

THE ROLE OF THE NEPAD INITIATIVE IN PROMOTING HUMAN RIGHTS: ASSESSMENT OF ITS EFFECTIVENESS AND CHALLENGES



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Abstract: The New Partnership for Africa's Development (NEPAD) is one of the strategic tools adopted to promote development and human rights on the African continent, through its contribution to consolidating the principles of good governance, the rule of law and strengthening transparency and accountability.

Despite the contribution of the initiative to institutional strengthening and promoting international partnerships, its effectiveness remains limited by a set of structural and methodological challenges, stemming mainly from weak political will on the part of some Member States, a lack of resources and the impact of external interventions on the independence of African decision-making. However, this initiative represents a leapfrog towards integrating human rights into the continental development agenda. In order to ensure sustainable results with a tangible impact, a complete reassessment of its strategies and the activation of monitoring and evaluation mechanisms are necessary to guarantee the effectiveness of its implementation.

Keywords: NEPAD initiative, human rights, challenges

دور مبادرة النيباد في تعزيز حقوق الإنسان: تقييم الفعالية والعوائق

ملخص: تُعد مبادرة الشراكة الجديدة لتنمية إفريقيا (النيباد) إحدى الأدوات الإستراتيجية المعتمدة لتعزيز التنمية وحقوق الإنسان في القارة الإفريقية، وذلك من خلال مساهمتها في ترسيخ مبادئ الحكم الرشيد، وسيادة القانون، وتدعيم الشفافية والمساءلة. وعلى الرغم من التقدم المحرز الذي حققته المبادرة في مجال بناء المؤسسات وتشجيع الشراكات الدولية، لا تزال فعاليتها محدودة بمجموعة من التحديات الهيكلية والمنهجية، والتي تتمحور بشكل أساسي في ضعف الإرادة السياسية لدى بعض الدول الأعضاء، ونقص الموارد المتاحة، فضلاً عن تأثيرات التدخلات الخارجية على استقلالية القرار الإفريقي. ومع ذلك، تمثل هذه المبادرة خطوة نوعية في سبيل إدماج حقوق الإنسان ضمن أجندة التنمية القارية، ومن أجل ضمان تحقيق نتائج مستدامة ذات أثر ملموس يستلزم إعادة التقييم الشامل لاستراتيجياتها وتفعيل آليات الرصد والمتابعة لضمان فعالية الأداء التنفيذي.

الكلمات المفتاحية: مبادرة النيباد، حقوق الإنسان، تحديات.



Introduction:

The NEPAD initiative is regarded as one of the most significant regional efforts established on the African continent at the onset of the third millennium. It seeks to advance sustainable development, enhance economic conditions, and bolster collaboration among African countries. It serves as a regional framework for economic and social integration, aiming to establish political and economic stability while enhancing the living standards of the continent's populace.

While NEPAD emphasizes economic development, it also adopts a holistic approach that addresses social and political issues, including human rights. It seeks to enhance governance in African countries, eradicate corruption, and fortify the rule of law in alignment with international human rights norms. It seeks to implement political and administrative reforms by promoting democracy, safeguarding the rights of marginalized people, and guaranteeing access to social justice. This fosters a legal framework that safeguards individual rights and alleviates human rights infringements, a continual issue in numerous African countries.

Nonetheless, NEPAD faces ongoing challenges in executing its reform programs, prompting inquiries on its efficacy in fulfilling its goals of enhancing the human rights landscape. Although NEPAD formulates a theoretical framework advocating for the enhancement of democratic governance and the safeguarding of human rights, the execution of these policies is intricate due to the diverse political and economic circumstances of member states.

This study aims to address the following research question: ***How effective is the NEPAD initiative in enhancing the human rights conditions in African member states?***

The research employs two complementary methodologies that reflect the interdisciplinary essence of the subject: a descriptive approach to elucidate the fundamental concepts related to the NEPAD initiative and investigate the context of its inception, and an analytical approach to assess the dimensions and ramifications of NEPAD's policies, highlighting their significance in advancing human rights while scrutinizing the principal challenges to realizing this aim.

A research strategy was established, consisting of two primary chapters. The first Topic focused on delineating the conceptual and historical context of the NEPAD initiative. The second topic examined NEPAD's role in advancing human rights and evaluated its effectiveness in fulfilling its objectives, highlighting the problems that may impede the execution of these programs.



One Topic:

Conceptual and Historical Framework of the NEPAD Initiative

Comprehending the events and background surrounding the inception of the NEPAD initiative is crucial for grasping its philosophy and approaches. This enables us to comprehend the magnitude of its association with human rights and its role in the anticipated transformation of development on the continent. Consequently, it is prudent to initially examine the initiative's foundations (First requirement), followed by an analysis of its work program and the conditions and methods employed by African countries for its execution (Second requirement).

First requirement: Foundations of the NEPAD initiative

This paper examines the historical backdrop and aims of the NEPAD initiative, highlighting its significance in fostering economic and social development across the African continent (First section). Subsequently, an analysis of the NEPAD initiative is conducted by offering a thorough explanation and ascertaining its legal nature (Second section).

First section: Origins of the NEPAD Initiative

The NEPAD initiative emerged from an African context characterized by various problems, where the determination of leaders aligned with the ambitions of the populace to create a new vision for the future. To comprehend the essence of this initiative, it is essential to examine its historical path, which elucidates the evolution of its qualities throughout time. Then, the definition of its objectives is established to mirror the intended aspirations.

