

New Economic Partnership for Africa's Development

Power and State compliance

Abstract

The New Economic Partnership for Africa's Development constitutes a new initiative to development, created by the African states themselves with an ultimate goal to be more integrated in the global economy on more equal terms and thereby reduce poverty within the continent. NEPAD sees democracy, good governance and human rights as necessary for sustainable development. This thesis examines the assumptions made behind the creation of NEPAD and how different forms of power can explain its creation and design from a rational choice point of view. Furthermore the thesis looks at the assumption and design to evaluate how NEPAD can get states to comply with its objectives. The result is that NEPAD show traces of the structural power of global governance by acknowledging the African position as underdeveloped. The initiating states have been able to exercise institutional power when certain values, norms and procedures were put at heart of NEPAD. Institutional power has also effectively excluded other roads to development when the members of the African Union chose to integrate NEPAD as a formal part of the AU. The assumptions behind the creation and the preferences of member states of the AU had implications on the institutional design, especially when the peer review mechanism was created which have left monitoring compliance of NEPAD's objectives much to the states volunteering to be reviewed

Keywords: *NEPAD, APRM, Rational Choice Institutionalism, Compliance, Institutional design, Power.*

Abbreviations

APRM	African Peer Review Mechanism
AU	African Union
CSO	Civil Society Organization
ECOSOCC	Economic, Social and Cultural Council
EU	European Union
FDC	Forum for Democratic Change
G8	Group of 8
HSGIC	Heads of State and Government Implementation Committee
IMF	International Monetary Fund
IO	International Organization
NAI	New African Initiative
NEPAD	New Economic Partnership for Africa's Development
NGO	Non-Governmental Organization
OAU	Organization of African Unity
OECD	Organization for Economic Co-operation and Development
POA	Program of Action
PRSP	Poverty Reduction Strategy Paper
PSC	Peace and Security Counsel
SAP	Social Adjustment Program
UN	United Nations
UNECA	United Nations Economic Commission for Africa
WTO	World Trade Organization

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1. Introduction

“Good governance is perhaps the single most important factor in eradicating poverty and promoting development” (Kofi Annan, UN Secretary General, cited in Hope 2005:285)

The underdevelopment of Africa as a region is no secret and a well recognized problem. Since the 1960s, when most African states gained their independence, despite several development plans, relatively little progress have been made to close the development gap between developing and developed states. Africa, and mainly its Sub-Saharan region, maintains the most underdeveloped region in the world (Edozie 2004:146).

New Economic Partnership for Africa’s Development (NEPAD) has been introduced as a new, voluntary, framework for Africa’s future development. Building on principles such as human rights, democracy, good governance and conflict resolution it offers an acknowledgement of these ideas by African leaders (Edozie 2004:147). At the same time NEPAD can be seen as a response to the challenging of Africa’s collective sovereignty by the international community, especially the World Bank, IMF and WTO (Edozie 2004:147).

An African initiative for Africa’s development offers promising tendencies of regional, national or even local ownership. However, the question of ownership when financing NEPAD heavily depends on aid and foreign investments remains unclear. Even more interesting is the African Peer Review Mechanism (APRM) which have been created and designed to assess and monitor the progress made by African countries in meeting their commitment towards achieving the principles of human rights, democracy and good governance (Hope 2005:289).

According to Hope (2005:285), good governance entails the existence of efficient and accountable institutions, including political, administrative, economic and corporate. It further entails entrenched rules that promote human rights, development, respect of the rule of law, and ensure that people are free to participate in, and be heard on, decisions that affect their lives (Hope 2005:285). Up to days date more than half of the members of the African Union have signed up for the APRM and thereby voluntarily agreed to be evaluated. Does this mean that a real change in the opinion regarding human rights, good governance and democracy is about to happen in these states and how is compliance with these norms and values secured?

1.1 Statement of purpose

The purpose of the thesis is dual. First, the thesis aims to explain the creation and design of NEPAD from a rational choice institutionalist perspective. The second part of the purpose builds on the first and aims to evaluate how NEPAD, through its design can get states to comply with the norms and ideas central to NEPAD. To fulfill the purpose concepts of power will be analyzed from a new institutionalist perspective. More specifically the thesis will be concentrated around the following questions:

- How can power relations explain the creation of NEPAD and its design?
- What implications have NEPAD's design to its ability to exercise different forms of power for enforcement?

1.2 Delimitations

When analyzing power in relation to NEPAD it is close to impossible not to include other actors than NEPAD itself i.e. the initiating states or the states signed up for the APRM and there is no intention to exclude these actors in the analysis. However, due to limited space and time for the thesis, actors outside NEPAD which possibly could exercise power in relation to NEPAD through "enhanced partnerships" will be excluded as far as possible, although they will inevitably be mentioned.

1.3 Disposition

The thesis begins with an introductory chapter where the problem is discussed and the purpose of the thesis specified. After this introductory chapter, some methodological considerations, together with a discussion on the material which the thesis builds on are presented and shortly evaluated. Chapter 3 and 4 are both theoretical chapters where chapter 3 begins with a short introduction on new institutionalism and proceeds with the rational choice institutionalism as the main theoretical approach. In addition a model for categorizing actors in a pre- and post-decisional phase is presented. Chapter 4 provides a framework for conceptualizing power in global governance and the chapter ends with presentation on different forms of power and a section where the main contributions from both theoretical chapters are outlined as a short analytical framework. Chapter 5 considers the governance situation in which NEPAD was created and draws on the assumptions behind the creation of NEPAD. Chapter 6

connects the assumptions made, with the institutional design and connects the design to concepts of power available for actors in different positions to NEPAD. This chapter ends with an analysis of how actors have both used different forms of power available to them but also how power is resisted by actors. Finally the thesis ends with a concluding chapter and a discussion on the results.

2. Methodology

2.1 Methodological considerations

The choice of using Barnett and Duvall's framework for analyzing power in global governance, and to understand the driving forces behind the creation of NEPAD and how compliance of its values can be reached validates the choice of new institutionalism as theoretical approach. New Institutionalism, in contrast to "old" institutionalism and its descriptive-inductive method, does not reject the deductive method of testing theories on how institutions work and interact with actors (Lowndes 2002:95, 102).

