

## **“Africa, the tragedy; Africa, the challenge”\* NEPAD and the new humanitarian agenda**

GARTH ABRAHAM\*\*

At the dawn of the third millennium more than half of the countries of Africa continue to be mired in crises of one sort or another. Poverty pervades the continent,<sup>1</sup> inadequate access to resources characterizes the lives of many communities,<sup>2</sup> malnutrition and disease are ever-present,<sup>3</sup> and low-intensity violence appears the norm.<sup>4</sup> The inextricable links between these reflections of continental malaise are obvious. James Gustave Speth, head of the United Nations Development Programme (UNDP) in 1996, observed:

“Degrading poverty, diminishing natural resources, and increasing joblessness all feed ethnic and social tensions. It is from this cauldron that crises can boil over.”<sup>5</sup>

When the cauldron does in fact boil over, the precise nature of the resultant conflict and its concomitant violence varies.<sup>6</sup> The stark non-variable is that it is the civilian population that suffers more than do the combatants.<sup>7</sup> The impact of the recent Liberian conflict on the citizens of Monrovia, for example, apart from death and maiming, has meant serious shortages in food and drinking water, a sanitation crisis, and the displacement of one out of every five persons.<sup>8</sup> For much of the continent, the consequences of violence are similar.

The inability of afflicted African States to deal adequately with these consequences has led to the burgeoning of international humanitarian relief agencies willing and able to respond to the many humanitarian crises and

\* “The continent is a tragedy; it is also a challenge”, said Henry Kissinger, in: James H. Billington & Henry Kissinger, *Does America Need a Foreign Policy? Toward a Diplomacy for the 21st Century*, Simon & Schuster Inc., New York, 2001, p. 210. “Africa’s variety inhibits concerted action; the scope of its crises nevertheless demands significant response”, cited in Greg Mills, *Poverty to Prosperity: Globalisation, Good Governance and African Recovery*, Tafelberg, Cape Town, 2002, p. 86.

\*\* MA (Natal) LLB (UCT) LLM (Wits), Associate Professor of Law, University of the Witwatersrand, Johannesburg; Attorney of the High Court of South Africa; IHL Legal Advisor: University Liaison, Pretoria Delegation of the International Committee of the Red Cross (ICRC). The article reflects the views of the author alone and not necessarily those of the ICRC.

disasters that plague the African continent.<sup>9</sup> This response is characterized as humanitarian action. Humanitarian action refers, ordinarily, to the response of a collective entity to a catastrophe of some kind — the cause for the catastrophe might be military or political, social or medical, economic or environmental.<sup>10</sup> The aim of the response is to protect and promote the human dignity of those who find themselves caught in the crisis. The methods employed to advance this aim are generally directed at reducing the impact of the crisis and its consequences on the affected population.

However, the assistance provided by humanitarian relief agencies is often both uncoordinated and superficial. Ad hoc attempts to alleviate the immediate plight of those caught up in a crisis, while laudable, do little to resolve the

1 More than 40% of Africa's 600 million people live below the internationally recognized absolute poverty line of US\$1 per day; Africa's share of the world's absolute poor grew from 25% to 30% in the 1990s. See: Greg Mills, *Poverty to Prosperity: Globalisation, Good Governance and African Recovery*, Tafelberg, Cape Town, 2002, p. 87.

2 250 million people — 40% of the continental population — lack access to safe water. *Ibid.*, p. 87.

3 200 million people — 33% of the continental population — have no access to health services; 165 persons per 100,000 die each year from malaria (at the start of the twentieth century the figure was 223/100,000); 70% of the world's AIDS cases are to be found on the continent. *Ibid.*, p. 87.

4 The first three years of the new millennium have witnessed violence of some kind in Angola, Burundi, Central African Republic, Ivory Coast, the Democratic Republic of the Congo, Liberia, Sao Tome and Principe, the Sudan and Zimbabwe. According to Mark Malloch Brown, Administrator of the United Nations Development Programme, of the 45 countries on the African continent in which the UNDP had operative programmes in the last decade of the twentieth century, 18 were experiencing civil strife, while political crises of various kinds occurred in a further 11. See: *Humanitarian Action in the 21st Century*, Inter-Agency Standing Committee, United Nations Office for the Coordination of Humanitarian Affairs, New York, 2000, p. 23.

5 Cited in Paul Cornish, "Terrorism, insecurity and underdevelopment", *Journal for Conflict, Security and Development*, Vol. 1, No. 3, 2001, p. 49.

6 Mark Malloch Brown, Administrator of the United Nations Development Programme, Inter-Agency Standing Committee, has characterized most incidences of the violence as "internal, total and protracted". See: *Humanitarian Action in the 21st Century*, *op. cit.* (note 4), p. 23.

7 According to ICRC sources ("World campaign for the protection of victims of war", *International Review of the Red Cross*, No. 282, May-June 1991, p. 308) — cited in David P. Forsythe, "The International Committee of the Red Cross and humanitarian assistance: A policy analysis", *International Review of the Red Cross*, No. 314, 1996, p. 512 Footnote 2 — during the First World War 15% of the victims were civilians; this percentage increased to 65% during the Second World War; today the percentage is 90%.

8 *News Flashes from Africa*, The Africa Institute of South Africa (NFA 139/2003, 28/07/2003).

9 This was the view of Sergio Vieira de Mello, former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Co-ordinator, United Nations Office for the Coordination of Humanitarian Affairs, Inter-Agency Standing Committee. See: *Humanitarian Action in the 21st Century*, *op. cit.* (note 4), p. 11.

10 Such action is to be distinguished from foreign aid by virtue of the fact that it applies in circumstances of emergency. cf. Rohan J. Hardcastle & Adrian T.L. Chua, "Humanitarian assistance: Towards a right of access to victims of natural disasters", *International Review of the Red Cross*, No. 325, 1998, p. 592.

root causes of that crisis or the continued state of dependency in which many African countries find themselves.<sup>11</sup> More is required. Instead of relying on the commitment and largesse of international humanitarian agencies, the aim should be to strengthen the capacity of civil society, of government and of inter-governmental organizations so that the African continent as a whole might more successfully acknowledge and tackle its many responsibilities.

