

THE AFRICAN PEER REVIEW MECHANISM

Lessons from the Pioneers

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The Basic Stages and Structures

Our single most important challenge is therefore to help establish a social order in which the freedom of the individual will truly mean the freedom of the individual. We must construct that people-centred society of freedom in such a manner that it guarantees the political liberties and the human rights of all our citizens.

– Nelson Mandela

The APRM process is designed to be open and participatory. Through a participatory process, the APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increase the transparency of the decision making processes, and build trust in the pursuit of national development goals.

– APRM Guidelines

The citizen can bring our political and governmental institutions back to life, make them responsive and accountable, and keep them honest. No one else can.

– John Gardner, US politician
and civil society advocate

PERSPECTIVES ON AN EXTRAORDINARY EXPERIMENT

1

We must face the matter squarely that where there is something wrong in how we govern ourselves, it must be said that the fault is not in our stars but in ourselves. We know that we have it in ourselves, as Africans, to change all this. We must assert our will to do so – we must say that there is no obstacle big enough to stop us from bringing about an African renaissance.

– Nelson Mandela¹

For decades, leaders in post-colonial Africa turned a blind eye to human rights abuses, corruption and *coups d'état* in obedience to a cardinal rule: sovereignty above all. Agreeing that a state's internal affairs were no one else's concern, many leaders plundered for personal gain, destroyed constitutional checks and balances and trampled on the rights of citizens.

Excessive executive power stifled debate, curtailed free speech, covered up misguided policies and allowed corruption to flourish and fester. Without sound governance to fight corruption, interrogate new laws and effectively manage public services, much of Africa was effectively bankrupt within 20 years of independence. Debt, which escalated recklessly after independence, hobbled Africa, as countries slashed services and took on more debt to service the old. Protests grew, conflicts – which might have been manageable with some fiscal room for manoeuvre – boiled over. The 1990s brought a parade of state dysfunction: Rwanda, Liberia, Sierra Leone, Ethiopia, Burundi, Somalia, Sudan, Democratic Republic of Congo (formerly Zaire), Republic of Congo, Chad, Niger and Central African Republic.

There were many contributing factors: ill-advised borrowing, falling commodity prices, oil shocks, Cold War intrigues, abrupt structural adjustment, lack of capacity, poor management, the regional struggle with apartheid and the historical legacies of colonialism. In every political, social and economic predicament, poor governance either caused or exacerbated crisis.

The doctrine of non-interference began to give way to the policy of non-indifference – the recognition of an obligation not to ignore the plight of one's neighbours.

1. Mandela N, Statement of the President of the Republic of South Africa, at the Organisation of African Unity (OAU) Meeting of Heads of State and Government, Tunis, Tunisia, 13 June 1994.

Nepad asserted that political stability and prosperity depend on security, fair trade, access to finance, sound public services and good governance.

No continent speaks with one voice, but calls for change began to intensify by the mid-1990s. Ever larger majorities called for multiparty democracy. Even seasoned autocrats came to see the one-party state as unworkable. The expansion of democracy increased public debate and demands for transparency and accountability. While autocratic leaders once were free to focus resources on their pleasure and securing power, increased calls for democratic governance focused attention on the idea that state resources should be used wisely for public rather than private goals. Many autocrats remained in power but the shadow of state collapse in at least seven African countries focused minds.² A core of younger, more reform-minded leaders began to replace those who would prefer to look away from atrocity and abuse of power. The doctrine of non-interference began to give way to the policy of non-indifference – the recognition of an obligation not to ignore the plight of one's neighbours. Africa replaced the moribund Organisation of African Unity (OAU) with the African Union (AU), which for the first time embraced democracy and rejected undemocratic seizures of power. It launched the New Partnership for Africa's Development (Nepad) as a blueprint for the continent's renewal.

Nepad asserted that political stability and prosperity depend on security, fair international trade, access to finance, sound public services and good governance. It strengthened peacekeeping; intervened in conflicts; pressed for trade, debt and aid concessions from the developed world; and formulated plans to boost African infrastructure, agriculture, as well as health, education and other public services.