The methodology of this thesis is qualitative in its nature since the aim is to try to understand a case in given context which is hard, if not impossible, to measure with quantitative methods (Devine 2002:197). By positivists, the qualitative method is seen as a problematic stance to science since the interpretive epistemological view, which it derives from, does not believe in a objective science to establish universal truths or exist independent of beliefs, values and concepts (Devine 2002:201). Nevertheless, the strength of the qualitative method is that it creates a deeper understanding about a particular phenomenon or case, but in turn a lot, if not all, chances of generalization is lost. However, the aim of this thesis is not to draw generalizations but to study the case for its own sake in an ideographic effort (Lundquist 1993:71). The ideographic effort is connected to the hermeneutic approach where the previous understanding of the subject is central for the course of the thesis and constitutes the "objective" starting point (Holme & Solvang 1997:95). At the same time, it is important to be aware of one's interpretive glasses to keep biases to a minimum.

Since the thesis aims to explain a phenomenon the option of the role of theory is threefold (Esaiaasson et al. 2002:33f). First, the study can *consume* theory in studies where the case is central to explain. Second, the study can *test* a theory, or theories, where the theory is central to the study where the case is used to test the theory. Finally, the study can aim to *develop* a theory. This thesis is mainly a theory consumptive study but if shortcomings of the chosen theory are found these will be presented which also gives the study a character of theory testing as well.

Choosing NEPAD as a case study also has its methodological implications. NEPAD's time span is relatively short which might affect the possibilities to draw far-reaching conclusions how power is exercised in relation to NEPAD, due to a limited number of peer review reports. Instead, the peer review reports available have to stand as examples and compared to the possibilities to exercise power

outlined in the NEPAD documents. Although NEPAD is a new type of framework for development in the African context, and therefore are hard to put in comparison with other development programs, the study of NEPAD can, despite its ideographic character, still stand as an example on how power is affected by institutional design. However, the most challenging methodological aspect of this study is the question of validity, hence measure what is supposed to be measured (Esaiasson et al. 2002:63). When the thesis depends on written materials to fulfill the purpose it is important to ask questions to the texts, and more importantly asking the right questions since complex concepts like power increases the problem of validity (Esaiasson et al. 2002:65, 244).

2.2 Material – a critical evaluation

Primary materials for the thesis are official NEPAD documents and peer review reports from African states participating in the partnership. However, this thesis will mainly use secondary materials in form of journal articles, academic publications and in some rare cases news articles will be used to exemplify recent happenings connected to NEPAD. Like all methodological choices the analysis of texts and written materials has implications, especially when the analysis is heavily dependent on secondary materials. It is crucial to reflect on the relationship between the author and the reader. Who has written the source in question and who is the supposed reader? This is part of Esaiasson et al. (2002:304f) four classic rules for evaluating the truthfulness of material, namely evaluating the *tendency*, *authenticity*, *independence* and *contemporariness* of the material. In this case neither the *authenticity*, *independence* nor the *contemporariness* is a major problem. The *tendency* could possibly cause some problem if one is not aware of it, since there might be incitements for individual states to give prominence to their progress and withhold violations of i.e. human rights in their peer review reports. However, since the thesis partly aims to evaluate how actors exercise different forms of power their own statements could be part of this analysis.

3. Theoretical approach

3.1 New Institutionalism

When studying International Organizations (IOs) new institutionalism offers a good starting point since it argues that institutions matters. In the “old” institutionalism institutions and political organizations was mainly referred to as the same thing, but with the introduction of new institutionalism the definition of institution was widened to include rules, norms, practices and values that constrain and shape behavior (Peters & Pierre 1998:565). The somewhat complex context in which NEPAD finds itself does not pose a major problem when analyzing its ability to make states comply with its rules and norms using the new institutional perspective. From its origin as a voluntary framework for development open to all African states sharing its values it is now referred to as the development framework of the African Union where the peer review mechanism is voluntary (Maluwa 2006:295), which means that NEPAD now concerns all members of the African Union¹.

The new institutionalism approach is also compatible with the four concepts of power which will be presented further in later chapters. Since the four concepts of power all is either expressions of interaction or social constitution and is either direct or diffuse in its specificity of social relations of power they all have implicit views on both agency and structure (Barnett & Duvall 2005:12f). However, Barnett and Duvall (2005:13) stress that none of the types of power is entirely agency, or structural, perspectives. To take a step back to new institutionalism normative institutionalism argues that institutions have influence on the behavior of actors by shaping their values, norms, interests, ideas, identities and beliefs (Lowndes 2002:95). On the contrary Rational Choice institutionalism claim that institutions influence behavior by affecting structures in which actors behave rational to pursue their own interests (Lowndes 2002:95). In other words the former builds on the idea of “logic of appropriateness” where structure is a dominant factor while the latter emphasizes “logic of consequences”.

¹ Maluwa (2006:295) argue that NEPAD, despite being a formally integrated part of the AU, should still be seen as the voluntary program of like-minded states that it was originally intended to be.

3.2 Rational Choice Institutionalism

The rational choice form of institutionalism, which will be used in this thesis, offers the possibility to explain not just the creation and design of NEPAD but also how power is exercised by, or through, NEPAD. Rational choice institutionalists take on a “calculus approach” to explain how institutions affect individual’s behavior (Hall & Taylor 1996:945). This implies that an actor’s behavior is likely to be driven, not by impersonal historical forces, but by a strategic calculus and this calculus will be deeply affected by the actor’s expectations about how others are likely to behave as well (Hall & Taylor 1996:945). This is related to two other assumptions characteristic of rational choice institutionalism. First, actors are assumed to have a fixed set of preferences or tastes, behave instrumentally to maximize these preferences, and do so in a strategic manner (Hall & Taylor 1996:944f). Second, politics is seen as a series of collective action or contracting dilemmas, which means, in absence of institutional arrangement, actors acting to maximize its preferences may produce collectively sub-optimal outcomes (Hall & Taylor 1996:945; Tallberg 2003:16). To explain how institutions are created one can look at its functions, and institutions simply exist and survive because it fulfills these functions for the actors affected by the institution (Hall & Taylor 1996:945; Tallberg 2003:16).

