



ORGANIZATION OF AFRICAN UNITY

*United Nations Conference on Governance in Africa:
Consolidating the Institutional Foundation*

**GOVERNANCE IN AFRICA:
LESSONS LEARNED FROM THE PAST**

Presented by

Dr. Salim Ahmed Salim, Secretary General

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**Your Excellency Mr. K.Y. Amoako,
UN Under-Secretary-General
and Executive Secretary of
the Economic Commission for Africa,**

**Your Excellency Mwalimu Julius Nyerere,
Former President of the United Republic of Tanzania
and Convener of the Session,**

Distinguished Participants,

Ladies and Gentlemen,

I should like, at the outset, to express my appreciation to the organizers for the kind invitation extended to me to participate in this important conference. I am, particularly grateful that this conference is devoted to an issue which is crucial to our continent, and which constitute one of the priority concern of our Organization. Indeed, reflecting on the state of governance in Africa at a time when we are preparing to usher the continent into the next millennium is a very timely exercise. Occasions like this give us an opportunity to draw lessons from the past, take stock of our past achievements and failures and prepare Africa to assume its rightful place within the community of nations. Indeed, democracy, governance, the promotion and protection of human rights as well as respect for the rule of law and conflict management and resolution, are increasingly becoming the labels that sum up the political context of the current pre-occupations of our leaders and the ordinary people on the continent.

We, at the OAU, have since the adoption in 1990 of the Declaration on Fundamental Changes in the World and their impact in Africa taken these issues more forcefully and have increasingly deployed efforts aimed at ensuring that they are kept at the center stage of our overall agenda for peace, security, stability and development. We have done so with the full knowledge and conviction that the process of democratization that is taking place on the continent will contribute to the continental efforts directed at strengthening the

institutions of democracy and good governance. We are convinced that without adopting this approach we may not be able to effectively address the critical issues of socio-economic development on the continent.

Indeed, good governance in Africa plays a catalytic role in the design and implementation of viable strategy for economic recovery and development and for addressing peace, security and stability on the continent. Such governance must be at the center of Africa's development policies and strategies. This is particularly so, because good governance is and must remain an integral part of our Agenda for peace and development in Africa. It provides the enabling environment for economic transformation and development as it also gives Africa the necessary latitude and possibility for addressing the scourge of conflict prevailing on the continent and building peace. We, at the OAU, have and will continue to deploy efforts aimed at providing the democratization process throughout the continent. We have taken this as one of the major challenges for our continental organization in the years ahead. We are more than convinced that the challenge facing Africa at the end of the Twentieth Century is to forge ahead with the democratization process strengthening of the institutions of good governance, the building of peace and the promotion of socio-economic development. Needless to say all these issues are inter-related.

I have been requested to speak on the subject: ***Governance in Africa - Lessons Learned from the Past***. I would like to preface my remarks by asserting that based on the experience of most of our countries over the past several years, it is manifestly clear that the process of democratization on the continent is irreversible. Instead, the concepts of democracy and good governance are gradually but steadily gaining root on the continent. The OAU has been a witness of this trend and was invited to observe over 60 elections in Member States. Indeed, there is evidence to suggest that our leaders and our peoples are determined to give democracy a chance to succeed. To do so, they need the support of our partners and friends in the international community. However, these friends and partners should have the humility not to prescribe recipes for democracy in Africa. Their role should be one of supporting Africa's efforts at democratization based on local realities and circumstances.

This is why, we at the OAU, have been working on the assumption that while the fundamental principles of democracy and good governance are universal, their application vary from country to country. On this understanding, African countries are entitled to determine, the application of democratic government

on the basis of their socio-cultural values, taking into account their specific realities. Indeed, the dimension of cultural values and historical experiences are relevant in the application and consideration of democracy in our societies. Africans as much as other peoples aspire for liberty, human dignity, equity and socio-economic progress. But, while these are universal values, which are a common heritage of humanity, there are no ready-made recipes for democracy and governance. Each society should generate its home grown modalities for forging ahead in democracy and good governance on the basis of universally recognized principles.

