The AU, NEPAD and the Promotion of Good Governance in Africa

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ABSTRACT

This article argues that good governance has been elusive in much of Africa. The failure of the Organisation for African Unity (OAU) to address Africa's developmental challenges, including the crisis of governance, led to its demise. In an attempt to promote good governance, as well as to address Africa's post-cold war legion of challenges, the successor organisation, the African Union (AU) and its attendant development programme, the New Partnership for African Development (NEPAD), were established. These projects embody an innovative peer review mechanism by which African governments are assessed in terms of their progress towards good governance. Countries passing the review test would be rewarded with western aid. NEPAD, the AU and the review mechanism have exited hope because of the expectation that these would reorder governance policies in Africa. However, the article contends that in spite of the expectations and euphoria generated by these projects, they have a truncated capacity to induce good governance. This is not only due to the intrinsic contradictions in these initiatives, but also because of a confluence of factors, including the vulnerability of the projects to manipulation by African leaders, the preponderance of neo-patrimonial politics in Africa, the confusing relations between especially NEPAD and the AU, and the tendency for the G8 – Africa's key partners – to renegade from their initial aid commitments.

Keywords: government, NEPAD, OAU

INTRODUCTION

Good governance, conceived here as a system of administration that is democratic, efficient and development-oriented (Jeffries 1993: 27)[1], has remained illusive in Africa. Legitimacy has been determined not by democratic processes but largely by ascriptive and patron-client relations (Herbst 1990, Chabal 2002), while corruption has been pervasive (Mbaku 2000). In the early 1980s, the World Bank (1981) attributed sub-Saharan Africa's lack of

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[1] Good governance has become an evocative term yet its precise meaning has remained fluid and nebulous. However, the use of the phrase by the World Bank and other credit-giving agencies suggest that good governance transcends the political realm to include not just a democratic setup, frequent elections and the respect for human rights, but more broadly to include the judicious use of resources, the promotion of the private sphere as well as developing and nurturing formal and informal relations between government on the one hand and civil society (domestic and international), non-state entities and the international community on the other (see, for example, World Bank 1981, 1992).

development to the absence of good governance. This led to a combined search by Africans and the dominant International Financial Institutions (IFIs) for solutions to Africa's persistent crisis of governance, a search that culminated in the adoption of the ubiquitous Structural Adjustment Programmes (SAPs). SAPs, however, failed to spawn good governance, allowing miss-governance and human right violations to continue unabated. To be sure, rather than ameliorating, SAPs exacerbated the prospects for authoritarian tendencies evidenced, for example, in Jerry Rawlings Ghana (Amnesty International 1989, Haynes 1991) and Yoweri Museveni's Uganda (Ayittey 1992: 148) once credited as success cases of SAPs. More generally, undemocratic practices have persisted in Africa notwithstanding the preponderance of multiparty elections, democratic constitutions and the presence of the Organisation of African Unity (OAU).

The OAU was established to among other things to accelerate the decolonisation process of the continent, and promote development and cooperation among African states (OAU 1992: 4). However, until its demise in 2002, the organisation left arguably a pathetically chequered record in the promotion of good governance. Against this background high expectations are placed on the African Union (AU), the successor of the OAU. The AU and its accompanying development paradigm, the New Partnership for African Development (NEPAD), are premised among other things on good governance now recognised as an essential precondition for development. The dual initiatives of NEPAD and the AU have incorporated a peer review mechanism, popularly referred to as the African Peer Review (APR), by which African heads of state exercise some form of surveillance over their colleagues in a bid to ensure good governance. In what follows, I analyse the prospects for good governance under the AU, NEPAD and the APR. I contend that contrary to the claims and platitudes of their proponents, these projects are limited in their capacities to promote good governance. This is not only because of the failure of the projects to impart anything fundamentally new in African politics, but also because of their intrinsic contradictions. To understand the formation of the AU and how it may have minimal impact on governance some insights into the failures and subsequent demise of the OAU are germane.

1. THE OAU AND GOOD GOVERNANCE

The OAU was formed in 1963 during the initial stages of Africa's independence campaign. Although its objectives included "the promotion of international cooperation, having due regard to the charter of the United Nations and the Universal Declaration of Human Rights" (OAU 1992: 4), its primary objectives were the speedy decolonisation of Africa, the unity of the continent and the defence of the territorial integrity of states (OAU 1992). Thus, the OAU was not primarily a good governance promotion institution. The silence on good

governance was bolstered in the 1960s by the emergence of an "ideology of development" which was associated with the thinking that economic development should be the highest goal of government (Callaghy 1986: 47). This ideology gave prominence to collective welfare rather than individual rights. Implicitly preferred by the OAU, the development ideology led to the proliferation of one-party systems, quasi- and full-scale dictatorships across Africa under which corruption, mismanagement and human rights violations flourished (Nyong'o 1992).