While not directed specifically at Africa, the challenge posed in 2000 by Sergio Vieira de Mello has continental resonance:

"In a world of tremendous wealth and human capacity, the idea that some States cannot fulfil their own basic responsibilities toward their populations surely represents a failure to act collectively to solve a problem that involves us all. So just as humanitarian organizations have confronted the world's political leaders with their responsibility for resolving international conflicts, I propose that (...) we set ourselves a new task: to bring the community of nations back into a genuinely multi-lateral fold, and to use the resulting commitment to launch a new humanitarian agenda of strengthening the capacity of weak States and communities to fulfil their own responsibilities toward their citizens, and increasing the political commitment of stronger States to the same end. (...) Where and when this effort fails, as it inevitably will in some circumstances, then the humanitarian community must continue to step in and meet the challenge. ..."<sup>12</sup>

For Vieira de Mello the new humanitarian agenda is not the *ad hoc* response of international relief agencies; rather it lies in the strengthening of the capacity of States and communities to honour their responsibilities toward their citizens. The new humanitarian agenda is thus far greater than the response to crisis — it is developmental. It should, according to Kofi Annan, contribute to the prevention of catastrophes occurring in the future through addressing the pressing developmental needs of poorly resourced States.<sup>13</sup> The consequence of this new agenda is that the *prevention* of conflict becomes an integral part of humanitarian action. "Simply put, conflict (...) [is] (...) an issue closely inter-linked with development — as a consequence of a failure to achieve development and as a

<sup>11</sup> Liesl Louw, "The harmful effects of handouts in Africa", *eAfrica: The Electronic Journal of Governance and Innovation (SAIIA)*, No. 1, October 2003, p. 16.

<sup>12</sup> Sergio Vieira de Mello, former Under-Secretary-General for Humanitarian Affairs and Emergency Relief Co-ordinator, United Nations Office for the Co-ordination of Humanitarian Affairs. See: *Humanitarian Action in the 21st Century*, *op. cit.* (note 4), p. 13.

<sup>13</sup> *Ibid.*, p. 9.

preclusion to development.”<sup>14</sup> Instead of the response being directed at those in a state of dependency, the developmental goal is one directed at the strengthening of self-sufficiency and capacity.<sup>15</sup> Investment in long-term development is the most cost-effective means for the prevention of humanitarian disasters:

“Development does not preclude conflicts or other types of disasters, but it does drastically reduce the likelihood of their occurrence. And when disasters do take place, the consequences in terms of the loss of life are generally less severe and the recovery process faster and more complete.”<sup>16</sup>

### **The New Partnership for Africa's Development: NEPAD**

Africa's embrace of the new humanitarian agenda, argues South African President Thabo Mbeki, is the New Partnership for Africa's Development (NEPAD).<sup>17</sup> The opening paragraph of the NEPAD foundational document (October 2001) holds:

“This New Partnership for Africa's Development is a pledge by African leaders, based on a common vision and a firm and shared conviction, that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development, and at the same time to participate actively in the world economy and body politic. The Programme is anchored on the determination of Africans to extricate themselves and the continent from the malaise of underdevelopment and exclusion in a globalising world.”<sup>18</sup>

More succinctly, paragraph 60 of the foundational document declares that NEPAD is “envisaged as a long-term vision of an African-owned and African-led development programme.”<sup>19</sup>

### **Historical Background to the NEPAD initiative**

In a sense the NEPAD initiative is not new. Post-colonial Africa has, on numerous occasions, attempted to galvanize developmental effort. The

<sup>14</sup> Mark Malloch Brown, Administrator of the United Nations Development Programme. *Ibid.*, p. 23.

<sup>15</sup> *Ibid.*, p. 24.

<sup>16</sup> *Ibid.*, p. 24.

<sup>17</sup> The occasion was an address by Thabo Mbeki at an Africa Day celebration in Johannesburg, South Africa, to mark the 40th anniversary of the foundation of the Organization of African Unity on 25 May 2003. The address is available at: <<http://www.allafrica.com/stories/printable/200305250002.html>>.

<sup>18</sup> New Partnership for Africa's Development, October 2001, para. 1. This document is available at: <[http://www.touchtech.biz/nepad/files/documents/nepad\\_english\\_version.pdf](http://www.touchtech.biz/nepad/files/documents/nepad_english_version.pdf)>.

<sup>19</sup> *Ibid.*, para. 60.

*dirigisme* and economic nationalism of early post-colonialism,<sup>20</sup> unable successfully to redress deepening economic crises, gave way to the Lagos Plan of Action of 1980.<sup>21</sup> The Lagos Plan, in attempting to alter the relationship between developed foreign powers and the aid receivers of Africa, encouraged self-reliance and self-sustaining growth. The subsequent Africa's Priority Programme for Economic Recovery (APPER), rooted in the Lagos Plan of Action, aimed until 1990 at changing the production and consumption patterns of the continent. Its objective was to enhance socio-economic transformation, accelerate economic growth and development, and intensify regional economic integration and cooperation.

Outside the African continent the Bretton Woods institutions, too, were contributing to the debate. The World Bank's 1981 "Agenda for Action"<sup>22</sup> focused on the eradication of internal constraints — the dynamism of the market was the hallowed *panacea*. Structural adjustment programmes were proposed that insisted on the adoption of prescribed austerity measures. The consequences of the failure of these measures were twofold. Apart from precipitating United Nations-sponsored initiatives,<sup>23</sup> the failure of the proposals encouraged the 1997 Report of the World Bank to be less adamant about the universal prescription of market medicine. Instead, the State was accorded recognition of its central role in economic and social development — not necessarily as the sole stimulator of growth, but rather as partner, catalyst and facilitator of development.<sup>24</sup> It is within this context that the NEPAD initiative must be interpreted.