Excellencies,

Ladies and Gentlemen,

Let me now attempt to reflect on the lessons learned from the past. To us, the issues of democracy and governance in Africa are inseparable. We are cognizant of the fact that the "new wind" of democracy blowing across the continent both feeds our hope for the future and presents us with formidable challenges. It is my strong conviction that the on-going democratization process on the continent will lead to good governance and good governance will ensure the sustainability of democracy in Africa. In this regard, good governance must be seen as a generally accepted process that recognizes the centrality of the people in decision making at all levels. Good governance must allow for the full participation of the people in national development endeavors.

There are clear lessons in Africa to demonstrate that the people must be allowed to lead and manage the process of development. In this regard, it is important that the government and the people share common values and aspirations and collectively address their common challenges. Indeed, governance in Africa must entail a process within which the people are empowered and have sufficient latitude to set out priorities for their socio-economic, political and other developmental needs.

Experience has also shown that governance in Africa must be addressed in the context of state power and authority. This is, essentially because the manner and style in which the authority is exercised and managed defines the nature and scope of state power in relation to the governed. In this regard, the executive branch is key in building democracy and good governance. That is why it is important to recognize that, in the context of the Executive as an institution of

democracy, governance in Africa must be seen within the framework of the totality of the exercise of power in the management of a country's affairs. This must comprise the complex mechanisms, process and institutions through which citizens and groups articulate their interest, exercise their legal rights and mediate their differences. In this regard, any rational debate on governance in Africa should be predicated upon the basic value of the need for the Executive and other political factors to recognize the limits of power. In a democratic state, there cannot be life Presidents or leaders who hold power for ever. In a true democratic state there is no one with absolute power. This is in line with the old saying that power corrupts and absolute power corrupts absolutely. In a democratic state, it is recognized and accepted that moderation and compromise provide room for a culture of tolerance to evolve among the people. This, in fact, is a fundamental basis of a political bargaining. There are, indeed, lessons that Africa has learnt over the last thirty five years of independence, especially on the need to promote a culture of peace and tolerance as well as politics of inclusion rather than exclusion.

Beyond these lessons of the past, for democracy and good governance to flourish there must be a commitment to live with, and support, plurality in social and political life. Moreover, the notion of democracy has always contained the notion of equality. Equality, not in the sense of statistics of income or wealth, but equality of opportunity to all without consideration to ethnic, religion or political affiliation, to realize one's human capacities through generally acceptable means. Therefore, as we discuss governance in Africa let us explore how best to promote these values and norms among our governments and people for it is clear that democracy is here to stay.

Excellencies,

Ladies and Gentlemen,

In Africa, the struggle for democracy was a struggle for freedom from colonialism and freedom to independence and national sovereignty. It was also a struggle for freedom for the people of Africa to decide on their own destiny. But, as Africa moved from colonial rule to self government the post-independent struggles changed both in form and content. In some parts of Africa, the institutions designed to promote and strengthen democracy and good governance became, by and large, integral instruments of the state power, legitimizing

what the state wanted legitimized and constraining peoples legitimate concerns about the nature of their state and government. The governors separated themselves from the governed and by so doing they alienated the people. In other words, the governors had lost their moral authority to govern as they failed to respond to the demands and aspirations of the people. But, they never accepted to relinquish power. These institutions, supposedly of democracy, sometimes proclaimed right what the state wanted and wrong what was not acceptable to the state.

During this period the legislature in some parts of Africa had little latitude for action, precisely because of the nature of the electoral process, and the manner in which members of the house of legislature were selected. But, this does not necessarily suggest that the one-party-state democracies which were predominant during this period were necessarily wrong. I am not trying to pass a verdict on the experience of one-party-system in Africa. Significantly they provided the opportunity to the newly emerging African government to experiment with a new system different from the colonial one. In fact the requirements for the struggle for independence generally favored the emergence of a dominant single party or mass movement. This was in most cases carried into the post-independence structures as one-party system, or at least as what is called a system of single-party dominance, where one party has an overwhelming legislative majority and uses its legal, political and coercive power to restrict the competition of other parties.

