Grappling with
GOVERNANCE

PERSPECTIVES ON THE
AFRICAN PEER
REVIEW MECHANISM

Edited by Steven Gruzd

Grappling with Governance:
Perspectives on the
African Peer Review Mechanism

Edited by Steven Gruzd

Contents

Contributors

Faten Aggad-Clerx is a policy officer at the European Centre for Development Policy Management, based in Maastricht, the Netherlands. She formerly worked on the Governance and African Peer Review Mechanism (APRM) Programme at the South African Institute of International Affairs (SAIIA).

Colm Allan is the director of the Centre for Social Accountability at Rhodes University, South Africa, which incorporates an applied monitoring and research programme, the Public Service Accountability Monitor (PSAM).

Rosemary Atieno is a senior research fellow in development economics at the Institute for Development Studies (IDS) at the University of Nairobi, Kenya. She was part of the team that worked on and produced the APRM report in Kenya.

Brendan Boyle is a South African journalist. After working in Europe for *The Guardian* and United Press International, he returned to South Africa in 1984 and spent 18 years with the Reuters news agency, the final five as Southern Africa bureau chief. He then joined the *Sunday Times*, where, from a base at parliament in Cape Town, he specialises in macro-economic and macro-social policy issues.

Terence Corrigan is a political and governance consultant, and was formerly a researcher and seminar facilitator at the SAIIA.

Mukelani Dimba is the deputy executive director of the Open Democracy Advice Centre, and works extensively in Africa on access to information and governance issues. Dimba worked on the APRM process at the Open Democracy Advice Centre in Cape Town, South Africa.

Steven Gruzd is head of the Governance and APRM Programme at SAIIA. He joined SAIIA's NEPAD and Governance Project in April 2003, serving as research manager, and he was subsequently appointed head in 2008. Previously he worked as a researcher and then research co-ordinator at the Centre for Development and Enterprise. Gruzd's research interests include the APRM, South Africa's international relations, African affairs, the Middle East, conflict and peace studies, and sport and politics. He holds an MSc in International Relations from the London School of Economics and Political Science and an honours and BA degree from the University of the Witwatersrand. He co-authored *The African Peer Review Mechanism: Lessons from the Pioneers*, the first major study of the APRM with Ross Herbert in 2008.

Nick Hutchings was an intern with the Open Democracy Advice Centre in Cape Town, South Africa at the time of preparing his chapter.

Mohamud Jama is an associate research professor and the current director of IDS. He was part of the team that worked on and produced the APRM report in Kenya.

Robert Mattes is a professor in the Department of Political Studies and director of the Democracy in Africa Research Unit in the Centre for Social Science Research at the University of Cape Town. Mattes is the co-founder and senior advisor to the Afrobarometer, an independent, non-partisan research project that measures the social, political and economic atmosphere in Africa.

Juliet Nakato Odoi holds a Masters degree in Women and Gender Studies from Makerere University in Kampala, Uganda. She currently works as policy and advocacy officer at the Agency for Cooperation and Research in Development. She has previously worked as advocacy advisor with Care International in Uganda and was Africa project officer for the Minority Rights Group International (MRG), based in Kampala. Before MRG, she worked with the Council for Economic Empowerment for Women of Africa (Uganda Chapter).

Joseph Onjala is a research fellow at IDS. Onjala was one of the team members that worked on and produced the APRM report in Kenya.

Neil Overy was the PSAM research editor until 2008. Overy now works as a consultant.

Alison Tilley is an attorney and the executive director of the Open Democracy Advice Centre in Cape Town, South Africa, where she worked on the APRM process.

Yarik Turianskyi is a researcher on the Governance and APRM Programme at SAIIA. Originally from Ukraine, he has been living in South Africa since 2001. He holds a Masters degree in Political Science obtained from the University of Pretoria. Prior to joining SAIIA he was a junior lecturer at the Department of Political Sciences at the University of Pretoria. His areas of interest include international relations, Eastern European politics, political philosophy and the APRM.

Acknowledgements

Grappling with Governance emerged from work undertaken in the research and training programme on 'Governance and the APRM', housed at the South African Institute of International Affairs (SAIIA) that commenced in October 2006. This programme built on previous work on the New Partnership for Africa's Development (NEPAD) and governance by SAIIA since 2002. The institute has now worked in well over 20 of the countries that have joined the APRM, as well as others that have not yet acceded, such as Namibia.

