

Sustainable development governance in Africa



The Johannesburg Plan of Implementation (JPOI) recognizes the New Partnership for Africa's Development (NEPAD) as providing a framework for sustainable development on the continent. The Plan also recognizes that achieving sustainable development requires actions at all levels to create an enabling environment at the regional, subregional, national and local levels for sustained economic growth and development. In this context, the Plan calls on the international community to support Africa's efforts to foster peace, stability and security, the resolution and prevention of conflicts, democracy, good governance, respect for human rights and fundamental freedoms, including the right to development and gender equality.

2.1 Sustainable Development Framework

In July 2001, the 37th Summit of the Organization of African Unity (OAU), formally adopted NEPAD as an integrated socio-economic development framework for Africa. NEPAD reflects African leaders' common vision and shared commitment to eradicating poverty and to placing their countries, both individually and collectively, on the path to sustainable growth and development. These objectives of NEPAD accord fully with the international commitments to achieve the MDGs, in particular, the goal of halving extreme poverty by 2015 (UN, 2006a).

As a programme of the African Union (AU), NEPAD has the following priorities: establishing the conditions for sustainable development by ensuring peace and security, democracy and good political, economic and corporate governance, regional cooperation and integration and capacity building; engendering policy reforms and increased investments in priority sectors namely, agriculture, human development, infrastructure, export diversification, intra-African trade and the environment; and mobilizing resources for implementation (NEPAD Secretariat, 2006).

The highest authority of the NEPAD implementation process is the Assembly of the Heads of State and Government of the AU. However, the Heads of State and Government Implementation Committee (HSGIC) is an executive body, which provides leadership and political orientation to the NEPAD Secretariat. The HSGIC comprises three states per AU region as mandated by the OAU Summit of July 2001 and ratified by the AU Summit of July 2002. The HSGIC reports to the Assembly on an annual basis. The Steering Committee of NEPAD comprises the personal representatives of the NEPAD Heads of State and Government. This Committee oversees projects and programme development, while the NEPAD Secretariat coordinates implementation of projects and programmes approved by the HSGIC (NEPAD Secretariat, 2006).

2.1.1 Concrete actions taken and progress made

Continental, regional and national

Many regional and sub-regional bodies support African countries in driving the sustainable development agenda forward. The African Union (AU) is taking its mandate and responsibilities very seriously, and African leaders are helping to make it an effective organization, not only by providing it with additional resources, but by ensuring that it conducts its affairs competently, procedurally and transparently. The Union has made key changes in the way it leads the resolution of conflicts and manages peace building in war torn and conflict countries. Key organs of the Union have been reinforced in terms of their mandates, budgets and leadership (Nkuhlu, WL, 2005).

With the support of UN Agencies and other development partners, the NEPAD Secretariat has elaborated Action Plans in key areas. The eight¹ Regional Economic Communities (RECs) recognized by the African Union, as the implementing bodies of NEPAD, have been involved in the design and implementation of programmes and sub-regional projects. The African Capacity Building Foundation (ACBF) is conducting capacity building needs assessments for all RECs. This includes determination of funding required to implement programmes. However, a prerequisite to strengthening the effectiveness of RECs as drivers of regional economic integration is reducing the number of groupings and eliminating multi-membership (Nkuhlu, WL, 2005). At the national level, many African countries have taken steps to create national NEPAD focal points for coordination, monitoring and integrating NEPAD programmes into their national development plans at country level. These include designating ministers or setting up ministries as focal points for NEPAD. Examples of these countries include Algeria, Rwanda, Nigeria, Mozambique, South Africa, Senegal, Ghana, Kenya and Gabon (NEPAD Secretariat, 2004).

Partnerships

The notion of partnership embedded in NEPAD is one of the strengths of the initiative and has several components. NEPAD puts a great premium on partnership between African Governments and their development partners, and between the Governments and their peoples, including the private sector and civil society. Thus, NEPAD reflects the growing consensus that the development process is a multi-stakeholder effort. The Partnership has elicited significant international support for Africa. The development of Africa was high on the international agenda in 2002 at WSSD and in 2005 at the annual summit of the Group of Eight (G8) at Gleneagles, Scotland, and at the World Summit on Development (UN, 2003; UN, 2006a)

Gender, civil society and the private sector

The constitutive Act of the AU, not only recognizes the key role that women have played in development, but also calls for the AU to reward the contribution of African women by adopting a gender parity principle. Furthermore, the Statute of the African Union Commission (AU Commission) and NEPAD's foundation document call for inter alia, the empowerment of women and girls, the application of the parity principle in all AU organs, including the Pan African Parliament (PAP) and the Economic, Social and Cultural Council (ECOSOCC), as well as gender mainstreaming of the institutional policies, programmes and processes. Additionally, the AU Heads of State Summit adopted the Protocol on the African Charter on Human and People's Rights and on the Rights of Women in Africa in Maputo, 2003, and the Solemn Declaration on Gender Equality in Africa, in Addis Ababa, in 2004. Furthermore, in 2004, the NEPAD Secretariat

1 Economic Community of West African States (ECOWAS); Economic Community of Central African States (ECCAS); East African Community (EAC); Common Market for Eastern and Southern Africa (COMESA); Southern African Development Community (SADC); Community of Sahel and Saharan States (CENSAD); Intergovernmental Authority on Development (IGAD); and Arab Maghreb Union (UMA in French).

established the gender and Civil Society Organization (CSO) Unit, to facilitate the active involvement of CSOs in the NEPAD implementation process.