Yet, equally notable, the OAU imparted deep contradictions in its stance on good governance. Although the organisation theoretically professed the respect of human rights, some governments remained unremittingly brutal in the suppression of basic freedoms. The regimes of Jerry Rawlings of Ghana (especially between 1982 and 1992), Daniel Arap Moi of Kenya, Frederick Chiluba of Zambia, Macias Nguema of Equatorial Guinea, Kamuzu Banda of Malawi, just to name a few, were classic examples in this regard. Among other things, these clumped down on opposition elements, inhibited press freedom and detained dissenting citizens. Similarly, in addition to repression, some leaders, including Mobutu Sese Seko in Zaire, Moussa Traore in Mali and Houphouet-Boigny in Ivory Coast, to name but a few, remained corrupt, accumulating personal fortunes, huge enough to pay off the entire external debts of their countries (Ayittey 1992: 233–264; Sandbrook 1984: 96). Surrounded by sycophants and opportunists "like pilot fish swimming around a shark", Nyong'o (1992: 93), many of these transformed into personal rulers and run their countries as their private estates. The OAU did little about these regimes. This failure of the OAU has raised popular expectations on the AU. The question is: are these expectations well founded? Can the AU and NEPAD promote good governance in Africa? This question is addressed in the next sections.

2. THE AU, NEPAD AND GOOD GOVERNANCE

The birth of the AU was rooted in the conviction that the OAU had demonstrated an inability to promote peace and development in Africa. This fundamental weakness was reflected among other things in the organisation's failure to salvage Africa from its socio-economic doldrums or catalyse democracy. The failure of the OAU to address Africa's current problems was not accidental; the organisation was formed during the cold war and belonged to Hettne's (1994) characterisation of the cold war-influenced "old" regionalism. Four decades after, new issues have emerged for which the OAU institutions were unprepared. The abatement of the cold war; the forces of globalisation; the dominance of neo-liberalism; the related phenomena of rebel movements and collapsed states; the threats of national and international terrorism; and the deepening of Africa's economic crisis, along with its marginalisation in the

international economy are among the novel issues, which the largely anachronistic institutions of the OAU could not adequately address. Modelled after the European Union (EU), the AU seeks to address this new galaxy of challenges facing Africa (Salim 2001) through the broad framework of NEPAD.

A partnership programme established between Africa and the G8 countries, NEPAD emphasises three dimensions of governance; namely economic and corporate governance; political governance; and peace and security. In practice, NEPAD can be seen to represent a moral contract between African countries and the G8 under which the former strive to improve governance and promote democracy by undertaking political reforms and market-friendly economic policies while the latter undertakes to assist African countries committed to good governance, the promotion of human rights, poverty eradication, and economic growth. Such assistance is to be given through a programme of "enhanced partnership" established by the G8 at the Kananaski (Canada) Summit in June 2002. The G8 assistance is to take the form of development aid; i.e., assistance in building institutions, improving education, health care and combating HIV/AIDS as well as granting access to western markets. The NEPAD arrangement is expected to fetch Africa $64 billion in aid annually if the G8 meets its obligation (*The Economist,* 22 June 2002: 44). Implicitly, then, the G8 aid to African countries under the partnership, characterised by one observer as "a partnership of unequal partners", is neither guaranteed nor automatic. Rather, this is contingent on the latter meeting stated conditions, reminiscent of the panoply of conditionalities under SAPs.

NEPAD is heralded as a home-grown programme. This claim is premised on the point that it was an amalgam of three separate development programmes initiated between 2000 and 2001. The first was the Millennium Partnership for African Recovery (MAP), developed by President Thabo Mbeki of South Africa and whose main objective was to address Africa's debt. MAP enjoyed the support of Presidents Abdelaziz Bouteflika of Algeria and Olusegun Obasanjo of Nigeria. The second was the OMEGA Plan developed by the Senegalese President, Abdoulaye Wade. Enjoying the broad support of French African countries, OMEGA was concerned with building regional infrastructure and educational projects. The third was the Global Compact for Africa Recovery (GCAR), initiated by the Economic Commission for Africa (ECA), based in Addis Ababa, Ethiopia, through a mandate given by African Ministers of Finance in 2000. The GCAR incorporated the idea of peer review. The merger of these programmes in July 2001 at the AU Summit in Lusaka, Zambia, culminated in the New African Initiative (NAI). However, NAI was renamed NEPAD in October 2001, just three months later. At the Lusaka summit, a 15–member Heads of State and Government Implementation Committee (HSGIC), representing all the regions of Africa and chaired by Nigeria, was appointed and this had it first meeting in Abuja, Nigeria in October 2001.[2]

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[2] The Heads of State and Government Implementation Committee (HSGIC) is made up of Cameroon, Gabon, Sao Tome and Principe (Central Africa); Ethiopia, Mauritius and Rwanda

Despite emerging from three African-prepared development documents, NEPAD is seen by critics not as home-grown but a programme designed externally by a capitalist agglomeration. Bond (2003: 12), for example, contends that,

> NEPAD surfaced only after extensive consultations with the World Bank president and IMF managing director (November 2000 and February 2001); major transnational corporate executives and associated government leaders (at the Davos World Economic Forum in January 2001); G8 rulers (at Tokyo in July 2000 and Genoa in July 2001); and the European Union president and individual Northern heads of state (2000–2001).

This criticism is given credence by the intrusive conditionalities underlying NEPAD, which further incites suspicion about its similarity with the once ubiquitous yet unpopular SAPs (Adesina 2002; Matlosa 2002; Obi 2002). Some critics even perceive NEPAD as a weapon of control by international creditors. According to Aredo (2003: 30),

> Today, one major obsession of the west is to find ways to prevent African leaders from reversing the donor-imposed policies of economic liberalisation. No doubt, NEPAD is conceived to 'lock in' policy reforms and to further contain any sorts of non-compliance with structural adjustment policies.