Many people have contributed to the development of this book. SAIIA's research-team members, past and present, have executed innovative research to push the boundaries of this evolving field. Ross Herbert's creative vision gave birth to this project, and his energy and efforts inspired those privileged to work with him. Tšoeu Petlane and Yarik Turianskyi are thanked for their ongoing hard work and dedication to the Governance and APRM Programme at SAIIA. Many of these chapters were originally published as SAIIA occasional papers. Any inaccuracies in updating them for this book lie solely with the editor and not with the authors. In some instances, the statistics and studies cited may appear slightly out of date, the arguments they support still hold true.

All the chapter authors have brought their unique perspectives to a complex subject with fresh insights and personal experiences. They

are thanked for their dedication and professionalism in the sometimes gruelling editing process. We acknowledge the efforts of the superb editors who worked on the individual chapters, including Shaun de Waal, Dianna Games, John Gaunt, Rex Gibson, Barbara Ludman, Alex Potter, Richard Steyn and Pat Tucker.

The continental APRM Secretariat is thanked for its constructive and detailed comments on an ealier draft.

Sincere thanks go to Leanne Smith, Angela Thomas and Shona Kohler in SAIIA's publication department for their efforts in bringing this book to fruition, as well as Russell Clarke and his team at Jacana Media. The unwavering support, guidance and encouragement from SAIIA's national director, Elizabeth Sidiropoulos, and director of research, Neuma Grobbelaar, are deeply appreciated. We gratefully acknowledge the Royal Netherlands Embassy in South Africa and the Swedish International Development Cooperation Agency, which have generously supported the Governance and APRM Programme and this book.

Thanks also go to my wife, Mandy, and my daughters, Lauren and Megan, for putting up with what must seem like my never-ending travel across Africa.

Finally, thanks go to all who work towards improving governance in Africa, through their dedication, commitment and belief that a better continent is indeed possible and achievable through our collective efforts.

Steven Gruzd
Johannesburg 2010

Introduction

Steven Gruzd

The African Peer Review Mechanism (APRM) is a tool designed to promote good governance on the continent. It was created amidst the flurry of ambitious African institution-building in the early 2000s, when the African Union (AU), the New Partnership for Africa's Development (NEPAD) and the Pan-African Parliament emerged. This transformation and development of African organisations was driven by the vision of an 'African Renaissance' championed by South African President Thabo Mbeki, with support from other major African leaders.

Born out of the optimism at the new millennium that Africa's time had come, the APRM is built on the belief that the continent does not lack ideas to advance its development, but states struggle to live up to their principles and implement their policies. The APRM is one of the most innovative governance and self-monitoring initiatives to emerge anywhere in the world. Its fundamental principle is that good governance is a precondition for Africa to escape from the spiral of conflict, underdevelopment, poverty and increasing marginalisation in a globalised world.

African countries choose to accede to the APRM voluntarily. Participating states commit to writing a comprehensive report that diagnoses and details governance problems (and positives). They are guided by a standard questionnaire, and their Country Self-Assessment Report (CSAR) is meant to be developed after widespread consultation

and rigorous research. The report addresses four broad themes: democracy and political governance; economic governance and management; corporate governance; and socio-economic development. Each theme asks specific questions about the governance performance of the country, and assesses adherence to a variety of standards and codes. The resulting final Country Review Report (CRR) presents proposed remedies in a National Programme of Action (NPoA). In theory, governments are held accountable at several levels: by their citizens during the self-assessment phase; by African governance experts during the Country Review Mission; and by their fellow leaders (the 'peers') at the APR Forum of Participating Heads of State and Government. The CRR is meant to be the baseline for future reviews, and countries are supposed to implement and report regularly on the progress of their NPoAs.

The APRM grew from the recognition that governance matters: what leaders do, and how they do it, and how they are held accountable, are important. Although some of Africa's ills can (legitimately) be blamed on external sources, as well as unfortunate historical and geographical legacies – from the slave trade to colonisation, neo-colonialism to the Cold War, globalisation to aid dependency – many governance problems are primarily internal and, therefore, within people's power to change. African states can also learn a great deal from one another: the power of peer pressure and peer learning can spark and sustain reforms, when states voluntarily commit to confronting their shortfalls, including listening to their citizens. Implicit in the APRM is the belief that it is possible to inculcate the habit of good governance, which improves people's lives incrementally by making elections fairer, service delivery more efficient, and decision-makers more accountable.