Ideologically, NEPAD has its roots in the concept of an "African Renaissance". Despite the limitations of this phrase,<sup>25</sup> the concept would appear

<sup>20</sup> Richard Kamidza *et al.*, "The role of the state in development in the SADC region: Does NEPAD provide a new paradigm?", Third World Network Africa, article available at:

<<http://www.twnafrica.org/print.asp?twnlD=225>>.

<sup>21</sup> <[http://www.uneca.org/itca/ariportal/docs/lagos\\_plan.pdf](http://www.uneca.org/itca/ariportal/docs/lagos_plan.pdf)>; OAU, *Lagos Plan of Action for the Economic Development of Africa 1980-2000*, Geneva, 1981.

<sup>22</sup> World Bank, *Accelerated Development in Sub-Saharan Africa: An Agenda for Action*, Washington DC, 1981.

<sup>23</sup> Interventions by the United Nations Children's Fund (UNICEF), United Nations Development Programme (UNDP), and United Nations Economic Commission for Africa (UNECA).

<sup>24</sup> Kamidza *et al.*, *op. cit.* (note 20).

<sup>25</sup> While recognizing the veracity of Lord Acton's comment that it constitutes "'the most penetrating and subtle treatise on the history of civilisation that exists in literature'" (cited in G.P. Gooch, *History and Historians in the Nineteenth Century*, Longmans, London, 1920, p. 583), see, for example, the many criticisms levelled against Jacob Burckhardt's use of the term to describe the cultural flowering of Quattrocento Italy in *Die Kultur der Renaissance in Italien* in 1860 (*Ibid.*).

to stem from earlier philosophical discourse on Pan Africanism, Negritude, Ubuntu and Black Consciousness<sup>26</sup> and, although without paradigmatic effect, it revealed the continental desire for an assertion by Africa of the need to be taken seriously and to be accorded the respect due to a continental role player.

The catalyst for the programme would appear to have been the Extraordinary Summit of the Organization of African Unity (OAU) held in Sirte, Libya, in September 1999.<sup>27</sup> With the issue of Africa's external debt uppermost in the minds of participants, the summit mandated South African President Thabo Mbeki and President Abdelaziz Bouteflika of Algeria to come up with a framework for the negotiation of debt cancellation with Africa's creditors. Shortly thereafter, in Havana, Cuba, in April 2000, the South Summit of the Non-Aligned Movement and the G77 again mandated President Mbeki, and, on this occasion, President Olusegun Obasanjo of Nigeria, to negotiate on behalf of the South with the G8 and the Bretton Woods institutions.

The Togo Summit of the OAU in July 2000, acknowledging the parallels between the two mandates accorded to Mbeki and his colleagues, and mindful of the fact that the servicing of debt was but one of many obstacles to Africa's development,<sup>28</sup> mandated Mbeki, Bouteflika and Obasanjo to negotiate with the developed North in the construction of a developmental programme for continental regeneration. The support of the G8 leaders at their Okinawa summit in Japan in July 2000 gave further impetus to the effort to translate the vision of continental regeneration into a programmatic policy. With the backing of Presidents Obasanjo of Nigeria, Mkapa of Tanzania and Wade of Senegal, Mbeki punted a Millennium African Renaissance Plan (MAP) to the World Economic Forum Meeting in Davos on 28 January 2001. MAP, declared Mbeki, constituted "a declaration of a firm commitment by African leaders to take ownership and responsibility for the sustainable economic development of the continent".<sup>29</sup>

Mbeki and his two co-authors were given the opportunity to present the plan to other African leaders at the United Nations Economic Commission for Africa (UNECA) meeting in Algeria from 8-10 May 2001.

<sup>26</sup> See Henning Melber, "The new African initiative and the African Union: A preliminary assessment and documentation", *Current African Issues*, No. 25, 2001, p. 4.

<sup>27</sup> <<http://www.dfa.gov.za/docs/nepa275a.htm>>. Department of Foreign Affairs, South Africa, NEPAD, 20 May 2002.

<sup>28</sup> <<http://www.dfa.gov.za/docs/nepa275a.htm>>. cf. note 27.

<sup>29</sup> Cited in Melber, *op cit.* (note 26), p. 4.

At the same meeting the Senegalese President, Abdoulaye Wade, tabled an "Omega Plan for Africa", while UNECA proposed a "Compact for African Recovery". Recognizing the need for a united continental position and the obvious overlap between the three initiatives, it was resolved that an integrated programme be presented to the outside world. During a trip to the United States in June, Mbeki secured endorsement of MAP from US President George W. Bush, who offered personally to introduce the plan at the G8 summit meeting in Genoa, Italy, the following month. At that meeting a revised MAP initiative was presented (MAP had meanwhile been amalgamated with Wade's Omega Plan and the UNECA proposal)<sup>30</sup>. Mbeki saw Genoa as a "very exciting moment", holding that "we [Africans] are taking our destiny in our own hands to end the wars, dictatorships, corruption and poverty, to ensure the continent is developed. That is what MAP is all about."<sup>31</sup>

Enthusiastic support for the proposal by world leaders was, however, tempered somewhat by the events of September 11. Potentially, the West now had more pressing matters to deal with.<sup>32</sup> If Mbeki's proposal was to get under way, he and his co-initiators would have to come up with a strategy to show that MAP remained both urgent and in the interest of all.<sup>33</sup>

In October, at a meeting of African leaders gathered in Abuja, Nigeria, the new strategy designed to revive the ailing economies on the world's poorest continent was launched. The New Africa Initiative (as MAP was now known, following a resolution of the July 2001 Lusaka Summit of the OAU)<sup>34</sup> aimed, African leaders were informed, at tackling *inter alia* debt and the spread of HIV/AIDS, a disease affecting nearly 25 million persons on the African continent. Key to the plan was an end to Africa's many armed conflicts — war has meant that many African nations continue to be gripped in poverty as investors stay away and military spending eats significantly into State budgets, apart from the pressing needs of the ever-growing number of

<sup>30</sup> *Ibid.*, p. 5.

<sup>31</sup> Own correspondent, *Business Day*, 23 July 2001.