The most innovative and audacious element of Nepad was the effort to improve governance through the African Peer Review Mechanism (APRM), launched in 2002.³

The rest of this book will explain the formal processes of the APRM and the complex political and social dynamics that surround it. Before examining the detail, it is important to appreciate the broader historical context and the difficulties such an undertaking implies.

In its breadth and depth, the APRM is unprecedented. It seeks assessment of nearly the entire range of state activity under four broad but interlined themes: democracy and political governance; economic governance and management; corporate governance and socio-economic development.

2. In the 1990s Rwanda, Liberia, Sierra Leone, Central African Republic, Somalia, Republic of Congo, and Democratic Republic of Congo all collapsed in conflict propelled by massive social and economic mismanagement. Burundi, Sudan, Guinea-Bissau, Nigeria, Ivory Coast and many other countries illustrated other forms of poor governance leading to catastrophic results.

3. The starting date for APRM is open to interpretation. The protocol establishing the APRM was agreed at the Organisation of African Unity Summit on 8 July 2002 but other elements of the system took additional time to develop. The APRM Country Guidelines were finalised in November 2003 and the first meeting of the APR Forum occurred on 13 February 2004, at which time the Panel of Eminent Persons was announced. This could be considered the effective start of APRM, although Ghana had already begun its internal processes as the first APRM country.

The APRM is commonly discussed as an exercise among heads of state. But the system actually involves five forms of review, each building on the previous. First, each country to undergo review must conduct an in-depth self-assessment that involves broad public input. This is supposed to be directed by an independent board that has a majority of non-government members and a chairperson drawn from business or civil society. This step results in a Country Self-Assessment Report (CSAR) and Programme of Action (POA) to fix the identified governance gaps. Second, the country is reviewed by a team of eminent African academics, diplomats, business people and governance experts, who write the final APRM Country Review Report. Third, the head of state of the country under review must discuss the team's report and recommendations before a gathering of African heads of state. Fourth, the country under review must present annual reports to heads of state on progress in implementing the agreed Programme of Action. And finally, the cycle is meant to be repeated every two to four years with another self-assessment and country review.

At many levels, the APRM is an exceptional undertaking. For a continent that has jealously protected its sovereignty, it is diplomatically exceptional for nations to throw themselves open to outside scrutiny. Politically, it is unprecedented for incumbent governments to provide civil society and foreign experts a chance to write a definitive critique of national performance. Logistically, the APRM requires the involvement of thousands of people in assessments that cover almost all aspects of national governance.

The APRM is, however, most extraordinary for the opportunity that it presents to civil society and business to contribute to policy-making. Potentially, it can open a national conversation that moves beyond the cycle of blame and denial that characterises politics in many countries. By requiring broad public participation, the APRM has the potential to rebuild trust in politics and inject fresh thinking into national problem solving. Too often, politics is a game played by elites who can retain power despite poor performance because the public is insufficiently informed and mobilised. Politicians frequently compete by appealing to ethnic and regional biases rather than advocating particular policy changes. The APRM offers an opportunity to change this political dynamic and focus the national conversation on progress and policy.

As the official APRM Country Guidelines note:⁴

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.

4. APRM Secretariat, 'Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)', November 2003, paragraph 36, p.12.

Far from being a chastising and imprisoning device, its relevance and strength lie in its potential for imparting and conveying new values that are so crucial a part of the emerging African governance architecture.
– Chris Landsberg⁵

The system requires civil society to participate at three main levels:

- in the National Governing Council (NGC), which sets the rules and plans for the APRM at the national level and supervises the research, consultation, writing and editing of the Country Self-Assessment Report and Programme of Action;
- through the Panel of Eminent Persons, which supervises the peer review system as a whole and guides individual country assessments; and
- in the Country Review Teams, which are interdisciplinary teams of experts from academia and business, who visit each country and write the final APRM assessment and recommendations.