3.3 Principal – (Supervisory) -Agent model for compliance

The central idea behind the Principal-Agent relationship is that the principal engages another actor (agent) to act on its behalf (Tallberg 2003:16). The idea originates from the field of economics and has been further developed by American scientists in politics of International Organizations (Lake 2007:222). At the same time close connections to the rational choice model of institutionalism can be seen, with its discussion on the origin of institutions as solvers of collective action problems. In the context of this thesis the P-A or Principal-Supervisory-Agent model serves as a tool for categorizing actors in relations to NEPAD more than as an analytical tool. The P-S-A model relates to a post-decision phase of enforcement and therefore relates to the issue of compliance with the decision (Tallberg 2003:25). The question is whether the P-A, or the P-S-A approach as Tallberg develops, is compatible with the relationship between AU, NEPAD and APRM, and this is fairly related to the question of NEPAD as an actor exercising power. The problem with using this model as an analytical tool to its full extent is that, in contrast to the European Commission and the European Court of Justice (ECJ), there is no consensus in the literature that NEPAD and APRM has their own agenda beyond their mandate. Thus there is less interest in the relationship between the principal and supervisory body than in the study of European governance.

What the P-S-A model provides is a division of the functions of states in relation to supranational institutions, or IOs, in a post decisional phase (Tallberg 2003:26). Member governments act on the one hand as principals to the IO, in this case NEPAD (or the AU since NEPAD now is a formal part of the AU) assigning the task of enforcing compliance to a supervisory body, where states on the other hand acting as agents supposed to implement shared agreements. From rational choice point of view compliance is a collective action dilemma where each state has the incentives of free-riding, or not to comply, but where the purpose of cooperation would be undermined by widespread non-compliance, which explain the creation of a supervisory body (Tallberg 2003:26).

4. Power – concepts for making states comply

4.1 Concepts of power in global governance

To be able to analyze NEPAD's ability to make states comply with its objectives it is crucial to evaluate its powers as a supervisory body, but also how power can be exercised by other actors through NEPAD. Globalization, by many seen as a consequence of increased connections between states and people, has made governance and rule-making at a global level necessary (Barnett & Duvall 2005:1). NEPAD partly represents a new continental international institution in response to these trends in political globalization (Edozie 2004:147). Since governance involves structures, institutions and rules that regulate, guide and control social life which also is central features of power there is a need, according to Barnett and Duvall (2005:2), to analyze the workings of power when studying governance and global order.

A lot have been written about power and Barnett and Duvall (2005:3) identifies four kinds of power in *Power in Global Governance*. *Compulsory power* refers to relations of interaction between actors allowing one actor to use direct control over another actor. *Institutional power* enables actors to have indirect control over other actors, e.g. when states design international institutions to work in their advantage and the disadvantage of others. *Structural power* concerns the structure of social capacities and interests of actors in direct relation to one another, and finally, *productive power* is a “socially diffuse production of subjectivity in systems of meaning and signification” (Barnett & Duvall 2005:3f). Together these types of power could provide a fruitful framework for the studies of power in international relations since it does not see the types of powers as competing and instead encourages considerations of how these relates and interact with one another (Barnett & Duvall 2005:4). The interaction of these types of power will be intertwined in the study of the creation, functional assumption and design of NEPAD. However, the choice of rational choice institutionalism as theoretical approach will inevitably have implication on the extent to which all types of power is applicable to the case but the four concepts of power will all be shortly presented.

4.1.1 Compulsory power

The main characteristic of Compulsory power is that it builds on relations between actors that allow one to directly shape the actions of others (Barnett &

Duvall 2005:13). Using Dahl classic definition of power “the ability of A to get B to do what B otherwise would not do” which falls under this category, Barnett and Duvall (2005:13) finds three defining features; *intentionality* on part of actor A, *conflict* of desires between A and B and that A is successful because it deploys material or ideational *resources*. Hay (2002:173) adds a fourth defining feature; because power is about effects from a behavior by actors with the aim to exercise power over another actor, power is also a zero-sum game. The extent of A’s power is the extent of B’s lack of power. But as Barnett and Duvall (2005:14) notes, A can also possess power to shape the actions of B without having the intention to do so. Hence, Barnett and Duvall (2005:14) argue that power in this case should be best understood from the recipient’s point of view and not the deliverer. Further, resources are not limited to material resources but could as well include normative and symbolic resources where NGOs and CSOs can be used as illustrating examples. Shaming tactics have been used by many non-state actors to get specific targets, usually states or transnational corporations, to comply with their norms and values (Barnett & Duvall 2005:15).

4.1.2 Institutional power

Institutional power builds on the idea to control others through indirect means. In this type of power there is a conceptual focus on the formal and informal institutions that mediate between A and B, where A through rules and procedures that define these institutions are able to steer, guide and constrain others (Barnett & Duvall 2005:15). In this definition of power resources is of lesser importance since A does not necessarily possess the institution, and in cases where A actually can be seen to have total control over an institution it falls under compulsory power (Barnett & Duvall 2005:16). A second difference from compulsory power is that A does not possess power, but instead it is the actions of A that influence B’s behavior because A stands in a particular relationship to the institutional arrangement in question (Barnett & Duvall 2005:16). A final distinction from compulsory power is that decisions not being made has to be included in the analysis of institutional power because of institutional arrangements that limits some opportunities and bias direction, mainly of collective action (Barnett & Duvall 2005:16).

4.1.3 Structural power

Where institutional power focus on constraints on interest-seeking actions, hence closer to the rational “logic of consequences” in new institutionalism, structural power concerns the determination of social capacities and interests (Barnett & Duvall 2005:18). To be somewhat more specific it concerns the co-constitutive,

internal relations of structural positions, or the direct and mutual constitution of the capacities of actors (Burnett & Duvall 2005:18). A direct constitutive relation such that structural position A exists only by the virtue of its relation to structural position B where Burnett and Duvall (2005:18) gives the master-slave, or capital-labor relation as classical examples. The social positions actors occupy determine social relational capacities, interests and subjectivities. Two points should be made here. First, structural power does not generate equal social privileges. Different positions usually mean differentiated capacities and differentiated advantages. Second, structural power and social structures does not only constitute actors and capacities but also have implications on the self-understanding and subjective interests of actors (Burnett & Duvall 2005:18).