But, over the last years, the legislature in Africa has undergone fundamental changes, especially with the shift from dominant single-party or mass movement to multiparty politics. It has been recognized that if democracy is the rule or power of the people, then the legislature must reflect and defend the will of the people. It, therefore, deprives itself of its moral authority if it does not recognize the indivisible will of the people.

But we cannot not wish away certain historical facts of our continent. In Africa, there were, and still are, in some of the African countries, tribal or religious or ethnic divisions which have stood in the way of an overriding sense of national community thereby complicating the process of multi party politics and with this, the functioning of the legislature. Indeed, these divisions have given rise to the proliferation of conflicts in Africa as they have given rise to opposing political parties based on tribal, ethnic or religion. But, the notion

that a system of competing national parties is the sensible and most beneficial way of choosing and authorizing governments is something Africa must pursue.

Democracy has often been described as the consumers' sovereignty. The voter buys what they want with their votes. Democracy in the broad sense requires not just equality but also freedom from starvation and ignorance. A strong democracy should not create antagonism and hatred between winners and losers. Indeed, in a democracy winners must accept losers and losers must respect winners. One must ensure that political institutions are sufficiently strong and they can generate the participation and power necessary to hold the various institutions accountable.

Excellencies,

Ladies and Gentlemen,

Let me, at this stage, try to draw lessons from Africa's experiences in the electoral process. Politics in Africa and elsewhere, ultimately hinges on the relationship between governors and the governed. Often, the governors and the governed cannot be mingled. But, if we proceed from the premise that in order to have democracy we must have, to some degree, a government of the people, the question we might want to ask is that: when and how do we know that the people are governing. We can only know that the people are governing when they speak with their votes. Indeed, the democratic process in Africa and elsewhere is encapsulated in elections and electing. It is generally accepted that elections verify consensus and do away with presumed or fraudulent consensus. However, we still must remember that elections are a discontinuous performance and are not an end in themselves. Between elections the people's power remains largely quiescent; and there is also a wide margin of discretion, let alone discrepancy, between broad electoral choices, and concrete governmental decisions. Further, elections register the voter's decisions, but how are these decisions arrived at? Elections compute opinions, but where do these opinions come from and how are they formed? What is the genesis of the will and opinion that election limit themselves to recording? Indeed, voting has a pre-voting background. While we must not downgrade the importance of elections, we cannot isolate the electoral event from the whole circuit of opinion-forming process.

It is often said that electoral power *per se* is the mechanical guarantee of democracy, but the substantive guarantee is given by the conditions under which the citizen get the information and is exposed to the pressure of opinion makers. Ultimately the opinion of the governed is the real foundation of all government. If this is so, elections are the means to an end, the end being a government responsive to, and responsible toward, public opinion. We often say that elections must be free. This is true, but it is not enough; for opinion too must be in some basic sense, free. Free elections with unfree opinion is an exercise in vain. We say that the people must be sovereign. But an empty sovereign who has nothing to say, without opinions of his or her own, is a mere ratifier, a sovereign in pro-forma.

Experience on this continent has clearly demonstrated that while elections constitute a crucial stage in a democratic process they do not, by themselves, provide sufficient conditions for a building of democracy and good governance. Elections *per se* are not the panacea for democracy and good governance. In other words, the existence of political parties, the conduct of free and fair elections and the performance of the legislature under the leadership of an elected government do not always turn governance into a democratic system. Beyond the electoral process which is crucial, we need to build institutions to sustain democracy and promote good governance.

Excellencies,

Ladies and Gentlemen,

We must accept that our legislature systems are still fragile and weak. They need to be strengthened, especially through capacity building. We need to ensure that our members of the legislative are properly represented on the basis of constituency that have a national character and not on the basis of ethnicity or religion. Legislature can only be strong if the political parties are strong and if the members of the legislature are elected from strong parties with sense of commitment to the nation. We need to strengthen the quality of our political parties, especially those of the opposition so as to strengthen the qualities of members of the legislature. We also need to provide support to the work of the legislature. Our representatives must be people of impeccable integrity. They should vigorously pursue a national agenda and not an agenda that works after their own narrow and selfish interests.