<sup>32</sup> However, Ross Herbert argues that "[r]ather than diminish the momentum of NEPAD, the events of 11 September 2001 and their aftermath seem to have contributed to a heightened awareness among Western powers that Africa should not be allowed to follow in the path of Somalia and other failed states. Not only would further African decline provide fertile ground for the emergence of groups like al Qaeda, but it would also provoke greater waves of refugees and demands for emergency relief." Ross Herbert, "The African Union and Nepad in 2002: A pivotal year", *South African Yearbook of International Affairs*, 2002/03, p.242.

<sup>33</sup> Own correspondent, *Business Day*, 1 October 2001.

<sup>34</sup> Declaration 1 (XXXVII).

refugees from such conflicts.<sup>35</sup> By November 2001 the New Africa Initiative had become known as the New Partnership for African Development.

### **The Aims and Objectives of the NEPAD Initiative**

It is the declared aim of NEPAD that the new continental development initiative be premised on “people-centred sustainable development” and “democratic values”. On this platform, and recognizing Africa’s abundance of both human and natural resources, NEPAD has as its primary objectives the eradication of poverty and an end to the marginalization of the African continent. The peoples of Africa themselves are to assume responsibility for their own development.

It is envisaged that the objectives of the programme will be achieved by African leaders assuming joint responsibility for:

- strengthening mechanisms for conflict prevention, management and resolution at the regional and continental levels, and ensuring that these mechanisms are used to restore and maintain peace;
- promoting and protecting democracy and human rights in their respective countries and regions, by developing clear standards of accountability and participatory governance at the national and sub-national levels;
- restoring and maintaining macroeconomic stability, especially by developing appropriate standards and targets for fiscal and monetary policies, and introducing appropriate institutional frameworks to achieve these standards;
- instituting transparent legal and regulatory frameworks for financial markets and auditing of private companies and the public sector;
- revitalizing and extending the provision of education, technical training and health services, with high priority given to tackling HIV/AIDS, malaria and other communicable diseases;
- promoting the role of women in social and economic development by reinforcing their capacity in the domains of education and training; by the development of revenue-generating activities through facilitating access to credit; and by assuring their participation in the political and economic life of African countries;
- building the capacity of States in Africa to set and enforce the legal framework, as well as maintaining law and order;

<sup>35</sup> Own correspondent, *Business Day*, 23 October 2001.



- promoting the development of infrastructure, agriculture and its diversification into agro-industries and manufacturing to serve both domestic and export markets.<sup>36</sup>

Very broadly, the projects proposed for the facilitation of these objectives are three-pronged. The first group of projects seeks to provide the necessary preconditions for sustainable development.<sup>37</sup> Of relevance in this regard are the Peace, Security, Democracy and Political Governance Initiatives and the Economic and Corporate Governance Initiatives; as well as regional and sub-regional developmental efforts. The second group is of an infrastructural nature, encompassing the Human Resource Development Initiative, the Agricultural Initiative, the Environmental Initiative, the Cultural Initiative and the Science and Technology Platforms. The final group of projects is concerned with resource mobilization, involving the Capital Flows Initiative and the Market Access Initiative.

### **The Organisational Structure of NEPAD and its Relationship with the African Union**

These projects, in turn, are to be answerable to a three-tiered administrative structure, topped by the Heads of State and Government Implementation Committee (HSGIC), which held its inaugural meeting in Abuja on 23 October 2001. It was resolved at the African Union (AU) summit in 2002 to expand membership of this Committee from 15 to 20 members. The Committee is made up of the heads of State of four (as opposed to the original three) member States per region. The five regions into which Africa has been divided are North Africa, West Africa, Central Africa, East Africa and Southern Africa. The function of the HSGIC is to determine policy.

Below the HSGIC is the Steering Committee, which is composed of two personal representatives of each of the five initiating heads of State, and one personal representative of 15 non-initiating NEPAD members.<sup>38</sup> It is charged with determining the terms of reference of endorsed programmes and initiatives and with overseeing the third administrative tier — the Secretariat. The Commission of the AU also participates in the meetings of the Steering Committee.

The Secretariat consists of a core of permanent employees who are responsible for liaison and coordination and for the administrative and logistical

<sup>36</sup> New Partnership for Africa's Development, *op. cit.* (note 18), para. 49.

<sup>37</sup> <<http://www.dfa.gov.za/docs/nepa275a.htm>>.

<sup>38</sup> Evarist Baimu, "Human rights in NEPAD and its implications for the African human rights system", *African Human Rights Law Journal*, No. 2, 2002, p. 305.

functions of NEPAD, and has its base at the Development Bank of Southern Africa, in Midrand, South Africa.

In addition, five task teams are responsible for identifying and preparing implementable projects and programmes under NEPAD. These task teams are assigned to the following areas: capacity building on peace and security; economic and corporate governance; infrastructure; central banks and financial standards; and agriculture and market access. The five teams constitute, in turn, five sub-committees: Peace, Security, Democracy and Political Governance; Economic and Corporate Governance/Banking and Financial Standards/Capital Flows; Market Access and Agriculture; Human Resource Development; and Infrastructure. The five sub-committees are headed, respectively, by South Africa, Nigeria, Egypt, Algeria and Senegal.<sup>39</sup>

Of some concern is the relationship between NEPAD and the AU. NEPAD was initially conceived as a loose association of like-minded African leaders committed to a reformist agenda in an effort to reverse the continental malaise. Conversely the AU, like its predecessor the OAU, seeks to reach decisions on the basis of consensus, thus ensuring that all decisions reflect the thinking of the lowest common denominator. Despite this fundamental difference in outlook, a compromise was negotiated at the OAU's Lusaka summit in 2001 whereby NEPAD became the social and economic platform of the AU. Thus although led by a smaller group of countries — the twenty States that constitute the HSGIC — the latter is obliged to report annually to the AU Summit; furthermore, the Chair of the AU and the Chair of the Commission of the AU are *ex officio* members of the HSGIC.