1-Historical path of the emergence of the initiative

At the onset of the third millennium, African leaders pledged to initiate a comprehensive African initiative representing a new partnership for the continent's development, termed "NEPAD." This initiative encapsulated the aspiration of African leaders to assume control over their continent's future and to cultivate new relationships with bilateral and international development partners, alongside multilateral organizations.

Prior to NEPAD's formal adoption in 2002, the continent had experienced various initiatives with analogous aims, such as Plan Omega, proposed by Senegalese President Abdoulaye Wade, and the Millennium Development Goals for African Recovery, initiated by South African President Thabo Mbeki; these endeavors were ultimately amalgamated into a cohesive framework that subsequently evolved into NEPAD. In March 2001, the Organization of African Unity resolved to amalgamate these two efforts during a session in Sirte, Libya.



Informed by these two initiatives and the African resolutions made at the United Nations Millennium Summit in September 2000, the United Nations Economic Commission for Africa formulated a "Charter for African Recovery," which was subsequently presented to African Ministers of Planning and Development at the conference in Algiers in May 2001.¹

In July 2001, in Lusaka, Zambia, the Summit of Heads of State and Government of the Organization of African Unity (OAU) ratified this agreement, designated as the "New African Initiative." On July 20, 2001, G8 leaders declared their endorsement of the initiative, and additional international development entities, including China, the European Union, and Japan, also released formal statements supporting it.

On October 23, 2001, the Heads of State and Government Implementation Committee completed the political foundation for the initiative, designating it as the "New Partnership for Africa's Development (NEPAD)."²

NEPAD is the inaugural comprehensive development goal embraced and executed by African countries, bolstered by the international community's support. The founding statement delineated a series of priority issues, including regional integration, capacity building, and infrastructure development.

In this context, the United Nations General Assembly, through its resolution 57/7 of 2002, urged the coordination of efforts across several United Nations agencies to promote NEPAD's aims. A regional coordination mechanism was established between the United Nations and the African Union, accompanied by the adoption of a ten-year program designed to enhance the capacities of the Union and NEPAD, thereby enabling the alignment of United Nations assistance with the needs of African countries.

The New Partnership for Africa's Development (NEPAD) serves as a principal implementation tool of the African Union, retaining a level of administrative autonomy via its secretariat located in South Africa. The secretariat is tasked with organizing diverse stakeholders and executing the initiative's development programs and projects, especially in the economic, human, and governmental domains.

Nonetheless, this organizational autonomy does not imply that NEPAD is distinct from the African Union. Conversely, its integration is the outcome of an institutional process that started in 2001 and officially concluded in 2002 with the

1- See :

عز الدين عبد السلام، مبادرة الشراكة الجديدة لتنمية إفريقيا (نيباد)، مجلة جامعة الأمير عبد القادر للعلوم الإسلامية، المجلد الأول، العدد 24، 2023، ص ص 205-206.

2- Temiloluwa Anne Ojo-Lanre, Akeem Amodu, "NEPAD and Right to Development in Africa: A Critical Review", Kashere Journal of Politics and International Relations Vol. 2, Issue 2 December, 2024, pp 408-409.



substitution of the Organization of African Unity by the African Union. Since that time, NEPAD has been managed as an official initiative of the African Union and is under its political supervision via subordinate entities, including the NEPAD Heads of State and Government Steering Committee.¹

In 2011, following the completion of the first decade of the initiative's execution, it became essential to evaluate NEPAD's progress in fulfilling its objectives and to discern ongoing challenges and opportunities. The 2012 session offered a chance to evaluate accomplishments and extract lessons, especially concerning the enhancement of UNCTAD's role in assisting African countries in attaining their developmental objectives.

In 2018, the Agency was rebranded as the African Union Development Agency (AUDA-NEPAD) to advance Agenda 2063, the African Union's strategic objective for the continent's development. The new tasks encompass the coordination of important regional and continental programs, as well as the enhancement of institutional capacity in African countries through advisory services and financial support.

2- Main objectives of the initiative

The NEPAD initiative has established several objectives to enhance Africa's development, using a strategic framework centered on four primary goals outlined in its founding document, notably:

- Reduce poverty.
- Reduce the education gap and stem the brain drain: The initiative aims to improve the quality of education and ensure its accessibility to all segments of society, thereby contributing to human resource capacity building. It also works to create a stimulating environment for African talent and reduce the brain drain phenomenon abroad.
- Improve healthcare and empower women.
- Integrate the African economy into the global economy by fostering African integration in agriculture, technology, knowledge management, and human development².

1- The decision was taken at the 14th session of the General Assembly of the African Union, held in Addis Abeba, Ethiopia, on 2 February 2010. It considers the integration of the NEPAD initiative into the formal structure of the Union and the promotion of the Secretariat to the status of a technical agency within the Union. The document can be viewed here: Assembly/AU/Dec.283 (XIV).

2- New Partnership for Africa's Development (NEPAD), Available on the website <https://au.int/ar/node/3625>



The initiative seeks to fulfill the objectives established by the United Nations, which include attaining an average annual gross domestic product (GDP) development rate exceeding 7% over the next 15 years, halving the population living in extreme poverty, ensuring universal education for children, achieving gender equality, and decreasing the mortality rate.¹

The initiative was introduced at the G8 meeting in Genoa, Italy, on August 20, 2001. The group's leaders welcomed it, affirming their dedication to key values such as conflict prevention, management, and resolution, alongside the promotion of democracy and the enhancement of good governance foundations.