The various committees of the legislature must also be strong with the necessary technical backstopping to address national issues. In the African context, the question is whether members of the legislature have the requisite resources to vigorously engage in a debate on national issues ranging from politics, economics, security and national defense. The questions we might ask is whether it is not possible for the members of the legislature to rely more on the knowledge base of the institutions of higher learning and research. Otherwise, resources must be provided for members of the legislature to seek for relevant information necessary to make national decisions and policies. How often to members of legislature make their presentations on the basis of well researched facts. Our representatives must have a certain level of education necessary for digesting issues before the legislature.

The independence of the judiciary is crucial in building good governance. Most of judicial systems, especially those in the areas of conflict have been destroyed almost beyond redemption. We need to rebuild our judicial system and strengthen its capacity to effectively discharge its responsibilities. We must ensure that the judicial system is efficient for justice delayed is justice denied. The relationship between police, security and judiciary must be properly scrutinised. Arbitrary arrests and extra-judicial killings must stop. We should avoid politicizing the judiciary for this is the only way we can guarantee its independence. Again, experience has shown that a strong judicial system clearly provides the necessary framework and strong foundation for good governance. Such a system, representing one of the major democratic institutions, needs to be strengthened to function more directly and effectively towards promoting good governance. We need to build in our countries independent, efficient and strong judicial systems which can guarantee the respect of the law and render justice in accordance to the law. Clearly, one of the fundamental prerequisites for such a reliable and dependable judiciary is its incorruptibility.

Since freedom of expression is a major factor in a democratic state, an independent and responsible media should emerge as a strong institution and assume the function of a watch-dog interfacing between the Government and the people. The Media should be on the forefront and make special effort to champion the cause of popular participation and indeed, provide access for the dissemination of information and education programmes on democracy and governance. We need an independent but responsible media whose task is not

only to inform as accurately as possible to service as a critic to the government but also to educate the populations on their rights.

Good governance also requires high standards of integrity and efficiency in civil service. A civil service that is over-staffed, under paid, corrupt, ethnically composed, will not be able to optimally play the role of promoting democracy and good governance. The civil service must be professional, competent, neutral and nationally committed.

Building good governance on the continent requires also that we should focus on the area of education and public awareness. Our people must be informed of their constitutional rights. They should be helped to understand the Constitution as a major institution of democracy. Time has come when we must consider translating the Constitution in the various languages to help the people understand their rights.

We need to develop teaching manual for civic education. Our people must be informed and understand the major institution of democracy and how they can influence the working of this institutions. I am convinced that education and public awareness is crucial in ensuring popular participation of the people in decision-making as a major ingredient in democracy and good governance.

Finally, I wish to submit that the challenge of good governance is one of implementing the laws and regulations of a nation and translating them into concrete and practical acts. In all our countries, we have wonderful constitutions. These constitutions provide for the equality of the citizens before the law, but yet, this is not always the case. They provide for equal opportunity for employment regardless of the ethnic, religious or political background of an individual. But, the reality is often different.

The constitutions do not allow for a domination by any group on national institutions, but the reality on the ground might be different and we have a lot of examples on our continent.

Our constitutions are as good as any other constitutions in the world. Our laws are equally sound. The judiciary is supposed to be independent and the Police fair and accountable. In most of our countries the laws and the regulations provide for equal access to land and resources. Yet, we know that in some cases, groups and individuals affinities prevail over the general interest. We do have institutions for control such as constitutional courts, Ombudsman and

other appeal courts and commissions. But yet, the situation in the field is quite disturbing as the rights of the citizens are often violated and undermined.

That is why, I sincerely believe, that the challenge of good governance is one of reconciling the laws and regulations as they exist and their application in the field. This has to do with the attitude of office holders and other leaders. It has also to do with the bad habits inherited from the past and which have proved to be difficult to get rid off. This requires that committed Africans both from State institutions and the public at large should assume their responsibilities. That is why, I have always considered the fora as this one as important opportunities to promote the cause of good governance among the largest groups in the continent. But, the challenge of good governance also requires the active involvement of the people and their organizations within the civil society. For no right can be taken for granted. Our people must fight for their rights and the application of these rights. The challenge of good governance is therefore one of building a partnership between committed Africans and the ordinary people in the continent in forging a strong constituency for democracy and good governance.