However, the experience in the first states to undergo peer review – called the pioneer countries – makes clear that exploiting the opportunity offered by the APRM is challenging for governments and civil society alike. The system is complex, the rules are unclear in certain respects and little attention has been paid to training and advising the countries that sign up for review. Governments and civil society often do not fully understand the process, but more importantly lack information on the financial, logistical, research and political implications of launching such a large-scale public consultation.

Without sufficient planning and forethought, the process can be hamstrung by lack of funds or a smooth-running system of financial administration. Setting a budget, however, cannot be done properly without an appreciation of the logistical and research requirements. Before any of these more technical matters can be decided, participants in the APRM need to consider carefully the political management needed for peer review to succeed.

Although the APRM conjures up images of a bold national conversation aimed at improvement, the process is in practice deeply political. It touches on democratic and political systems, corruption, service delivery, respect for citizen rights and systemic gaps that contribute to poor governance. For the defensive-minded, the very existence of such discussions will induce anxiety and efforts to suppress information and stifle debate. However, the APRM is not merely an opportunity for civil society to gain access to governments. It represents a greater opportunity for governments to escape the political blame game and start afresh. Governments can use the APRM to reposition themselves as champions of reform and win political credit for fostering rather than frustrating reform. That is where the APRM requires a significant measure of political maturity and strategy on the part of all stakeholders.

Everyone comes to the APRM with a political history and with perceptions of the nature of governance problems and who is to blame. Civil society is, on balance, skeptical of incumbent governments, and in all the pioneer countries, it feared government would attempt to control the process. Governments have their own fears too. They are universally anxious about

5. Landsberg C, 'Looking for Peers to Pressure? The African Peer Review Mechanism as Democracy Promotion', unpublished paper, 2004, p.1.

what civil society, the media and the political opposition might do with the APRM. They worry about what impact a negative report might have on aid, investment flows and elections.

Governments, therefore, cannot simply declare that the past should be forgotten and the APRM is a completely positive, open exercise. They need to demonstrate that they have turned a new page by carefully managing the establishment of APRM institutions in ways that are fully transparent, fair, competent and free of political interference. But how, precisely, should governments send the right signals? Which forms of organisation will be welcomed by civil society and which will likely foster pessimism and protest?

This book attempts to answer these questions in an effort to assist the APRM in realising its purpose. We hope that readers in government, civil society and within continental institutions find value in the following pages as a constructive guide to the process. Its recommendations are meant to strengthen this endeavour in the belief that the APRM is immensely important to Africa's future. If the APRM is seen to fail, it could have devastating consequences for the continent.

Appreciating the complexity of the APRM

Although the APRM offers a chance to reconsider how we govern ourselves, it is important to assess the complexity of the overall process and the challenges it poses for government and society.

In the official documents, the process sounds deceptively straightforward: establish and organise the relevant institutions, make a plan for research, write a Country Self-Assessment Report and define remedial actions for any governance gaps in a Programme of Action. Then submit to a further review by a panel of experts, implement the plan, and carry out subsequent reviews.

Experience in the pioneer countries has shown the process to be far more complex and time consuming than authorities imagined when they first asserted that each review should take six to nine months. For Ghana, Rwanda, Kenya and South Africa the process has taken 33 to 39 months, from the signing of the accession Memorandum of Understanding (MOU) until presentation of the final report before heads of state (see table below). For smaller countries the burden is greater because the process requirements are the same but civil society organisations and governments have less manpower and funding, and academic or policy research bodies are less numerous than in the larger nations.

The sheer magnitude of this undertaking is unprecedented. The Organisation for Economic Co-operation and Development (OECD) conducts peer reviews among industrialised countries, but confines reviews to one narrow subject,

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The APRM is voluntary ... As a legal matter, the results of APRM reviews are entirely non-binding and advisory.
– Newell Stultz⁸

such as foreign aid policy. The APRM, in contrast, examines nearly the full range of national government endeavour.

Although national resources vary considerably, the demands imposed by the Self-Assessment Questionnaire guiding the reviews are equally onerous for all countries. It is 88 pages in length, with 25 objectives, 58 questions and 183 indicators arranged in four thematic areas: democracy and political governance, economic governance and management, corporate governance, and socio-economic development. Many of the questions require in-depth research and are not easy to answer.