Section 2: Legal Nature of the NEPAD Initiative

Articulating the NEPAD initiative is crucial for comprehending its core attributes and scope, as well as for discerning its legal character and its position within the African institutional structure.

The NEPAD Partnership Reference Document defines it as: "A commitment among African leaders founded on a shared vision, which persuades them of the necessity to expedite the eradication of poverty and align their countries towards sustainable development and development, while actively engaging in economic and political affairs." NEPAD stands for the New Partnership for Africa's Development; it is a strategy aimed at restructuring Africa, fostering autonomous development, enhancing economic governance, investing in its populace, and tackling the continent's challenges, including poverty, underdevelopment, and persistent marginalization².

The initiative is recognized as a comprehensive strategic framework established by African countries to advance the continent's social and economic development. It serves as the primary tool for orchestrating and directing development initiatives in response to 21st-century issues. This project is founded on the formulation of a novel strategy, spearheaded by African countries, intended to significantly alter development pathways at both national and continental scales.³

Despite the clear concept of the initiative in official documents, some media have compared the initiative to a "Marshall Plan for Africa"⁴, however, considering

1- See: Norbert Funke, Saleh M.Nsouli, *"The New Partnership for Africa's Development: Opportunities and Challenges"*, in *"New Partnership for Africa's Development Macroeconomics, Institutions, and Poverty"*, (ss.dir): Saleh M.Nsouli, International Monetary Fund, 2004, p 33.

2- *New Partnership for Africa's Development (NEPAD), Document of the New Partnership for Africa's Development, Abuja, Nigeria, Article 01, August 2002.*

3 - *New Partnership for Africa's Development (NEPAD), Available on the following website: <https://au.int/ar/node/3625>.*

4- See:



the initiative's ambition to reshape the continent's development landscape, this analogy does not accurately reflect its essence or true dimensions. Unlike the Marshall Plan, a project led by external powers to rebuild Europe after World War II, NEPAD is an African initiative in both its origin and content.

Moreover, the NEPAD is not classified as an international organization, as it does not possess the international legal personality necessary for direct engagement at the international level. Instead, it operates as a program of the African Union, utilizing its institutions to develop policies and provide resources. It is not a uniform, hierarchical development plan; instead, it allows African countries considerable latitude to tailor its content to their national goals. The specific details of the initiative's implementation are still under development, and its attributes are expected to become more defined through the incorporation of NEPAD principles into the national policies and strategies of each member state, rather than through the adoption of a uniform model applicable to all.¹

The initiative thus constitutes a hybrid entity amalgamating political and legal features. This is not merely a political initiative; it constitutes a definitive legal framework, actualized by its endorsement by the African Union as the principal instrument for coordinating development across the continent. The legal status was bolstered by the United Nations' acknowledgment of NEPAD as Africa's development framework in November 2002, so conferring international legitimacy.

In 2010, NEPAD was completely assimilated into the African Union's structures, evolving from an autonomous initiative into a planning and coordinating organization associated with the Union. This integration fortified NEPAD's institutional and legal framework, aligning it with the regulations and resolutions of the African Union, so solidifying its status as an entity.²

The basis of the NEPAD initiative is founded on two main pillars: the first functions as a coordinating mechanism between African countries and international partners, particularly the United Nations and the World Bank. This function solidifies its legal standing as a globally acknowledged development intermediary, providing a structure for channeling international funding to Africa. The second is seen in the design and execution of feasible and actionable development plans.

قمة أبوجا تطلق مبادرة "نيباد": دعم غربي مقابل الديمقراطية، جريدة "السفير"، العدد 9159، التاريخ 27 مارس 2002، أبوجا، إفريقيا.

1- Saleh M. Nsouli, Norbert Funke, "The New Partnership for Africa's Development (NEPAD) Opportunities and Challenges", International Monetary Fund, 2003, p 11.

2- New Partnership for Africa's Development (NEPAD), see the site: <https://au.int/en/organs/nepad>.



Second requirement: The NEPAD action program

NEPAD recommends targeted action programs for a defined set of sectoral priorities, which form its work streams to fulfill its objectives. This purpose is accomplished by delineating a series of criteria (Section 1) and deploying the requisite resources for their execution (Section 2).

Section 1: Conditions for the Success of the NEPAD Initiative

The efficacy of the NEPAD initiative in fulfilling its goals is contingent upon a series of essential conditions that African leaders must satisfy, both individually and collectively. In the absence of these prerequisites, initiatives aimed at advancing Africa will yield no results:

Enhance security and stability across the continent, attain effective political and economic governance, advance democratic principles and human rights, boost agricultural productivity, guarantee food security, optimize intra-African trade, promote African exports in global markets, improve environmental conditions, and foster education and scientific research.

Furthermore, the initiative's work plans encompass several targets, such as maximizing information technology utilization, enhancing the health sector, and addressing endemic diseases, including HIV and malaria. It emphasizes human development and the enhancement of African capacities, while concurrently supplying the requisite resources for project development and the execution of programs essential to attain these objectives.¹

The matter of effective governance holds significant prominence in the NEPAD document, regarded as a prerequisite for sustainable development. The program underscores a primary objective: the creation of political and administrative structures founded on the ideals of democracy, transparency, honesty, human rights, and the rule of law in African countries.