The gender and CSO Unit commenced gender mainstreaming and CSO mobilization at a regional level through RECS, and at national level, through National NEPAD Chapters. A Framework and three-year Comprehensive Strategic Plan that provide guidance and a roadmap for engendering NEPAD, as well as mobilizing and effectively involving CSOs in the implementation of NEPAD initiatives have been developed. The Unit has put in place a NEPAD Gender Task Force and Think Tank. Six months following its launch, the Taskforce made major contributions to NEPAD and RECs engendering efforts, and has already provided technical expertise to the ECOWAS Gender Center, the Committee on Gender of PAP, IGAD and the African Peer Review Mechanism (APRM). Round tables with National Parliamentarians, the PAP, Private Sector and key stakeholders have been initiated to exchange on NEPAD products and modalities for engendering their respective activities (NEPAD Secretariat, 2006).

NEPAD has engaged the private sector in a number of ways. There are NEPAD Business Groups (NBGs) in several African countries, including Kenya, Nigeria and South Africa. Under the aegis of the African Business Roundtable, several chapters of the NBGs are being formed in other African countries, such as Cote d'Ivoire and Ghana. These business groups make representations to NEPAD and are adopting NEPAD principles in their business practices. In addition, NEPAD has forged relationships with the private sector in the developed world. Private sector organizations, such as the World Economic Forum, the Commonwealth Business Council, and the Corporate Council on Africa, hold annual meetings to promote investments in Africa (ECA, 2007a).

UN coordination mechanism in support of NEPAD

At the level of the UN, the mechanism for coordination in support of NEPAD is the Regional Consultation Meetings (RCMs) of United Nations agencies working in Africa, facilitated by ECA. The consultations are organized around nine thematic clusters based on NEPAD's priority areas, namely: infrastructure development; governance; peace and security; agriculture, food security and rural development; industry, trade and market access; environment, population and urbanization; human resources development, employment and HIV/AIDS; science and technology; and communication, advocacy and outreach.

The seventh regional consultation meeting, held in Addis Ababa in November 2006, decided that clusters should undertake a clear and traceable alignment of programmes and resources with AU and NEPAD priorities. In response to the demands of the new UN-AU cooperation framework, the regional consultation mechanism was expanded to include the AU Commission. The meeting recommended that ECA should coordinate discussions on the needs of RECs, so as to facilitate a better alignment and targeting of UN support to the AU and NEPAD priorities and vision at the subregional level (UN, 2006b; UN, 2006c; UN, 2007).

The landscape of ECA's contribution to Africa's development is being shaped by continental priorities, especially developments like the transformation of the OAU into the AU and the articulation of the NEPAD framework. ECA's dual role as a regional arm of the UN, and a part of the regional institutional landscape in Africa, endows it with comparative advantages that enable it to make effective contributions to member States' efforts to address development challenges. Its strengths derives from its role as the only UN Agency mandated to operate at the regional and subregional levels, to harness resources and bring them to bear on Africa's development priorities. This is particularly important because the perspectives of the AU and NEPAD are primarily regional and subregional. This comparative advantage is reflected in ECA's leadership role in coordinating UN inter-agency support to NEPAD. It is therefore in this context that ECA was repositioned to align its mission with the priorities of NEPAD and the AU. ECA's particular focus is on

developing capacities and managing knowledge towards achieving regional integration and meeting Africa's special needs (ECA, 2007b). It is also reflected in its pivotal role of ensuring the effective implementation and follow-up to WSSD outcomes in Africa.

Development partners

A promising start to delivery on commitments on the part of Africa's development partners has been witnessed in 2005/2006. Even so, progress has been more marked on debt relief than on official development assistance and trade. The Government of the United Kingdom of Great Britain and Northern Ireland announced in June 2006 the establishment of an independent, high-level Africa Progress Panel to track aid promises made at the G-8 summit of 2005. In the context of South-South Cooperation, several developing countries have continued to offer support to Africa (UN, 2006b; UN, 2007).

2.1.2 Challenges and constraints

The process of fully integrating of the NEPAD vision and mission, values and agenda, priorities and strategies and programmes and projects into the AU is rather slow. The slow process of integrating NEPAD into the structures and processes of the AU, impacts on the effectiveness of the UN system to provide coherent support to the AU Commission and the NEPAD Secretariat. The organization of separate activities and funding for the AU Commission and the NEPAD Secretariat, have resulted in the development of separate arrangements for assisting both entities. For example, some individual agencies have simultaneously signed a memorandum of understanding with the AU Commission and a letter of understanding, or analogous instrument, with the NEPAD Secretariat. (NEPAD Secretariat official sources²; UN, 2006b)

Resources for implementation of NEPAD priorities are inadequate. The momentum of international support for Africa is not yet strong enough to be irreversible. And Official Development Assistance (ODA) from the Group of Eight (G-8) countries is not rising fast enough to deliver on their pledges.

An important challenge is how to promote people's ownership of NEPAD and its institutionalization, so that success does not depend on the willingness of a particular political leadership to carry the "burden" of implementation. A related challenge is the integration of NEPAD plans into national development plans. A major reason for the slow progress of implementation of NEPAD may be capacity constraints, including institutional, human and financial resources.

2.1.3 Lessons learned and the way forward

African Governments need to take measures to address a range of institutional and partnership issues, including effectively integrating NEPAD into AU structures and processes, providing greater support for the private sector and promoting more outreach to civil society.