However, the relationship continues to be inadequately delineated and consequently remains a potential source of tension. In July 2003, immediately prior to the AU's Maputo summit, the AU Executive Council met specifically to discuss NEPAD's relationship with the African Union. While agreeing that for the time being NEPAD will continue to be housed in Midrand, South Africa, an AU sub-structure based at the AU Commission in Ethiopia was requested to work out the terms and conditions for the proper integration of NEPAD into the AU Commission.<sup>40</sup> It was also decided

<sup>39</sup> *Ibid.*, p. 305.

<sup>40</sup> This decision was subsequently endorsed by the Second Ordinary Session of the Assembly of the African Union: Assembly/AU/Decl. 8 (II). The Resolution, in terms of para. 9(ii) of the "Declaration on the Implementation of the NEPAD", envisages the NEPAD Secretariat operating outside the headquarters of the African Union for a "transitional period of three years as from July 2003, or until such time the relevant structures of the African Union are fully operational, whichever comes first".

by the Executive Council that each member State of NEPAD should have at least five staff members in the NEPAD Secretariat. Thereafter, depending on contributions, additional staff members up to a maximum of 13 for the highest paying members were to be allocated. What this decision does is to ensure the domination of NEPAD by South Africa, Nigeria, Libya, Algeria and Egypt, i.e. States whose contributions account for more than 40 per cent of the total income of the AU.

Apart from the NEPAD Secretariat, there is also some concern about the relationship between NEPAD and the AU Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA). This Nigerian-inspired initiative predated NEPAD by several years.<sup>41</sup> The tasks of both overlap to a considerable extent: the resolution of conflicts; the promotion of democracy and human rights; the strengthening of the legal capacity of States to maintain and enforce law and order; creation of the long-term conditions for development and security; and peace-making and peacekeeping.<sup>42</sup> Both also proposed the creation of a panel of eminent Africans. The NEPAD Steering Committee, in cooperation with the OAU Secretariat, was therefore directed to submit proposals for rationalization of the two initiatives to the Durban Heads of State meeting.<sup>43</sup> At the 2002 Durban summit, a memorandum of understanding was adopted to settle tensions between the two bodies.

Precisely how NEPAD's diffuse structure is to advance the new humanitarian agenda has yet adequately to be determined. What is clear is that the emphasis of the NEPAD initiative is developmental, as opposed to requesting unconditional handouts from developed countries. Indeed, NEPAD's foundational document, in its introduction, holds that "... Africans are appealing neither for the further entrenchment of dependency through aid, nor for marginal concessions"<sup>44</sup> — an approach that strikes a harmonious note for many western donor countries and organizations.

<sup>41</sup> Editorial, "The NEPAD African peer review mechanism: Prospects and challenges", *African Security Review*, Vol. 11, No. 4, 2002, p. 2.

<sup>42</sup> John G Nyuot Yoh, "NEPAD and the AU: problems and prospects", *Global Dialogue*, Vol. 7, No. 2, July 2002, p. 26.

<sup>43</sup> Para. 23 of the "Communiqué issued at the end of the Second Meeting of the Heads of State and Government Implementation Committee of the NEPAD, Abuja, 26 March 2002"; and, again, in para. 17 of the "Communiqué issued at the end of the Third Meeting of the Heads of State and Government Implementation Committee of the NEPAD, Rome, Italy, 11 June 2002". Documents available at: <<http://www.touchtech.biz/nepad/files/documents/>>.

<sup>44</sup> New Partnership for Africa's Development, *op. cit.* (note 18), para. 5.

In his interpretation of how the NEPAD initiative will advance developmental concerns, Ross Herbert<sup>45</sup> thinks that NEPAD will operate at four different levels. At the global level, NEPAD will seek to negotiate a better deal for Africa from the developed countries. Apart from directly addressing issues of trade, negotiations at this level are also concerned with donor aid, debt relief and material assistance in conflict prevention and peacekeeping. At the continental level, NEPAD, in association with the AU, aims to set up effective continental institutions and programmes. At the regional level, NEPAD aims to build the capacity of regional economic institutions, hence NEPAD's encouragement of the standardization of infrastructure and rules regulating systems of trade, customs, taxation and finance. Finally, at the national level, NEPAD's objective is to improve the delivery of health care, education, transport and governance.

### The NEPAD Agenda

However, the NEPAD agenda is vast: the foundational document makes mention of all of Africa's woes. Yet, there is little evidence of tangible benefit. For this reason, not surprisingly, one of the many criticisms levelled at NEPAD is that it fails adequately to prioritize or to offer practical programmes for implementation. This criticism has some validity; the NEPAD Secretariat consciously shies away from any perception that it is to orchestrate the implementation of grand plans. Despite the rhetoric, its mission — and perhaps that of the entire initiative — is less ambitious: it is to study problems, suggest solutions and, if necessary, bring political pressure to bear on governments, multilateral agencies or other relevant players to act appropriately.<sup>46</sup>

The criticism, however, is not altogether justified. There has been some discussion on the prioritization of developmental projects. Recognizing that famine, natural disasters and falling food production have precipitated an agricultural crisis in Africa, the Comprehensive Africa Agriculture Development Programme (CAADP), a component of NEPAD, has been engaged in relevant research on the basis of which future developmental decisions will be made. Seven potential projects have been identified which, it is hoped, will stimulate agricultural development on the continent.<sup>47</sup> The

<sup>45</sup> Herbert, *op. cit.* (note 32), p. 241.

<sup>46</sup> Ross Herbert, "Becoming my brother's keeper", *eAfrica*, *op. cit.* (note 11), p. 9.

<sup>47</sup> Para. 9 of the "Communiqué issued at the end of the Seventh Meeting of the Heads of State and Government Implementation Committee of the NEPAD, Abuja, 28 May 2003". Document available at: <<http://www.touchtech.biz/nepad/files/documents/>>.