Quite understandably, the early countries to undergo peer review underestimated the difficulty of the task. Broad civil society consultation – the key requirement and the factor that sets the APRM apart from most other forms of governance assessment – cannot be rushed without generating protest and undermining efforts to build trust and consensus around the process. Kenya, for example, took eight months just to reach agreement with civil society over who would sit on the governing body. And more time was consumed resolving differences over how the country would conduct its public consultation.

A process designed to produce a report on governance in the most efficient way possible would be quite different from one that needs rigour and extensive public consultation. The former would take less time and money but would be unlikely to build the kind of broad public awareness needed to sustain governance reforms in a political arena.

Although the peer review process does represent an extraordinary opportunity for both governments and civil society, it also faces significant internal and external pressures. Because only three countries completed their reviews in the first three years of the process, pressure is growing to accelerate the pace. Unless the pace quickens, the credibility of the entire exercise is likely to suffer. Investors and development partners who eagerly hoped to consider the APRM reviews in their decisions have begun to look elsewhere for governance assessments because too few countries have managed to get through the process. But getting the job done quickly runs counter to obligations to ensure that the process is rigorous and broadly consultative. Public consultation takes time, money and ample support staff.

The remainder of this book is dedicated to assessing the challenges and opportunities of the APRM to give participants the tools they need to respond to anticipated problems, think clearly about benefits and, in so doing, make the most of the opportunity that the APRM offers.

8. Stultz NM, 'African States Experiment with Peer-Reviewing: The APRM, 2002–2007', paper presented to the Africa Group Colloquium Series, Watson Institute for International Studies, Providence, USA, 22 February 2007, p.7.

APRM Country Comparison						
Milestone/Event	Ghana	Rwanda	Kenya	Mauritius	Algeria	South Africa
Acceded to APRM	9 March 2003	9 March 2003	9 March 2003	9 March 2004*	9 March 2003	9 March 2004
APRM Lead Ministry	Ministry of Regional Cooperation and Nepad	Ministry of Finance and Economic Planning	Ministry of Planning and National Development	Ministry of Foreign Affairs	Ministry of Foreign Affairs	Ministry of Public Service and Administration
Public launch of the process		Stakeholders workshop in Kigali 24-26 March 2004	National stakeholder forum in Nairobi 14 July 2004	May 2004	August 2005	13 September 2005, press conference in Pretoria
Inauguration of national governing body	18 March 2004	24 June 2004	25 October 2004	May 2004	March 2005	29 September 2005
Size and description of governing body	7 members, all civil society	APRM National Commission had 50 members (inc 14 ministries, 4 from parliament, 11 CSOs, 7 private sector).	Originally 25, 8 members of Kenya NGO Council added to bring total to 33, 26 civil society, 7 government. 24 voting members.	70 members: 14 government ministries, 13 other government entities, 14 business, 12 trade union & 17 CSO	99 members: 33 government (including local gov't), 33 business, 33 civil society	Originally 15, increased to 29. 20 civil society, 9 government
Head of governing body	Reverend Professor Samuel K Adjepong, Principal of Methodist University College	Dr Donald Kaberuka, Minister of Finance and Economic Planning; replaced by head of insurance body	Reverend Japheth Gathaka, replaced Mrs Grace Akumu, who was fired by the Minister	National Economic and Social Council, an autonomous body headed by Secretary General Jayaraj Ramjadia. It created the National Coordinating Structure with members above	Mrs Fatma Zohra Karadja, civil society	Minister of Public Service and Administration, Geraldine Fraser-Moleketi
Country Support Mission	24-29 May 2004, led by Dr Chris Stals	21-24 June 2004, led by Dr Marie-Angelique Savané	26-27 July 2005, led by Dr Graça Machel	28-30 June 2004, led by Mr Mourad Medelci	23-25 July 2005	9-11 November 2005, led by Professor Adebayo Adedeji

RULES, PROCESSES AND INSTITUTIONS

2

It is obvious that the potential benefits of the Africa Peer Review (APR) process will unavoidably vary depending on the level of commitment of the participating country, and the effectiveness with which the process is managed, including the degree of coordination with existing activities at the country level.