Pledges and commitments made to Africa should be delivered in a timely manner and at a much faster pace. The encouraging progress on debt write-off should now be matched by corresponding effort to meet the desired annual level of ODA, with a view to achieving the long-term targets for Africa. Equally, as ODA flows to Africa increases; there will be a greater need to simplify the complex administrative and reporting procedures to minimize delays in the release of resources for approved programmes.

Widening ownership and participation in the NEPAD process is crucial to implementation success. People's ownership of NEPAD will only be realized, if they feel that they are part of the process. NEPAD should therefore do a better job selling itself and involving the average African citizen in the process. Additionally,

² A NEPAD Secretariat-CSD5-Review of report by Secretariat

there is need to open up more space for civil society and the private sector to participate and input into policy dialogue. Furthermore, RECs need to be rationalized and their capacities strengthened to enhance implementation. Capacity strengthening at the national level is also pertinent.

Further strengthening of UN system support for the implementation of NEPAD is vital. In order to improve the effectiveness of the coordination of UN support within the regional consultation mechanism, urgent actions are needed. In particular, the holding of consistent and regular meetings should be strengthened by high-level representation.

As various entities of the system aim at broadening and deepening their support to the continent, they are expected to strengthen their capacity in order to further enhance the efficiency of the delivery of support, coordination and collaboration with the AU Commission, the NEPAD Secretariat and national Governments. To achieve this objective, the UN system should also scale up financial resources and allocate more funding to Africa-related programmes.

2.2 Peace and security

The Secretary General's 2006 report on causes of conflict and the promotion of durable peace and sustainable development in Africa disaggregated the underlying causes of conflict into root causes, enabling factors, mobilizing factors and triggering events. Root causes lead to conflict by generating deep political, social, economic and cultural divisions that can be exploited; such causes may include extreme poverty, gross inequalities and weak State capacity. Enabling factors are not sufficient on their own to cause conflicts, but exacerbate root causes or contribute to an environment that facilitates armed conflict. Exclusionary government policies, external support for repressive regimes, and small arms proliferation are a few examples of such enabling factors. Mobilizing factors are issues of individual or collective significance, such as religion, ethnicity and economic conditions, through whose utilization people can be readily induced to engage in violent action while forsaking civil responsibility. Immediate causes or triggers are factors that affect the timing and onset of the violent outbreak, but are neither necessary nor sufficient to explain it.

2.2.1 Concrete actions and progress made

The AU Peace and Security Council was established in 2004, with a mandate to identify threats to peace and also to have an operational role in peacekeeping. The AU capacity to intervene and mediate in conflicts has been strengthened by the establishment of the African Peace Facility, funded initially by the European Union (EU) to support AU peace operations and capacity building. In addition to EU contributions, the G-8 countries reported providing direct bilateral technical assistance and financial support to the AU, as well as to certain regional organizations such as ECOWAS and IGAD, in order to support their conflict prevention and crisis management efforts (UN, 2005).

Within the framework of the Joint Africa/G-8 Plan to Enhance African Capabilities to Undertake Peace Support Operations, a consultation between the AU, the RECs and other partners took place in Addis Ababa in 2005. The participants in the consultation supported full operationalization of the African Peace and Security Architecture, including the establishment of the Panel of the Wise, the African Standby Force, the Continental Early Warning System (EWS), and the early finalization of the memorandum of understanding between the AU and the RECs. The participants also agreed to cooperate in developing the "roadmap" for establishing the Continental EWS to facilitate data collection and analysis for decision-making purposes (UN, 2005). Cooperation by United Nations organizations with ECOWAS contributed to a more coherent and harmonized regional approach to conflict prevention and peace building. A Non-Governmental Organization (NGO),

the West Africa Network for Peace building, is helping ECOWAS to operationalize the regional EWS by establishing a comprehensive database, which will then be coordinated at the ECOWAS Observation and Monitoring Center in Abuja (UN, 2006d).

At its fifth ordinary session in July 2005, the AU Assembly of Heads of State and Government pledged to address conflict and political instability on the continent with the aim of achieving a conflict-free Africa by 2010. The mediation, conflict prevention and peace building efforts of the AU and subregional organizations are increasingly important complements to the actions of the United Nations. During 2005, the AU has been involved in mediations in Chad, Côte d'Ivoire and the Sudan. In its peacekeeping work in the Darfur region of the Sudan, the AU Mission in the Sudan has worked hard to contribute to stability and security despite severe resource and logistic constraints and amid increased tension, violence and human suffering. As of 23 June 2006, the Mission had strength of 5,738 military and 1,458 police personnel, with the majority of troops coming from Nigeria, Rwanda, Senegal, South Africa and Ghana (UN, 2006d). Furthermore, the AU Policy Framework for Post-Conflict Reconstruction and Development (PCRD) was adopted in Banjul, the Gambia, in July 2006. In the context of the UN-AU Framework for the 10-year Capacity Building Programme for the African Union, UN will assist AU in the establishment of effective early-warning and crisis response systems (UN-AU, 2006).

While prospects for peace in a number of countries have improved during 2006, some situations have worsened, despite considerable efforts by African countries, regional organizations and the international community. Between June 2005 and June 2006, the UN Security Council deliberated on potential or actual threats to peace and security in Burundi, Chad, the Central African Republic, Côte d'Ivoire, the Democratic Republic of the Congo, Eritrea, Ethiopia, Guinea-Bissau, Liberia, Sierra Leone, Somalia, the Sudan and Western Sahara, as well as on subregional and cross-border issues in the Great Lakes region (UN, 2006b). It is important to recognize that African leaders themselves, both as part of a regional coalition and at the level of the AU, have been the principal mediators in many conflicts in Africa, including in Burundi, Côte d'Ivoire, Somalia and the Sudan (UN, 2006d).