The above perception, along with the absence of visible linkages between NEPAD and Africa's previously home-grown development programmes such as the Lagos Plan of Action and the African Alternative to Structural Adjustment (AAF-SAP) developed by the ECA, and the apparently inexplicable change of name from NAI to NEPAD tend to give some credibility to the position of the critics (Matlosa 2002). Moreover, the evidently stronger partnership of NEPAD with international creditors than with the African people (Bond 2003: 12) reinforces suspicions about the origins of NEPAD.

Nevertheless, in regards to good governance, the timing of NEPAD was auspicious. The new global forces unleashed in the wake of the abatement of the cold war emphasised good governance and human rights. A country shunning these virtues risks isolation, western aid and investments. It was this global disdain for undemocratic practices that emboldened African civil societies, which had hitherto retreated into slumber on account of their "Lilliputian" stature vis-à-vis the veritable "Kilimanjaro" states (Bratton 1989: 410–11), to agitate for democratic reforms. Thus under the new international dispensation advocacy groups across much of sub-Saharan Africa have, with varying degrees of successes, acquired space from which to confront the state, keep it on its toes

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(Eastern Africa); Algeria, Egypt and Tunisia (North Africa); Botswana, Mozambique and South Africa (Southern Africa); and Mali, Nigeria and Senegal (Western Africa). See Taylor (2003: 281).

and prevent governmental abuses. It is this new space that, for example, emboldened the Treatment Action Campaign (TAC) to press for the rolling out of anti-retroviral drugs to persons living with AIDS in South Africa; women groups to demand representation in many African countries (Tripp 2001); opposition elements to demand the freedom to form political parties in Swaziland (Mzizi 2002); and the general demand for accountability and transparency in governments across Africa. The new global culture on governance thus provides optimism about NEPAD's capacity to propel African politics from the old and familiar traditions of rent-seeking and what Okoth-Ogendo (1991) referred to over a decade ago as "constitutions without constitutionalism" to cultures of accountability, transparency and responsibility.

Yet, there is a great deal of pessimism about NEPAD, especially regarding its tenacity to generate good governance. NEPAD is nearly three years old and in spite of the expectations and euphoria spawned by its proponents, its good governance-instigating prowess is yet to be demonstrated. While NEPAD may be able to attract some foreign direct investments (FDI) and overseas development aid (ODA), conditional on the adoption of liberalisation policies by African states, this may not be the case for good governance. It is a truism that the formulation and implementation of NEPAD were scarcely informed by discussions, debates or consultations with Africans. De Waal (2002: 474) has correctly noted that,

> NEPAD has been designed by experts and adopted by governments with little public consultation. There is some popular discontent over this, and the weakness of consultation means that opportunities are being missed for strengthening popular ownership and ensuring that NEPAD promoted democracy.

In no African country, including Algeria, Egypt, Nigeria, Senegal and South Africa, the founding members and leading advocates (and which can be rightly referred to as the "big five") of NEPAD, was anything close to a referendum contemplated, let alone held, to determine its public acceptance, depriving it of the necessary legitimacy. The lack of consultation did not only expose a major contradiction in NEPAD's stance on good governance, but also rendered the project's commitment to democracy highly suspicious. Importantly, the absence of public discussion on NEPAD also limited knowledge about it not only among the general public but also among some political elites. For example, in October 2002, one year after its adoption, Ms Ama Benyiwa-Doe, a member of Ghana's Parliament, candidly admitted that she and many of her colleagues in the law-making body knew nothing about NEPAD. Similarly, although Nigeria is one of the architects of NEPAD, the vast population in the country remain ignorant about the programme (Harsch 2003: 7).

The confusing relation between NEPAD and the AU has also exacerbated misgivings about the former. In underscoring the link between the two projects and especially the "Africaness" of NEPAD, The South African President, Thabo Mbeki, in a letter to the Canadian Prime Minister, Mr. Jean Chretien, argued that

"African Union is the mother [and] NEPAD is her baby" (Mbeki 2003: 44). This suggests two implicit and interrelated assumptions: that (1) the AU is the womb that bore NEPAD, and therefore (2) the AU has ownership and control over NEPAD. However, a closer examination of NEPAD's implementation structures reveals serious disjuncture between the two initiatives. First, NEPAD is controlled by the HSGIC, which meets once in every four months. Although the HSGIC reports to the AU Summit of heads of state and governments, it has total discretion over NEPAD issues. Besides, it directs a steering committee made up of the "big five" of NEPAD, which meets once a month. Further down is a permanent secretariat in Pretoria, South Africa, made up of five people under Professor Wiseman Nkuhlu, a South African, to oversee the day-to-day running of NEPAD plans. A large assembly meeting once a year, the AU summit is practically ill-placed to effectively inform NEPAD issues, leaving critical decisions to the HSGIC. Consequently, the AU summit has come to exercise virtually no control over NEPAD. Moreover, NEPAD, technically speaking, predated the AU. While NEPAD was launched in October 2001, the AU was inaugurated in July 2002. Thus, although President Mbeki's contention may be politically correct, in terms of underscoring Africa's ownership of NEPAD, it was chronologically problematic.

