

## **African peer review: In the footsteps of the Harare Declaration**

*By Elizabeth Sidiropoulos and Ross Herbert<sup>1</sup>*

The 2003 Commonwealth Heads of Government Meeting (CHOGM), held in Abuja, Nigeria, will probably be remembered for the behind-the-scenes negotiations to lift Zimbabwe's suspension that threatened to divide the Commonwealth.

Nevertheless, to avoid (ironically)<sup>2</sup> the insult of being suspended yet again, Robert Mugabe took the country out of the organisation. Since then Zimbabwe has continued its downward spiral, with the region and the world looking on helplessly. Zimbabwe has flaunted the processes that Africa began a few years ago to put good governance at the top of the agenda of action through the vision of the New Partnership for Africa's Development (NEPAD). Equally unfortunately, the progress made by other African states in reforming their political and economic systems, is sometimes overshadowed by their seeming unwillingness to condemn the human rights abuses, increasing arbitrariness of the various branches of government, the hijacking of the constitution for party-political purposes, as well as the subversion of the rule of law and the court system in Zimbabwe. This has led some to prophesy that the tombstone of NEPAD will have "Zimbabwe" written on it.

NEPAD was adopted by African countries in October 2001. In the four years since, the continent has battled to make headway on implementation of the ambitious political and developmental agenda it set out. The reasons for this are outside the scope of this article, but in one area, that of creating an African Peer Review Mechanism to assess countries' progress on governance matters, the developers of NEPAD can be reasonably happy with the achievements to date.

The APRM's objectives underpin the rationale of NEPAD, and in fact one may argue, try to give more substance to the Harare Commonwealth Declaration of 1991. The APRM process aims in effect to give impetus to reforms in African states, which relate directly to some of the fundamental principles espoused by the Declaration. These include 'democracy, democratic processes and institutions which reflect national circumstances, the rule of law and the independence of the judiciary, just and honest government; fundamental human rights', and the 'importance and urgency of economic and social development to satisfy the basic needs and aspirations of the vast majority of the peoples of the world'.<sup>3</sup>

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<sup>1</sup> Elizabeth Sidiropoulos is the national director and Ross Herbert is the programme head of the Nepad and Governance programme at SAIIA.

<sup>2</sup> I say "ironically" because for all Robert Mugabe's rhetoric against the West and international institutions, membership of these various organisations provides a very important cloak of respectability for him.

<sup>3</sup> The Harare Commonwealth Declaration, 1991. Issued by Heads of Government in Harare, Zimbabwe.

The APRM process is one of the most tangible and potentially most effective tools developed in the context of Nepad. It is certainly the most important innovation over the last five years. It is a mechanism which hopes to address some of the most important challenges facing African states and their citizens – those of leadership accountable to the people, sound policies, which have both the intention and the outcome of eradicating poverty and improving the lives of citizens, protecting human rights, and eliminating government by diktat.

The APRM was launched by the African Union (AU) at its Durban Summit in 2002. It measures four areas of governance: democracy and political governance; economic governance and management; corporate governance; and socio-economic governance. It is a voluntary process and its primary purpose 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 economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs of capacity building.<sup>4</sup>

The APRM's Self-Assessment Questionnaire which countries must fill in prior to being inspected by a country team from the APRM Secretariat specifically mentions the objective of good governance:

The overarching goal of the APRM is for all participating countries to accelerate their progress towards adopting and implementing the priorities and programmes of the New Partnership for Africa's Development (NEPAD), achieving the mutually agreed objectives and compliance with best practice in respect of each of the areas of governance and development.<sup>5</sup>

The mechanism and the questionnaire are home-grown, African initiatives, which were developed in a relatively consultative manner with input from civil society. The APRM Secretariat advises countries that:

... the process is designed to be open and participatory. Countries are encouraged to engage all key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increasing the transparency of the decision-making processes, and building trust in the pursuit of national development goals.<sup>6</sup>

### **What is the process?**

The structure of the African Peer Review process comprises at the top, heads of state or government of the countries that have acceded to the APRM (the APR

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<sup>4</sup> APRM Self-Assessment Questionnaire, 2002, p.6, [www.nepad.org/2005/files/documents/156.pdf](http://www.nepad.org/2005/files/documents/156.pdf).