Nevertheless, while the project regards democracy and good governance as interrelated, it addresses each as a distinct idea. Furthermore, NEPAD embraces a distinctive interpretation of good governance, founded on three principal dimensions: the political dimension, the economic dimension, and the institutional dimension. This conception diverges in substance from the definition endorsed by the United Nations. While the NEPAD framework incorporates various aspects of good governance as outlined by the United Nations, it prioritizes economic and institutional dimensions, having established and endorsed eight standards and codes

1- See:

مصطفى فراج، "النبياد". استراتيجية الاتحاد الإفريقي الشاملة لتنمية القارة السمراء، متوفر على

الموقع: <https://www.mobtada.com/cases/838990>.



of conduct pertaining to transparency and financial management governance. Nevertheless, it has not accorded same importance to the social and political aspects emphasized by the United Nations in its good governance framework.

Section 2: Determining sectoral priorities

The NEPAD document delineated a series of priority areas for African countries and their international collaborators to concentrate their endeavors. It is important to note that these goals were not delineated in a sequential or hierarchical format, indicating they do not signify consecutive phases of a particular development strategy.

NEPAD serves as a thorough delineation of the African continent's requirements across various critical sectors, highlighting the necessity for prompt and vigorous action in infrastructure development and human capital enhancement. The following areas are designated as priority sectors:

1-Infrastructure

Infrastructure is a crucial determinant of economic development and must be enhanced to close the present disparity between the African continent and developed countries.

The NEPAD project tackled the issue of infrastructure inadequacy in African countries by embracing the notion of an infrastructure "deficit" relative to developed countries. In response to this problem, the initiative established four primary strategic objectives to mitigate this shortfall and enhance the continent's capabilities in this vital domain:

- Improve access to infrastructure and make it more reliable and less expensive;
- Support regional integration and facilitate trade by improving connectivity between cross-border infrastructure networks, prioritizing projects with a regional and continental dimension;
- Encourage investment in the infrastructure sector by reducing risks that hinder private sector participation;
- Develop the technical and engineering skills and capacities necessary for the installation, operation, and maintenance of physical infrastructure networks on the continent, ensuring the sustainability and efficiency of these projects¹.

1- A.Jacques Bugnicourt, Les priorités de la coopération pour l'Afrique subsaharienne et le nouveau partenariat pour le développement de l'Afrique (NEPAD), Haut conseil de la coopération internationale, Rapport avril 2002, p 10.



2-Human Capital Development

Africa suffers from low human capital accumulation. To address this problem, the NEPAD initiative proposes several measures, including:

- Emphasizing poverty reduction.
- Focusing on education.
- Preserving the human capabilities needed to promote development and reverse brain drain¹.

3- Other priority areas

Due to the predominantly rural demographic of Africa, agriculture is prioritized. NEPAD emphasizes the reduction in global assistance to the agriculture sector and aims to counteract this adverse trend. It underscores the necessity of enhancing the purchasing power of rural communities, a crucial measure for stimulating development, while prioritizing the short-term enhancement of agro-industrial output and concentrating efforts on food security.

NEPAD's primary answer to these difficulties is the development of rural infrastructure, namely irrigation systems.

Eight key actions for environmental preservation have been identified, including battling desertification and invasive species, safeguarding wetlands, controlling coastal management, and establishing transboundary environmental protection zones. NEPAD also recognizes culture, science, and technology as pivotal for long-term transformation.

Consequently, the African project presents a diverse array of initiatives; yet, its execution will be more intricate, as the NEPAD member states must achieve consensus across all these domains. Furthermore, as priorities lack a hierarchical structure, all domains will receive equal consideration, which will provide considerable difficulties in mobilizing the resources required to address all identified needs.

1- Ibid, p 12.



Second Topic:

Assessing the effectiveness of the NEPAD initiative in promoting human rights

Human rights constitute a pivotal concern on the African continent. The NEPAD project seeks to embed human rights within its framework by establishing institutional frameworks and executing development initiatives that reinforce good governance principles and advance human development (First requirement).

Nonetheless, these endeavors encounter certain challenges that undermine the initiative's efficacy and constrain its capacity to fulfill the intended goals in the realm of human rights protection (Second requirement).

First requirement: Mechanisms for promoting human rights within the framework of the NEPAD initiative

NEPAD's fundamental principles are grounded in a series of institutional and policy reforms designed to safeguard civil and political rights, in addition to economic and social rights (Section 1). It also established monitoring institutions, such as the African Peer Review Mechanism, to evaluate countries' adherence to democratic ideals and human rights (Section 2).

Section 1: Including human rights in the NEPAD vision

All aspects of the NEPAD initiative are interconnected with human rights, as it seeks to foster development and guarantee the realization of the right to development for all African populations. This endeavor enhances human rights by improving social and economic conditions and tackling the issues of underdevelopment and marginalization experienced by the African continent through various mechanisms, notably the strengthening of democracy and the safeguarding of human rights in African countries, by instituting explicit standards of accountability, transparency, and participatory governance at both national and regional levels. Paragraph 71 of its document asserts that African leaders have recognized through experience that peace and stability, democracy, good administration, respect for human rights, and effective economic management are fundamental prerequisites for attaining sustainable development. Paragraph 79 asserts that in the absence of authentic democracy and adherence to human rights, development is likely to falter and encounter challenges¹.