– APRM Country Guidelines¹

Every game has its rules. Players must master them before they can appreciate the more difficult aspects of strategy and counter-strategy. As it is with soccer or chess, so it is with the APRM. The system defines a variety of stages, rules and institutions. The founders of the APRM went to significant lengths to insulate the process from diplomatic and political pressures to ensure its results were widely perceived as fair and rigorous.

But the most intriguing and difficult aspects of the APRM, for both participant and analyst, play out in the social and political arena. How do the many participants with many points of view and institutional interests co-operate and contest within the rules? Where are participants tempted to bend or break rules? And what lessons were learned as the first countries conducted their reviews? Later chapters will discuss these questions of politics and strategy, but for now it is important to set out plainly the basic structures and processes involved in peer review.

The official documents

The APRM process was established through a variety of documents. As experience accumulated, the documents grew more specific in their guidance. In some cases, later documents contradict earlier documents. Although they coexist; the older ones have not been repealed. Guidance also is dispensed to countries and civil society directly through the APRM officials. All of the following documents are important but none stands alone as the definitive rules. They must be assessed as a group in conjunction with the oral advice

The most intriguing and difficult aspects of the APRM, for both participant and analyst, play out in the social and political arena.

1. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM),' November 2003, p.1.

from APRM governing officials such as the Panel of Eminent Persons and the continental APRM Secretariat.

- ‘The Base Document’ (2002) – This is the protocol that originally established the APRM in its broad outlines. It does not offer a detailed description of processes but does explain the purpose and intention of the system.²
- ‘Organisation and Processes’ (2002) – This document adds additional detail to the roles of the key continental institutions but does not offer guidance on the powers and processes required of national APRM institutions.³
- ‘The Objectives, Standards, Criteria and Indicators’ (2002) – Often referred to by its acronym, OSCI, this document provides the outline of the main areas to be examined in each review under a three-tier structure of objectives, questions and indicative criteria.⁴
- ‘The APRM Memorandum of Understanding’ (2003) – This is the document that a country signs to accede to the APRM. It defines the commitments countries make in joining the system. Another memorandum of understanding is signed to govern the conduct of the first actual review.⁵
- ‘The APRM Country Guidelines’ (2003) – Known informally as the ‘Guidelines’ or the ‘Country Guidelines’, this document offered the first detailed description of the processes countries are expected to follow in conducting a review and gathering public input.⁶
- ‘The APRM Questionnaire’ – Officially titled ‘Country Self-Assessment for the African Peer Review Mechanism’, this crucial document is the heart of the process. It expands on the OSCI document above, offering more detailed questions and indicators as well as guidance on the underlying concepts of governance. It is divided into four thematic sections. The document bears no official release date but was released in draft form in late 2003 and in final form in late 2004. It also referred to as ‘Self-Assessment Questionnaire’ (SAQ) or ‘The Questionnaire’.⁷
- ‘APR Questionnaire General Guidance’ (2003) – This document describes how the Questionnaire should be used in conducting a review but contains different language and process descriptions from the Questionnaire, particularly regarding the powers of the Focal Point.⁸
- ‘The Supplementary Document to the APRM Guidelines for Country Review – the APRM National Structure’ – This document produced by the

2. More commonly associated with the African Union, the APRM protocol was issued on 8 July 2002 at the 38th Ordinary Session of the Organisation of African Unity. The protocol was officially named the New Partnership for Africa’s Development African Peer Review Mechanism (APRM).

3. APRM Secretariat, ‘African Peer Review Organisation and Processes,’ 3 March 2003.

4. APRM Secretariat, ‘Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism,’ 9 March 2003.

5. Nepad Heads of State and Government Implementing Committee, ‘Memorandum of Understanding on the African Peer Review Mechanism,’ 9 March 2003.

