Peer Review and Nepad: Zimbabwe -- The Litmus Test for African Credibility

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The harassment and deportation of a Confederation of South African Trade Unions (Cosatu) fact-finding mission from Zimbabwe in late October 2004 and, again, in early February 2005, and the African National Congress (ANC) government's rather disinterested reaction to the treatment meted out to its tripartite alliance partner, has put the festering crisis in that country firmly back into the spotlight. Even though the protracted crisis in Zimbabwe is demonstrably infecting the southern African region, collective self-deception seems to have become the official norm in Africa and elsewhere: Zimbabwe can be quarantined so its contagion does not infect the process towards a New Partnership for Africa's Development (Nepad).

Very briefly, the Nepad plan argues that Africa needs to involve itself much more closely in the global economy. Under Nepad -- as an integral component of the African Union (AU) -- in return for global assistance for increased aid and investment, external debt relief, and improved trade with the developed world (in particular, by ending agricultural subsidies in those countries), African governments will commit themselves to standards of good governance and democracy through a system of peer review. This is predicated on a promise by African leaders to break with the past record of economic decline, corruption and authoritarianism, and make a collective commitment to multiparty democracy and the rule of law. But crucial to this endeavour is the nurturing of a democracy and governance culture, as opposed simply to putting down guidelines, and it must involve civil society and a sophisticated, not a sycophantic, media.

African leaders acknowledge that the continent faces grave challenges, of which the most urgent are the eradication of poverty and the fostering of socio-economic development: it is to the achievement of these twin objectives that the Nepad process is principally directed. The backers of Nepad believe that poverty can only be effectively tackled through the promotion of democracy and good governance, peace and security; the development of human and physical resources; gender equality; openness to international trade and investment; the allocation of appropriate funds to the social sector; and new partnerships between governments and the private sector -- and with civil society. Furthermore, the Nepad plan reaffirms the conviction that the development of Africa is ultimately the responsibility of Africans themselves; consequently, Africans have made a commitment to enter into their own partnerships and utilise their own resources, however limited, to implement the Nepad agenda.

At the inaugural AU heads-of-state-and-government summit meeting in Durban in July 2002, African leaders agreed to establish an African Peer Review Mechanism (APRM), 'voluntarily acceded to' by any member state of the AU as an African self-monitoring instrument. The mechanism outlines the institutions and processes that will guide peer reviews, and its mandate is to ensure that the policies and practices of participating states 'conform to the mutually agreed values, codes and standards' contained in the Durban Declaration on Democracy, Political, Economic, and Corporate Governance. Clearly, the peer review process should spur countries to consider seriously the impact of domestic policies, not only on internal political stability and economic growth, but also on neighbouring countries – it will promote 'mutual accountability', as well as 'compliance with best practice'. However, although the jury is still out, so to speak, 'voluntary accession' to the APRM, and the weak enforcement regime suggested by the wording that the heads of state and government 'may wish to put the offending government on notice', could lead to the emasculation of the peer review system almost from inception.

The drivers of Nepad and other advocates of an African revival have been sharply criticised for not excluding from the start leaders such as Muammar Gaddafi of Libya and Robert Mugabe of Zimbabwe, who represent values which run counter to Nepad and the AU Constitutive Act – leaders who rule over essentially dysfunctional states, and who peddle 'creative interpretations' of what democracy really means. But the AU is, by definition, an inclusive body and the voluntary mechanism of Nepad and the peer review system should, in theory at least, ultimately exclude those who do not abide by the rules of the game. Yet translating democracy and governance buzzwords into reality require considerable institutional capacity and the sort of political will hitherto lacking in Africa.