<sup>5</sup> APRM Self-Assessment Questionnaire, 2002, p.6, [www.nepad.org/2005/files/documents/156.pdf](http://www.nepad.org/2005/files/documents/156.pdf)

<sup>6</sup> APRM press statement, 2005.

Forum); the Panel of Eminent Persons (APR Panel)<sup>7</sup>, which consists of seven eminent Africans whose task is primarily to ensure the credibility and integrity of the APR process; the APR Continental Secretariat, appointed by the APR Forum in consultation with the APR Panel and the Nepad Secretariat.

Each Country Review Team is headed by a member of the APR Panel, supported by experts in each of the four focus areas of the APRM. These experts are drawn either from the in-house resources of the APR and Nepad Secretariats, or from supporting organisations such as the African Development Bank (ADB) and the UN Economic Commission for Africa (UNECA), as well as from other African Union (AU) organs such as the African Court on Human and Peoples' Rights.

Each APR country establishes an APR Focal Point at ministerial level or higher to serve as the liaison mechanism between national structures and continental ones such as the APR Secretariat, the APR Panel and country review team. The country also must establish a separate governing council to manage the process of writing a national self-assessment report, gathering public input and developing an action plan explaining how the country proposes to solve the problems identified in the review.

The exact form and nature of the APR Focal Point and governing council are left to the discretion of the individual state.

However, in order to ensure that the peer review process is inclusive and credible, the APR MOU explicitly states that there must be broad-based and inclusive participation of key stakeholders in the public and private sectors, including trade unions, and special-interest groups such as women and children. This is done through the establishment of a governing council or national coordinating mechanism. Its mandate is to undertake broad-based consultation with all the relevant stakeholder groups, a crucial factor for ensuring that the peer review process becomes 'owned' at national level, both government and civil society.

There are five stages in the peer review process. Firstly, the country undergoing review establishes a national APR Focal Point and a national co-ordinating commission. After consultation with key stakeholders, it completes a self-assessment questionnaire and prepares a draft national action plan. At the same time, the continental APRM Secretariat collates available data for the country into a background document, which is then used to identify the major governance challenges facing that country. Partner organisations such as the ADB and UNECA may be called upon to assist the APR Secretariat in this process. Support missions to the review country may also occur during this phase.

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<sup>7</sup> The panel consists of Professor Adebayo Adedeji of Nigeria, Ambassador Bethuel Kiplagat of Kenya, Dr Graça Machel of Mozambique, Mr. Mourad Medelci of Algeria, Dr Dorothy Njeuma of Cameroon, Ms. Marie-Angelique Savané of Senegal (chairperson), and Dr Chris Stals of South Africa.

The country review visit is the next step. One of the members of the APR Panel heads the review team. The team comprises at least one expert in each of the four focal areas of the peer review. It conducts a series of interviews and investigations within the review country with key stakeholders from various sectors and interest groups, including government, business, media, academia and NGOs during this process.

This is followed by the compilation of a draft country report containing the review team's analysis and recommendations for improving governance in the period until the next review (usually three to five years). This draft report is shared with the government of the review country. The government cannot change the actual report, but its responses are attached as an appendix to the report.

In the fourth stage, the draft report is reviewed by the APR Panel, which makes recommendations to the APR Forum. It is at this stage that actual peer pressure is brought to bear on the head of the review country. The Forum will discuss among fellow heads of state the action plan recommended for the inter-review period and will provide support to each other's governments, where feasible, to assist in implementing the country national action plan. This support may include sharing technical expertise and other resources.

The heads of state have latitude to intervene in ways that they see fit, including calling for a special interim reviews to deal with problems. However, the mechanism makes no explicit mention of punitive measures or sanctions against countries that fail to implement the recommendations of the review report.