4.1.4 Productive power

There are several overlapping characteristics between structural and productive power. Social processes are, in both, affected only through the meaningful practices of actors, not controlled by specific actors. In both, social capacities are socially produced and concerns how these affect actors self-understanding and perceived interests. Finally, neither of these two concepts of power depends on an expressed conflict (Burnett & Duvall 2005:20). However, according to Burnett and Duvall (2005:20), there is one major difference between the two. Where structural power works directly through structural relations, productive power is more about generalized and diffuse social processes. Burnett and Duvall (2005:20) defines productive power as “*the constitution of all social subjects with various social powers through systems of knowledge and discursive practices of broad and general social scope*”. Burnett and Duvall (2005:20) note two implications when focus is on diffuse social relations instead of direct social relations. First, productive power concerns discourse, the social processes and the systems of knowledge through which meaning is produced, fixed, and lived, experienced and transformed. In this context discourse refers to systems of signification and not dialogues among actors (Burnett & Duvall 2005:20f). Second, discursive processes and practices produce social identities and capacities as they give meaning to them.

4.2 Rational choice institutionalism and power – a combined framework for analysis

All the theoretical approaches, models and concepts provide an extremely wide range of possibilities for analysis of institutions and power in global governance. However, together they bring some concepts and insights to the thesis. New Institutionalism provides a view on the creation of institutions by rational actors

and how actors are likely to behave. The P-S-A model then separates actors' different functions where actors have different preferences in the pre- and post decisional phase. The concepts of power could thereafter provide some insight on the means actors have to their disposal to reach their preferences and why dependent how they are categorized in the P-S-A model and in which phase the actors are positioned.

5. NEPAD – An African initiative (?)

5.1 African governance- a contextual starting point

The aim of this section is to provide an oversight of the situation in which NEPAD was created. Rational Choice institutionalism denies institutional factors as producer of behavior. Instead political institutions influence the structure of a situation in which individuals select strategies (Lowndes 2002:95).

Since the 1960s, when African states started to regain their independence from colonial powers, they have, according to Edozie (2004:146), been caught in competing agendas. The international community with the World Bank and IMF have provided financial and development support to African states who on the other hand most of all wanted to develop their own way but with constraining economic deficiencies as a colonial legacy (Edozie 2004:146). Edozie (2004:146) argue that by the 1990s, international intervention by the international community into African countries had not dissipated but had instead expanded and deepened, revealing disturbing trends for continental leaders and policy makers. In an era of globalization Africa became the global site upon which new international regimes administered new tools of global governance in the fields of politics and economics (Edozie 2004:146).

Despite these implementations the economic situation of the African continent remained marginalized. When income levels in most regions have gotten closer to the OECD countries, Sub-Saharan Africa has been left behind (Luiz 2006:223). Additionally, Chabal (2002:450) argue that contemporary African politics is best understood as the exercise of neo-patrimonial power. Despite formal political structures, power is exercised through informal sectors, or as Chabal (2002:450) sees it, power is exercised in the interplay of the formal and informal sector. Patrons and clients are in this system connected through vertical social chains where bureaucrats can be seen, not as impartial servants, but as links in this chain. Where elections in “the west” are partly a measurement of accountability, elections in Africa is more of an instrument of factional mobilization. Accountability in a neo-patrimonial system instead rests on the extent to which patrons are both able to influence and meet the expectations of their clients according to well established norms of reciprocity (Chabal 2002:451). According to Chabal (2002:451) this system derives from both pre-colonial and colonial factors as well as contemporary factors, but in this case the explanation to its existence might be of lesser interest. Instead it might be more interesting for the purpose of this thesis to ask, not only what implications a system of neo-patrimonial politics has to the possibilities to make states comply with the norms

and ideas central to NEPAD, but also why NEPAD was created in a neo-patrimonial system.

Another possible partner in the context of Africa's development is China and China is, according to Thompson (2005:2) an appealing partner for many African states for a variety of reasons. China's approach to bilateral relations and economic development, characterized by Joshua Cooper Ramo (2004) as the "Beijing Consensus," provides an alternative to development and political economic reforms promoted in the "Washington Consensus" of the World Bank and IMF (Thompson 2005:2). This balance of power between the "Washington Consensus" and "Beijing Consensus" provides some interesting insights in the discussion on power, and mainly that China's soft power is expanding with the "Beijing Consensus". China's consistent respect for other nations' sovereignty and persistent refusal to criticize or involve itself in the internal affairs of African nations earns it the respect of leaders and elites reluctant to implement painful economic or political reforms demanded by "the West" (Thompson 2005:2). Important to note, like all sorts of power, soft power depends on the context, but more than hard power, soft power rests on the willingness of interpreters and receivers (Nye 2004:16).

African leaders' embrace of the "Beijing Consensus" reflects perhaps what is most attractive about China's soft power. a long-standing history of friendly ties, provision of appreciated, "no-strings-attached" financial and technical aid to both elites and the most needy, and growing commerce between the world's largest developing nation and the continent with the most developing nations (Thompson 2005:2) Soft power, according to Nye (2004:11), of a state rests on three resources: its culture, its political values and its foreign policies, and this show examples of especially how foreign policy can be used as soft power.

What has been presented, albeit in very simplified terms, is a situation where the creation of NEPAD is supposed to be a rational choice, but it is important to analyze the function which NEPAD is assumed to fulfill to draw such a conclusion.

5.2 The creation of NEPAD – functional assumptions by its creators

As been presented above, institutionalists in rational choice theory see the creation of political institutions as a result of a rational choice intended to fulfill a given function. Institutions created because of complex interdependencies could be explained by the prevalent balance of power, but power should also be understood as issue-specific (Rittberger & Zangl 2006:18). The functional assumptions by the creators of NEPAD and the validity of their assumptions are not uncontested. Matthews (2004:497) argue that the ways NEPAD's creators see development implicitly include three aspects. First, the African situation is seen as undesirable.

Second, a desirable future is envisaged and third, a strategy to meet this desirable future is presented. These three aspects provide some insight of the assumptions behind the creation of NEPAD, especially the first two, although, mainly it is the last two aspects that has been contested in the literature (see i.e. Matthews 2004; Kanbur 2004).

The creators' view of the undesirable situation can be seen in the introductory paragraphs of the NEPAD document which reads: "*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*" and "*The poverty and backwardness of Africa stand in stark contrast to the prosperity of the developed world*" (NEPAD 2001:p1-2). Hence, it is the *underdevelopment and backwardness* that NEPAD aims to solve (Matthews 2004:498). But this does not offer much explanation to why there was a need to initiate NEPAD and not adopt a framework within existing political institutions, where the Organization of African Unity (OAU) was the regional political institution at the time. What is interesting in the above formulations is also that it gives a hint on how the African leaders constitute their position in a global system. Resistance to structural power is often generated by attempts to reduce inequalities and change the structures that sustain it by those in a subordinate position (Barnett & Duvall 2005:23), and NEPAD could possibly seen as such an attempt.