2.2.2 Challenges and constraints

Challenges that continue to hamper the achievement of peace and stability on the continent include youth unemployment, the devastating social, economic and political impact of the HIV/AIDS crisis, the illicit exploitation of natural resources, and the illegal flows of small arms.

Unconstitutional takeovers, efforts to prolong terms in public office, attempts to undermine or disqualify opposition members, incitement of hatred and attacks for political and electoral gain are potentially serious threats to peace and development in Africa.

In post conflict countries, pre-existing weak State capacity has often been further crippled by conflict, while war economies thriving on illicit trade and production have diminished the residual elements of transparency, accountability and equitable access to and use of public revenues.

The effectiveness of the AU is hampered by inadequate early warning and mediation skills and inadequate capacity to manage peace support operations and the planning of emergency responses, as well as support to key peace building needs such as security sector reform. Furthermore, capacity is also wanting in regard to political and electoral matters, governance, human rights and the rule of law, peace building and humanitarian assistance.

The operations of the AU are also constrained by inadequate financial resources. The AU has endeavoured to finance its work through contributions of its own member States. However, it is increasingly evident that the demands for AU assistance and services exceed member-supported resources.

2.2.3 Lessons learned and the way forward

There is a need to better understand the specific causes of conflict and post-conflict dynamics of individual societies. The international community has learned from recent events that detailed knowledge of domestic political dynamics is critical to success. Furthermore, the support and involvement of the local population in peace building initiatives are needed if peace is to be sustained over the long term.

Since many causes of conflict, including inequality and exclusionary politics, have their roots in weak governance, measures to prevent conflict and its recurrence have a better chance of succeeding if they are accompanied by actions promoting effective, inclusive and legitimate governance. Another important factor in effective conflict prevention is the development of comprehensive EWSs, to ensure that timely measures, such as mediation and preventive diplomacy, can be undertaken to avert violent crises.

Peace will remain fragile, if the socio-economic conditions of ordinary people, and particularly the youth, are not improved. Therefore, peace consolidation strategies must be based on a realistic plan for effective and sustainable pro-poor economic recovery. Appropriate economic policies such as preferential trade and aid agreements and significant debt relief can expedite post-conflict economic recovery and thus produce critical peace dividends for the population. Peace consolidation strategies must address critical issues such as land reform, massive unemployment and better management of natural resources, so as to provide financing for development.

Given the willingness of the AU to play a major role in establishing and maintaining peace on the continent, and the international community's support of this regional role, efforts must be made to enhance formal collaboration with the UN and to expand technical and financial assistance to the Union. Enhancing UN cooperation with African regional organizations, strengthening African peace support and early warning capacity, increasing financial resources for peace and development, and improving the coordination of all stakeholders, will remain key to achieving a conflict-free Africa by 2010.

2.3 Human rights

Africa faces a myriad of complex human rights problems. Violent conflict affects some parts of the continent, depriving many of their most basic rights, while poverty, poor governance, corruption, and ethnic strife cause further suffering. There is growing demand for accountability for human rights violations and increased recognition of the need to strengthen national protection systems (OHCHR, 2006). Good governance requires respect for human rights, compliance with accepted standards and norms such as reporting, establishment of requisite institutions and consistent enforcement. Disrespect for human rights and rule of law undermines good governance and signifies the possibility of conflict, disorder and anarchy in society.

2.3.1 Concrete actions taken and progress made

Regional initiatives

At the regional level, African leaders have affirmed commitments to human rights and rule of law through the Constitutive Act of the AU, NEPAD Declaration on Democracy, Political, Economic and Corporate

Governance and the Memorandum of Understanding on the APRM, among others. African leaders commitment to human rights is highlighted in the Declaration adopted by the 38th Ordinary Session of the Assembly of Heads of State and Government in Durban, South Africa, 2002. The Constitutive Act of the AU declares one objective of the Union to be promoting and protecting human and peoples' rights in accordance with the African Charter on Human and Peoples' Rights and other relevant international instruments. Among AU's guiding principles is the respect for democratic principles, human rights, rule of law and good governance.

Although the Millennium Declaration, NEPAD, the Conference on Security, Stability, Development and Cooperation in Africa and other initiatives are technically not legally binding, they are important as political commitments that reflect the increased awareness that the respect for human rights as essential for overcoming socioeconomic and political challenges. The human rights framework reflects the crucial interdependence of economic, social and cultural rights and civil and political rights. The African Charter on the Rights and Welfare of the Child, which was adopted in 2003, as the first human rights instruments of the AU, and the Protocol to the African Charter Related to the Rights of Women in Africa, which came into force in November 1999, complete the African human rights framework.

National actions

According to ECA's African Governance Report, African countries have overwhelmingly subscribed to most international and regional human rights norms and standards, ratified numerous major human rights treaties and enshrined these norms and standards in their constitutions and national legislation. However, a significant gap remains in their realization. Some progress has been made on human rights, and the principle of rule of law is generally respected in most countries, along with a fair level of commitment to the respect for human rights. In many countries, constitutional provisions for the protection of political and civil rights and liberties are adequate. Almost all African constitutions prohibit discrimination based on gender. In terms of social rights, the rights of marginalized groups such as children and disabled people are increasingly being recognized and provided for. But in the areas of economic and material social rights, many countries have made the right to employment, education, health services, housing, food, etc, non-justiciable, to be provided based on resource availability.

