

**Africa's evolving governance
architecture:
Reflections on the African Peer Review
Mechanism**

Steven Gruzd¹

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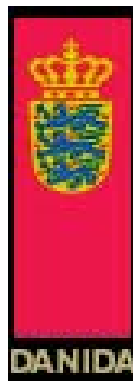
Centre for Policy Studies
6 Sturdee Avenue
Rosebank
Johannesburg, South Africa
Email: portia@cps.org.za

P O Box 1933
Parklands
Johannesburg, 2121

Tel (011) 442-2666
Fax (011) 442-2677

www.cps.org.za

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Introduction

The Organisation of African Unity (OAU) founded in May 1963 put the bulk of its energy into eradicating colonialism and apartheid on the continent. This had been achieved by 1994. But there was a price to be paid: the internal affairs of African states were left solely up to their own governments. African leaders did not openly criticise one another. This changed after the Cold War, and with the emergence of a democratic South Africa into continental and global politics. There was a growing acknowledgement that governance matters - what happens internally and how governments rule, regulate and relate to their citizens - is vital for peace, development, growth and prosperity. This impetus spawned many new institutions, including the African Union (AU), the New Partnership for Africa's Development (NEPAD), the Pan-African Parliament (PAP) and the African Peer Review Mechanism (APRM). The APRM, the continent's home-grown governance, self-monitoring and peer learning process, is coming of age.²

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Despite the challenges inherent in developing its rules and systems, gaining the confidence of leaders, citizens and donors, and administrative difficulties, the APRM has evolved into a key building block in Africa's governance architecture, and notched up many notable achievements. More than half of Africa's states have signed up, nine have completed their initial reviews, and real policy changes are gradually becoming evident.

This paper examines two facets of this maturing mechanism. Firstly, how does the APRM relate to its progenitors, the AU and NEPAD, and other governance initiatives beyond the continent, as part of this evolving governance architecture? Secondly, what is the position now as concerns progress and the added value of this exercise?

BRIDGING THE GENERATION GAP? THE APRM, NEPAD AND THE AU

Tracing the genealogy of the APRM is key to understanding the current relations between it, the AU and NEPAD. The mechanism is rooted in the October 2001 document outlining NEPAD, which acknowledges that "development is impossible in the absence of true democracy, respect for human rights, peace and good governance"³ and committed Africa's leaders to respect these principles as enshrined in African and global standards. In two pages, the NEPAD document described the development of two interlinked 'initiatives' on 'democracy and political governance' and 'Economic and corporate governance', which embody the essential elements of the APRM: voluntary accession, mutual support and targeted capacity-building, peer learning, shared

values and standards, commitment to fostering good governance practices and democratic processes, and building institutions to actualise these commitments and monitor and assess progress in implementing reform.⁴

NEPAD was initially envisaged as a voluntary club for reformist African countries that would improve governance systems in exchange for more development support and investment. But the 'parent' of the APRM *in utero* then itself became the 'child' of the AU, as NEPAD was adopted as the economic programme of the new continental organisation. NEPAD thus lost this ethos of voluntarism as the economic blueprint for all AU states.

NEPAD's ideas of adherence to standards and enhancing governance through peer learning appear strongly in the Declaration on Democracy, Political, Economic and Corporate Governance adopted at the inaugural AU summit in Durban in July 2002. The declaration acknowledges a long history of Africa's commitment to peace, human rights and good governance, from as early as the 1980 Lagos Plan of Action, and outlines the broad objectives that heads of state are committed to pursue in terms of 'Democracy and Good Political Governance, Economic and Corporate Governance and Socio-Economic Development' (which became the four 'thematic areas' of enquiry in the APRM). Many subsidiary governance issues are described, including human rights, the separation of powers, regular free and fair elections, freedom of the press, protection for vulnerable groups, prudent management of the economy, and the role of businesses in society.