Finally, the country report is made public and tabled in AU structures such as the Pan African Parliament. While the official APRM documents clearly state that the country report is to be publicly tabled in AU organs, there is no timeframe given. The panel of eminent persons argued that the report should be made public immediately upon completion but were overruled by heads of state. As the first two reports on Ghana and Rwanda have not been released at this writing, it is unclear whether the entire report and the country's own draft self-assessment will be available to the media and citizens at large. This is particularly significant for civil society with regard to monitoring the implementation of the country action plan in the inter-review period (between three and five years).

### **Progress to date**

So far 24 countries have signed up to peer review out of 53. Of these, 12 are members of the Commonwealth (Cameroon, Ghana, Kenya, Lesotho, Malawi, Mauritius, Mozambique, Nigeria, Sierra Leone, South Africa, Tanzania and Uganda.)<sup>8</sup>

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<sup>8</sup> For an analysis of how Malawi shapes up to the governance standards set out by the APRM see *Malawi and the African Peer Review Process: A Review of National Readiness and Recommendations for Participation*, Johannesburg: South African Institute of International Affairs, August 2004, [www.saiia.org.za](http://www.saiia.org.za). For an analysis of Mauritius see *Mauritius: The Big Issues: A study of significant governance questions raised by the African Peer Review Mechanism (APRM)*, August 2005, Johannesburg: SAIIA.

The first country to be reviewed was Ghana, which was of course the first African state to join the Commonwealth at independence.<sup>9</sup> Rwanda (not a member of the Commonwealth although it has applied), was the second one completed. Their reports are likely to be publicly released at the end of 2005 or early 2006. The next two Commonwealth countries being reviewed are Mauritius and Kenya. Kenya has completed its report and country review visit. Mauritius prepared its self-assessment but has yet to complete its required action plan. South Africa commenced its self-assessment in September 2005. Uganda and Nigeria are expected to begin their processes in the fourth quarter of 2005.

The Commonwealth countries that have not yet signed up for the APRM are Botswana, Namibia, Seychelles, Swaziland, and Zambia (Zambia announced it intends to join APRM but has not yet formally acceded). Botswana has declared that it sees no reason to undergo the peer review process. One of the arguments posited for it, is that the peer review process would actually be duplicating what is being done by institutions such as the World Bank and the IMF. Some commentators within Botswana have seen this as an unwillingness to be subjected to a process that is about identifying gaps – for a country that has long been lauded as an exemplar of good governance and democracy on the continent. Others point to the fact that with its sovereign credit ratings and its ranking first out of 25 African countries and ninth out of 102 countries by the Global Competitiveness Report 2003-04, the country has nothing to prove or confirm.

This in some ways reflects the perceptions about the benefits of an APRM process, which is that countries hope they will be able to leverage more aid from the international community, if they are seen to be undergoing some assessment.

So far countries have applied different approaches to undertaking self-assessment. Ghana created a seven-member body exclusively of respected academics and civil society members. The body was constitutionally independent and allowed to manage the review without government interference. Indeed, Ghana commissioned four independent think-tanks to prepare reports on each of the four areas of governance examined by the APRM. These reports, totally more than 1,000 pages, were then subjected to additional public comment and debate. On the whole, Ghana's national methodology was very open, transparent and inclusive. The council was given the same autonomy and protections as Ghana's human rights watchdog or auditor-general. Unlike many Ghanaian institutions, its members did not have to swear an oath of allegiance to the president. Although neither the Ghanaian nor the Rwandan report has been published there is widespread agreement that Ghana's methodology produced a well-balanced, honest and productive assessment of where the country stands and what requires improvement.

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<sup>9</sup> As a dominion, South Africa was technically the first state in Africa.

A critical element of the process was the role that civil society played in lobbying for a more transparent and representative process in Ghana. It was civil society's outcry at the government's initial statements that it had already undertaken extensive consultations (when it hadn't), which spearheaded the changes in the methodology.