Second, as noted, the peer review mechanism, a crucial process considered as "the major selling point of NEPAD" (Taylor 2003: 284), was an innovation adopted from the ECA's compact document. Given the ECA's involvement in formulating past development programmes in Africa and its location in Addis Ababa, where the AU is also headquartered, one would have thought the location of the NEPAD secretariat in the Ethiopian capital would be a mathematical certainty. Its location instead in Pretoria, away from the headquarters perhaps suggests a disconnection between NEPAD and the AU. Thirdly, while the AU has no criteria for membership, beneficiaries of the "enhanced partnership" must satisfy conditions of good governance and economic liberalisation. Thus, the determination of which African countries would benefit from NEPAD or qualify for the G8's "enhanced partnership" is beyond the domain of the AU, raising further questions about the relationship between NEPAD and the AU.

The dominance in African politics of neo-patrimonialism and its potential to subvert even well-meaning development programmes is a further source of pessimism about NEPAD's ability to instigate good governance. Described as a system in which "government rests on well-understood, if unequal, forms of political reciprocity which link patrons with their clients along vertical social lines" (Chabal 2002: 450), neo-patrimonialism has been endemic in African politics and represents one of the major factors stalling development. So inseparable is the practice from politics in Africa that neither SAPs nor the multiparty elections imposed on Africa as conditions for aid and designed to promote good governance was effective in abating. On the contrary, SAP and democratisation offered new opportunities for Africa's ruling elites to strengthen patron-client relations. For example, while SAPs brought in the much-needed

resources to lubricate the wheels of clientelism (contrary to the claim that the state's allocative powers would be ceded to the market), the pressure to democratise created auspicious conditions for "managed elections" by which old ruling elites regained legitimacy (Chabal 2002). Embodying the latest set of conditions for western aid, NEPAD is unlikely to counter the deeply entrenched neo-patrimonial politics in Africa and thus spawn good governance.

NEPAD faces yet another hurdle linked to the commitment of the G8 and other bilateral creditors in meeting aid obligations. The global war on terrorism declared by the US President, George W. Bush Jr., after 11 September 2001, may take Africa off the priority list of the West, to accelerate a trend that was already visible. Since the fall of communism and the disintegration of the Soviet empire, ODA and FDI to developing countries and particularly to sub-Saharan Africa had on the aggregate been dwindling. For example, although total ODA to Africa stood at US$23.5 billion in 1994, this plummeted to US$18.7 billion in 1997 (UN Information Department 1999: 6). Similarly, total FDI to sub-Saharan Africa fell from $8.6 billion in 1997 to $6.5 billion in 2000 (UN Information Department 2001: 28). This has been caused by external factors but also by the uncertainties in Africa generated by corruption, bad governance and conflicts. The campaign against international terrorism requires huge amount of resources and certain to decrease the proportion of aid to Africa. The recurring threat posed by the remnants of the Taliban in Afghanistan, the Ba'ath establishment in Iraq and the vast number of fanatic and anti-western organisations in the Middle East and South Asia would combine to refocus western and especially US attention away from Africa on to combating these threats. Real and eminent, this fear is shared even by the leading exponents of NEPAD. For example, the director-general of President Mbeki's office, Dr. Frank Chikane, expressed concern that the war on terrorism would overshadow Africa's priorities such as NEPAD (UN Information Department 2003: 10). This is compounded by the attempts of the US and the west to resolve the complex and seemingly intractable Israel-Palestinian problem. These related western concerns might impact negatively on NEPAD.[3]

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[3]   In July 2003, President Bush visited Africa to possibly repair the damage done to Afro-American relations following Washington's unilateral invasion of Iraq, to drum up African support for his war on terrorism and to allay fears that Africa would be out of the spotlight of American aid. As part of this courting campaign, Bush announced a $15 billion aid package to developing countries, including Africa, to fight HIV/AIDS. However, this is grossly inadequate compared to the vast amount of money committed to Iraq's post-war reconstruction. In October 2003 Congress granted President Bush an additional $87 billion for the reconstruction of Iraq (*Mail and Guardian* 31 October 2003). Similarly, at the Madrid international donor conference during the same month, the EU pledged a total of €200 million for rebuilding Iraq (*Mail and Guardian* 3 October 2003). No such huge financial commitments are made to Ethiopia, Liberia, Sierra Leone or Somalia, which are clearly struggling either to reconstruct their collapsed states or to feed their populations. One cannot therefore agree more with the contention of the Oxfam International Director, Mr. Phil Twyford, that "the speed with which political will and resources are mobilized to invade and

Even granting the reality of NEPAD, the vast differences in the economic fortunes and capabilities of African states are certain to accentuate a disproportionate distribution of its gains and pains among the regions in the continent. Notwithstanding the deteriorating political situation in Zimbabwe, Southern Africa is more stable and has the fastest growing economies in sub-Saharan Africa (Seale 1998: 12). Consequently, it would be more attractive to investors than other African regions. Yet, for various reasons an asymmetrical distribution of the rewards of NEPAD among Southern African Development Community (SADC) countries is inevitable. South Africa is certain to receive a lion's share of investment. Already, with better infrastructure and investment climate, South Africa was by 1997 receiving a net FDI of $1,705 million, equivalent to 54 percent of all FDI to the Eastern and Southern African region (UNDP 1999: 45) and generating over 70 percent of the total GNP of the SADC (Lee 2000). Having attained the enviable status as the economic powerhouse of Africa, South Africa is sure to attract more than its fair share of total FDI to Africa. The paltry investments to the non-industrialised African countries would be concentrated in the extractive industries. In addition to attracting investments, South Africa is also currently the leading investor on the continent with its investments totalling over R3.4 billion in 2003 (*Africa Research Bulletin* 2003: 15879). In the final analysis, Pretoria stands to be a major beneficiary of a successful NEPAD. The unequal distribution of the gains from NEPAD would generate discontent among countries loosing out in FDI and ODA and ultimately undermine the regional fraternity envisioned by NEPAD.