The application of human rights standards lags behind the substantial efforts made in ratifying treaties, conventions and public statements and rhetoric of African leaders on human rights. Inequalities and injustices against women and children are widespread, as are racism and ethnic discrimination. Although there are no legislative barriers to women participation on the economy, there are many structural barriers to their effective participation. Many leaders still violate the constitution, order citizens and political opponents to be detained without trial, suppress lawful demonstration and agitation by the people and prevent citizens' lawful assembly, thus eroding fundamental political and civil rights of the citizens. Access to justice in a quick and efficient manner is problematic. The court system is slow and expensive, and access to it is often determined by the social status of the person involved.

2.3.2 Challenges and constraints

A major challenge is to narrow the gap between commitments and actions and make human rights a reality in all spheres of life, particularly for the most vulnerable groups in society. Particularly challenging is the creation of the necessary conditions to sustain and improve some of the important progress and accomplishments, to ensure the necessary reforms in areas where little has been done.

Regional mechanisms for promoting and enforcing human rights are weak. The African Commission on Human and Peoples' Rights, the independent body charged with overseeing the implementation of the

provisions of the African charter, is still unable to fully discharge its functions due to a combination of factors. In addition, the operation of the African Committee of Independent Experts, which was created under the African Child Charter, has so far been limited by availability of resources.

Poor training and exposure to both domestic and international human rights norms are major impediments to the observance of human rights by security forces. The police services in many African countries have insufficient resources in terms of numbers, training facilities and logistics. The failure of institutions to protect the rights and liberties of citizens has led to the questioning of their credibility and integrity.

Sometimes institutional gaps and lack of capacity prove to be major obstacles to the development of good governance. Government agencies and departments suffer from not only lack of adequate budgets, but administrative bottlenecks, unclear policies, sometimes incompetent and corrupt officials and defects in the conception of institutional needs.

One of the greatest threats to human rights in Africa is the extent to which the rights are clouded by uncertainty and turbulence. Conflicts raging in some parts of Africa contribute to this uncertainty.

2.3.3 Lessons learned and the way forward

Given the range of challenges, a strategy to improve the human rights situation in Africa requires a multifaceted approach. One of the most important overarching actions is to support and consolidate the trend towards peace, stability and democratization at the country level.

More efforts are needed to create and support the institutions that enhance democracy, as well as human rights. The autonomy and independence of the courts must be safeguarded. Governments have an obligation to provide their human rights commissions with the necessary financial resources to perform their functions. National institutions must enjoy operational independence through the provision of adequate and secure funding so as to maintain appropriate staffing levels, infrastructure and resources. Another structured approach is to decentralize some offices.

Steps must be taken to ensure that the requirements of human rights laws are widely known and applied. One way of dealing with the lack of knowledge by those whose rights are violated is to ensure that NGOs work hand-in-hand with courts and human rights commissions and other watchdog institutions to develop literacy and human rights awareness programmes for youth and vulnerable groups in society.

Specific actions include the need to foster a culture of protection of fundamental human rights by conducting formal courses and workshops for magistrates, prosecutors, the police, court interpreters and all others involved in law enforcement on fundamental rights. More efficient surveillance of the human rights record of police conduct is needed, as well as an efficient punishment system for misconduct. The police service and other law enforcement agencies must also be well remunerated, so that they won't be prone to corruption and to unfriendliness towards the citizenry. Prison reforms are also needed to alleviate overcrowding and to protect inmates' rights. This is necessary if prisons are to be corrective institutions.

At the regional level, AU has made important progress in establishing such institutions as the African Court on Human and Peoples' Rights, PAP and ECOSOCC. These institutions must continue to receive support. The AU Commission also needs much more support to institutionalize its human rights and democracy activities.

2.4 Political Governance

The Fourth African Development Forum (ADF-IV), in its preamble, notes that there is a clear consensus that good governance and sustainable development are two sides of the same coin. Good governance is a sine qua non for development in Africa. The 2007 World Bank Governance Matters Report asserts that good governance matters for economic development. Scholars have discovered that high-quality institutions have the power, over the long run, to raise per capita incomes and promote growth in all parts of the world. And the “development dividend” paid by good governance is large. Researchers estimate that when governance is improved by one standard deviation, incomes rise about three-fold in the long run, and infant mortality declines by two-thirds. Donor agencies, too, have concluded that development assistance is more effective in countries with good institutional quality. Increasingly, international financial institutions and some bilateral donor agencies, subscribing to evidence-based policy and decision-making, explicitly tie aid transfers to governance outcomes.

The growing recognition of the link between good governance and successful development has stimulated demand for monitoring the quality of governance across countries and within individual countries over time. In fact, the ability to measure and monitor progress on key dimensions of governance such as the rule of law, corruption, and voice and accountability already has enabled reformers in government and civil society to press for improvements in the quality of governance in many countries. In the context of Africa, ECA’s African Governance Report of 2005, which is the result of extensive research covering governance practices in 27 African countries, is worthy of mention.

2.4.1 Concrete actions and progress made

Regional initiatives

At the continental level, the AU and NEPAD are defining new parameters for governance and providing benchmarks for a new governance culture in Africa (ECA, 2005). In an effort to enhance the quality and effectiveness of governance in Africa, the Sixth Summit of the HSGIC of NEPAD, held in March 2003, adopted the Memorandum of Understanding on the APRM. This self-monitoring mechanism is voluntarily acceded to by member States of the AU with the aim of fostering the adoption of policies, standards and best practices that will lead to political stability, high economic growth, sustainable development and accelerated regional and economic integration (UN, 2006d). To date, 27 countries have voluntarily acceded to the Mechanism.