In Mauritius the government's consultation process with civil society was particularly weak and limited. Responsibility for the process was given to the government-controlled National Economic and Social Council, a body meant to debate proposed government economic policies. It proceeded by asking the affected government departments to complete sections of the APRM self-assessment questionnaire, a generic questionnaire designed to aid the process. It held two consultation meetings in which a few academics were present, but wrote the country report largely without public input. Subsequent prominent academics criticised the official report as extremely weak and lacking in candor over gaps in governance.

Rwanda followed a similar government dominated process, led by a 50-member governing council that included mostly government representatives. Kenya went in the opposite direction, allowing civil society to convene to national meetings to choose their own representatives to the governing council. Kenya used prominent think tanks to draft its report but also incorporated public opinion poll research and papers from interest groups such as labour unions, business and educators.

By definition, the process is about identifying gaps and weaknesses. The reports are aimed at taking stock of what the state has done in the key areas identified, but even more importantly how successfully policies have been implemented. SAIIA conducted a pre-accession review of Malawi on the request of the government and found there was often a substantial gap between the laws and policies that existed on paper and what was actually done in practice.

### **Some challenges**

While it is clear in policy-making circles that peer review can make a significant impact on the way countries are governed, this has not necessarily been adequately explained and communicated to the populations.

The biggest test of the efficacy of the APRM process will be the extent to which African leadership is bold enough to publish the full reports conducted by the APR Panel on of the countries, and the degree to which these reports are frank and forthright in their assessment of the positive and the less positive in these countries.

African leaders are at great pains to stress that the APR is not a scorecard. Countries are not compared against each other. They will be assessed against themselves the next time they are peer reviewed. This is scheduled to be 3-5 years

after their first review. However, this too is problematic from a capacity perspective, given that by the end of 2005 scarcely three out of the 24 who have acceded will have completed their first peer review.

The keystone of the APRM process is the input, debate and assessment that the various organs of civil society can make to the country's internal review before the APR team conducts the external assessment.

What the start of the APRM process has shown is that civil society will use the opportunity presented to it to become more assertive on debates about government's track-record in governance. This has significant beneficial longer-term implications for the strengthening of democracy in Africa.

Yet this process will require substantial support (financial and human) including the understanding by citizens in those countries of their rights and obligations.

There is a sense of scepticism about what Nepad can achieve and some are ready to consign it to the heap of previous wonderful African initiatives, which did not get very far. Much hinges on how the APRM is taken forward by leaders of the continent. One of the most important outcomes of the process is the national action plan. The intention is to compel countries that have acceded to peer review to identify the key priorities requiring attention in the period leading up to the next peer review and how they will tackle them. Whether governments then embark on their implementation will be a sure indication of their willingness to hold themselves accountable and to scrutiny by their citizens.

While the peer review process envisages a very active role for civil society in the writing up of the report, it is critical that civil society continues to act as an in-country monitor after the completion of the reports. This is why it is absolutely essential that the final reports are published and are accessible to citizens and various interest groups in each country.