But, if NEPAD, resting on external funding, is limited in its capacity to promote good governance, the AU is even more constrained in altering African politics. Although the continental organisation has a new name, the AU seems more or less to be the old wine in new bottles. The AU is composed of the very countries that constituted the OAU and the very heads of states that perpetuated bad governance. This raises scepticism about the difference between the AU and the OAU, and particularly the former's ability to transform the terrains of African politics. This aside, the AU appears over-ambitious in achieving continental unity. The EU whose success it attempts to replicate took four decades to achieve. The EU began in 1952 with the integration of the steel industries of six countries[4], to the Treaties of Rome in 1957, which created the European Economic Community (EEC). Full integration of defence policies, justice and home affairs was achieved only under the Maastricht Treaty in 1992 after individual states approved their membership through national referenda (Dedman 1996; Christiansen 2001). Monetary union was accomplished only as recently as January 2002.[5] The admission of 10 additional countries on 1 May

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bomb and possibly reconstruct Iraq [were] in stark contrast to the willingness of the rich countries to tackle poverty in Africa" (UN Information Department 2003: 10).

[4] These countries were Belgium, West Germany, Luxembourg, France, Italy and the Netherlands.

[5] http://europa.eu.int/abc/history/index_en.htm (20/04/04).

2004 raised the membership of the EU to 25.[6] The growth of the EU was thus gradual and functional, involving a slow process of expansion in membership and in sectorial integration. This enabled the nascent institutions of the organisation to mature and to educe the confidence of both member governments and citizens. Besides, although an organisation in continental Europe, membership in the EU was contingent on meeting certain conditions, including democratic reforms and specified inflation and other economic targets (*Mail and Guardian*, 11 October 2002).

By contrast, the AU adopted a more or less robust approach with the objective of achieving political union within months. No time was allowed for the hastily created institutions and organs of the organisation to develop, nor any opportunities given African states to determine their acceptance and membership. Unlike the EU, there were no credible existing sectorial integrations or regional formations, providing the basis for enlargement and eventual progression into a continental union. The gathering of Africa's Heads of States in Durban in July 2002 more or less legislated the AU into existence. Also, unlike the EU, no criteria for membership exist except the signature of the head of state or government, thus creating a union of countries with widely diverse levels of economic capabilities, some of which may be unable even to meet their financial obligations to the organisation. The AU is estimated to require an annual budget of $64 million up from the current $51 million. At the same time some member countries are in arrear to the tune of $39 million (Yedder 2003: 14). Majority of these defaulting countries are those either presently at war or who have experienced some sort of upheavals in the recent past and are therefore unlikely to speedily settle their arrears.[7] One seeming innovation of the AU and NEPAD projects is the inclusion of the PRM, which should ideally force governments to embrace good governance.

3. THE AFRICAN PEER REVIEW (APR)

The APR is a process by which designated institutions periodically review the progress of states in matters of governance. This is achieved by assessing the adherents of states to certain principles of governance set out by both NEPAD and the AU. The review process is to be done under the auspices of the AU. The key purposes are to ensure the compliance of African states with certain standard practices of governance agreed upon by the AU summit in July 2002; as well as to assist states to improve upon their policies and policy-making and thereby maximise the attainment of their commitment to acceptable codes of

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[6]   The new additions to the EU are Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia.

[7]   These countries include DR Congo, Central African Republic, Comoros Islands, Guinea Bissau, Liberia, Sao Tome and Principe, Seychelles and Somalia.

conduct. The key benchmarks of good governance include democracy, the respect for human rights and the adoption of sound economic policies.

The APR is seen as representing a radical departure from previous practices when commitments to good governance were made through the appending of signatures to multilateral agreements as was the case with the African Charter on Human and Peoples' Rights (1981); the African Charter for Popular participation in Development (1990); the African Charter on the Rights and Welfare of the Child (1990); or the Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999) signed in Grand Bay, Mauritius. In contrast, the APR represents the very first attempt by African states to subject their regimes to a monitoring process administered by fellow African states. In this regard, the APR presents fresh opportunities for strengthening democracy to ensure that the basis of governance transcends the narrow confines of personal rule, patron-client relations or ethno-religious politics. The APR provides for the establishment of an Independent Panel of Eminent Persons (IPEP) to be responsible for the review and assessment process. For representivity and balance, the IPEP consists of between five and seven members with at least one member from the AU's major sub-regions – Central, Eastern, Northern, Southern and western Africa (UN Information Department 2003: 24). All members of the IPEP, including the chairperson and vice-chairperson are appointed by the fifteen-member HSGIC (UNECA 2002: 9–10).

A critical question, however, is whether the APR system is indeed a new innovation. It is instructive to recall that the insistence on good governance in Africa is not new. Besides the numerous African-drafted conventions and protocols to which states have subscribed, Africa's creditors and international NGOs have at various stages used an array of mechanisms, including SAP, aid, investments and, in some cases direct condemnation (as was the cases against the Democratic Republic of the Congo (DRC), then Zaire under Mobutu Seseko, Kenya under Daniel Arap Moi, and Nigeria under despicable Generals Ibrahim Babangida and Sani Aabcha, just to name a few) as instruments for reforms. The pathetic reality, however, was that in spite of these carrots and sticks very little strides were made on the path of good governance. Leaders at the centre of governance controversies have found various ways of circumventing these external conditionalities and pressures, and persisted with discredited practices, although sometimes in crafty and muted forms. Whether the APR brings new perspectives on to the largely slow, if not static, move towards good governance is something yet to be seen.