The Constitutive Act of the AU binds member States to uphold a number of democratic principles, among them the condemnation and rejection of unconstitutional changes of government and the application of sanctions against regimes in violation. Current efforts by some leaders to alter constitutional term-limit provisions so as to enable incumbents to remain in office may undermine democratic achievements of the last two decades on the continent. In April 2006, member States of the AU considered a draft charter on democracy, elections and governance, which is intended to reinforce the commitment of AU member States to democracy, development and peace (UN, 2006d).

African Heads of State and Government, via NEPAD, have reaffirmed the nexus between good governance, sustainable development and poverty alleviation. NEPAD’s Democracy and Political Governance Initiative aims at contributing to strengthening the political and administrative framework of participating countries. The Initiative consists of a series of commitments by participating countries to create or consolidate basic governance processes and practices, an undertaking by participating countries to take the lead in supporting initiatives that foster good governance, and the institutionalization of commitments through the leadership of

NEPAD. Additionally, the Heads of State and Government have tasked NEPAD to undertake a process of targeted capacity-building initiatives for institutional reforms (NEPAD Secretariat, 2006).

Following the 4th Pan-African Conference of Ministers of Public Service held in South Africa in May 2003, the African Ministers formulated and adopted a NEPAD Governance and Public Administration Programme. The programme's major short-term focus is on direct capacity development for governance and administration, while the emphasis in the long-term will be on the acquisition, generation, and utilization of data, information and knowledge for state reform, as well as capability development and improved governance. In collaboration with the Office of the Chairperson of the 4th Pan-African Ministers Conference and the Office of Political Affairs at the AU Commission, funds have been secured from the European Union Commission (EC) to implement the Programme. (NEPAD Secretariat, 2006).

National actions

Democracy and political stability

As noted in ECA's African Governance Report of 2005, democratic politics and practices have taken a significant leap in Africa in the last two decades. Competitive multiparty democracy has been enthroned in many African countries. The political space has been gradually liberalized, and civil society organizations have been contributing to the development process and influencing policies in various aspects of public life. Ethno-regional diversities have also been given political expression and accommodation. Marginalized groups of women, youth, children and the disabled are progressively getting their views on the policy agenda. Furthermore, electoral institutions are gaining more credibility and legitimacy with the move to relatively free and fair elections in many countries. Overall, a new social pact with the institutions of the State and the processes of governance is gradually being reconstructed to promote democracy and good governance.

The World Bank Report supports this observation. The report notes that the Worldwide Governance Indicators show that from the mid- to late 1990s up to the present, several countries in Africa have substantially improved on various dimensions of governance. Examples include Nigeria on voice and accountability; Rwanda on government effectiveness, rule of law, and control of corruption; Liberia on voice and accountability; Mozambique on political stability and absence of violence; the Democratic Republic of Congo on political stability, absence of violence, and regulatory quality; Senegal on political stability and absence of violence; Tanzania on control of corruption; Ghana and Kenya on voice and accountability; and Cape Verde on control of corruption. The World Bank Report further notes that the distinct variation in performance among countries in Africa (as well as on other continents) applies not only to changes over time, but also to the level of governance quality from country to country at any given time. Again, this supports the conclusion of the ECA Report, which observes that the democratic process is not at the same stage of development among African countries, and it is still fragile in many of them.

The above indicates that, many African countries have made a commitment to revitalize governance. Positive steps have been taken to re-examine restrictive legislation and to allow space for the progressive expansion of political space through the private sector and with the participation of civil society (NEPAD Secretariat, 2006). A number of peaceful referendums and presidential and legislative elections were held in 2005 and 2006. The United Republic of Tanzania and Benin joined Mozambique in entering the ranks of the growing number of countries that enjoyed an orderly change of government. Liberia and Burundi held a series of successful elections during 2005. More positive developments are hoped for as the Democratic Republic of the Congo and Côte d'Ivoire engage in delicate political transitions (UN, 2006d).

Government institutions and their accountability

The country reports of the ECA governance study found a trend of relative decline of executive dominance in Africa. However, the degree of consultation and public participation varies from country to country. Many African countries have adopted constitutional measures and put in place administrative mechanisms, including the introduction of decentralization and local government reforms to strengthen checks and balances where they are weak or do not exist. The executive has undergone major reforms in some countries, for example, Ghana, Mali, South Africa and Tanzania. It has also taken some measures to reinforce horizontal and vertical checks and balances in the governance system. The legislature has also been the subject of substantial reforms to enhance its capabilities to check and balance the executive and to ensure the observance of accountability and transparency by the government and its agencies in the performance of their duties and responsibilities. Similarly, some African countries have put in place appropriate reform measures to strengthen the capacity of the judiciary to check and balance executive power and discretionary authority, as well as enhancing the effectiveness and integrity of the judiciary in the performance of its duties and responsibilities, ensuring the observance of the constitution, rule of law and due process of law.

The creation in most African countries of watchdog institutions, such as the ombudsman, human rights commission, auditor general, inspector of governance or minister for good governance, present perhaps the most significant examples of these initiatives. Benin, Nigeria, Tanzania, Uganda and several other countries are trying to build effective anticorruption commissions. In relation to effectiveness of institutions, while parliaments have performed with increasing responsibility and effectiveness towards improving standards of transparency and accountability in republican democracies, they have been found to be relatively weak in parliamentary democracies. While on the whole the performance of the judiciary is improving, its effectiveness in many African countries is still restricted. With regard to civil society and media effectiveness, their capacity to influence policy was found to be contingent on the degree of independence that they enjoy, and the willingness of the executive to permit non-state actors a voice in the democratic process.