6. APRM Secretariat, ‘Guidelines,’ *op. cit.*

7. APRM Secretariat, ‘Country Self-Assessment for the African Peer Review Mechanism,’ Midrand, South Africa, undated [2004].

8. APRM Secretariat, ‘APR Questionnaire General Guidance,’ Midrand, South Africa, 2003.

APRM Secretariat is undated. It first came to the authors' attention when it was distributed in February 2007 at a workshop in Ethiopia, but has not been released on the APRM website at the time of this writing. It offers detailed guidelines on the role and function of each of the institutions to be established by a country under review. It is the first document to clearly define the role of research institutions and assert that each country should manage the process through a National Governing Council led by civil society.⁹

- 'Prerequisites for Country Support Mission' – This document describes the institutions and activities that a country should have established or conducted before receiving a Country Support Mission. It was prepared by the APRM Secretariat, but contains no official release date. Like the Supplementary Guidelines, the authors first encountered it in February 2007. Its description of the Country Support Mission contradicts other official documents.¹⁰

Highlights of these nine documents are included in Appendix A and their full text can be found on the APRM Toolkit CD-ROM that is included in the inside back cover of this book.

Continental institutions

The Committee of Participating Heads of State and Government is known as the 'APR Heads of State Forum', the 'APR Forum', or simply 'the Forum', which is the APRM's highest decision-making body. It includes the presidents or prime ministers of the countries that have acceded to the APRM.¹² It meets about twice a year, often on the margins of AU Summits. During these sessions the Forum reviews the APRM Country Review Report of countries that have completed the exercise. Six months later, this report can be released publicly through the Pan-African Parliament and other bodies at regional or continental level.

The APR Panel of Eminent Persons ('APR Panel', 'Panel') currently consists of seven Africans of high standing and integrity who were appointed by the APR Forum to five-year terms. The purpose of the Panel is to insulate the process from political interference and ensure its integrity. One member of the Panel is responsible for overseeing each country review process,¹³ which

The APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes. – APRM Secretariat¹¹

9. APRM Secretariat, 'Supplementary Document to APRM Guidelines for Country Review – The APRM National Structure,' Midrand, South Africa, undated [2007].

10. APRM Secretariat, 'Prerequisites for a Country Review Mission,' Midrand, South Africa, undated [2007].

11. *Ibid.*, p.12.

12. By July 2007, the following 27 countries had acceded to APRM: Algeria, Angola, Benin, Burkina Faso, Cameroon, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritius, Mozambique, Nigeria, Republic of Congo, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Sudan, Uganda, Tanzania and Zambia.

13. In May 2007 interviews, Marie-Angelique Savané and Dr Chris Stals said the Panel was considering expanding the number of panellists and committing two of its members to each country to help speed up reviews.

includes supervising its Country Support Mission, Country Review Mission and the writing and review of the final country report. The Panel is currently chaired by Professor Adebayo Adedeji (from Nigeria), and its other members are Mr Mohammed Babes (Algeria), Ambassador Bethuel Kiplagat (Kenya), Dr Graça Machel (Mozambique), Dr Dorothy Njeuma (Cameroon), Mrs Marie-Angelique Savané (Senegal) and Dr Chris Stals (South Africa). The panellists gather periodically to discuss progress and how to handle particular country reviews.

The APR Secretariat lends administrative and research support to the Panel and the Forum. It is based in Midrand, South Africa. The Secretariat is funded by voluntary contributions from countries that have acceded and by a trust fund to which development partners have contributed. The Secretariat is responsible for preparing a background research report on governance in each country, this a paper outlining the main issues that will guide the Country Review Mission. It arranges logistics for missions and provides a variety of administrative functions. In this book, it is sometimes referred to as the 'continental APRM Secretariat' to differentiate it from APRM secretariats established within countries at national level.

The APRM has three Strategic Partners that provide support services, advice and assistance with reviews. They are the United Nations Economic Commission for Africa (UNECA), the United Nations Development Programme (UNDP) and the African Development Bank (ADB). Country Support and Country Review Missions frequently use African experts from these institutions.