NEPAD was initially envisaged as a voluntary club for reformist African countries

Although this Declaration outlines the commitment of all AU leaders to good governance principles, it says: "We have separately agreed to establish an African Peer Review Mechanism (APRM) on the basis of voluntary accession. The APRM seeks to promote adherence to and fulfilment of the commitments contained in this Declaration. The mechanism spells out the institutions and processes that will guide future peer reviews, based on mutually agreed codes and standards of democracy, political, economic and corporate governance."⁵ Thus, voluntary adherence to governance reform was passed onto NEPAD's child (and in a sense the AU's grandchild) - the APRM (See Box 1).

Box 1: Mandate, purpose and principles of the APRM⁶

The following clauses are from The New Partnership for Africa's Development - The African Peer Review Mechanism (APRM), commonly called the APRM Base Document, adopted at the AU's inaugural Summit in Durban, South Africa on 8 July 2002.

Mandate of the APRM

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

Purpose of the APRM

2. The primary purpose of the APRM is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for capacity building.

Principles of the APRM

3. Every review exercise carried out under the authority of the Mechanism must be technically competent, credible and free of political manipulation. These stipulations together constitute the core guiding principles of the Mechanism.

NEPAD's critics - particularly in the AU - came to resent the donor interest it attracted

But the APRM is still not deeply engrained or universally accepted. Its voluntary character sits uncomfortably with "many AU programmes and processes that are characteristically all-inclusive"⁷ as analyst Francis Ikome notes. Sovereignty retains its strength. Some non-acceding leaders, such as those from Libya and Zimbabwe, have openly dismissed the APRM. Even well-governed but perennially cautious Botswana has adopted a wait-and-see attitude and not joined, arguing it has nothing to gain as it already attracts investment, manages its economy prudently, and has low corruption levels.

Instead of the envisaged seamless integration and clear areas of responsibility between the AU, NEPAD and APRM bureaucracies, there is evidence of rivalry and jealousy, overlapping mandates, and unhealthy turf wars. As South Africa was a key driving force behind NEPAD, it was argued that hosting its secretariat in Midrand would shield it from the perceived inefficiency and in-fighting of the AU. Another potential home was within the UN's Economic Commission for Africa in Addis Ababa, but Ikome notes that "political considerations (particularly the claim that UNECA was not sufficiently African and too close to neo-liberal financial institutions and ideas) deflated this suggestion."⁸ NEPAD's critics - particularly in the AU - came to resent the donor interest it attracted, deplored the duplication with AU endeavours, and suspected that NEPAD was an extension of ambitious South African foreign and trade policy. The APRM secretariat was also established in Midrand, but in a separate building, away from NEPAD.

Africa's evolving governance architecture

Familial ties between the two secretariats are illustrated by APRM secretariat staff having emails ending in @nepad.org, the APRM using the NEPAD logo, and the APRM's website being part of NEPAD's. When the APR Forum (of the participating presidents) meets, usually the day before the twice-yearly AU summits, it shares a venue with the NEPAD heads of state and Government Implementation Committee, which always meets first. Then non-APRM members (such as Botswana, Libya and Tunisia) leave before the Forum meeting begins. The Forum agenda is thus frequently curtailed by time constraints.

There have also been arguments about lines of authority. At one point, the APRM's Executive Director insisted on reporting directly to heads of state, while the NEPAD CEO insisted that he should report to him. Joint projects proposed between the two secretariats have foundered. Some donor attention that NEPAD previously garnered has now shifted to the APRM, as NEPAD itself has lost relevance and impetus.

Because AU officials in Addis Ababa do not work with the APRM on a daily basis, their level of engagement and in-depth understanding is limited. Conversations with AU officials working on governance in September 2008 indicated a surprisingly low level of knowledge about the APRM. There is also no link to the APRM's website from the AU's website. Some of this antipathy stems from the historical tensions between the AU and NEPAD, relatively low-key publicity about the mechanism, and the location of its secretariat in South Africa.