Most politicians prefer that their own sort, with similar ambitions, world-views, and Machiavellian desires judge their actions -- and already there are signs that African governments have backed away

from independent review of their political performance record. This was confirmed by South African President Thabo Mbeki, who said that the APRM will not review the political governance of African countries, as this was the task of AU watchdog institutions – the Peace and Security Council (PSC), the Pan-African Parliament (PAP), a new AU election monitoring body, and the African Commission for Peoples' and Human Rights. Mbeki continued his obfuscation on this issue by arguing that the AU Constitutive Act already binds all member states of the AU to its provisions on matters of political governance, which 'promote democratic principles and institutions, popular participation, and good governance'.

The term 'promote' points to terminological weakness -- and the track record of African states over a period of 39 years of Organisation of African Unity (OAU) history suggests that African leaders honour any 'commitment' of this kind in the breach, rather than otherwise. The inaction over Zimbabwe's persistent breaches of human rights, the inclusion of some very strange people on the Nepad steering committee, and Mbeki's statement that political criteria are not part of the peer review system give rise to serious scepticism. Mbeki's *volte-face* has dented his international image – and he will be held to his statement that Africa's future will depend on what Africans 'do and not what they say'. Clearly, the interest level in Nepad wanes as its credibility drops. Nepad lives or dies by peer review -- and, quite pointedly, G7 financial support to Africa is conditional on political peer review under Nepad. Nepad depends on the world's commitment and goodwill, and Africa runs the risk of throwing away any chance of Nepad being taken seriously by G7 members if Mugabe remains unchecked and the major donor countries shrug and turn away from Africa for another generation.

The post-cold war era's defining assumption is that democracy is universal. In Africa, the end of apartheid in South Africa coincided with a parallel collapse as dictators from Benin to Zambia gave way to free-market democrats. But the era of democratic consensus in Africa ended when the continent's leaders, with few exceptions (such as Botswana's President Festus Mogae), condoned the Mugabe regime's blatantly and fraudulently rigged June 2000 legislative election. This demolished the pretence that Africa's governments, even those elected democratically, view liberal democracy as the continent's ultimate aspiration. Mbeki mocked the compact that African governments would dedicate themselves to democracy in return for tens of billions of US dollars in foreign assistance through Nepad. The South African president revealed that the only compact that really mattered was the one African leaders had been making amongst themselves since independence: 'We won't criticise your tyranny, if you don't criticise ours'. Mbeki accepted the majority view of the South African Observer Mission (SAOM) that the Zimbabwean election results had been 'legitimate', and that of a separate South African Parliamentary Observer Team that the poll had been 'credible'. Incredulously, a member of the SAOM remarked that the notion of a 'free and fair election' was 'a product of Western liberal processes'. In stark contrast, the Southern African Development Community (SADC) Parliamentary Forum came to the conclusion that the electoral process did not comply with the norms and standards for elections in the SADC region.

Mbeki and his inner circle's reaction to international and domestic criticism of South Africa's 'quiet diplomacy' stance on the Zimbabwean issue -- what, with apologies to Chester Crocker, can be called 'unconstructive non-engagement' -- is that the presidency is not at all flustered. The commotion over Zimbabwe will pass and those opposed to 'quiet diplomacy', having had one of their transient moral spasms, will eventually come around to his position. Thus, the Mbeki presidency is unable to see the fundamental principle over which Africa came to the edge of formally separating itself from a shared global view on democracy. Deputy Foreign Minister Aziz Pahad, in his jabbering innocence, asserts that Nepad must be judged on its own merit and not by what happens in any one country -- in other words, Mbeki's position on Zimbabwe has nothing to do with Nepad. In that case, what is the point of a peer review mechanism under the umbrella of Nepad to monitor good governance? Why should tyrants be allowed to shelter behind national sovereignty? In the global community, eventually everyone's business will be everyone else's business.

Some two years ago, in a revealing article in *Focus*, published by the Helen Suzman Foundation, R W Johnson pointed to a 'submerged motif' behind the Zimbabwean crisis. Since the start of the crisis in February 2000, when the Mugabe regime was defeated in a constitutional referendum, there had been repeated summit meetings of the southern African region's national liberation movements (NLMs) -- they were strictly secret: no media, no interviews, no communiqués. The 'common theology' of NLMs is that they represent 'the masses' and, therefore, cannot be wrong; no other group can, or should be allowed to, succeed them, for that would mean that the forces of 'racism', 'colonialism' and

'imperialism' had regrouped and launched a counter-attack. Thus, having come to power, an NLM government should stay in power.