A Country Review Team is a temporarily constituted group of African experts who participate in the Country Review Mission. The review team typically comprises 15 to 25 members, including eminent academics, business leaders, the APRM Secretariat, experts from the Strategic Partners and independent consultants. It visits an APR country for two to three weeks, to consult with a wide variety of stakeholders in civil society, business and government. The team is responsible for writing the final country report, under the supervision of the responsible member of the Panel and with assistance from the APRM Secretariat.

Institutions and structures mandated to execute the APRM – on the continental and national level – need to be capacitated to manage the APRM process completely, effectively and efficiently in a reasonable period of time. – GTZ¹⁴

National institutions

The APRM Country Guidelines stipulate that each participating country must have an APR Focal Point, to act as a liaison between the continental Secretariat and the national APR structures. This Focal Point is usually a minister, diplomat or senior civil servant who should have direct access to the head of state.

14. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), 'The APRM Journey So Far', a summary of outcomes of recommendations from previous APRM review conferences prepared for the conference 'Africa's Bold March to Capture the 21st Century – The Role of the APRM', Accra, Ghana, 8–10 May 2007, p.9.

The country must also create a National Governing Council (NGC) or National Commission (NC). The council is responsible for managing an inclusive national process to produce two key documents: a Country Self-Assessment Report and Programme of Action. Although Ghana used a council exclusively composed of civil society members, The Supplementary Guidelines and Eminent Persons say that the council should include government, business and civil society members, and crucially it should have a non-government majority and a civil society or private-sector chairperson. The Country Guidelines say that the council should contain representatives of different national constituencies, including women, youth, labour unions, people with disabilities, and business organisations, among others.

Countries also are encouraged to establish a small local APRM secretariat to assist with administrative and logistical tasks.

The governing council is expected to appoint eminent academics, experts or Technical Research Institutions (TRIs) to conduct the public consultations, surveys and desk research, as well as compile the Country Self-Assessment Report and Programme of Action. Countries have given these research agencies different names (such as 'Lead Technical Agencies' in Kenya and 'Technical Support Agencies' in South Africa) but the APRM Supplementary Country Guidelines use the term 'Technical Research Institutes', noting that they:¹⁵

... assume the responsibility of executing the APRM Questionnaire. They should be well-known for their competence and technical capabilities to conduct sound and objective research in the four APRM thematic areas. The TRIs will be collating data, analysing and presenting the views of the general population. The research methodology should therefore rely on multi-method approach [*sic*] (qualitative and quantitative) to ensure comprehensive data collection. The final output should undergo validation to ensure that the report is representative of the public views. The TRIs are appointed by the NGC and report directly to it. A contractual agreement protecting the intellectual property of the self-assessment should be signed. The NGC has to protect the confidentiality of the self-assessment process so as not to prejudice or pre-empt the ensuing stages of deliberation of the report by the Panel and Forum.

Given the differences of historical context and stages of development, countries are to start from different baselines and will not be expected to reach their highest level of performance at the same time. The rate of progress will also depend critically on the level of commitment and political will of each country to take deliberate steps to realise its vision.
– Tom Ojienda¹⁶

15. The roles of the Focal Point and National Governing Council are unclear in the various official documents, which contain a number of contradictions. Some refer to the Focal Point as an individual of ministerial rank, as a committee or as possessing a technical committee. The Questionnaire says that the Focal Point hands out the Questionnaire to a defined list of stakeholders and merges the responses into a self-assessment report. The Supplementary Guidelines document is the first to clearly state that responsibility for taking decisions on research rests with the National Governing Council. It is also the first document to note that responsibility for managing research and report writing should rest with Technical Research Institutions reporting to the National Governing Council or National Commission. See chapter 3 for a more detailed discussion of the differences between the guidance contained in various official documents.

16. Ojienda T, 'Implementing the New Partnership For Africa's Development (Nepad): Whither the African Peer Review Mechanism?' paper delivered at the Fifth All-Africa Human Rights Moot Court Competition, 2005, p.27.