To stay on the choice by the creators to initiate NEPAD outside OAU a brief history could be in place. NEPAD came into being in 2001 as the New African Initiative (NAI) but was renamed NEPAD later the same year. This was happening at the same time as the OAU was pledged to be transformed into the AU (Edozie 2004:153). Primarily NEPAD's focus concern economics but since it expressly recognizes that peace, security, good governance, democracy, human rights and sound economic management are conditions for sustainable development it is unique in its approach (Maluwa 2006:296). Good governance, which NEPAD emphasizes as necessary for development, has in all its aspects been positively correlated to economic development in the past, particularly better growth rates by building institutions in support of markets (Hope 2005:284).

The OAU's primary objectives was never to promote human rights or good governance but, formed in 1963, its primary objectives was instead a rapid decolonialization, the unity of the continent and the defense of the territorial integrity of states (Akokpari 2004:244). Because the OAU saw the collective welfare as more important than human rights, the search for economic development led to a flourishing landscape of dictatorships, corruption and bad governance in general (Akokpari 2004:244). Criticized for being weak, unresponsive and incapable of addressing problems of contemporary Africa, especially problems with bad governance, the OAU was replaced by the African Union (AU) in 2002 (Fombad 2006:9). This very brief history gives some insight to why the initiating states did not promote NEPAD as a compulsory framework within the OAU.

Another aspect of the choice to initiate NEPAD outside of existing political institutions is offered by Hurrell (2005:37) who argue that institutions is more about power than effectiveness when one asks which institution and why. Institutionalism, in contrary of realism, sees it as a rational behavior even for the most powerful states to cooperate with others and for the most powerful states the question is not between institutions and no institutions as much as which institution has the best trade-offs between effectiveness and control (Hurrell 2005:37; Rittberger & Zangl 2006:16). As one of the initiating states, South Africa could make such a choice. According to Bond (2004:602), South African president Thabo Mbeki have described global apartheid, as well as post-apartheid South Africa, as having ‘two economies’ where impoverishment in the second is caused by its marginalization from the first. This, in turn, would justify NEPAD as a homegrown version of a ‘Washington Consensus’ strategy for the continent’s deepening global integration (Bond 2004:602).

The preferences of states as principals in the P-S-A model are an interesting aspect in the context of NEPAD. Tallberg (2003:29) argue that in the context of European governance member states’ preferences cannot be reduced to a one single overarching object. In comparison with EU the AU consist of an even more diverse constellation of states in different stages of development with different forms of political systems where democracy is no fundamental prerequisite (Ilorah 2004:222ff). Although, this does not have to mean that there is harder to find any common preferences in the AU. States have as principals to the AU agreed to adopt NEPAD as a framework within the AU and did this of a purpose. Therefore, the preference for states as principals would include a desire for compliance with NEPAD by all member states. The fact that APRM have been created to monitor compliance points this way. Another preference, which Ilorah (2004:233) mention, is the protection of sovereignty by African states. Authority is only delegated when the governments see some potential gains of delegation (Ilorah 2004:232). In the context of European governance, enforcement weapons are kept to a minimum due to similar preferences (Tallberg 2003:29). However, the strictly functionalist view on international organizations as institutions with a function only as arenas for integration between actors fails to acknowledge that IOs, created with rational intentions to fulfill a certain function, gain authority as an actor (Barnett & Finnemore 2005:169). This implies that IOs can be explained as a rational creation, but once created power is not just exercised by actors through IOs, but also by IOs themselves, an aspect which will be returned to in later chapters.

The initiating states have, by putting emphasis on certain values, norms, ideas and processes for development exercised institutional power. By getting early support from G8, EU and the UN, and in addition potential financial support, this political institution gets attractive to other African states. The support from the UN could partly be explained by its view on good governance presented by UNDP in 2002 where it recognizes good governance advances sustainable development (Hope 2005:287). The G8 gave NEPAD its first approval as early as 2001 and expressed its full support in 2002, albeit without making any

commitments themselves (Ilorah 2004:234). The interest in NEPAD from the G8 illustrates that industrialized countries do believe that there is a barter to be made (Luiz 2006:226). First, if NEPAD works the way it is intended then it opens up new markets for companies. Second, globalization has been accompanied by new threats for developed countries, i.e. in the form of terrorism, immigration or disease. States in underdeveloped regions are, according to Luiz (2006:226), less able to eliminate these threats. If NEPAD succeeds then Africa becomes less of a potential threat to the industrialized world.

Despite the balancing of power in Africa between the “Washington Consensus” and the “Beijing Consensus” the creation of NEPAD and the norms and values it builds on have not been affected to any greater extent. NEPAD whose peer review mechanism is structured around an independent review process of an African country’s adherence to good governance criteria, could be seen as another step towards the institutionalization of norms derived from contemporary Western concerns (Alden 2005:157). Nevertheless, China has expressed its support of NEPAD, although China repeatedly stresses that it does so through the framework of the China- Africa Cooperation Forum. Thereby China has avoided the position of having to support the key structural elements that are ultimately necessary for NEPAD’s success (Thompson 2005:2).

The picture which presents itself so far is a situation where African states see themselves as underdeveloped, backwards and in need to be more integrated in the global system and on more equal terms. The leaders initiating NEPAD have chosen to focus on democracy, good governance and human rights as means to a sustainable development and thereby they have attracted support from major international institutions like the G8, EU, UN but also China has expressed a cautionary support. In addition some broad, general preferences of the African states as principals have been presented and the next chapter will look at the implications of these preferences for NEPAD’s design.

6. NEPAD as a political institution – Making states comply

6.1 NEPAD and APRM - The institutional design

Some of the features of NEPAD's institutional design have already been mentioned, i.e. that it recognizes democracy, good governance and human rights as important to a sustainable development. These principles have been supported by further undertakings embodied in the Declaration on Democracy, Political, Economic and Corporate Governance and compliance with these undertakings is to be monitored by the APRM (Maluwa 2006:296). All of this will get some more attention in this section since the way NEPAD and the APRM have been design have implications on how power can be exercised to reach compliance.