External actors may also affect the APRM's place in Africa's governance architecture

But there are signs that these organisational relationships are improving. Those favouring the closer integration of NEPAD into the AU bureaucracy seem to have won a long war of attrition, but for now, the APRM will remain 'independent' and housed in Midrand. A key decision taken at the June-July 2008 AU summit in Sharm-el-Sheikh, Egypt, acknowledges the enhanced status of the APRM, and its closer affiliation with the AU. The AU Assembly "calls up the government of the Republic of South Africa to grant all facilities to APRM for the discharge of its mandate; *decides that APRM Structures, namely the APRM Forum, the APRM Panel and the APRM Secretariat shall be part of the processes and structures of the African Union*; [and] requests the Commission to negotiate and conclude a host agreement, with the Government of the Republic of South Africa, for APRM, with a view to facilitating the discharge of its mandate"⁹ (emphasis added). This is significant, after a string of summits declined to mention the APRM, or merely acknowledged its existence, tallied the number of signatories, and made calls for all states to accede. After many months, a host agreement between the South African government and the APRM as an AU organ has been resolved. This will allow the APRM secretariat, finally recognised as a legal entity in South Africa, to negotiate contracts directly with staff members, and hopefully improve the job security and motivation of staff, who are currently

contracted by either the UNDP or the Development Bank of Southern Africa (DBSA).

Finally, external actors may also affect the APRM's place in Africa's governance architecture. Just as pressure from the World Trade Organisation (WTO) for the European Union (EU) to renegotiate its trade arrangements with African states led to Economic Partnership Agreements (EPAs) often at odds with the continent's existing integration efforts, Europe's interest in governance may well shape the efforts of the APRM and the AU (see Box 2).

Box 2: External endorsement for APRM: Africa-EU Joint Strategy¹⁰

The December 2007 Lisbon summit adopted the Africa-EU Joint Strategy and the Action Plan for 2008-2010 places emphasises the APRM by name. Priority Action 2 has the objective of achieving "a more efficient African governance architecture through enhanced support for the implementation of the outcomes of the APRM process." This includes better anti-corruption efforts, improved public services and administration, and "enhanced awareness of the APRM process in African countries." The plan expects as outcomes "the consolidation of an effective and functioning Pan-African governance architecture through ratification and enhanced implementation of its instruments; [and] improved cooperation on the implementation of the recommendations of the APRM process." The activities envisioned are supportive, but vague:

- Strengthen the dialogue and co-operation on the implementation of the recommendations of the APRM process.
- Step up EU support to the Pan-African governance architecture, including the African Charter on Democracy, Elections and Governance.
- Speed up ratification and implementation of the African Charter on Democracy, Elections and Governance.
- Strengthen capacities of the AU, regional and national institutions, and civil society in the fields of election organisation and observation.
- Promote the participation of women in political processes and governance. Strengthen the capacities of independent organisations to combat corruption, impunity and fraud.

The commitments to funding are typically mired in bureaucratic speak, drawn from various complex EU funds and kitties, and suggest strings attached: "Appropriate financing sources in accordance with their respective scope and their relevance to objectives and activities concerned, their specificity and eligibility criteria, such as the 10th EDF, ENPI, DCI, Instrument for Stability (IfS) and the European Instrument for Democracy and Human Rights (EIDHR); Bilateral contributions from EU Member States and African States; [and the] African Development Bank."

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In an effort to show progress on this ambitious but amorphous agenda, European think-tanks such as the European Centre for Development Policy Management (ECDPM) have found it necessary to try to bring the APRM and AU governance officials together for the kind of dialogue in Brussels that rarely occurs in Africa.

One such meeting planned for October 2008 has had to be deferred to early 2009 due to scheduling conflicts.

APPRECIABLE PROGRESS, ADDING VALUE, ADDITIONAL CHALLENGES

What has the mechanism achieved in the seven years since it was conceived within NEPAD? Where does it add value and where can it be strengthened?

Growing membership

In June 2008, Togo became the 29th African state to voluntarily accede to the APRM.¹¹ Members represent over three-quarters of the continent's population, and six states have joined in the last three years. Others, such as Burundi, are considering joining.