2.4.2 Challenges and constraints

Despite progress made, challenges to political governance remain in many African countries. The democratic process is still fragile. The emerging structures of governance- political parties, CSOs, elected institutions of the legislature and the executive, remain weak and not adequately institutionalized.

The liberalization of the political environment in Africa has opened for public debate and scrutiny several challenges related to political parties and elections. Most countries are still in a learning phase where incremental experiences allow revisions and adjustments and reformulation to improve rules and processes. Political parties are generally weak and not well institutionalized in many African countries. They lack adequate funding and are therefore susceptible to wealthy individuals who use their financial influence to ensure firm control and perpetuate their interests.

In many African countries, the lack of independence from the executive has reduced the effectiveness of watchdogs and advocacy agents in performing their functions. Although the numbers are growing slowly, there are very few African CSOs, including those in the media and private sector that enjoy independence from the executive, commensurate with their goals and objectives.

To effectively check and balance the executive, the legislature needs capacity, competence and independence. But many legislatures in Africa are deficient in these capacities. They generally lack members who are well informed and able to introduce issues that are relevant to the needs and aspirations of their constituencies or the country.

The capacity of the judiciary to review laws is a crucial check on the executive. The greatest single impediment to this capacity is insufficient resources. Most judiciaries lack the financial means to engage staff in research, documentation and analysis of briefs, which can enhance judges' understanding of the development and changing role of law in a continent that is rapidly changing. Other institutional deficiencies of the judiciary include the inexistence of law review commissions in many countries, the existence of "executive-minded" judges, the use of foreign languages in court proceedings and ineffective judicial service commissions.

2.4.3 Lessons learned and the way forward

Conscious efforts are needed to build on the emerging structures and practices and to consolidate the modest progress recorded so far. The culture of closed governance has to be reformed for democracy to thrive and the political system to engender greater confidence and legitimacy from the people. Further liberalizing the media is key to providing multiple and alternative sources of information.

The plural nature of most African countries makes it imperative for them to recognize and accommodate diversity in political systems. There is nevertheless need for convergence between ethnic balancing and merit system in state appointments. Furthermore, political and governance bodies must institutionalize policies that guarantee gender equality. The AU should create and enforce a minimum standard for countries with respect to the level of women's political representation in elected institutions and decision-making organs.

As the democratic process grows and is consolidating, electoral laws will have to be reformed in many African countries to reflect new realities and meet challenges of political modernization. To imbue confidence in the electoral challenge mechanism, efforts must be strengthened to ensure that elections, as well as their preparations, including campaigning, voter registration and candidature eligibility, are free and fair and are also recognized as such by key stakeholders. Furthermore, the structures that manage post-election conflicts must be invigorated. Autonomy, professional competence to handle election disputes, and adequate resources (finance, infrastructure and logistics) are needed.

African countries must begin to devise ways to finance their elections, as donor funding of elections is not sustainable. Options include setting up an African Elections Fund at the continental level by the AU for countries to subscribe to, and benefit from, when preparing for elections. Africa will have to look inward more in terms of planning and financing of elections. At the national level, there must be a mix between state and private sources of funding for political parties in order to provide the financial base necessary to carry out their activities.

In developing the NEPAD Governance and Public Administration Programme, the African Ministers of Public Service acknowledged the need to enhance citizen/government relations, enhance sustainable development and consolidate democracy, as well as enhance public sector reforms that are based on adaptations to socio-economic and cultural contexts, and on the effective implementation of programmes.

Where there are strong, well-organized and sufficiently resourced civil society organizations and an independent vigilant media, public accountability and transparency are observed and checks and balances on the executive have the required impacts. Similarly, where strong and independent legislatures exist, legislators are able to challenge the executive, making it accountable and imposing checks and balances on its powers and discretionary authority. The way forward is to ensure that gains so far made are consolidated and other possibilities of promoting good governance in a rapidly globalizing world, explored.

2.5 Economic and corporate governance and private sector development

During the 1960s, most African economies were command economies. These economies functioned under direct state intervention, which stimulated exports. The command- and export oriented economies were very vulnerable to external movements in the global economy and were devastated by the oil shocks and other external shifts during the 1970s. The 1980s were plagued by numerous economic and political crises. This prompted countries to take measures aimed at revitalizing their economies, thus leading to a shift towards the downsizing of the role of the state with further emphasis on economic reform (NEPAD Secretariat, 2006).

African countries adopted strategies of private sector-led growth and development, based on the realization that African governments by themselves could not mobilize the enormous resources required for economic development and poverty reduction. In this regard, it was acknowledged that the private sector, especially foreign investors, would have to play an important if not essential part. This did not come without complications, as the private sector was not sufficiently capacitated to fill the vacuum created by downsizing. Since the 1990s, there has been a move towards a more holistic approach to African governance reform and the complexity of reform processes has been acknowledged (ECA, 2005, NEPAD Secretariat, 2006).

Notwithstanding, African countries have accepted that the market is better at allocating resources and managing the economy more efficiently than governments. They have endeavored to create an environment conducive to both domestic and foreign investment, which has led them to offer a wide range of incentives and strengthen cooperation between the public and private sectors. More recently, NEPAD arrived at the same conclusion and listed good economic and corporate governance as the prerequisites for successful economic growth and poverty alleviation in Africa (ECA, 2005).