Before moving deeper into the concept of peer review an important difference between peer reviews and judicial proceedings should here be made, where the non-binding character of outcomes of peer reviews have the implication that no superior body is able to make legal judgments (Pagani 2002:16). States that volunteer to join the NEPAD process instead commit themselves to respect their obligations, assumed under other relevant regional and international treaties, in the areas of democracy, good governance and human rights (Maluwa 2006:296). However, not all of these principles, standards, codes, and values are necessarily grounded in international treaties or other instruments that the states have adopted under the protection of the AU (Maluwa 2006:298).

It is wise to be clear about the meaning of peer review as a concept, since Pagani (2002:15) argues that peer review has not been rigorously defined in the past. In this case, as in the case of international organizations in general, peer review refers to the systematic assessment of a state by other states, by designated institutions or by a combination of states and designated institutions (UNECA 2002:7; Pagani 2002:15). Peer review aims to help reviewed states adopt best practices, improve its policy making and comply with established standards and principles. But as Pagani states, peer review relies heavily on the mutual trust among involved states and a shared confidence in the process. Nonetheless, if these elements, together with some other elements, are in place peer review tends to create a system of mutual accountability through its reciprocal system of evaluation (Pagani 2002:16). Still, Pagani (2002:16) argue that for peer review to be effective it is important to take into account the related concept of influence through peer pressure; the persuasion exercised by the peers.

The effectiveness of peer review mechanisms in general, or APRM specifically, is not a central concern to this thesis but the concept of peer pressure offers some insight in the ability of different actors to exercise power. The peer

review process can give rise to peer pressure through, for example: a mix of formal recommendations and informal dialogue by the peer countries; public scrutiny, comparisons and ranking among countries; and the impact of the foregoing on domestic public opinion, policy makers, and other stakeholders (UNECA 2002:8). Lessons from peer reviews done elsewhere suggest that the greatest impact is derived when the outcomes of peer reviews are made available to the public. When the media is provided with information on peer reviews, the story can then be mass distributed to the public. It is that public scrutiny that is most likely to coerce change and corrective actions (UNECA 2002:8). Reputation has always been important in politics but with the “paradox of the plenty”, the role of credibility increases. The “paradox of the plenty” is what Nye (2004:106) calls the paradox when the explosion of information, due to technological advances, leads to a scarcity of attention. Politics has with the help of technology become a competition over credibility where information is used to enhance the credibility of one and reduce the credibility of others (Nye 2004:106). To some extent this could be connected to the concept of compulsory power since the APRM could use other actors such as media and the general public to put pressure through ideational resources.

Staying on the subject of peer review one can look more closely at the APRM at its mandate:

“The mandate of the African Peer Review Mechanism is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance. The APRM is the mutually agreed instrument for self-monitoring by the participating member governments.” (NEPAD 2003:p2)

The most interesting feature of its mandate is that it tells us that before signing up for review the state in question must agree with the Declaration on Democracy, Political, Economic and Corporate Governance. One should also note the difference between the initiators of NEPAD and the creators of the APRM. NEPAD was initiated by South Africa, Senegal, Nigeria, Algeria and Egypt while the APRM, although a mechanism for implementation is mentioned in the NEPAD document, was decided by the heads of state and government of the AU.

Lacking coercive powers, Kebonang and Fombad (2006:52) argues that APRM should be seen as “soft law enforcement”. Thus it is even more interesting to study how compliance is supposed to be reached. However it should be noted, as a formal part of the AU the Constitutive Act also offers possibilities to exercise power. Putting an emphasis on collective responsibility instead of national sovereignty and non-intervention, the members of AU was under the Constitutive Act capable to collectively agree on intervention in the internal affairs of another member under particularly grave circumstances (Melber 2006:5). Explicitly, the Constitutive Act codifies the possibility and terms of direct intervention into a

member state as mandated by the Peace and Security Council (PSC) if it finds that there are gross violations of human rights, or other humanitarian reasons (Alden 2005:157).

Those criticizing NEPAD to be a neoliberal project building on the “Washington-Consensus” argue that NEPAD puts additional economic and political conditionality on states already heavily constrained by earlier conditional ties from Social Adjustment Programs (SAP), Poverty Reduction Strategy Papers (PRSP) and by the Highly Indebted Poor Countries Initiative (HIPC), all led by the World Bank and International Monetary Fund (IMF) (Loxley 2003:124f). Loxley (2003:124f) argue that the HIPC program, in fact does little to help low-income countries and nothing to help middle-income countries, which leaves states wishing for further development aid little choice but to agree with these additional conditionalities constituted in the Declaration on Democracy, Political, Economic and Corporate Governance. This may give rise to the possibility for development partners to exercise power through NEPAD.

Theoretically there will be four types of reviews but where the first - the base review that is carried out within eighteen months of a country becoming a member of the APRM - is the only one carried out at the time, and just in a handful of the 28² signatory states (NEPAD 2003:p14; NEPAD 2007a). In addition there is the possibility of a periodic review that takes place every two to four years, a requested additional review by member states for its own reasons and finally, early signs of impending political or economic crisis in a member country would also be sufficient cause for instituting a review “*in the spirit of helpfulness*” for the concerned government (NEPAD 2003:p14). What this means in reality is unclear since reviews so far is limited to the base review.