Looking back, almost a decade after the APRM was first conceived, this book explores how the APRM has evolved from theory to practice in a variety of contexts. Using case studies and transversal analysis, multiple voices from different African civil society actors – mainly analysts, activists and journalists – examine the process through their own keyhole. The chapters tease out what can be learned about governance in Africa from these experiences, and how the APRM has (or has not) changed the way that governments and civil society groups engage.

The APRM is a tool, rather like a grappling hook. That multi-pronged metal anchor, secured to a rope, is thrown or dropped onto a surface where at least one claw hopefully grips fast. A crude and unsophisticated

instrument, it may take many tosses to hook onto a suitable protrusion. Progress is a hit-and-miss effort. But, on a terrain without obvious footholds, a grappling hook allows the climber to pull himself up to higher ground or surmount dangerous obstacles.

This book demonstrates that undergoing review through the APRM – literally, grappling with governance – can be messy, haphazard and full of reversals. In practice, the APRM is a relatively soft, non-threatening process, with no consequences for non-compliance. It seeks to change the culture of governance slowly, without 'naming and shaming', but encouraging all to progress from their particular starting points. It has to tread a difficult political line: describing fundamental problems that can be politically unpalatable, without disillusioning or embarrassing its members. At the start, far more thinking went into establishing the system politically, rather than its practical operations, particularly once states started implementing and reporting on their NPoAs (or struggling to do so). No templates were provided, and the original rules have not been updated and sometimes contradict each other in various documents. To date, little evidence exists of peer pressure being applied to leaders, and peer learning is rudimentary. The process at national level is complex, time consuming, expensive and taxing, full of unforeseen complications and unanticipated consequences. Civil society organisations are likely to need to fight for political space and, while common problems emerge, viable solutions remain more elusive. Most countries already have development plans and policy processes underway – so what real value has the effort and expense of the APRM added?

Chapter 1, 'The APRM: Assessing Origins, Institutional Relations and Achievements', looks at how this tool was designed. Steven Gruzd gives an overview of why and how the APRM emerged in the early 2000s, as the offspring of NEPAD, and examines the philosophy behind the process. He also explores the APRM's place in the continent's evolving governance architecture, and how the ties between the APRM, NEPAD and the AU have become strained – perhaps a case of the tool not always fitting snugly into the toolbox? The chapter also touches on some of the achievements of the APRM since its inception: increasing membership, improved pace of reviews, diagnostic power of the analyses, catalysing reform and empowering people. It also looks at the critical challenges of leadership, management, maintaining momentum and celebrating success that the APRM faces going forward.

The next three chapters are case studies written by civil society activists about the use of the APRM in a particular national context. In Chapter 2, 'Civil Society Participation in Uganda's APRM Process', Juliet Nakato Odoi analyses the APRM process in Uganda from the perspective of civil society organisations that felt inadequately represented by their umbrella body, the NGO Forum. In Chapter 3, 'Assessing South Africa's APRM: An NGO Perspective', Nick Hutchings, Mukelani Dimba and Alison Tilley give their take on how the Open Democracy Advice Centre managed to ensure that protection for whistleblowers and freedom of information legislation featured prominently in the South African analysis. Both cases highlight some of the elements essential for successfully influencing the APRM process: being proactive, informed and focused; having a deliberate strategy for engagement; leveraging networks; and being tenacious. However, CSOs are more active in the early stages, when the country's report is compiled, and far less involved in implementation and monitoring.

Chapter 4, 'Making the News: Why the APRM Didn't' by Brendan Boyle, looks at the South African APRM from a journalist's vantage point. Boyle's newspaper, the *Sunday Times*, was one of the few newspapers to follow the APRM process in South Africa, and became more deeply embroiled when it chose to publish leaked documents. The chapter charts the twists and turns in the story, as the South African process was controversial and fractious. Some civil society actors were vocal in their criticism of the process, which they perceived to be government dominated, rushed and methodologically questionable, and therefore the tone and tenor of the reporting changed over time, not always to the liking of the government. Boyle ends with sharp recommendations on how to make the process more newsworthy and generate coverage more effectively.