Accelerated pace of reviews

After a slow start in 2003, the pace of reviews has accelerated. The Country Review Reports of nine signatory states (Ghana, Rwanda, Kenya, Algeria, South Africa, Benin, Uganda, Nigeria and Burkina Faso) have been discussed in the Forum to date. These states have subjected virtually all facets of governance to scrutiny by their own citizens, African experts, and ultimately fellow heads of state, as well as coming up with frank assessments of real problems and developing programmes of action (POAs) to plug the governance gaps.

*Peer review has
significant diagnostic
potential*

Identifying issues

Peer review has significant diagnostic potential. Reports foresaw the conditions that produced both the election-related ethnic violence in Kenya after December 2007 and the xenophobic attacks in South Africa in May 2008. Their recommendations - not being mandatory or enforceable - went unheeded, illustrating a key challenge for the mechanism. Analysis of the first six publicly available reports reveals many common challenges, including managing diversity, curbing corruption, and strengthening accountability institutions. While the reports seldom reveal new information, they can highlight key areas for intervention, and can potentially sort out the spaghetti bowl of overlapping national reform efforts, setting realistic deadlines, budgets and oversight.

Sparking and celebrating reform

Early countries implementing their POAs can all point to concrete governance gains, and are gradually notching up successes, from ratifying standards and enacting legislation to overhauling policy and strengthening institutions.

In October 2008, Dr Francis Appiah, Executive Secretary of Ghana's National APRM Governing Council, outlined both structural and substantive impacts of Ghana's POA.¹² Under the former, described as "contributing to the governance architecture", Appiah mentioned that the APRM's POA had been mapped onto Ghana's development plans, a budget prioritisation committee established, and an office set up in the finance ministry to track POA expenditure, and set up district oversight committees countrywide to monitor POA implementation. Concrete APRM-inspired reforms included:

- a new Ministry of Chieftaincy and Culture
- an upper limit on the number of Supreme Court Judges
- a smaller cabinet (although this has become bloated again over time)
- passing the Whistleblower Act and Disability Act
- accelerated momentum for a Freedom of Information Bill before Cabinet
- reduced corporate tax
- the establishment of a NEPAD school feeding programme and NEPAD e-schools
- a development fund to upgrade the neglected northern provinces
- the planned establishment of a West Africa APRM Center of Excellence in Ghana.

Country and continental structures should do a better job to document, publicise and celebrate APRM successes

Ghana has been adept at branding all reforms as products of the peer review process, and keeping the mechanism in the media. Rwanda is in the midst of fundamental reforms to its business environment, and has integrated its APRM POA into its Economic Development and Poverty Reduction Strategy (EDPRS). It also notes slow progress in decentralising land registration, and boosting its capacity in accounting and auditing.¹³ Kenya points out laws passed, for example on witness protection and public procurement, new funds to foster youth and women's development, and a draft national land policy created through consultation. In South Africa, issues flagged in the APRM, such as unregulated private funding to political parties and floor-crossing in parliament, have been slated for reform.

Granted, many of the problems identified are complex and it will take more time to discern real change. So showing where and how the mechanism makes a difference is vital. Country and continental structures should do a better job to

document, publicise and celebrate APRM successes to maintain momentum, sustain interest, and garner support.

Profiling best practice

Each Country Review Report contains brief mention of 'best practices' such as the regional peacemaking role of countries like Ghana and Kenya, South Africa's innovative low-cost bank accounts for poor people, and gender advancement in Rwanda. Upcoming countries should better document and showcase their premier achievements that others might emulate.

Empowering people

At national level, the process has widened political space. The APRM requires participating countries to involve their citizens in assessing the strengths and weaknesses of governance and policies, and to propose remedies. The *APRM Country Guidelines* state: "The organisation of public participation in the APRM process is in itself a central aspect of enhancing the state of governance and socio-economic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing engagement and empowerment of stakeholders."¹⁴ Broad and deep civil society engagement is intended to gain public buy-in, to initiate and enhance policy dialogue, give voice to traditionally marginalised groups, and confer legitimacy on the process.

