



### RECOMMENDATIONS

- The APRM must remain a voluntary association. Mandatory accession should be rejected. Encouraging accession by non-members should not currently be a priority, although members acceding voluntarily should be welcomed.
- At continental level, the APRM's financial and administrative problems must be addressed. Its institutions need to have adequate resources, in particular to support member countries in conducting their reviews.
- Directly linked to the functioning of the continental system is the willingness of individual countries to meet their obligations. They need to sustain their financial contributions to the APRM – holding errant countries to this would be a valuable step in realising the APRM's peer guarantee.
- APRM countries must demonstrate a clear commitment to the standards the APRM establishes in their own conduct, and in holding their peers to their undertakings and to the APRM's governance standards. This must be coupled with active and visible support for positive reform initiatives. The APRM's participants should stand out as a 'caucus of excellence' within the AU.

# Why the African Peer Review Mechanism Must Remain Voluntary

Terence Corrigan<sup>1</sup>

### EXECUTIVE SUMMARY

Membership of the African Peer Review Mechanism (APRM), which stands at 35 of the 54 states of the AU, is based on voluntary accession. Speculation about making participation mandatory has long existed but is a mistake. As a voluntary process, the APRM is almost wholly reliant on the perceived credibility and desirability of its processes and reports to remain relevant and attract new member states. Evidence suggests that Africa's more open societies, which tend to have acceded voluntarily, are best placed to produce the credible reports that will underpin this. Mandatory accession to the APRM would actually undermine it.

### INTRODUCTION

Of all Africa's recent initiatives to steer a new developmental course, few match the APRM for its innovative potential. The APRM aims to interrogate countries' political, economic, corporate and social systems to deal with the continent's governance problems. The APRM's combination of internal consultation and supranational examination holds the possibility of raising the continental bar on participation and accountability to a level that would have seemed fanciful a generation ago.

So far, 35 member states of the AU have acceded to the APRM, while 19 have not. If the APRM opens up developmental possibilities for its participants, why have so many countries elected not to accede?

### DEBATING ACCESSION

Accession to the APRM was made voluntary at the outset. This was most likely intended to guarantee that countries would approach the

process with a genuine and active commitment to ensuring its success. It also recognised that the prospect of being scrutinised – particularly the business of government – was politically sensitive, which not all countries would accept. The commitment demonstrated by voluntary accession would signal a willingness to engage in dialogue around contentious issues, to rectify shortcomings and to learn from peer countries in doing so. For this reason, the APRM made provision for both assistance in reform efforts and sanctions for failing to undertake these commitments. Voluntary accession would help ensure that countries participated in the APRM because they recognised the intrinsic benefits of inculcating good governance practices.

Universal accession across Africa has always been an aspiration. An APRM operating across all AU member states would, theoretically, set standards for the conduct of the AU's membership as a whole, rather than for a limited subset of it. It would expand the pool of experiences – positive and negative – for peer learning, and would act as a driver of democratisation and good governance.

How to draw more countries into the process has been an enduring issue for the APRM. An obvious means would be to make it mandatory to be subjected to it. Although not officially proposed, this option has been mooted formally and informally from time to time. Recent developments demand reflection on this suggestion. In June 2014, at its summit in Malabo, Equatorial Guinea, the AU resolved that 'the APRM shall be an autonomous entity within the AU system'.<sup>2</sup> Although the Malabo Declaration reaffirmed the APRM's voluntary nature, making it the common property of all AU countries could provide the impetus for a general requirement that all accede. This would not enhance the APRM's effectiveness; rather, it risks undermining it.

## NAVIGATING A DIFFICULT JOURNEY

Considerations in deciding whether or not to accede are the administrative and financial demands of the process, which involves a minimum annual subscription of \$100,000 per country, plus further outlays for conducting the actual review – a figure of around \$1 million to \$3 million, depending on the size of the country and the extent of public

participation. Beyond this, countries must commit their often limited state capacity to the process, preparing information and arranging consultations, for example. For countries grappling with severe developmental challenges, these are significant commitments. Meeting these commitments demands political will.

The founders of the APRM underestimated these burdens. The process was originally conceived to be completed in a six- to nine-month timeframe, from the hosting of the Country Support Mission to the review by the APR Forum. No country has achieved this. If the preliminary sensitisation and institution-building needed before the process officially starts is factored in, the timeframe is better measured in years. Many countries have lagged in paying their subscriptions.