Programme has issued data for the period 1997 to 1999 showing that 200 million people, or 28 per cent of the total population of the continent, are chronically hungry. This is 27 million, or 15 per cent, more than was the case in the early 1970s. Wiseman Nkuhlu, head of the NEPAD Secretariat, attributes these statistics to climate change, poverty, lack of an enabling policy, environmental degradation, conflicts, poor international market conditions and economic mismanagement. To remedy the crisis, the CAADP has come up with four “pillars for priority investment”. The four pillars are: land and water management; rural infrastructure and trade-related capacities for improved market access; increasing food supply and reducing hunger; and agricultural research, technology dissemination and adoption.<sup>48</sup> The intention now is to consult with regional organizations, governments, farmers’ associations and civil society in assisting in the implementation of appropriate projects.<sup>49</sup>

Furthermore, a discussion document on capital flows has also received considerable attention. Apart from setting ambitious targets,<sup>50</sup> it proposes that an international convention prohibit African leaders who loot public funds from lodging these funds in foreign banks.

Perhaps the aspect of the NEPAD proposal that has elicited most interest thus far is the African Peer Review Mechanism (APRM). The proposal for a “mutually agreed instrument for self-monitoring”<sup>51</sup> was initially mooted at the first meeting of the NEPAD HSGIC in Abuja in October 2001.<sup>52</sup> The base document<sup>53</sup> of the APRM was then endorsed by the AU States at the Durban Summit of July 2002.<sup>54</sup> This mechanism is mandated to ensure that the policies and practices of participating States conform to agreed political, economic and corporate governance values, codes and standards contained in the Declaration

<sup>48</sup> *News Flashes from Africa*, The Africa Institute of South Africa (NFA 131/2003, 16/07/2003).

<sup>49</sup> Para. 18 of “Communiqué issued at the end of the Eighth Meeting of the Heads of State and Government Implementation Committee of the NEPAD, Maputo, Mozambique, 9 July 2003”. Document available at: <<http://www.touchtech.biz/nepad/files/documents/>>.

<sup>50</sup> Such as the development of a fully fledged African stock exchange by doubling Africa’s saving rate by the year 2015, and doubling the number of stock exchanges in Africa by 2010 — at present only 12 of Africa’s 54 countries have stock exchanges.

<sup>51</sup> “The African Peer Review Mechanism: Process and procedures”, UNECA, *African Security Review*, *op. cit.* (note 41), p. 9.

<sup>52</sup> Editorial, *ibid.*, p. 2.

<sup>53</sup> AHG/235 (XXXVIII) Annex 2.

<sup>54</sup> “African Peer Review Mechanism Organisation and Processes” (NEPAD/HSGIC-3-2003/APRM/Guideline/O&P), 9 March 2003. Document available at: <<http://www.touchtech.biz/nepad/files/documents/>>.

on Democracy, Political, Economic and Corporate Governance (Declaration on Governance).<sup>55</sup> The declared purpose of the APRM is to "... foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for capacity building."<sup>56</sup>

The APRM envisages four distinct organizational components: the Committee of Participating Heads of State and Government (APR Forum), charged with decision-making; the Panel of Eminent Persons (APR Panel),<sup>57</sup> to oversee the review process; the APRM Secretariat, which will provide secretarial, technical, coordinating and administrative support services; and the Country Review Team (APR Team) appointed to visit countries to review progress in implementing their Programme of Action, as provided for in paragraph 13 of the APRM base document. At this stage it is planned that the peer review process might be initiated in one of three ways: the first involves an initial assessment to become familiar with the current level of governance in a particular country and a consideration of possible plans for the future, which initial review is then followed by a further review two years later; the second is a one-off special assessment initiated at the request of a particular country; and, the third is a special review initiated by the APR Forum in anticipation of an impending crisis.<sup>58</sup>

At the 2002 AU summit in Durban, while eight codes of fiscal and economic governance were agreed, there appeared to be some confusion as to the precise ambit of the peer review brief. Perhaps most contentious was whether there was to be a code of conduct on political and democratic governance. The confusion over this latter point was heightened by a series of contradictory

<sup>55</sup> AHG/235 (XXXVIII), Annex I. The Declaration was adopted by the HSGIC at its Rome meeting on 11 June 2002 (para. 8 of the "Communiqué issued at the end of the Third Meeting of the Heads of State and Government Implementation Committee of the NEPAD, Rome, Italy, 11 June 2002") for presentation to the forthcoming Head of State and Government Summit of the AU. See: <<http://www.touchtech.biz/nepad/files/documents/>>.

<sup>56</sup> Para. 3 of "The African Peer Review Mechanism" base document. See: <<http://www.touchtech.biz/nepad/files/documents/>>.

<sup>57</sup> On 28 May 2003 six persons were selected by a NEPAD "Heads of State" meeting to sit on the Panel of Eminent Persons. The six appointees are: Chris Stals (former Governor of the South African Reserve Bank), Graça Machel (widowed former Mozambican First Lady and now wife of former South African President Nelson Mandela), Adebayo Adedeji (Nigerian economist), B.A. Kipglaat (a former Kenyan diplomat), Marie-Angélique Savane (former Senegalese UN development official), and Dorothy Njeuma (a Cameroonian educator).

<sup>58</sup> Herbert, *op. cit.* (note 46), p. 6.

statements issued by various South African politicians — Aziz Pahad, the Deputy Foreign Minister, Jacob Zuma, the Deputy President, and Wiseman Nkhulu, the Chairman of the NEPAD Secretariat — in November 2002. Instead of resolving the confusion sown, the intervention by South African President Thabo Mbeki served only to heighten the uncertainty. Mbeki declared that NEPAD would not embark on political peer review — that was to be the preserve of the AU parliament, the Human Rights Commission and the Court of Justice, among others.<sup>59</sup> Instead, NEPAD's peer review would only address issues of economic governance — this despite the fact that for many external donors political peer review was central to the NEPAD initiative and that a draft of a political peer review procedure had been circulated at the Durban summit.<sup>60</sup> Mbeki's undiplomatic response to the request of the Canadian Prime Minister, Jean Chrétien, for clarification threatened to seriously undermine the international goodwill generated by the NEPAD initiative. The confusion was ultimately resolved by the HSGIC agreeing to political peer review until such time as AU institutions had been established to assume responsibility for this process.