The first NLM government that reached a terminal condition was the Mugabe regime in Zimbabwe, which is why other NLM governments came rushing in to help prop it up. However, the same inevitable decline could face them all -- and this would justify the use of all means, 'foul' or 'fair', in order to defend 'the gains of liberation'. Without doubt, this is what gives the Zimbabwean crisis its huge historic importance: Mugabe's constitutional referendum defeat opened up the prospect that a ruling NLM government might actually lose power – and, immediately, Mugabe's struggle to stay in power became a struggle for the survival of other NLM leaders.

It is this perspective which explains why President Mbeki has been unwavering in his insistence that the Zimbabwe African National Union-Patriotic Front (ZANU-PF) must retain power in Zimbabwe; and it is why the ANC is so wholly unmoved by all the killings, torture, beatings and rape inflicted on the opposition Movement for Democratic Change (MDC) in Zimbabwe. Election observers sent by Mbeki for the March 2002 presidential poll in Zimbabwe had actually gone on a mission of solidarity with Mugabe and ZANU-PF, to help cement him back in power, and to describe the result as 'legitimate'. In effect, what Mbeki communicated to the world is that elections should be as 'free and fair' as is consistent with returning the ruling party to power.

The ANC, as the Mbeki inner circle sees it, derives its overriding authority, its right to power, not from its democratic mandate (though this is both desirable, in itself, and an important instrument for achieving its goals) but from its 'historic mission to transform South African society'. Clearly, the 1994 elections did not symbolise a negotiated settlement but, as a 1997 ANC strategy and tactics document puts it, was merely a 'revolutionary beach-head' -- this explains the quixotic approach and conspiratorial mentality of continuously accusing Western powers of a perceived strategy to weaken governments and parties of the national liberation movements in southern Africa.

One cannot but agree with Johnson's analysis. But what is significant is that the solidarity meetings of NLMs started even earlier than February 2000. In fact, in October 1998 two meetings of profound longer-term importance for the southern African region took place. The first, in Luanda, Angola, was a meeting of the Inter-State Defence and Security Committee (ISDSC) of the SADC which declared that any threat to a member of the 14-nation community could justify intervention by its allies: an allusion to backing for the Democratic Republic of Congo (DRC) by Angolan, Zimbabwean and Namibian troops to help the Laurent Kabila regime against an internal rebellion, and incursions by Rwandan and Ugandan forces; and the deployment in Lesotho of soldiers from South Africa and Botswana, under a thinly disguised SADC mandate, to quell an anticipated army mutiny related to disputed general election results. These events point to moves to transform the SADC, almost by stealth, from an instrument of 'preventive diplomacy' to a 'collective security' arrangement. What, in particular, does this portend for the pro-democracy movement in Zimbabwe and, in general, for promoting and sustaining democracy and good governance in the southern African region?

But the second, more ominous, meeting was held in Pretoria, South Africa, also in October 1998, and it brought together all the NLM governments in southern Africa – the *Movimento Popular de Libertação de Angola* (MPLA) of Angola, the South West Africa People's Organisation (SWAPO) of Namibia, the *Frente de Libertação de Moçambique* (Frelimo) of Mozambique, the ANC of South Africa, and ZANU-PF of Zimbabwe. The purpose of this meeting, and regular subsequent ones, was to devise ways and means of keeping NLM governments in power in their respective countries. This confirms the validity of Johnson's analysis, but puts the commencement of this strategy some fifteen months earlier. It also indicates what really informs South Africa's foreign policy stance towards Zimbabwe: by way of the infamous policy of 'quiet diplomacy', essentially underpinned by disinformation, obfuscation, and procrastination, the constitutional and political impasse in Zimbabwe can be dragged out, so that when the next parliamentary election in March 2005 comes round none of the real issues on the ground bedevilling a 'free and fair election' would have been addressed; and ZANU-PF can continue in power, so as not to raise the spectre of the 'domino effect' or the feared 'Nicaragua phenomenon' for other NLMs -- with Mugabe still at the helm in Harare, until he sees fit to remove himself from the scene in 2008 or, perhaps, through divine intervention, spins off his mortal coil.