It is instructive to note that the APR is a voluntary scheme, completely dependent on the good will of Africa states. States can either sign up or stay out. Even those who initially joined the project can withdraw if it proves irksome. The challenge, therefore, is how a regime persisting in human rights violations, for example, can be made to reform if it withdraws from the APR or simply refuses to sign up. Worse yet, the APR lacks any definite elements of compulsion; the process has no clearly defined ways of obligating deviant states

to reform. This rather loose setup with seemingly no internal coercive mechanisms has failed to compel African countries into the APR. It is little wonder, therefore, that by the mid-2004 and with the recent subscription by the initially sceptical Mauritius and Angola, membership in the APR has risen only to 17 out of the AU's total membership of 53 (South African Department of Foreign Affairs 2003).[8] The lack of compulsion is certain to keep countries with dubious governance records out of the APR project. Four countries – Ghana, Kenya, Mauritius and Rwanda – are to be experimented with the review process in 2004. However, consistent with the IPEP's lack of compulsion, it will not be reviewing whether the stated standards are met by these countries, but whether "they are moving towards these goals" (*Africa Research Bulletin,* 2004: 15629–30).

There are also concerns about the democratic credentials of some of the appointed IPEP members. Six of the seven members appointed into the IPEP in May 2003 are individuals who at one point in their careers had various ties with the ruling elite in their countries. These include Ms Graca Machel, a Mozambican and wife of a former Mozambican president and the current wife of former president of South Africa, Nelson Mandela; Professor Adebayo Adedeji, a Nigerian and former executive director of the ECA but who also served as a minister under the regime of General Yakubu Gowan during the 1970s; Ms Marie-Angelique Savane, a Senegalese and former head of the UN Population Fund's Africa Bureau; Mr. Bethuel Kiplagat, a former Kenyan diplomat during the reign of Daniel Arap Moi; Ms. Dorothy Njeuma, a Cameroonian and a former minister of education under Paul Biya; and Mr. Chris Staals, a former governor of the South African reserve bank who according to one observer "was embroiled in several serious governance controversies [in the 1990s] that should have disqualified him from being a 'peer' to any but the most rancid of African dictators" (Bond 2003: 16). With such previous connections with governments, there is concern that objectivity could be compromised in the work of the IPEP.

The confusing, often contradictory, interpretations of the purpose of the APR idea by African leaders reinforce the truncated ability of the APR to instigate good governance. Given Africa's appalling track record on democracy in general, the dominant assumption was for the APR to serve as a measure to assure international creditors of the continent's resolve to repudiate unacceptable governance practices. The APR idea was welcomed on the genuine belief that it would assuage the chronic practice of misgovernment by chastising culprits. However, statements by some African presidents tend to suggest the contrary. President Thabo Mbeki, for example, was reported to have claimed that "there was never ever any suggestion that we have a NEPAD peer review process that would conduct the work of the commission on human rights"

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[8]   These are Algeria, Angola, Burkina Faso, Cameroon, Republic of Congo, Ethiopia, Gabon, Ghana, Kenya, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa and Uganda.

(Taylor 2003: 283). Joaquim Chissano, the Mozambican leader, and current chair of the AU and the Southern African Development Committee (SADC), was reported to have warned against talking about peer pressure even in countries with blatant human rights violations; and the Zambian leader, Levy Mwanawasa, who emerged from the country's 2002 controversial elections, argues that "peer review must not be about isolation" (*The Economist,* 22 June 2002: 44). Surely, such statements are unremittingly disturbing and set the stage not only for the manipulation of the APR for self-serving objectives, but also for its use as a tattered veil for misrule.

In further manipulating the concept, the emphasis on good governance by some African leaders has been selective. The NEPAD document originally presented a holistic view of governance, to encompass not only the economic and corporate sectors, but also the political component as well as peace and security. However, recent interpretation of governance by some leaders seems to confine it to the economic and corporate sectors, to the exclusion especially of its political requirements. Thus, while NEPAD is projected as the AU's socio-economic programme, and it being about good governance and democracy, it is paradoxically depicted as excluding political governance. In reality, the three areas of governance identified by NEPAD are not mutually exclusive. Africa's corrupt and wasteful regimes are almost always dictatorial, non-transparent and often create propitious conditions for conflicts by their policies. The reverse sequence is also true. An attempt therefore to dichotomise the governance concept is both uncritical and hypocritical. Broadening the governance concept to include its political essentials is certain to expose the double-standard postures of many African states. The exclusion of the political requirements of governance thus validates the cynical view that the APR was included in the NEPAD agenda purposely to placate international creditors and not fundamentally to facilitate democracy.[9]

A further concern is the possibility of African leaders shying away from condemning their peers even in the unlikely cases of the IPEP producing damning reports. The continental silence on human right violations in Rawlings Ghana in the 1980s, Abacha's Nigeria in the 1990s, the range of bizarre human right abuses in the Sudan, Swaziland, and the absence of direct condemnation of the grotesque and systematic human rights abuses under President Robert Mugabe whose policies are becoming an unmitigated disaster for Zimbabwe, have amply demonstrated African leaders' lack of moral courage to reprove fellow peers. The call by the democrat and former president of Botswana, Ketumile Masire, to subject Zimbabwe to the APR (Hlophe 2003: 3) is highly unlikely to be heeded by the AU, and especially South Africa, which rejects calls for a tougher stance on Harare. In February 2003 the Foreign Minister, Dr.