Peer review seeks to make frankness, robust debate, differences of opinion and criticism less threatening and more acceptable in Africa

Peer review seeks to make frankness, robust debate, differences of opinion and criticism less threatening and more acceptable in Africa. The more citizens demand a higher level of governance, the more it will be supplied. If carried out fairly, Africa's people will feel they have a stake in this process. Therefore, the process - the national conversation generated - has a value in itself. As Ahmed Mohiddin observes: "The exposure [that the APRM subjects leaders to] has revealed extensive and hitherto inaccessible information on the workings of governance that has humbled those in power, exposing their political vulnerability and sensitising them to the need to be more accountable, transparent and responsive ... The APRM has, as it were, released the genie from the bottle. The people are now aware of their constitutional and political rights and are better organised to protect and promote these rights. They are also more likely to be vigilant on executive abuse of power."¹⁵

Revitalising management

Institutions to steer the process - principally the APR Forum, the seven-member Panel of Eminent Persons and the APR secretariat - have taken root, but key questions about leadership remain. A crucial variable is the commitment of

African leaders. Just five of the 28 participating heads of state and government attended the Extraordinary APRM Forum in Benin in October 2008. Some presidents acceded years ago (Ethiopia and Republic of Congo were among the six initial signatories in March 2003) with virtually no progress. What effect will the retirement of APRM architects Thabo Mbeki and Olusegun Obasanjo have on the mechanism, as it is being politically steered by Ethiopian Prime Minister Meles Zenawi?

The Forum also makes crucial decisions about the Panel. The inaugural mandate is long overdue according to APRM rules and must be reconstituted. Strong leadership, with integrity and transparency, will be crucial to maintaining trust and faith in a process with tremendous potential. In Cotonou, it was confirmed that two long-standing panel members - Dr Chris Stals of South Africa and Senegal's Madame Marie-Angelique Savané - would leave the Panel, but the criteria for selecting their replacements were not yet clarified, and Nigeria's Adebayo Adedeji would remain as the rotating chairman.

Country Review Missions have been in hiatus since July, pending the reconstitution of the Panel, as has filling the post of executive director of the secretariat, which has been vacant since July 2008. Mr Afeikhen Jerome of the APRM secretariat characterised the institution as "thin and overstretched, coupled with unattractive contracts", acknowledged that communication has been a problem, and said that "The recent signing of the host country agreement in South Africa has opened a window of opportunity" with a new executive director and competent secretariat expected by the first quarter of 2009.¹⁶ All these institutions should exhibit the highest standards of values they wish to foster in Africa, including transparency, accountability and credibility.

As the number of countries acceding and progressing grows, the administrative system will come under increasing strain

Tackling technical issues

As the number of countries acceding and progressing grows, the administrative system will come under increasing strain. At the present pace, it would take another decade to complete the 20 awaiting-review states, not counting any new entrants or pioneer countries undertaking second reviews. Also, the current practice of holding the Forum the day before AU summits must be reviewed. Some presidents arrive late, the NEPAD meeting takes up much of the time, and other urgent business frequently intervenes - such as the Zimbabwe crisis in Sharm-el-Sheikh. But as demonstrated in Benin, stand-alone Forum meetings can fail to attract many presidents. There is usually no time to discuss the implementation reports of the early countries at Forum meetings, and this lack of monitoring must be addressed. The ongoing process to review the questionnaire and other APRM procedures must also be accelerated.

CONCLUSION

To understand the place of the APRM in the evolving architecture of African governance, this paper has explored its origins and relations with its two recent ancestor bodies, NEPAD and AU, and assessed what it has achieved in its short lifespan. The mechanism's voluntary membership makes it atypical among African continental institutions. While accession is voluntary, thereafter adherence is mandatory. The APRM has had common ground, but also reasons for rivalry, with both NEPAD and the AU to different extents, but indications are that all three institutions are maturing and roles are becoming clearer. Nevertheless, all three are going through institutional uncertainty as key personnel change, including African heads of state in countries like Ghana, South Africa and Nigeria, in the leadership of NEPAD and its incorporation more fully into the AU, and in the Panel of Eminent Persons and APR secretariat. Significantly, the AU has decided to recognise the APRM as one of its organs - whether this will serve to increase or reduce its credibility and independence remains to be seen. Either way, the APRM is likely to continue to entrench governance on the continent.