By October 2003, sixteen African nations had signed up for Peer Review.<sup>61</sup> On 27 June 2003, Wiseman Nkuhlu, the Head of the NEPAD Secretariat, announced that Ghana was to be the first country reviewed by the peer review panel.<sup>62</sup>

### Critique of the NEPAD Initiative

Unfortunately, the debate and confusion engendered by the apparent reluctance on the part of African leaders to tackle the more pressing issue of political review have led some to query the seriousness of Africa's commitment to political reform.<sup>63</sup> The developed world has in various ways pledged support<sup>64</sup> for the NEPAD initiative and the UN has indicated that it is to

<sup>59</sup> Editorial, *African Security Review*, *op. cit.* (note 41), p. 1.

<sup>60</sup> Herbert, *op. cit.* (note 32), p. 253; Editorial, *African Security Review*, *op. cit.* (note 41), p. 1.

<sup>61</sup> Algeria, Burkina Faso, Cameroon, Republic of Congo ; Ethiopia, Gabon, Ghana, Kenya, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa and Uganda. Herbert, *op. cit.* (note 44), p. 6.

<sup>62</sup> South African Broadcasting Corporation, 27 June 2003.

<sup>63</sup> Other disturbing developments have, over the past year, added to this perception: Africa's nomination of Libya to head the UN Commission on Human Rights (UNCHR), and the united continental front in refusing to support UNCHR investigations into human rights abuses in Zimbabwe or the Sudan.

<sup>64</sup> For example, the UN Development Programme, Canada and Japan have pledged directly to fund the NEPAD Secretariat. Ross Herbert, "Recovering Africa", *Mail & Guardian*, 30 May to 5 June 2003, p. 36.

make NEPAD the guiding framework for all its member agencies working in Africa.<sup>65</sup> Questions, however, are being asked.

Disquieting for some aid donors has been the increase in the number of members of the HSGIC from 15 to 20.<sup>66</sup> The direct implication of the increase was that the remaining representative for the North African region had inevitably to be Libya (the only other contender being the self-proclaimed Sahrawi Arab Democratic Republic). The possible consequences of Libyan participation in this key structure gave cause for some concern, despite the fact that Nigerian President Olusegun Obasanjo attempted to allay fears by stating that all new members of the Committee would have to conform to NEPAD ideals.<sup>67</sup> Apart from the North African region, Central African representation is equally problematic, as all possible contenders can show only dubious democratic credentials.

Perhaps most irksome is NEPAD's failure to deal adequately with the Zimbabwean issue. According to a recent report of the Institute for a Democratic Alternative for Southern Africa, which was released in June 2003 shortly before the annual AU summit in Mozambique, "the lack of assertive action towards Zimbabwe" indicated that the AU and its economic counterpart, the New Partnership for Africa's Development (NEPAD), "will be unable to amount to anything more than rhetoric. (...) Despite humanitarian crises and overwhelming pressure in favour of reforms, Mugabe remains in power and apparently continues to enjoy the support of influential regional players."<sup>68</sup> Instead of distancing themselves from Mugabe's antics, the continent's leaders have refused in the interests of African solidarity to attend a European Union summit from which Mugabe was banned; they have also prevented a UN human rights investigation of Zimbabwe, and continue to fête Mugabe as a conquering hero.

Misgivings are not limited to the developed West; there are many continental misgivings as well. Few attempts have been made to explain the initiative in Africa itself, let alone internationally.<sup>69</sup> Thus far, only three African

<sup>65</sup> See United Nations General Assembly Declaration (A/RES/57/2) and Resolution on the NEPAD (A/RES/57/7).

<sup>66</sup> Herbert, *op. cit.* (note 32), p. 248.

<sup>67</sup> Ross Herbert observes that the fact that the policies of existing committee members are often at variance with those ideals was not addressed. *Ibid.*, p. 248.

<sup>68</sup> Own correspondent, *Business Report*, 3 July 2003.

<sup>69</sup> A failure conceded in para. 17 of the "Communiqué issued at the end of the Second Meeting of the Heads of State and Government Implementation Committee of the NEPAD, Abuja, 26 March 2002". Document available at: <<http://www.touchtech.biz/nepad/files/documents/>>.



parliaments have formally addressed the issue of NEPAD.<sup>70</sup> For some it is still essentially the personal programme of a small group of African reformers. The entire initiative, it has been argued, is being encouraged by global powers in the interest of transnational elites – including the new African elite.<sup>71</sup> Perhaps with uncharacteristic perspicacity, Libyan leader Muammar Gaddafi, speaking at the 2002 AU summit, publicly criticized NEPAD as a neo-colonialist venture. The possible impact of globalization on the countries of Africa is potentially so different. Some are advanced in terms of the liberalization of their economic policies and are able to withstand the opening up of their domestic economies to external capital. For such countries there is no real need for control; neo-liberalism poses no great threat. But not all countries are in this position. It has, for example, been alleged that the Growth Employment And Redistribution programme ('GEAR') of the South African government represents its own self-imposed structural adjustment programme, and that "it is only a small exaggeration to say that the [NEPAD] prescribes for an entire continent the kind of policies already pursued in South Africa".<sup>72</sup> Continental disquiet might, of course, also be associated directly with internal rivalries. For OAU diehards, for example, the initiative is seen as a threat to OAU consensus politics and, as such, a sidelining of the AU. For others, the fear is of South African domination of the process.<sup>73</sup>

Even less success has been achieved in mobilizing support for the initiative amongst African civil society.<sup>74</sup> Not surprisingly, criticism from this sector has, at times, been extremely harsh.<sup>75</sup> For Masimba Manyanya, former chief economist for the Zimbabwean Ministry of Finance, "[the NEPAD initiative] ... is exclusionary and reduces African citizens to recipients of abstract social and economic policies that they were not party to."<sup>76</sup> The perception of NEPAD as

<sup>70</sup> Herbert, *op. cit.* (note 64), p. 36.

<sup>71</sup> Ian Taylor, "The New Partnership for African Development and the global political economy: Towards the African century or another false start?" Third World Network Africa, 04/26/2002, article available at: <<http://twnafrica.org/print.asp?twnlD=211>>.