Consequently, fulfilling NEPAD's objectives must align with a commitment to human rights ideals. The objectives encompass bolstering the health and education sectors, guaranteeing food security, eliminating corruption, and aiding in the reinforcement of the rule of law.

1-See:

الفقرتين 71 و79 من الوثيقة التأسيسية لمبادرة النيباد.



The strong connection between the initiative's goals and human rights is apparent in its principal documents, such as the Declaration on Democracy and Political, Economic, and Corporate Governance, which has multiple provisions advocating for human rights. This declaration indicates that African countries pledged to encourage participation in free and fair elections, enforce term limits for political leaders, and implement checks and balances¹. These countries are steadfastly and permanently dedicated to the African Charter on Human and Peoples' Rights, the United Nations Charter, the Universal Declaration of Human Rights, and all international human rights treaties. This demonstrates the importance of their will and determination to integrate these principles into their development policies and programs and to affirm the primacy of human rights, so that these rights become a vital part of the renaissance equation, rather than a marginal one.

The International Federation for Human Rights underscored the necessity for development, economic, and trade policies to comply with the Universal Declaration of Human Rights and subsequent international human rights treaties, not merely as a legal obligation, but also as a prerequisite for successful development initiatives on the continent. Consequently, global economic stakeholders are now persuaded that adherence to human rights ensures their advancement and longevity².

However, several aspects of the initiative have been criticized, particularly those related to human rights, the most important of which are:

- This is a top-down initiative and a project emanating from high-level elites. This means that it was formulated without consultation or participation from African civil society and its components. Although the final document calls for citizen participation in development, its advancement process excluded them, as well as African human rights organizations. It would have been more judicious to submit the initial draft for discussion within governmental, legislative, academic, and societal bodies, in order to enrich its content and ensure its adoption by the African people themselves.

- Although the initiative is an African project, its human rights content largely reflects a European perspective. It places greater emphasis on political and civil rights, linking them to the concepts of democracy and governance. Consequently, issues related to health, education, and development are often marginalized in a human rights framework that enshrines the right of individuals to enjoy these rights while binding the state to enforce them. The inclusion of human rights in the NEPAD

1- See: Declaration on Democracy, Political, Economic and Corporate Governance – African Union.

2 - The International Federation for Human Rights (FIDH) welcomed this initiative - NEPAD - which reflects the will of African leaders to assume responsibility for the development of their continent within a democratic framework, expressing its hope that this initiative responds to Africa's real development needs.



document does not appear to stem from a fundamental commitment to the African people, but rather to serve to attract investment and financial aid, and to create a political environment favorable to the activities of multinationals. Therefore, the initiative has been criticized for addressing economic and social issues from a development perspective without explicitly linking them to economic and social human rights. For example, the initiative recognizes health as a development priority, but the founding document emphasizes the economic benefits that can be achieved through an effective health system, transforming what should be a stand-alone goal into a mere means to development.

For example, health should not only be considered as “a state of physical and mental well-being that contributes to increased productivity and therefore to economic development”, but also as a fundamental right guaranteed by the African Charter on Human and Peoples’ Rights in its Article 16¹.

- In terms of investment, financing, and poverty reduction, the initiative fails to prioritize basic public services, such as education and water supply. The document also ignores distributional policies necessary to combat poverty, such as tax policies and real estate reforms. The absence of these policies is one of the main causes of the glaring disparities in income distribution between different segments of society, leading to serious violations of economic and social rights².

In conclusion, the NEPAD initiative is of great use in the field of human rights, as its founding document contains provisions relating to these rights. However, translating this commitment into concrete actions requires supporting it with clear strategies and concrete practical measures, such as the adoption of a human rights-based approach to development and the creation of bodies capable of implementing its vision of protection and promotion.

Section 2: Institutional Mechanisms Supporting the Promotion of Rights

In 2003, the NEPAD initiative established a mechanism to consolidate the principles of good governance, promote democracy and human rights, and address a number of economic and political issues. This mechanism, called the Peer Review Mechanism. However, it met with reluctance among most African countries, fearing interference in their internal affairs. Western countries were particularly interested in this mechanism, believing it would ensure the establishment of democratic systems similar to those in the Occidental world³. Thus, in 2005, 23 of the 53 countries of the

1- Sidiki Kaba, A Human Rights Approach to the New Partnership for Africa's Development and the African Peer Review Mechanism, October 2004, NEPAD ANGL cadre.doc, p 101.

2 - FDIH, Le NEPAD et le MAEP à l'épreuve des droits de l'Homme, voir sur le site:<https://www.fidh.org/fr/plaidoyer-international/union-africaine/Le-NEPAD-et-le-MAEP-a-l-epreuve>.

3- For more details see:



African Union agreed to submit their general policy to this mechanism¹. By 2024, the membership increased to 44 states, including almost two-thirds of the African Union's total membership, indicative of the continent's escalating dedication to the principles of good governance and the advancement of human rights². This mechanism serves as a voluntary self-assessment framework to evaluate the performance and programs of its African member states, in alignment with the principles outlined in the Declaration on Democracy and Good Political and Economic Governance ratified at the African Union Summit in *Le Drian* in 2002. These principles encompass criteria for evaluating the extent of success achieved by the respective country in the implementation of good governance. The criteria encompass four overarching indicators: democracy and effective governance, economic management, corporate governance, social and economic development.