The stages of the APRM

The APR process is officially divided into five broad phases or stages of activity, as set out below.¹⁷

Stage 1 – Preparation and self-assessment. The great bulk of the APRM activity occurs during this stage on two parallel tracks organised respectively by the country itself and the continental APRM Secretariat. To get started, the country to be reviewed has initial consultations with the APR Secretariat, which can take various forms, including visits to the country by Panel members and the Secretariat or meetings in other venues. Next, the country hosts a formal Country Support Mission and signs a Memorandum of Understanding assenting to the specific terms of the review.¹⁸ The country appoints a national Focal Point and National Governing Council or National Commission to oversee and drive the APR process, and develops its research and consultation programme that will culminate in the creation of a Country Self-Assessment Report and a Programme of Action, both of which are to be based on broad public and expert consultations. Simultaneously, the APR Secretariat writes a background research paper on the country. On the basis of the background research and the country self-assessment, the Secretariat writes an issues paper identifying the major issues that will guide the Country Review Mission.¹⁹

Stage 2 – The Country Review Mission. Using the issues paper and the country's self-assessment as a basis, a team of 15–25 African experts led by a Panel member visits the country for two to three weeks to conduct the Country Review Mission. The team assesses the integrity of the country process and conducts further research and interviews on key governance issues and evaluates the adequacy of the items included in the draft Programme of Action in addressing gaps in governance.

Stage 3 – Preparation of the final country assessment. Following the Country Review Mission, the review team compiles a draft Country Review Report based on the mission, the self-assessment, Programme of Action

17. The headings and descriptions here are the author's paraphrase of the stages as defined in the APRM guidelines. To see the full official description of the stages of the APRM process, see the Official Documents section of the APRM Toolkit CD-ROM attached to the inside back cover of this volume.

18. This MOU is different from the accession MOU. The latter defines the broad obligations of participant countries, whereas the former includes specifics on levels of support the country must provide to the Country Review Team and timelines for completion of the stages of the process in the specific country under review. See Chapter 3 for further explanation of the Country Review Mission.

19. In practice the Secretariat has not waited for the completion of the self-assessment and Programme of Action before writing the issues paper. Pioneer countries also note that the background papers have been delivered to the Country Review Team only upon arrival for the Country Review Mission. This is a significant weakness in the system. Without the background research in hand, review team members are not able to prepare in advance of arrival. Each review is led by a different Eminent Person and each has managed the process slightly differently, but review team members note that the process has tended to rely on the government under review to organise the programme of the country review. Civil society organisations have noted with concern that without the background research, the review team may not be familiar with local issues, and may not know if any key issues have been excluded or given insufficient attention in the country self-assessment.

and background research. This report is sent back to the government of the country for comment and for government to make changes to its Programme of Action in light of the report's recommendations. The government may append its comments to the final report, but not amend it.

Stage 4 – The peer review by heads of state. The final Country Review Report is submitted to the APR Forum, and the head of state is 'peer reviewed' by fellow heads of state. This usually occurs in conjunction with an African Union summit. The total time scheduled for discussion by heads of state is very modest – only two hours were planned in Ghana's case (although the discussion ran to four hours).²⁰ In terms of the depth of analysis, the debates at national level and within the Panel of Eminent Persons are far more substantive than the heads of state discussion.

Stage 5 – Presentation to the public and African institutions. Six months after the report is discussed by the Forum, it is publicly released, after being tabled at institutions such as the Pan-African Parliament and regional economic communities.

Despite this official division into five stages, the process actually involves five different types of review. The Country Self-Assessment Report is the first. The background desk research by the Secretariat is the second. The assessment by experts during the Country Review Mission is the third. The review by heads of state is the fourth and shortest review. Finally, the cycle is meant to be repeated every two to four years with another self-assessment and country review. On an ongoing basis, civil society has an opportunity to monitor progress toward implementing the Programme of Action. Governments are required to provide six monthly reports to the Forum on their progress in implementing the Programme of Action.

20. Rwanda's review had been scheduled to follow immediately after Ghana's but was cancelled. Discussion of Ghana's report expanded to fill the time slot.