The peer review has five stages which are preceded by a preparatory stage which basically means that the state sign a memorandum of understanding but have yet not started the process (UNECA 2008). *Stage 1* includes a self-assessment of the political, economic and corporate governance and the overall development environment by the state itself with assistance from the APRM Secretariat (NEPAD 2003:p18). *Stage 2* involves a review by the appointed review team for widespread stakeholder consultation (NEPAD2003:p19). In *stage 3* the review is presented after the report is measured against the applicable political, economic and corporate governance commitments made and the Program of Action (POA). The concerned government is then able to give its reactions to the findings, confirm the information’s accuracy and put forward its views on how shortcomings could be addressed (NEPAD 2003:p20-21). *Stage 4* begins when the team’s report is submitted to the participating Heads of State and Government through the APRM Secretariat. The report is considered by the

² Mauretania joined the APRM as the 29th member in January 2008 but was excluded in October 2008 due to a coup which also got Mauretania excluded from the AU (BBC 2008). The other 28 signatures include Algeria, Burkina Faso, Republic of Congo, Ethiopia, Ghana and Kenya, Cameroon, Gabon and Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Uganda, Egypt and Benin, Malawi, Lesotho, Tanzania, Angola, Sierra Leone, Sudan and Zambia Sao Tome and Principe, Djibouti and Togo

participating Heads of State and Government and a final report is adopted (NEPAD 2003:p23). Finally, stage 5, implies that six months after the considerations by participating Heads of State and Government the final report shall be publicized and available to regional and sub-regional structures such as the Pan- African Parliament, the African Commission on Human and Peoples' Rights, the envisaged Peace and Security Council and the Economic, Social and Cultural Council (ECOSOCC)³ of the African Union (NEPAD 2003:p25). Even though the APRM is a voluntary process, Melber (2006:6) argue that it possess a high degree of legitimacy for those states prepared to undergo assessment, and represents an attractive opportunity to strengthen the international reputation of the assessed state.

6.2 NEPAD and APRM – compliance and state resistance

When analyzing the creation of NEPAD, states' preferences as principals were mentioned, but the P-S-A sees states as agents as well. The preference of a rational state as an agent in the context of European governance is to soften adjustment demands (Tallberg 2003:29). This section aims to evaluate African states as agents and if similar tendencies can be seen in the context of NEPAD as in the EU. Furthermore, since rational choice institutionalism argues that political institutions guide and restrain actors' behavior through different forms of power this section will also include how states try to resist this exercise of power.

Looking back at the four types of reviews, from a rational choice point of view these types of reviews are interesting when states are also seen as agents in the P-S-A model. Why states with an incitement to free-ride would sign up for voluntary assessments and be up for scrutiny might seem unclear? The fact that the base review is the only one carried out jet could point in this direction. Nevertheless, it is important to keep in mind that NEPAD have only existed since 2001, APRM since 2003 and some signatories came as late as 2008 so the time span for the panel of eminent persons to carry out reviews have been quite short. Then the fact that only six states have jet finalized their final report of the base review might be more of an indication of free-riding and, by May 2008, 15 states still had not started their self-assessment (UNECA 2008). One main implication of the design of the APRM is that in practice power of decision-making is still vested with the states prepared to be reviewed. According to Melber (2006:6) this raises the question of the true degree of autonomous and independent reviewing when the result of the review will only be accessible with the authorization and consent of the reviewed state. The preference of the states as principals to limit the enforcement mechanism shines through in this aspect.

One of the few state reviews that have been finalized is the South African peer review presented in its final form in 2007. The report stated i.e. that South

³ ECOSOCC is a advisory organ of the AU created to involve the civil society in its activities (Fombad 2006:28).

Africa had problems with unemployment which affected the poverty in South Africa and at the same time criticized the government for failing, despite its efforts, to deal with the structural unemployment (NEPAD 2007b:19). The South African response was to highlight its legacy from the apartheid regime as an explanation to inequalities and poverty and raised questions about the APRM panels methodological choices when South Africa was examined (South Africa 2007:4ff, 7). Without putting any emphasis on the validity of any of these critiques it highlights how South Africa is trying to soften the critique by putting focus on the APRM instead. South African newspaper *The Times* (2007) goes as far as accusing the South African government for jeopardizing the future of the APRM by not acknowledging their recommendations and avoiding fulfillment of its undertakings under the APRM memorandum. Other attempts to soften the impact and resist the powers of NEPAD and the APRM are visible in other states as well.

Wafula Oguttu, spokesperson of the oppositional party Forum for Democratic Change (FDC) in Uganda, expressed mistrust in NEPAD and APRM as institutions after the release of the Ugandan peer review. The once strong leadership of South African leader Thabo Mbeki and Nigerian Olusegun Obasanjo gave rise to optimism about NEPAD and APRM, although according to Oguttu, these organizations is by now only used as trade unions and clubs for dictators trying to keep existing power structures by secure the welfare of the ruling political classes (Oguttu 2009). This might be seen as attempts by Oguttu to advance the position of FDC in Uganda by criticize NEPAD and APRM and point to the Ugandan peer review. Whether this is true or not are of lesser interest. More interesting is the threat that the criticism can pose to the eventual soft power that NEPAD as an organization possess. Soft power is dependent on the reputation of the organization (Nye 2004:95), and for a organization promoting good governance being criticized for being a club for dictators would most certain have a negative impact on its soft powers.

Staying on the subject of soft power and the accusation of NEPAD as a club of dictators it is interesting to look back at the structure and design of the APRM. Although not initially a part of the AU, NEPAD is, as mentioned earlier, now considered the development plan to meet the development objectives of the AU. Highest political and implementing authority is Heads of State and Government Implementation Committee (HSGIC) (Fombad 2006:32). HSGIC is composed of the five heads of state from the founding states together with ten other (two from each region), and reports annually to the AU (NEPAD 2001:57). So far, there might not be any major problems but if one considers how the states in the HSGIC performs in democracy rankings, indexes of political rights and civil liberties the question of soft power once again presents itself (see i.e. World Audit). Fombad (2006:35) asks similar questions without mentioning soft power when looking at the Peace and Security Council (PSC) of the AU together with NEPAD, HSGIC and other organs that will determine if violations of obligations exist. Since violations of commitments by states does not rest on its legal merits, but on instructions received from member states, peer solidarity will militate

against the finding of a violation of an obligation on anything but obvious cases (Fombad 2006:35). So, when the members of reviewing organs represents states guilty of human rights violations, bad governance and with severe democratic deficits, Fombad (2006:35) is doubtful to which extent these states can condemn and support actions against other states undemocratic behavior.

One of the key development partners of NEPAD is, as mentioned earlier the G8 and Akokpari (2004:246) goes as far as calling the partnership a “moral contract” between the African states and G8. Through “enhanced partnerships”, established by the G8, aid is to be given to the African states and is expected to transfer up to \$64 billion annually if G8 meets its obligations (Akokpari 2004:246). This means that the G8, even without intentions, could exercise compulsory power since African states in need of aid and investments are likely to adopt practices which they believe the G8 and its investors agree with and in theory it must be seen as fully rational for the African states to do so. Even though NEPAD stress that it is not looking for further entrenchment of dependency through aid, Loxley (2003:124) argue that, with a initial level of \$14 billion annually in aid, it is hard to see how this dependency would not increase when aid is doubled or even tripled (dependent on how much is financed by the African states themselves or through foreign direct investments).