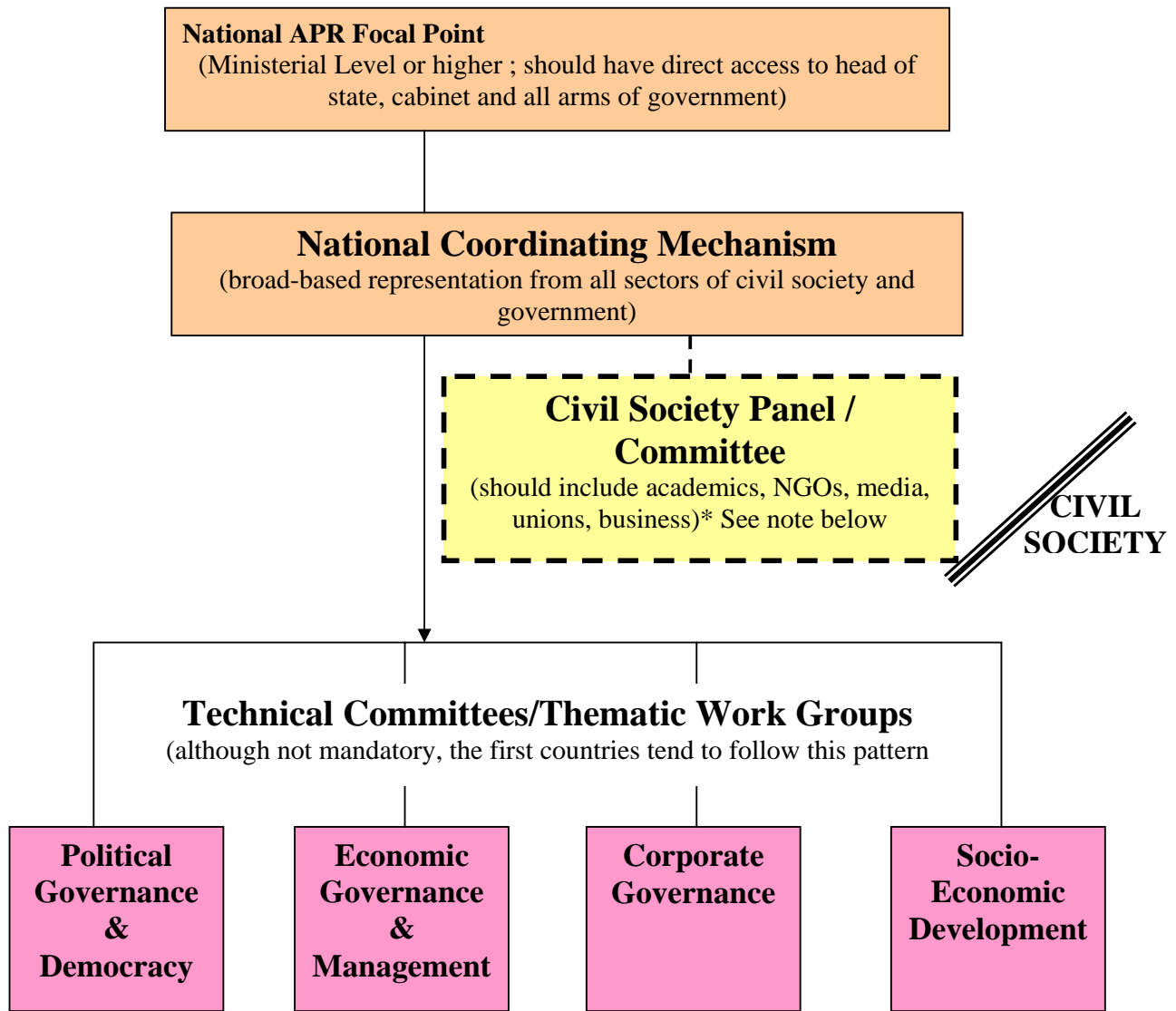
The one important aspect of the APRM process is that it is about Africans themselves creating systems through which progress on reform can be measured. By creating a home-grown assessment it allows African states greater ownership and hence also accountability to the populace on improvements in governance. There will always be an element of international assessment, which occurs anyway in the process of granting aid and other forms of assistance to countries. However, if the process is to avoid being criticised as an externally-induced one, African citizens must retain primary responsibility for ensuring that governments move to address the shortcomings identified in the reports.

There is nevertheless room for involvement of entities such as the numerous Commonwealth NGOs, such as the Commonwealth Human Rights Initiative, the Commonwealth Lawyers' Association and the Commonwealth Parliamentary Association, in providing assistance to local NGOs in the various areas of their

specialisation, relating to monitoring formulation of policies and their implementation. There is also potential cooperation and input from the Commonwealth Business Council, especially as it pertains to private sector development and regulatory frameworks.



**DIAGRAM: The APRM Structures at National Level**



**Notes:** The Civil Society Panel shown is an option that some countries may incorporate into the National Coordinating Mechanism or as a substructure of the Coordinating Mechanism. The danger is that, in less democratic societies, the composition of this panel will be tightly controlled by government, effectively providing a barrier between civil society on the ground and the APR process instead of facilitating greater civil society involvement.

(This paper is part of a publication on the Valetta summit held in Malta)