<sup>72</sup> *Ibid.*

<sup>73</sup> Thus, suggests Ross Herbert, the attempt by some African states to curtail the effectiveness of the NEPAD Secretariat. Herbert, *op. cit.* (note 32), p.252. Herbert suggests that, apart from the imposition of an initial, unrealistic, limit of five persons for the full-time staff complement of the Secretariat, a further indication of possible continental disquiet includes the attempt to move the Secretariat — sooner rather than later — from Midrand to Addis Ababa.

<sup>74</sup> Nyuot Yoh, *op. cit.* (note 42), p. 7.

<sup>75</sup> *eAfrica*, *op. cit.* (note 11), p. 12.

<sup>76</sup> Vicki Robinson, "Talking left and acting right", *Mail & Guardian*, May 30 to June 5 2003, p. 39.

an imposition in the interests of some was again voiced at a three-day "African Forum for Envisioning Africa by African Scholars" in Nairobi in 2002. A number of civil society representatives at the meeting held that NEPAD lacked legitimacy: it was an initiative agreed upon by African presidents and sold to western economic powers for funding without citizens, African parliaments or civil society being consulted.<sup>77</sup> A similar view was expressed by civil society organizations that met in Port Shepstone, KwaZulu-Natal, on 4-8 July 2002, on the eve of the launch of the AU.<sup>78</sup> The 2002 Copenhagen Conference of the Southern African Development Community and the European Union civil society group concluded that "NEPAD is a programme driven by African elites and drawn up by the corporate forces and institutional instruments of globalisation, rather than being based on African people's experiences, knowledge and demands."<sup>79</sup>

## Conclusion

While the limitations are obvious, and while many of the questions remain unanswered, a process has begun. Clearly, the hyped expectations raised will prove difficult to realize — the reality is that the NEPAD initiative will not be able to resolve all of Africa's woes. Indeed, while pan-continental initiatives might go some way towards reversing negative trends, many of the key developmental and governance challenges require action not by an inter-governmental organization but by national governments.<sup>80</sup> The consolidation of the State remains Africa's greatest challenge.<sup>81</sup> It is the relative lack of State legitimacy that contributes to Africa's weak economic performance.<sup>82</sup> Only once the initial building block has been firmly put in place can one begin to contemplate effective pan-continental cooperation.

However, must another fifty years of continued crisis, mismanagement and corruption elapse before that point is reached? Despite the many hurdles, something new is in the offing. This African-driven initiative is taking duties

<sup>77</sup> Sammy Wambua, "Is NEPAD the answer to Africa's problems?", Third World Network Africa, 15 May 2002, document available at: <<http://twinafrica.org/print.asp?twid=214>>.

<sup>78</sup> "We do not accept NEPAD! Africa is not for sale!", *Global Dialogue*, Vol. 7, No. 2, July 2002, p. 8.

<sup>79</sup> Robinson, *op. cit.* (note 76), p. 39.

<sup>80</sup> Herbert, *op. cit.* (note 46), p. 7.

<sup>81</sup> Jeffrey Herbst, *States and Power in Africa: Comparative Lessons in Authority and Control*, Princeton University Press, Princeton, 2000.

<sup>82</sup> Pierre Englebert, *State Legitimacy and Development in Africa*, Lynne Rienner Publishers, Colorado, 2000, p. 151.

and responsibilities to the citizens of the continent seriously. Trevor Manuel, South Africa's finance minister, has observed that "... there is a new resilience and a new will to succeed in the African continent. We in South Africa have called it a renaissance, a new vision of political and economic renewal."<sup>83</sup>

According to the most pessimistic assessment, the NEPAD initiative has, despite the change in international focus following the events of 11 September 2001,<sup>84</sup> served to place debate about Africa's future and its interests on the world agenda. Prevailing global trade imbalances and conditions for the granting of aid are now seriously being reconsidered. The initiative has, too, started a continental debate on the limits of State sovereignty. In theory, at least, human rights abuses within a single African country and the possible contribution of such abuses to humanitarian crises are no longer beyond scrutiny simply because of deference to State sovereignty. If the days of the autocratic despot despoiling his country and its peoples in the interests of personal aggrandizement are not yet over, they are now numbered.

More optimistically, if NEPAD is able to harness the necessary continental commitment and support, it might well be the vehicle for continental regeneration. It potentially provides structures that are able to prevent or mediate in continental crises. An efficient institutional framework for political discourse, in which all sectors of a community have confidence, acts as a possible vent for the dissipation of violence. In the absence of such a framework, conflict inevitably follows. By encouraging dialogue and initiating appropriate research, NEPAD is already advancing the new humanitarian agenda.

The cautious optimism of Chris Stals, a member of the APR Panel, is worthy of consideration: "We must not expect sensational results (...) But every time you go to a country and plant three or four or five ideas, you will get change."<sup>85</sup> By rising to the challenge, the tragedy is reversible.

<sup>83</sup> Taylor, *op. cit.* (note 62).

<sup>84</sup> Garth Abraham *et al.*, *A New World Order? The Implications of 11 September 2001*, SAIIA, Johannesburg, & Centre for Defence and International Security Studies, Lancaster, 2002.

<sup>85</sup> Herbert, *op. cit.* (note 46), p. 7.

## Résumé

### ***L'Afrique, la tragédie – l'Afrique, le défi Le NEPAD et le nouvel agenda humanitaire***

*Garth Abraham*

*L'action humanitaire est associée à la fourniture d'une assistance extérieure en temps de crise. Le « nouvel agenda humanitaire » fait valoir que ce type d'action humanitaire est impropre à combattre de manière adéquate les causes profondes des crises. L'action humanitaire devrait plutôt être orientée vers le développement. Tel est le principal objectif du Nouveau Partenariat pour le développement de l'Afrique (NEPAD). De nombreux obstacles potentiels pourraient empêcher l'initiative de réaliser son objectif de régénération du continent. Celle-ci représente néanmoins quelque chose d'unique, et mérite donc l'attention – c'est une initiative d'inspiration africaine, qui tente d'imposer aux Africains la nécessité de véritablement reconnaître leurs responsabilités à l'égard de leurs concitoyens et du continent.*