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[9] In justifying his country's hesitation to sign up into the APR, Namibia's deputy foreign minister, Dr. Kaire Mbuende, argues that peer review was not originally part of the NEPAD programme, which was aimed at economic recovery, but was a later imposition by Africa's development partners (www.nepad.org/en.html) 25/02/04.

Nkhosana Dlamini Zuma, stated unequivocally that "we [South Africa] will never criticise Zimbabwe" (Bond 2003: 15). This position is unlikely to change under the African National Congress (ANC)-led government, which is also grappling, albeit orderly, with the imperatives of land re-distribution and the general legacies of white minority rule.

Generally, African leaders seem to share membership in a cryptic club, what Sandbrook (1984) has humorously yet aptly characterised as a "presidential brotherhood", in which there is little inclination to castigate but greater tendency to empathise with members. The affirmation of the brotherhood bond, as in the past, was demonstrated at the launch of the AU. At this gathering, the AU heads of states refused to recognise Marc Ravalomanana as the winner of the December 2001 elections and thus as the legitimate leader of Madagascar and instead threw support for the old and long-time leader, Didier Ratsiraka, whose controversial victory was annulled by the country's highest constitutional court in April 2002 (Mangongera 2002). In another glaring display of solidarity, African leaders wasted no time in congratulating President Obasanjo after both local and international observers dubbed the April 2003 Nigerian elections that returned him to the presidency as characterised by "serious irregularities" (*Mail and Guardian,* 26 April 2003). The natural proclivity of African leaders for condoning bad governmental practices of their peers, as a way of insulating themselves from future criticisms, is a cautionary signal that high expectations on the APR as a catalyst for good governance may be misplaced.

Also, attenuating the APR process is, as noted already, the huge dearth of knowledge about NEPAD, on which it is based. The lack of knowledge on NEPAD translates into lack of knowledge on the APR, which in turn vitiates the latter's legitimacy. The poor response so far from members to the AU's call for members to sign up for the APR is a testimony of the inadequate knowledge of the process, which in turn resulted from the non-involvement of social groups in the design and implementation of NEPAD. Although this cannot constitute the entire reason for the paltry response since African governments appended their signatures to the AU Charter and claimed ownership of NEPAD, it nonetheless underscores the general lack of interest in the process as the Namibian Prime Minister, Mr. Theo Ben Gurirab, justifies his country's dithering support for the APR system: "we do not need external auditors, we have our own auditors …..our constitution and electorates, we do not have a problem with good governance" (*www.nepad.org/en.html*). Moreover, how the IPEP would gather information about countries and the general details about the review process are far from lucid. Whether this is the responsibility of citizens and social groups still remains muted. It is, however, clear that the dearth of knowledge about the APR potentially limits the role of civil society in the process of promoting governance within the NEPAD framework.

In addition, the APR is certain to generate considerable suspicion, even resentment, among some countries if it is perceived to be used by dominant African states as an instrument of foreign policy. Consequent on the financial implications, South Africa and Nigeria, which are the key driving forces behind

the project, and who bear the greatest financial burden of the AU and NEPAD initiatives, presumably have disproportionately stronger voices in the running of NEPAD and the APR system. Their bigger financial contributions afford them a larger degree of control in the appointment of AU and NEPAD officials. This enhances the ability of these countries to exercise some "behind the scene" control over these officials and potentially compromise the autonomy, neutrality and objectivity that should ideally characterise their work. It is widely believed that the appointment of Alpha Oumar Konare, the former Malian president, as Chairman of the AU Commission, above Amara Essy, the Ivorian and then serving Executive Secretary of the OAU, had involved considerable arm-twisting by the Nigerian and South African leaderships.[10] A related and, indeed, disconcerting dimension to the appointment of Oumar Konare is the looming possibility of turning the post of the Chair, and indeed the entire AU Commission (the body to which the IPEP submits reports) into a "retirement home" exclusively reserved for former heads of state. Surely, little can be expected from a former heads of state-composed commission reviewing the governance credentials of governments. Also, worrying is the monopoly over the definition of good governance to be assumed by the dominant states in the AU/NEPAD setup.

Equally true is the limited capacity of African states to effect internal policy changes in countries about which unfavourable reports would be written. Historically, only the international creditor community, using the threat of aid suspension and international Non-governmental Organisations (NGOs) using the influence of their home governments, have been effective in spawning reversals in the domestic, even foreign, policies of African states. For example, in the mid-1990s, domestic pressure to force President Arap Moi to improve his regime's human rights records yielded no results until the Green Belt Association of Kenya advised the Paris Club to suspend aid to the country. This eventually compelled the Kenyan leadership to improve upon the country's atrocious human right records (Wangari 1995). Similarly, it was the threat of loosing international aid and not domestic pressures that forced hesitant Kenneth Kaunda of Zambia and Jerry Rawlings of Ghana to accede to multi-party elections in 1991 and 1992 respectively. Since African countries are generally not a source of aid to fellow African states, and therefore lack credible instruments of sanctions, verbal condemnation, even if it is made at all, will have little, if any, impact on actual policy reversals in a truculent country. Without teeth, the APR may be superfluous.