Moreover, a decade of APRM experience has refined an understanding of what can be gained through it and, hence, highlighted the motivation for undertaking peer review. Despite early hopes that the APRM might open new sources of support from development partners, there is little direct evidence of this having occurred. Rare exceptions exist, such as Ghana's Country Review Report being used in awarding it access to funds from the US Millennium Challenge Account.<sup>3</sup> However, as a motivation for accession, this is not compelling. Rather, the intrinsic goals of positive governance reform remain the best reasons to do so, which should be recognised.

So far, 17 countries have been through the entire process – only half of the countries that have signed up for it since 2003. Moreover, despite the APRM's objective of conducting periodic reviews (every five years, after the initial process), no country has yet produced a second review.

An alternative evaluation of the APRM's progress is to consider the nature of its membership. In an important contribution in 2007, Professor Newell Stultz of the Watson Institute for International Studies at Brown University in the US pointed out, using data from the democracy monitoring group Freedom House, that participants in the APRM tended to be politically 'freer' ('in a classic, Western liberal sense') than those not participating.<sup>4</sup> This remains the case. APRM participants are rated, on average, slightly freer than the AU average.

APRM participants are also more likely than non-participants to be rated, by Freedom House's criteria, as either 'free' or 'partly free', and significantly less likely to be rated 'unfree'. Notably, seven of Africa's 10 'free' countries are members of the APRM.<sup>5</sup>

More importantly, generally among the APRM participants it is the politically more open societies that have tended to undergo review. Slightly more than one-fifth of the 'not free' countries among the APRM members have undergone an initial review, and only around half have even received a Country Support Mission – the first step of the process, preceding any discussion of substantive issues. In contrast, two-thirds of the free and partly free countries have completed a first review.

Thus, countries' active commitment to the APRM appears to be related to their openness. While generalisations should be avoided, Africa's more open societies also seem to be more inclined towards reform. Consequently, among these countries the political will to undertake review is most apparent.

This strongly suggests that progress in the APRM hinges on differentiating between states, rather than ignoring these differences. It is Africa's emerging democracies, however imperfect, and its reformers – largely those striving for greater freedom – that stand to benefit from the APRM, and in so doing, demonstrate the APRM's worth.

### ENSURING CREDIBILITY

The APRM's long-term success rests on its credibility. A central premise of the APRM was that Africa would deal forthrightly with its governance challenges. Doing so would, inevitably, strike at the power relations and even the cultural dynamics of many African countries. The extent to which the APRM has achieved this is unclear.

Traditions of openness and civic engagement are foundations upon which strong and credible processes can be built. Open societies can generate correction mechanisms: even where suspicions of manipulation arise, which can be contested. South Africa's process is a good example. During the process, protestations from civil society and analysts led to a greater role for non-governmental groups in its management and in conducting research for its Country Self-Assessment Report. Some committed

organisations used the APRM for policy advocacy. The Open Democracy Advice Centre successfully pressed for recognition of concerns about the inadequate protection for whistle-blowers.<sup>6</sup> Even after the process, some civil society groups have used South Africa's periodic APRM progress reports to analyse key themes in the country's governance, keeping the spirit of engagement alive.

In countries with less-developed democratic traditions, dangers of government domination and non-credible reviews are greater. A study of the Algerian process, while recognising the achievement of conducting the review, nevertheless argued that it was inherently problematic: 'Whatever the degree of technical success achieved in the implementation of the APRM in Algeria, it remains the case that the exercise ran up against structural problems experienced by Algeria, which are linked to the quality of political governance.'<sup>7</sup> Similarly, tight controls on opposition activity and civil society in Ethiopia raised questions about the credibility of its process.<sup>8</sup>

Furthermore, the APRM was conceived as an exercise in co-responsibility. A guarantor was the promise that the Forum of Heads of State would assist states needing help and would put errant states 'on notice of their collective intention to proceed with appropriate measures'.<sup>9</sup> This aspect remains underdeveloped and there is little evidence thus far that the forum will hold countries to account for their governance failings. To expect that countries undergo a review process that assumes levels of openness and cultures of participation that may not exist in all of them, risks hobbling the APRM process by burdening it with members who have shown no interest in it, and whose commitment to a credible process would likely be questionable at best.

