Strengthening the African Peer Review Mechanism: Insights from National Governing Councils

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RECOMMENDATIONS

• NGCs should develop professional relationships among themselves to ensure the continuous sharing of best practices and lessons learned.

• NGCs should ensure that their status, including funding, composition, length of term and legal authority, are clearly established prior to the onset of APRM activities.

• The APRM Secretariat should convene a working group of NGC representatives to develop more coherent and consistent guidelines for NGCs, particularly relating to size and scope.

• The Secretariat should develop more robust and clearer guidelines for NGC structures, and establish a mechanism for monitoring implementation.

• CSOs should develop a checklist for NGCs' composition and hold government accountable to ensure compliance with revised country review guidelines.

• CSOs should also review the role of the Secretariat and work with it to improve its oversight function and the resources it provides to participating NGCs.

EXECUTIVE SUMMARY

National Governing Councils (NGCs)[2] are the lynchpin of the African Peer Review Mechanism (APRM). Situated between the state's political leadership and the technical institutions carrying out the research, NGCs are crucial to the development of a meaningful Country Self-Assessment Report (CSAR) and viable National Programmes of Action (NPoAs). They provide oversight for all subsequent stages of the APRM.

To achieve maximum impact, NGCs need to be free of political interference, have clear and concise mandates, and receive meaningful technical support. To date, a lack of consistency across APRM countries on the protocols for NGCs, including their scope of responsibility and sources of funding, has tended to hinder progress. Continued efforts towards standardising APRM processes, especially with regard to NGC activities, may contribute to more efficient CSAR and APRM outcomes going forward.

INTRODUCTION[3]

The APRM, a voluntary self-assessment tool instituted by African heads of state in 2003, was designed to promote more effective governance across four thematic areas.[4] Implicit in its design were the core principles of voluntarism, peer support and peer learning. The APRM, an evaluation process conceived and driven by Africans, was designed to be self-selecting. Countries would join on their own initiative, reducing negative perceptions and potential criticism of the APRM as being externally driven by Western interests. Furthermore, the 'peer review' process contributes to African ownership, encouraging states to monitor and support one another's ambitions and actions to establish good governance practices.

The architects of the APRM faced substantial challenges in designing its structures and processes. For example, while the broad stages are clearly outlined, participating countries could design their own structures and self-assessment processes independently – a core feature of the voluntary nature of the mechanism. Allowing locally designed processes ensures that the CSAR is contextually appropriate, utilising institutions and assessment frameworks that meet the needs of each particular country. However, this also results in substantially different approaches to the self-assessment processes in the various participating states, giving rise to inconsistencies in methodologies and outputs.

The architects were also faced with the challenge of finding a balance between engendering political support for the process within a country – by allowing the executive a meaningful role – and maintaining the independent nature of the NGC and the subsequent CSAR, which is critical to the legitimacy of the APRM process.

These two vexing challenges in design (voluntarism vs. consistency; political support vs. independent management) manifest most clearly in the composition of and responsibilities given NGCs, the key national structures implementing the APRM.

ABOUT NGCS

Four key institutions make up the national structure of an APRM-participating country. A 'Focal Point' is designated by the head of state to oversee the process and liaise with continental APRM structures. A national secretariat provides administrative support, and technical research institutions carry out the bulk of the substantive research in accordance with the APRM's self-assessment questionnaire. The NGC is situated directly between the Focal Point and the technical and administrative support teams carrying out the research.

The *Supplementary Document for Country Reviews*[5] establishes certain parameters for the composition of NGCs, suggesting they be autonomous, inclusive (have a diversity of stakeholders) and representative, encouraging broad-based participation. It says the NGC 'provides strategic policy direction to the implementation of the APRM. This body must contain upstanding citizens who command the respect of the general public.'[6]

The guidelines suggest that a non-state official should head the NGC, and contain vague instructions regarding size, noting NGCs that are too large become unwieldy

while those that are too small are not representative. NGCs are tasked with substantial duties and responsibilities, including providing policy guidance; ensuring professionalism, credibility and independence; managing publicity for NGC/APRM activities; and ensuring oversight and follow-up on the implementation of the NPoA. Finally, the country guidelines stipulate that NGCs require clear mandates, including legal status within the state, and sufficient resources for their work.

Taken together, these guidelines task NGCs with formidable responsibilities but offer minimal concrete guidance for their composition. In the search for a 'Goldilockian' mean, NGCs, meant to be apolitical and independent, are thus subject to the whims of the political leadership.

The lack of firm directives in terms of NGC composition, size, funding and legal status has created the potential for widely divergent practices, as has manifested in practice. In terms of size, Ghana had the smallest NGC, comprising a panel of seven eminent persons, while in Nigeria, the NGC-equivalent consisted of 250 people. Algeria split the difference with a 100-member NGC.

In terms of independence and composition, the NGC in South Africa saw the participation of multiple government ministers (including the chairperson), while in Benin, the chair and one vice-chair were from civil society with the second vice-chair representing Parliament. Ghana's seven NGC members were exclusively from civil society.