Testimony to this strategy is Mbeki's latest act of obfuscation in suggesting that an SADC delegation should be sent to Zimbabwe to help create conditions for a 'free and fair' election; he also alludes to a

newly appointed independent electoral commission (IEC) in that country. What is so 'independent' about an IEC appointed by the ruling party?; and, why should a delegation be sent now, only weeks before the election? Efforts to create a politically enabling environment should have started years ago: ultimately, better governance requires political renewal. This should have been done by strengthening the transparency and accountability of representative bodies, by encouraging public debate, by nurturing press freedom and civil society organisations (CSOs), and by maintaining the rule of law and an independent judiciary. It would do Mbeki well to be mindful that, as a political system, democracy is marked not only by 'free and fair', multiparty elections -- a rather 'mechanistic' conception, so prevalent in the pseudo-democracies in Africa and elsewhere, and fuelled by the fad of 'event-focused' election monitoring and observation -- but also by what might be termed constitutional liberalism: the rule of law, a separation of powers, and protection of the basic civil liberties of freedom of speech, assembly and religion, as well as the right to property. Indeed, there is far more to a free society than multiparty elections.

But, amid Zimbabwe's slide into political and economic oblivion, the brethren leaders of the African continent have closed ranks in solidarity and publicly defended their virtual complicity in the systematic retrogression of that country into an 'Orwellian-style', totalitarian state. The Mugabe regime has proceeded to consolidate its grip on power by destroying the institutions of democracy: what was left of a free press, an independent judiciary, and bipartisan CSOs. It has overstepped all the rules of decent practice: manipulating the state-owned media to demonise its political opponents and promote the ruling party, harassing its opponents by giving the police the right to ban rallies and jailing their leadership on trumped-up treason charges, and bullying the judiciary by overturning court rulings. But, most crucially, it has used violence -- intimidation, abduction, assault and torture, even murder -- by the security forces, the so-called 'war veterans', and ZANU-PF militias in an attempt to cow its opponents into submission.

However, despite the odds against responsible and accountable governance -- particularly, its potential for institutionalising majoritarian tyranny under the pretext of democratic rule -- the constraints are surmountable. The central role that Nepad assigns to democracy and good governance principles, codes and standards through the AU Declaration on Democracy, Political, Economic, and Corporate Governance, and the 'voluntary accession' of African political leaderships to peer review through the APRM, are both well-formulated and well-intentioned. Moreover, together with Nepad, the acknowledgement of the crucial interrelatedness between security, stability, development, and co-operation of the CSSDCA (Conference on Security, Stability, Development, and Co-operation in Africa) process serve as a road map to the realisation of an African renewal. But, the bottom line remains the same: whether Nepad and the CSSDCA ever get off the ground, and whether they succeed in meeting their truly challenging objectives, ultimately depend on the one critical ingredient missing in previous, similar endeavours -- the political will to translate good intentions and lofty ideals into requisite action. Without such action, the consolidation and sustainability of fledgling democratic systems in Africa are less secure than what the imageries tend to portray.

In the final analysis, the reaction of South Africa (and other African countries) to the deplorable situation in Zimbabwe runs the risk of encouraging an already sceptic donor and investment world – in spite of British Chancellor of the Exchequer Gordon Brown's recently launched 'exchequer diplomacy' -- to stop taking issues of good governance and democracy in Africa seriously, with far-reaching negative repercussions for the entire continent and for Nepad.

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