Former panel member Akere Muna put it pithily: 'I'm not worried about those who are staying out; I'm worried about those who are on the boat and hoping they get what they came for.'<sup>10</sup>

### LOOKING FORWARD . . .

Moving the APRM to a mandatory accession regime would be unwise at present. Indeed, pushing for expanded membership of the APRM carries risks. Logistically, the APRM's institutional capacity is

already stretched thin with 35 member states, and it is difficult to see how it would be able to accommodate significantly more countries.

If anything, the fact that countries have chosen to remain outside the APRM – while the trend in the AU has been for countries (nominally) to endorse all its initiatives – suggests that the APRM reviews are seen as impactful. Selective membership is an asset, not a liability.

The most forceful argument against mandatory membership is the reliance of the APRM on strong political will. The greatest danger to the APRM in the long term lies in tepid or manipulated reviews, or countries acceding but doing little more. Successful reviews will emerge from the efforts of constituencies meaningfully engaging in domestic processes. Thus far, the bulk of the APRM has taken place in countries where this has been possible to some extent – yet even in these countries, concerns about credibility have arisen.

The challenge of reviewing closed societies looms large for the APRM. If all participants are in fact reviewed, a growing number of unfree societies will undergo review. How robust the resulting reports are will be an important measure of the APRM's credibility as a diagnostic and analytical tool. They may also attract attention as indicators of how effective the APRM is as a spur for reform in difficult environments.

The APRM remains a work in progress, and must chart a careful course between ambition and practicability. Mandatory accession would bring in countries that have shown little interest and whose domestic politics are not conducive to robust reviews. Supporters of the APRM should reassess their concerns about accession and membership. The focus should be on consolidating the APRM system among those genuinely committed to it, which would produce the governance reform that constitutes the best advertisement for accession.

## ENDNOTES

- 1 Terence Corrigan is a political and governance consultant and SAIIA Research Fellow.
- 2 AU (African Union), Decision on the Integration of the APRM into the African Union, Doc. Ex. CL/851 (XXV), Malabo, Equatorial Guinea. Addis Ababa: AU.
- 3 Gruzd S, *The African Peer Review Mechanism: Development Lessons from Africa's Remarkable Governance Assessment System*, Research Report, 15. Johannesburg: SAIIA, January 2014, p. 21.
- 4 Stultz NM, 'African states experiment with peer reviewing: The APRM, 2002–2007', *Brown Journal of World Affairs*, 12, 2, Spring–Summer, 2007, pp. 247–257.
- 5 On Freedom House's seven-point scale rating democracy and civil liberties (the highest measure of freedom is represented by a score of 1 and the lowest by 7), the average for APRM participants in 2014 was 4.2, while the AU average was 4.4. Freedom House, 'Sub-Saharan Africa', <https://freedomhouse.org/regions/sub-saharan-africa#.VPSDPT9nIV>; Freedom House, 'Middle east and North Africa', <https://freedomhouse.org/regions/middle-east-and-north-africa#.VPSDlJr9nIU>.
- 6 Hutchings N, Dimba M & A Tilley, 'Assessing South Africa's APRM: An NGO Perspective', SAIIA Occasional Paper Series, 3. Johannesburg: SAIIA, June 2008.
- 7 Boumghar M, *The APRM in Algeria: A Critical Assessment*. Johannesburg: AfriMAP (Africa Governance Monitoring and Advocacy Project), July 2009, p. 1.
- 8 Fisseha T & M Tadesse, *Ethiopia and the APRM: A Path to Nowhere*. Johannesburg: AfriMAP, July 2011.
- 9 NEPAD (New Partnership for Africa's Development), 'The African Peer Review Mechanism Base Document'. Johannesburg: NEPAD, 2003.
- 10 Comments in United Nations Economic Commission and APRM Secretariat, *The African Peer Review Mechanism: Deepening Governance Towards African Renaissance*, video documentary, 2013.

The Governance and APRM Programme is funded by the Swiss Agency for Development and Cooperation. SAIIA gratefully acknowledges this support.

© SAIIA 2015 All rights reserved. Opinions expressed are the responsibility of the individual authors and not of SAIIA.