This mechanism does not function as a regulatory authority. Its mission is to promote collaboration between the host government and civil society organizations, as well as to establish connections with other like-minded African countries aiming to enhance their institutions and administrative procedures.

The assessment and review procedure has five stages: The initial phase is analyzing the political and economic conditions and developmental strategies of the country being examined. The second stage entails visiting the relevant country for inspection and follow-up, while the third step comprises compiling the assessment team's report and engaging in discussions with the government of the country under review to confirm the authenticity of the information and provisions included therein.

The government's perspectives and remarks are appended to the report and constitute an essential component of it. The fourth step starts with the submission of the report to the assembly of heads of state and government involved in the process for deliberation, ending in the acceptance of the final report by the heads of state and the issuance of corresponding decisions. In the fifth and final stage, the report is submitted in its definitive official version to continental, regional, and international bodies³.

أحمد حجاج، "الحكومات الإفريقية، هل ستجرب التجربة؟"، مجلة السياسة الدولية، مؤسسة الأهرام، العدد 156، 2004، ص 32.

1 - Fabrizio Pagani, Peer Review: a tool for cooperation and change, Organization of Economic Cooperation and Development, September 2002, p 9.

² - African Union. Assembly/AU/Dec.874(XXXVII): Decision on the African Peer Review Mechanism (APRM). Addis Ababa: African Union Commission, February 7, 2024, p. 1. Available at: African Union Portal.

3- Sidiki Kaba, Une approche fondée sur les droits de l'homme Nouveau Partenariat pour le Développement de l'Afrique et du mécanisme africain d'évaluation par les pairs, FIDH, Paris, 2004, pp 136-141.



The Peer Review Mechanism has faced much criticism, mostly because of the non-binding nature of its decisions and the absence of punishments. Certain experts contend that this method was intended to cater to donor interests rather than enhance its efficacy. Furthermore, the presumption that this system is self-sustaining is inconsistent with reality, which illustrates the infeasibility of acquiring financial resources at both national and continental levels.

The issues are exacerbated by uncertainties regarding the desire of the involved countries to engage effectively in the review process. Numerous observers contend that African countries are ill-equipped to apply reciprocal pressure to advance the tenets of good governance. The absence of openness, accountability, and independence in the Governing Board and forum of the Mechanism severely diminishes the credibility of the entire review process¹. Consequently, these factors not only impair the mechanism's capacity to fulfill its objectives but also compromise human rights by diminishing oversight mechanisms, marginalizing the perspectives of impacted groups, and postponing essential reforms to safeguard fundamental rights and freedoms. This mechanism can enhance the status of rights and freedoms through collaboration, ensuring Member States adhere to established principles and motivating them to implement comprehensive legal and institutional reforms.

However, initial reports must accurately and truthfully reflect the human rights situation on the continent and emphasize the need to fulfill the obligations established in accordance with international human rights agreements. To ensure the achievement of these objectives, civil society and human rights organizations must play an effective role in monitoring the performance of this mechanism and evaluating its success².

Thus, it is imperative that the African Peer Review Mechanism incorporates an evaluation of the effects of NEPAD policies on the human rights conditions in Member States, especially concerning economic, social, and cultural rights, as they are a crucial component of sustainable development.

The present circumstances in Africa necessitate improved coordination between NEPAD and pertinent regional entities, such as the African Union, to guarantee the efficient utilization of available resources and prevent redundancy or overlap of responsibilities at both continental and national levels, as the existence of multiple

1- See :

راوية توفيق، دول الشمال الإفريقي ومبادرة الشراكة الجديدة لتنمية إفريقيا: نحو مشاركة فعالة في مبادرات التنمية الإفريقية، أعمال المؤتمر الدولي الأول للشباب الباحثين في الشؤون الإفريقية، معهد البحوث والدراسات الإفريقية، القاهرة، 2005، ص 312.

2 - FDIH, NEPAD et Droits de l'Homme : un lien à clarifier, voir le site:<https://www.fidh.org/fr/plaidoyer-international/union-africaine/NEPAD-et-Droits-de-l-Homme-un-lien>



mechanisms imposes additional strains on Member States regarding human and financial resources.

The peer review procedure resembles state reporting under the African Charter on Human and Peoples' Rights, as the frameworks instituted by the African Union and NEPAD possess overlapping mandates, functioning within the African Union and frequently depending on the same treaties and legal statutes. Consequently, the relevant governments must collaborate in accordance with the principle of functional complementarity, enhancing the efficiency, coordination, and unification of human rights procedures and institutions in Africa to advance and safeguard human rights across the continent.¹

In summary, the efficacy of the peer review mechanism is contingent upon the political commitment of African countries, the proactive involvement of civil society, and the proficient management of resources and information to enhance governance and democracy, thereby fostering investment and development.

Second requirement: Main challenges facing NEPAD in promoting human rights

During the execution of the NEPAD initiative, certain challenges have arisen that Africa must confront to strengthen its foundations and attain its global and sustainable development objectives. The primary concerns are: insufficient financing (first section) and political instability (Second section).

Section 1: Implications of the lack of funding for human rights obligations within the framework of NEPAD

NEPAD has experienced a significant deficiency in financial resources, resulting in the deferral or annulment of several critical projects. This circumstance is obstructing member country's capacity to execute their development strategies and endangering their endeavors to enhance the human rights condition.