The three chapters that follow examine the APRM from a technical viewpoint, that of academics and researchers who were involved in compiling reports in national APRM processes, or helping civil society to ask the right questions. In Chapter 5, 'Do Think Tanks Benefit from APRM Work? Kenya's Experience', three researchers from the Institute for Development Studies at the University of Nairobi, Rosemary Atieno, Mohamud Jama and Joseph Onjala, reflect on being a 'Lead Technical Agency' (LTA) in their national process. They discuss issues such as the confusion of roles between the local secretariat and the LTAs; the effects

of conflict on the national governing council and the need to pre-approve LTA actions and expenditure. They also reveal the sheer magnitude and burden of the task, which meant extending deadlines and hiring more staff, and how Kenya's Country Self-Assessment Report was put together under immense pressure. While recognising that their work was important in the national interest and of value to their institution, theirs is a cautionary tale about better planning and closer co-ordination of the various interests and actors involved.

Professor Robert Mattes in Chapter 6, 'Using Representative Opinion Surveys in the APRM Process' examines the need to apply academic rigour, objectivity and skill in extracting the views of ordinary citizens through opinion surveys. Although not mandatory, almost every APRM country has found value in capturing the views of its people through a structured survey on governance issues. Mattes, who is an expert in surveys, makes the case for using surveys, and advises on the practicalities and pitfalls to be avoided.

In Chapter 7, 'APRM's Economic Governance and Management Standards: What Civil Society Should Look For', Colm Allan and Neil Overy provide advice for civil society groups on how best to use the APRM as a tool to hold public officials accountable for spending public funds. They draw on a vast experience of dealing with accountability issues in South Africa's Eastern Cape Province.

Moving from how the tool was used to what its use revealed, in Chapter 8, 'Addressing the APRM's National Programmes of Action', Faten Aggad-Clerx compares and analyses the action plans emerging from some of the early APRM countries, including Ghana, Rwanda, Kenya, Algeria, South Africa and Benin. She notes that the NPoAs ignore the majority of recommendations made to the country, plans tend to confuse means and ends, and there is a need for priorities, clearer time frames and more measurable indicators. She also highlights how important it is for the APRM NPoA to build upon existing development plans, rather than create parallel and duplicative efforts.

The next two chapters take a thematic approach, analysing the governance trends across countries revealed through the APRM. Chapter 9 by Yarik Turianskyi tackles 'Common African Political Governance Issues: Insights from Six Early APRM Country Review Reports'. He compares and contrasts the reports from Ghana, Rwanda, Kenya, Algeria, South Africa and Benin, and concludes that there is a significant gap

between what is on paper and what happens in practice, albeit to varying degrees. His analysis suggests that lip service is paid to constitutionalism, and the executive tends to dominate the legislature and judiciary. But he also cautions against over-generalisations and the difficulties of comparing societies at vastly different levels of development.

Terence Corrigan focuses on development in Chapter 10, 'Common African Socio-Economic Issues: Insights from Six Early APRM Country Review Reports'. This comprehensive chapter closely examines recurring trends, including unemployment, access to land, weak education systems, gender discrimination and access to healthcare, within the context of countries often heavily dependent on external resources for development assistance. He concludes that the APRM reports reveal many of the challenges that undermine development efforts, including a 'survivalist' mentality, corruption and skills shortages.

In the conclusion, Steven Gruzd outlines what he believes needs to be done to consolidate and build upon the early gains of the APRM, especially in a rapidly changing global environment. He asks whether governments can be expected to assess themselves honestly and accurately or will they always end up making excuses, searching for scapegoats, silencing critics and spinning their achievements? Users need to tell success stories more clearly and consistently for the tool to stay sharp. They need to redesign aspects that do not work as well as they should. Those leaders driving the process need to demonstrate the highest governance and transparency standards through their own actions and operations. The APRM was not designed to be a disposable razor – it is meant to be used again and again in the quest for better governance. At the time of writing, no country had yet gone through a second review. What will it take for the APRM to thrive, rather than wither like so many previous promising initiatives? Part of the answer lies in the voices of civil society – such as those expressed in this book – being raised to demand better governance. Without push back and a degree of conflict, the mechanism cannot deliver.

Like any tool, the APRM's effectiveness depends on the suitability of its design, the situation in which it is used, and the skill of its user. The different authors reflect on these characteristics and, far from being employed as a one-size-fits-all instrument, the APRM has played out differently in varied contexts. What has worked well in one setting may prove inappropriate, ineffective or disastrous in another context. While it is ill-advised to draw universal conclusions, this book nevertheless

demonstrates that the APRM has added value, sometimes in unexpected ways. Despite its many problems, the APRM has started a dialogue that the players can choose to continue or abandon. It is a tool that can be used creatively to build trust between national actors, put the key issues into the spotlight and give impetus to difficult reform drives. What remains to be seen is whether the APRM can shape and sustain the energy initially unleashed.