The APRM has attracted more than half of Africa's states, representing three-quarters of its people, to voluntarily accede to self-imposed scrutiny in a commitment to improving governance systems, policies and developmental practices. A third of the presidents have been reviewed by their peers, and early countries have begun to struggle with financing and implementing their programmes of action and integrating them into other ongoing national development initiatives. Political space for policy input and more tolerance of difference of opinion is being nurtured. The APRM is not a panacea, nor does it have instant results, nor would it be easy to prove that they might have happened anyway without the APRM. But it is imperative that the mechanism can demonstrate success and incremental progress, to maintain faith and interest in it. Unprecedented continental and international support and goodwill should not be wasted by insincere process, opacity, shoddy analysis, or poor implementation.

ENDNOTES

¹ Steven Gruzd is the head of the Governance and APRM Programme at the South African Institute of International Affairs (SAIIA) www.saiia.org.za. He is co-author, with Ross Herbert, of *The African Peer Review Mechanism: Lessons from the Pioneers* (SAIIA 2008). A draft of this paper was prepared for the Centre for Policy Studies Conference 'African Continental and Regional Governance Challenges and Perspectives' 24-25 November 2008, Rosebank Hotel, Johannesburg.

² This paper expands on an article by the author entitled 'Adding value to African Peer Review', published in SAIIA's Diplomatic Pouch website feature on 22 September 2008, see http://www.saiia.org.za/index.php?option=com_content&view=article&id=837:adding-value-to-african-peer-review&catid=78:diplomatic-pouch&Itemid=230

³ *The New Partnership for Africa's Development*, October 2001, paragraph 71.

⁴ Ibid, paragraphs 79-89.

⁵ The New Partnership for Africa's Development (NEPAD) Declaration on Democracy, Political, Economic and Corporate Governance, AHG/235 (XXXVIII), Annex 1, 18 June 2008, paragraph 28, p 11.

⁶ Organisation of African Unity (OAU), *The New Partnership for Africa's Development -The African Peer Review Mechanism*, 8 July 2002, paragraphs 1-3, p 1.

⁷ Ikome FI, *Rocky courtship to an African marriage*, *Global Dialogue*, Institute for Global Dialogue, Midrand, South Africa, August 2008, p 20.

⁸ Ibid, pp19-20.

⁹ Assembly of the African Union, 11th Ordinary Session, 30 June -1 July 2008, Sharm El-Sheikh, Egypt, Decision 198 (XII), p 16.

¹⁰ *First Action Plan (2008-2010) for the Implementation of the Africa-EU Joint Strategy*, as adopted by the Lisbon Summit, Portugal, 9 December 2007, p 13.

¹¹ The 29 APRM member states (including Mauritania, suspended in October 2008 due to an unconstitutional change of government) by November 2008: Algeria, Angola, Benin, Burkina Faso, Cameroon, Djibouti, Ethiopia, Egypt, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritania, Mauritius, Mozambique, Nigeria, Republic of Congo, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, Uganda, and Zambia.

¹² Appiah F, presentation at the 3rd Annual Symposium of the Electoral Institute of Southern Africa (EISA), Maputo, Mozambique, 21-22 October 2008.

¹³ Jerome A, presentation at the 3rd Annual Symposium of the Electoral Institute of Southern Africa (EISA), Maputo, Mozambique, 21-22 October 2008.

¹⁴ APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM)', November 2003, paragraph 36, p 12.

¹⁵ Mohiddin A, 'Unchecked executive powers: lessons in effective government design', SAIIA Occasional Paper No 1, May 2008, Johannesburg, p. 6.

¹⁶ Jerome A, op cit.