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[10]   Amara Essy, who towards the end of his term saw clear signs that the South African president was showing preference for the former Malian president, Oumar Konare, as the new Chairperson of the AU Commission decided not to run. However, the Ivorian President, Laurent Ggagbo, prevailed upon him to run, promising all the necessary support for his candidature. Suddenly, however, Laurent Gbagbo withdrew support for Essy, a candidate he persuaded to run in the first instance. According to one observer, the sudden reversal of decision by the Ivorian president was the result of pressure from the AU's "heavyweights" (see Yedder 2003:4).

Leaving aside the above factors, which are largely internal yet sufficient to undermine the efficacy of the APR, Africa and NEPAD must also contend with a huge external factor – the absence of genuine commitment by external creditors to honour pledges under agreements with Africa. This fact, presenting itself as a dichotomy between rhetoric and reality, is a major hurdle further limiting the prospects of an APR-induced good governance in Africa. Consequently, optimism about good governance predicated on NEPAD and the APR needs to be tempered with caution. Africa has been known to be a continent of "disappointed hopes", where elaborate and innovative proposals have either survived only on paper, have been implemented on an *adhoc* basis, or have been ephemeral in life span. Export-led development strategies, which promised hope for Africa in the 1960s soon turned to be disappointments and so did the widely adopted SAPs whose initial promises of hope soon became despair.

Besides, Africa has historically suffered numerous disappointments in aid deals with creditor nations. In 1986, for example, the UN developed a four-year recovery programme, the United Nations Programme of Action for African Economic Recovery and Development (UN-PARRED) 1986–1990. This programme embodied pledges by the international creditor community to provide assistance to Africa. However, the tepid response from the international community condemned UN-PARRED to a premature demise. Again, in 1991, the United Nations New Agenda for the Development of Africa in the 1990s (UN-NADAF) was adopted under which the international creditor community was to, among other things, commit 0.7 percent of its GNP as ODA to Africa. On their part, African countries committed themselves to economic and democratic reforms. However, in return for Africa's wholesale adoption of SAPs and submission to multiparty elections by the close of the decade, only the Netherlands, together with the Scandinavian countries of Denmark, Norway and Sweden provided 0.7% or higher of their GNP as ODA to Africa. To be sure, aggregate ODA to Africa actually plummeted from $28.6 billion in 1990 to $16.4 billion in 2000 (Bentsi-Enchill 1997; Asante 2003: 16). Here, too, the pledge from the donor community went unfulfilled.

Similarly, in 1996 the industrialised countries instituted the Highly Indebted Poor Countries (HIPC) initiatives under which the former earmarked 41countries, 33 of which were in Africa, to benefit from debt relief. Debt relief was contingent on meeting certain conditionalities, including a 3–6 year track record of successful structural adjustment reforms. With the exception of Uganda, which had a 20 percent debt cancellation for all its impressive SAP record, very few African countries saw tangible result in debt reduction and the talks on HIPC seem either to have completely gone awry or have been overshadowed by the NEPAD rhetoric (Akokpari 2001: 157–160). Accordingly, expectations on the APR and on NEPAD, on which it is based, to induce good governance may remain unfulfilled. Indeed, the poor response from the G8 and the general creditor community may yet prove to be another source of disappointment for NEPAD and the APR project.

CONCLUSION

The failure of the OAU and previous development programmes to improve the standard of governance in Africa has placed high expectations on the AU and NEPAD. Although the relation between the two agendas remains somewhat confusing, NEPAD is generally seen as home-grown. The AU, which succeeded the OAU seeks to address the challenges facing post-cold war Africa as well as chart new directions in the continent's domestic politics and international relations. As noted, NEPAD is said to represent a "new" development agenda based on partnership with creditor countries. It embodies conditions of good governance and sound macro-economic policies to be met by Africa as prerequisites for benefiting from the "enhanced partnership" established by the leading creditor countries. NEPAD seeks to reverse Africa's developmental malaise through the institution of good governance practices and aid from the north. A key instrument for the promotion of good governance is the APR, which ideally should provide a framework for reprimanding governments that persist in practices inimical to democracy and development.

However, the paper has sought to demonstrate the contradictions in NEPAD and the limitations in the APR as instruments of good governance. NEPAD in particular still remains a suspicious and controversial project, especially because its formulation evaded debates and consultations in Africa. And, because the formulation of NEPAD excluded African social groups, it is suspected of being externally-driven and a reincarnation of SAP. Furthermore, the prevalence of informal relations underlying African politics may emasculate the potency of NEPAD. Similarly, the AU, the political framework for NEPAD, may itself be ineffective since it lacks clear differences from the OAU. Besides, the AU seems to bite more than it can chew. The ambition to achieve continental integration within a short time, something the EU achieved in 40 years, may weigh down adversely on the nascent organisation.

In the same way, the APR is truncated in its ability to generate good governance. As argued, the APR is not new since aspects of it have at various times been thrust on Africa. Besides, membership in the APR is voluntary and certain to keep Africa's notorious dictators out. Added to this, African leaders have already begun a process of manipulating the APR by not only redefining what it can or cannot do, but also defining the concept of good governance in ways that diverge from conventional wisdom. These factors, along with the natural tendency for African leaders to condone and support, rather than condemn and oppose peers in clear instances of misgovernance, combine to mitigate hopes of the APR precipitating good governance.

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