2.5.1 Concrete actions and progress made

Regional initiatives

At the continental level, the NEPAD Secretariat has been working closely with key donors to support programmes aimed at strengthening public finance management. Training programmes for middle and senior level staff from the Ministries of Finance and the Board of Auditors, as well as parliamentarians involved in public finance management have been designed. Furthermore, as a response to NEPAD, a meeting with selected African countries was convened in December 2004. Hosted by the South African Treasury, the meeting was held to examine the implication of medium-term expenditure frameworks in various countries, including those that receive vertical and horizontal fiscal support from donors and which also enhance public financial management of these expenditures.

NEPAD recognizes that maintaining transparency in monetary and public finance policies is a crucial element of good governance. As such, the Ministries of Finance and Central Banks have been tasked with reviewing economic and corporate governance practices and to make recommendations to the HSGIC, with high priority given to public financial management. The objective of the NEPAD Economic and Corporate Governance Initiative is to promote programmes aimed at enhancing the quality of economic and public financial management, as well as corporate governance.

The NEPAD Secretariat has also commenced working with the Committee of Central Bank Governors (CCBG) to examine ways in which to improve Banking and Financial Standards. The CCBG in SADC and the NEPAD Secretariat have jointly launched a programme to further investigate anti money-laundering measures and to combat terrorist financing in the region. NEPAD and the CCBG have engaged with central

bankers involved in supervision, exchange control, legal matters, research, currency management, payment systems, business systems and technology to identify policies, processes, and procedures that need to put in place in the region to allow the Central Banks to fulfill their anti money-laundering obligations. Progress is being made in working towards a consensus on the most critical money-laundering issues facing the region and to find ways of addressing these issues (NEPAD Secretariat, 2006).

National actions

ECA's African Governance Report states that several African countries have made progress in economic governance, public financial management and accountability and the integrity of the monetary and financial systems. As a result, the situation in Africa today is better than it was a decade or so ago. However, the report advances that a great deal remains to be done. In the area of corporate governance, the report observes that countries deserve credit for the efforts they have made to promote private sector-led growth and development, including granting a range of fiscal incentives to investors, establishing special institutions to facilitate and promote private investment, especially FDI, and supporting the private sector in general, especially pushing the informal sector to become part of the formal sector. These and other measures demonstrate that, in general, at the higher levels of policymaking, African governments have become more favorably disposed to treating the private sector as a legitimate and reliable partner in economic development and that they are taking steps to strengthen partnership with the private sector and associating the sector in decision making that affects its development. In addition, African governments have continued efforts to expand and develop physical infrastructure to attract private investment and make it more profitable and efficient. In this respect, steps have been taken to privatize infrastructure facilities, especially in the energy and telecommunications sectors.

2.5.2 Challenges and constraints

An important challenge is the commitment to sound public financial management, accountability and the integrity of the monetary and financial system. Also central is the question of the ability of other institutions of government, such as the legislature and judiciary and civil society in general, to control the executive and make it accountable.

Another important shortcoming that needs to be addressed is the absence of the necessary capacity in many African countries to implement well-intentioned reform programmes and measures. African countries are being called to introduce far-reaching reforms in several areas simultaneously and within a short period of time. The capacity to introduce all these changes within the expected period of time is lacking in most African countries. NEPAD also recognizes that many countries lack the necessary policy and regulatory frameworks for private sector led growth. They also lack the capacity to implement programmes, even when funding is available.

Several factors account for not attracting more FDI, among them the high administrative and financial barriers to investment, the absence of the capacity needed to translate sound policies into action, discrepancies between policy declarations and how these policies are implemented, difficulties faced by domestic entrepreneurs in gaining access to credit and political instability and high rates of crime. Inadequate protection of property rights, including patents, intellectual property rights and shareholders rights, difficulties in enforcing business contracts through the courts and the failure of many countries to ensure the movement of labor, access to land and the ability of entrepreneurs to operate freely in all parts of the country are additional obstacles to creating a conducive environment for the development of the private sector.

2.5.3 Lessons learned and the way forward

Given the magnitude of the challenges and tasks facing African countries, African governments and other stakeholders, especially the international community, must focus not only on devising schemes, policies and programmes and adopting internationally accepted rules, regulations and codes of good practices, but also on ensuring that the capacity to implement these well conceived reforms are available. A holistic approach will be needed for the problem of governance and to make progress on all fronts simultaneously, challenging though this may be. The timing and sequencing of these reforms also need to be carefully considered to avoid overtaxing countries' capacities and diverting limited attention and resources to areas of secondary, rather than, primary importance.

Improving public financial systems and management is key in providing the environment for economic reforms that will lead to sustainable development and the alleviation of poverty, in keeping with the principles of NEPAD. Training should be provided to public officials and it should be ensured that knowledge acquired is applied. Furthermore, training should target the widest possible range of African actors whose active participation is crucial.

With improved skills and capacity, public financial management and sound economic and monetary system reforms, the continent would be better equipped to attract outside investment and would be well placed to legitimately stake its claim in the growing global economy. The incorporation of lessons learned in terms of policy is critical to improving the global image of the continent.

Incentives and inducements for private investors are not enough and may not in fact be the most appropriate measures. Broad issues of economic and overall governance, such as sound economic and public financial management and accountability and the integrity of the monetary and financial systems need to be addressed and issues of corporate governance must be tackled. While African countries are increasingly adopting internationally accepted accounting and auditing standards and practices, more effort is required. Improvements are also needed in internal control and audit to strengthen the independence of controllers and auditor generals and to ensure that the legislative bodies effectively oversee the activities of the executive and follow up on the reports of the controllers and auditor generals.

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