South partnership in promoting democratic values in Africa. At the same time, the follow-on engagement South Africa and Nigeria in actively trying to broker a compromise between Zimbabwe's two power centres may yet, with the backing of SADC, facilitate a process that will eventually validate the ideals of the DPGI. Internal talks resume 13 May and just before the first highly contentious round adjourned the two envoys, ANC secretary-





dealings with public, private, and multilateral donors. Having NePAD endorsed by the OAU/AU, but not at the price of selective conditional entry and continued membership, is Mbeki's most urgent diplomatic challenge as he assumes the AU chair and remains NePAD's putative Godfather.

**How Might the CFGS/SWF Project Help?**

Because of the strategic importance of the DPGI to the overall success of NePAD, any agency seeking to become "an active and critical partner" should make

Both the NePAD secretariat and the G-8 Kananaskis secretariat have been receiving large numbers of NePAD project ideas. Canadian staff reportedly is sorting through more than 600 proposals. Not surprisingly, the overwhelming majority have to do with the economic, social, environmental, and other sectors where development agencies have been operating programs for decades. Indeed, much of the NePAD main document reads as though drafted by the United Nations Development Programme. By contrast, very little fresh thinking and proposals have been received to advance the core preconditions for sustainable development, namely respect for human rights and good governance – political and economic – as called for under the DPGI. If initiatives such as the one being launched by CFGS/SWF can support viable projects in the DPG area then the value added may be much greater than more conventional development work. DPG projects may be politically difficult and risky but they are also generally less costly than work in other sectors.

All friends of NePAD should undertake programs to educate the public on its development and implementation, especially with regard to the DPGI. After all, NePAD is much more than a partnership between African governments, or between them and international donors. Most importantly for its success are the partnerships between governments and the citizens they purport to serve. Open debate about sovereign and individual rights and obligations will be vital to NePAD's success.

So far African – much less international – publics are almost totally unaware of NePAD. As academics and other opinion leaders have learned about NePAD's formation there has been a small but growing chorus of complaints that it is too 'top-down' and elitist. Realistically, NePAD cannot take-off without solid initial political support from African heads of state and, in turn, the G-8 and other major donors. AU endorsement will be essential for NePAD's legitimacy, especially if it not to be perceived and criticized as a tool of Western influence. In building public awareness and support, however, care must be taken not arouse unrealistic expectations, particularly regarding the prospects for huge new flows of ODA and FDI to NePAD countries. National and regional workshops on NePAD should be launched immediately after the Durban AU summit, but public education, as NePAD itself should be seen as a long-term, multi-level effort. The CFGS/SWF plan to promote widespread elite and public understanding of its 15 projects is very important and could become a model for others to follow.

Public education campaigns should occur at all levels, local, regional and global. NePAD's chances of success will be enhanced if pro-African constituencies can be mobilized in donor countries. African governments should be encouraged and assisted to become more active and capable in international lobbying efforts. This should not be left to those in the Diaspora who are often the most outspoken but not always well informed about the latest important policy changes underway back home. There is also a need to link African and major international developments, that will be of mutual benefit to both Africans and the major external powers. The current global war against terrorism presents both risks and opportunities in this regard. The DPGI can be rightly cast as the best long-term way to eliminate the breeding grounds of terrorism and, therefore, should give NePAD strategic appeal to the US and other donors. But as during the Cold War, there is a danger that perceived short-term imperatives to counter terrorists will be used to justify new forms of intervention or