The program encounters difficulties in delivering training and technical assistance to African countries, hence constraining its capacity-building efforts. Moreover, insufficient funding obstructs investment in scientific research initiatives,

1- The African human rights system previously experienced this, when the 1990 African Charter on the Rights and Welfare of the Child established an Ad Hoc Committee of Experts, despite its mandate being similar to that of the African Commission on Human Rights, and despite a proposal to merge its tasks within the African Commission, the proposal was not adopted, and the new committee was created, adding other burdens to the African Union given the low funding, which limits the effectiveness of existing institutions:

See:

Evarist Baimu, Human Rights Mechanism and Structures Under NEPAD, The African Union Emerging trends Towards Proliferation and Duplication, Centre for Human Rights, Pretoria, 2002, p 7.



impedes collaboration with academic institutions, and stifles the advancement of technical advancements. It also hinders technical advancement, so constraining the pursuit of sustainable solutions to the continent's challenges.

The financial deficit at the governance and coordination levels results in a scarcity of qualified personnel and inadequate infrastructure, thereby undermining the initiative's management efficacy and hindering effective coordination with African governments, regional institutions, and international partners. This deficit impairs the monitoring and evaluation procedures of its programs and projects, as the initiative cannot gather data or perform periodic assessments to verify the attainment of its objectives¹.

Converting these figures into indicators, the initiative aims to increase economic development in Africa by 7% per year, more than double the current rate. This figure is based on the continent's needs to halve the poverty rate by 2015, not on the resources actually available. To achieve this goal, African countries will need massive investments, which means approximately \$64 billion in external financing each year. This amount exceeds the total aid currently received by developing countries, which remains below \$50 billion. The problem is further complicated by the following factors:

- The phenomenon of capital flight, with the World Bank estimating that 40% of domestic savings leave Africa instead of being invested domestically².

- As the Monterrey Conference demonstrated, pledges to increase aid have not translated into concrete action, even on urgent issues such as the fight against AIDS. These doubts stem from persistent fears that aid is being diverted for illicit purposes or is not being implemented effectively, particularly given the significant share of funding needed to achieve the Millennium Development Goals and the NEPAD initiative³.

- Another major challenge is the debt burden, with an average debt-to GDP ratio reaching 72% in 2020, exceeding 130% in some middle-income countries such as Zambia and Angola. The International Monetary Fund has classified eight African countries as being in debt crisis since April 2023, along with thirteen other countries at risk of debt distress. Experts attribute the crisis to rising food prices and rising

1 - Temiloluwa Anne Ojo-Lanre, Akeem Amodu, NEPAD and Right to Development in Africa: A Critical Review", *Kashere journal of politics and international relations* vol. 2, issue 2 December, 2024, p 413.

2- See:

Jean Coussy, « LE SUCCÈS DU NEPAD, UN PARADOXE », <https://ceim.uqam.ca/db/IMG/pdf/JCoussy-Nepad.pdf>, p 3.

3 - Ibid, p 5.



interest rates, highlighting the urgent need for \$130 billion to \$170 billion annually to bridge the infrastructure financing gap in Africa¹.

- The low representation of developing countries in major international financial institutions such as the International Monetary Fund and the World Bank, which limits their influence and voting power within these institutions.

- The conditions imposed by lenders often do not correspond to the specific needs and circumstances of developing countries. Furthermore, external aid remains with limited impact and is often motivated by profit objectives that serve the interests of donors more than the achievement of the Sustainable Development Goals in Africa².

The project has faced criticism for its excessive dependence on international help and its inability to attain self-sufficiency. Africa must address its challenges utilizing local resources, adhering to the notion of self-reliance, a cornerstone of the New Partnership for Africa's Development.

NEPAD has faced criticism for its absence of a rights-based framework in development concerning human rights. Its advocacy for human rights is detached from dialogues concerning objectives relating to infrastructure, health, education, and other domains, and fails to adequately tackle issues of discrimination and systemic human rights abuses.

Africa's primary challenge is achieving self-financing, as reliance on external partnerships frequently entails conditions that affect decision-making, restrict the ability of countries to develop independent policies, and adversely impact the realization of human rights, particularly economic, social rights, and the right to development. Austerity measures linked to loans and assistance result in diminished expenditure on essential services, whilst illicit financial outflows undermine domestic resource mobilization and intensify debt denominated in foreign currencies. Without robust regulatory and monitoring structures, foreign investment may lead to behaviors that compromise transparency and accountability, ultimately intensifying inequality and limiting social protection. Therefore, enhancing self-financing, implementing prudent borrowing to bolster debt sustainability, and associating investments with human rights protections are crucial strategies to broaden the scope of rights and diminish dependency.

1- BakaryTraoré, Rita Da Costa, Daphine Muzawazi, Rethinking International Cooperation and Partnerships for Improved Development Impact and Self Sustainability in Africa, Task Force 6 Accelerating SDGs: Exploring New Pathways to the 2030 Agenda, India 2023, pp 6-13.

2-See:

فوزية خدا أكرم عزيز، النيباد توجه جديد للتنمية في إفريقيا، مجلة الأستاذ، كلية التربية، جامعة بغداد، عدد 201، العراق، ص



Section 2: Implications of political instability for human rights obligations under NEPAD

Many African countries are facing political turmoil that is hampering NEPAD's efforts to achieve sustainable development. In times of instability and frequent changes in leadership and government policies, development plans are inconsistent and unstable. New governments often adopt different priorities and strategies. In addition, governments are forced to reallocate their limited resources, previously devoted to vital development sectors, to military and security spending.