Looking at the financial situation of NEPAD in relation to the concept of compulsory power in a related but slightly different angle, another implication than the issue of African independence comes to mind. The fact that G8 and outside investors possess the main economic power in relation to NEPAD is most interesting when put in comparison with economic power within AU and NEPAD, given compulsory power is a zero sum game. The economic power possessed outside Africa therefore implicates that AU, and NEPAD in particular, lack economic power to increase incitements for affected states to comply with its norms and values. NEPAD itself does not possess any means to financially punish states with faulty results on their review. Instead it is states or companies that possess economic means and thereby means to put pressure. Empirical experiences show, within the three first years not one company invested in the 20 high profile areas in the framework and within the NEPAD staff there is recognition that companies have not played a role as large as expected (Bond 2004:611). Keeping that in mind, the voluntary review seems like an irrational choice when states with good reviews do not get rewarded with increased investments.

If NEPAD’s ability to make states comply through compulsory power rests on individual states will to voluntarily put themselves up for review and the will of individual states to put themselves up for review rests on the possibility to get rewarded, NEPAD’s power rests on its ability attract aid and investments. Rational choice institutionalism emphasizes the calculus approach to behavior and this behavior rests on how others are likely to behave. In comparison with compulsory power, the institutional power that NEPAD exercise by putting democracy very firmly on the agenda force states to strive for a more democratic

society. Otherwise they may risk being excluded from both NEPAD and the AU, or at least in theory they do. The AU failed to take measurements against Zimbabwe after the 2004 election which showed some weakness in the document (Luiz 2006:227). According to Luiz (2006:227), the next necessary step is therefore to marginalize non-compliers within NEPAD and the AU and to deny them access in terms of membership and benefits. This will demonstrate Africa's commitment to democracy and strengthen the power of NEPAD (Luiz 2006:227). A step in this direction is the suspension of Mauretania from both the AU and NEPAD (or the APRM to be more precise) in 2008 due to a military coup where the democratically elected government was overthrown (BBC 2008).

7. Conclusions

This thesis could be seen as an attempt to provide an explanation to a partly complex relationship between a political institutions origin, its design and its ability to fulfill its function. The purpose of the thesis is dual and concentrated around two operational questions.

First the thesis aimed to answer how power relations could explain the creation of NEPAD and its design. The rational choice institutionalism and the P-S-A model which were used to answer this question provided some possible explanations. First, NEPAD can be seen as a rational response to the failure to integrate in the global economy where African states have constituted themselves as underdeveloped and backwards. This show some fragments of the structural power where the African states structural position was constituted in relation to the structural position of the developed world which is seen as the desirable position. Second, the choice to emphasize good governance, democracy and human rights might not just be noble but also fully rational since there have been correlations between these norms and economic development. The choice to build on “western norms” can also be seen as rational and NEPAD have undoubtedly received the support it strived for, although not financially. The balance of power between the “Washington Consensus” and the “Beijing Consensus” has not posed as a problem to the creation of NEPAD since China also expressed its support.

The initiating states with South Africa in the forefront exercised intuitional power when NEPAD was created and could form the norms and values which the political institution should build on. Institutional power was also exercised when NEPAD was adopted as an integrated part of the AU which meant that democracy and good governance became norms and values for the whole union and effectively ruled out any other possible political system as legitimate. The preferences as principals also created the APRM on the on hand, but restricted its enforcement powers by making it voluntary.

The second operational question gave an overview on the implications NEPAD’s design had to its ability to exercise different forms of power for enforcement.

In theory the compulsory power in relation to the APRM rests on the ability to use mainly ideational resources through peer pressure. The effectiveness of peer pressure to some extent depends on how the review is attracting attention. The problem which have been highlighted is that states, even those that have volunteered to the APRM, are able to avoid a lot of attention since the states always have the right to give their opinion before publications and that the APRM forum need the consent of states to publish. The “soft law” approach makes

almost all other forms of compulsory power impossible to carry out. There are no economic means available since the major funding of development has to come from outside the region. The question is if it is even possible to talk about any compulsory power available for the APRM bodies to carry out since there has to be a conflict in desires between the APRM and the states (seen as agents). Could one talk about a conflict of desires when the only way is to get the agents to volunteer to be reviewed? If NEPAD in addition to this fails allocate financial support from its development partners it could possibly make it harder for NEPAD to attract more states to the APRM. Leaders of neo-patrimonial and failed states have the option to turn to China as development partner instead as long as China keeps its “Beijing Consensus” approach.

More interesting is the institutional power where NEPAD and the APRM can put values and norms central to them on the agenda within the AU with the aim to get the AU to take measurements through compulsory power, even though the empirical evidence show inconsistencies in its measurements towards states failing to strive for democracy and human rights. In reality the institutional power of the APRM bodies could be questioned. Partly because it has been questioned how the HSGIC is supposed to be counted on to deal with these norms when themselves have questionable track-records in the same areas.

The theoretical approach which the rational choice institutionalism provides has the implication that some of the concepts of power are more visible in the analysis of NEPAD than others. This is not a surprising discovery since rational choice institutionalism emphasizes the role of agency prior to the role of structure, even though structure matters. Structural power is therefore the least visible of the three which have been discussed in this thesis. Thus, it would be interesting in future studies to apply other theoretical approaches or use other methodologies to study concepts of power, since the theoretical and methodological choices made here makes the concept of productive power nonexistent in the analysis. The shortcomings of the rational choice institutionalism do not necessarily mean that the picture painted in this thesis is wrong, but it might not show the whole picture. All the conclusions in this thesis should be read with some caution because of the short time-span of the framework, the limited numbers of reviews and nonexistent follow-ups on how reviewed states have handled the recommendations APRM makes.

A somewhat negative picture has been presented above, which partly is due to the theoretical approach of the thesis. NEPAD and the APRM could hopefully constitute a new view on democracy, good governance and human rights in the world’s poorest continent. Even though NEPAD has been criticized for building on neo-liberal ideas connected to the “Washington Consensus”, NEPAD is still an initiative from the African leaders themselves which with any luck is a right step towards an African development, and with the short time NEPAD have existed in mind it is too soon to rule it out.

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