The high rates of unemployment and poverty that accompany political unrest, in turn, create fertile ground for further instability, making the achievement of NEPAD goals almost impossible¹.

Similarly, political instability is straining relations between African countries, limiting opportunities for cooperation. While the NEPAD initiative is fundamentally based on coordination between these countries to ensure the effective implementation of its programs, internal political crises are forcing some governments to focus their efforts on solving their internal problems at the expense of joint activities. This limits their ability to honor their regional commitments.

Indeed, Political instability also creates a climate of uncertainty, reducing the attractiveness of local and foreign investment. Investors are reluctant to invest their resources due to potential risks, leading to a decline in the volume of investments and difficulties in obtaining the necessary financing for the effective implementation of NEPAD initiatives. Moreover, political instability in Africa is linked to weak government structures and high levels of corruption, which hinder NEPAD's efforts to promote the right to development and human rights. They also obstruct the consolidation of good governance, transparency, and accountability².

Military coups are an indicator of political instability and social violence in Africa. Of the 475 successful or failed military coups that occurred worldwide between 1950 and 2020, most occurred on the African continent, with an average of 204. The Coface report on political risks in Africa confirms that the number of conflicts and war victims has doubled in ten years (2008-2018), and the continuation of civil wars and conflicts in 2020 reflects the negative stereotype about the state of the continent, as is the case in Mali, Burkina Faso, Niger, Nigeria, Chad, Cameroon,

1- Fagbadebo Omololu, Fulufhelo G. Netswera, "Leadership and the Challenge of Sustainable Development in Africa, in Political Governance and the African Peer Review Mechanism", ed. Omololu Fagbadebo and Isioma U. Ile, *Advances in African Economic, Social and Political Development* (Cham: Springer, 2025), 9–26.

2-Temiloluwa Anne Ojo-Lanre, AkeemAmodu, op.cit, pp 414-415.



and the new civil conflict in 2020 in the Tigray region, in northern Ethiopia, against the central authority in Addis-Abeba¹.

As a result, the narrow interests of political and military bodies have taken precedence over the interests of the people and their economic well-being. This has contributed to the spread of corruption and its infiltration into various public bodies. This has hampered the achievement of sustainable development and weakened good governance institutions in African countries, thereby strengthening human rights. Moreover, the peer review mechanism loses its effectiveness in countries experiencing political instability.

Conclusion

This study illustrates that the proclamation of the New Partnership for Africa's Development (NEPAD) constitutes a significant and essential advancement in enhancing African accountability, as African leaders collectively bear the responsibility to foster a conducive environment for development through the promotion of good governance and democracy, the eradication of poverty, the combatting of corruption, and the safeguarding of human rights.

Human rights have transcended mere moral considerations and are now a crucial foundation of progress. The NEPAD initiative seeks to advance human rights and broaden their implementation across the African continent, as explicitly stated in its documentation. This approach embodies a progressive perspective on the significance of human rights as a benchmark for effective governance and transparency, as well as a crucial element in attaining sustainable development. Nonetheless, despite the lofty aspirations that followed the initiative's beginning, its capacity to fulfill its objectives continues to encounter many political, economic, and social challenges.

While political stability is essential for development initiatives, numerous African countries experience persistent political crises, including armed conflicts, military coups, and governmental instability, which have obstructed the execution of NEPAD development policies and the advancement of human rights.

The presence of corruption, ineffective governance, and insufficient financial resources have impeded the execution of numerous programs and initiatives that could have enhanced the human rights situation.

To guarantee the efficacy of the NEPAD initiative in fulfilling its developmental goals and advancing human rights, it is advisable to concentrate on several critical domains:

1- See:

مصطفى صايح، "إفريقيا بين تحديات النزاعات ورهانات التنمية: استشراف 2063 الفساد عائق التنمية في إفريقيا ويهدر 148 مليار دولار سنوياً"، مجلة آراء حول الخليج، مركز الخليج للأبحاث، العدد 162، الإمارات، 2021، ص 47.



- Promote political stability and good governance, establish the rule of law, fight corruption and support democratic practices that ensure continuity and stability in the implementation of development policies.

- Finding sustainable solutions to finance the initiative by diversifying funding sources, strengthening public-private partnerships and seeking long-term investments that support sustainable development programs.

- Integrate human rights into all development programs and ensure their integrated and effective implementation.

- Improving cooperation mechanisms between African governments, regional and international organizations, and civil society to ensure the implementation of development programs, focusing on key sectors, improving living conditions, and promoting human dignity on the continent.

- The African Peer Review Mechanism prioritizes the implementation of human rights.

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5. فوزية خدا أكرم عزيز، النيباد توجه جديد للتنمية في إفريقيا، مجلة الأستاذ، كلية التربية، جامعة بغداد، عدد 201، العراق، 2013، ص ص 425-434.
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7. مصطفى صايح، "إفريقيا بين تحديات النزاعات ورهانات التنمية: استشراف 2063: الفساد عائق التنمية في إفريقيا ويهدر 148 مليار دولار سنويا، أي 25% من الناتج المحلي"، مجلة آراء حول الخليج، مركز الخليج للأبحاث، العدد 162، الإمارات، 2021، ص ص 45-49.

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