CHALLENGES AND OBSTACLES

A recent SAIIA workshop with NGCs brought these disparities into sharp focus, highlighting the effect that the lack of uniform standards for NGCs' mandate and structure has on their ability to achieve maximum impact. The workshop was the first exclusively to convene representatives from NGCs for the purpose of peer learning and reflection. While the identification of best practices is considered fundamental to the success of the APRM,[7] the lack of consistency in collecting and disseminating best practices has meant that, despite there being highly successful APRM processes in some participating states, other countries have not followed their lead and are failing to achieve similar results.

Beyond basic factors such as size, other structural impediments to success identified by NGC representatives included the lack of official legal status for NGCs in the relevant countries. This contributes to the uncertainty about

their role and import, and has had a negative impact on their ability to fulfil their APRM-mandated responsibilities. The absence of permanent legal status has also led to the disbanding of NGCs – often due to resource constraints or political differences – which has resulted in a loss of institutional memory, knowledge, experience and oversight capacity. Uninstitutionalised NGCs have also fallen victim to leadership changes and new political administrations.

Limited funding and logistical support is another area where there are divergent practices, and forms a major obstacle to achieving success. Many participating states lack the resources to maintain this highly technical and long-term governance project, especially when more pressing concerns dominate the political agenda. The APRM itself also suffers from a substantial funding shortfall, due to a dearth of annual contributions from member states and declining donor contributions, exacerbated by legitimate concerns over financial management.

The last series of challenges facing NGCs is maintaining independence from government, including having meaningful levels of non-governmental participation in the review. NGCs that rely on their governments (in addition to donors) for funding feel obliged to incorporate political actors into the NGC. Focal Points appointed by the head of state may feel pressure to ensure that a self-assessment is not overly critical. NGCs need to develop a credible and frank CSAR, but they also rely on the state for access to data and logistical support, creating at a minimum a perception of a conflict of interest.

Successful models of non-state actor participation exist, including in Zambia, where representatives from a civil society secretariat monitoring the APRM were selected to join the NGC. However, other states' unwillingness or inability to replicate the model of an independent and representative NGC has led to contested processes.

RECOMMENDATIONS FOR THE FUTURE

The single most important element cited by participants in the workshop for successful NGCs is meaningful independence from government. In order to achieve such independence, however, NGCs need support from APRM institutional structures, as well as civil society organisations (CSOs) that monitor and observe APRM processes. The APRM Panel and Secretariat should explore the possibility of reviewing the foundational and guiding documents to provide more precise guidance and direction to NGCs.

CSOs must continue to engage in the process at a technical level by participating in NGCs and contributing their expertise, as well as through monitoring the process to ensure it is credible. This was reinforced by recommendations to increase efforts at sensitisation – a role that CSOs with a vested interest in good governance may be able to play.

More importantly, however, the APRM Forum and Panel need to re-invigorate the process, encouraging a recommitment to the APRM at the individual state and continental level. Recent high-level meetings of the APRM have been poorly attended, leading to reflection on the levels of momentum and interest. This filters down to the technical professional level, with individuals questioning government leaders' real political commitment to the APRM.

Overall, participants generally shared the view that for the NGCs and APRM to be most effective, they must be independent from government but maintain good relations, be inclusive of all elements of society, be well resourced, and have a clear mandate from the onset. In this regard, the recommendations closely reflect the guiding documents of the APRM, as well as recommendations made by independent analysts.[8] The challenge is in the implementation.

MOVING FORWARD

NGCs themselves must lead the way in fostering best practices among their peers. Successful APRM processes often have included information exchanges with participants from peer countries in the early stages. In Tanzania, for example, this saw representatives from Ghana and Uganda participating in seminars that took place prior to the onset of the process.[9]

Responsibility for establishing more meaningful guidelines, and for monitoring their use, falls primarily on the Secretariat, which is meant to provide technical, co-ordinating and administrative support services to the APRM. It is responsible for maintaining an extensive database on the four focus areas and political and economic developments in participating countries; facilitating technical assistance; tracking the performance of each participating country; and liaising with participating countries and partner institutions to follow the progress of technical assessments. The development and sharing of best practices fall squarely within these responsibilities.

Much of the hard work in analysing best practices has already been done. In 2011, SAIIA published a book

looking specifically at best practices, with more than 200 such practices identified from 15 published Country Review Reports.[10] However, it is not clear to what extent these best practices have been transmitted to NGCs and incorporated into ongoing CSAR development.

In order to ensure that best practices are developed, transmitted and used, a more meaningful link between NGCs and the Secretariat, and among NGCs themselves, must be developed. The Secretariat maintains the APRM's official website, and with it the capabilities to promote peer learning. By using its position as both the repository of information and the overseer of technical support, the Secretariat is uniquely situated to promote cross-country learning and the sharing of best practices from completed reviews.

CONCLUSION

The APRM as a tool for self-assessment and improvement in governance metrics has the potential to benefit not only participating countries but also the regional and continental governance structures in Africa.[11] Members of the Country Review Team can use their experience as peer reviewers to improve governance in their own countries and in the multilateral bodies within which they work. Furthermore, implementation of NPoAs in participating countries can serve to elevate the acceptance of governance reforms as critical to development, and entrench continent-wide minimum standards across the four thematic areas.

The workshop demonstrated that at the professional and technical level, there remains substantial enthusiasm for and interest in seeing an invigorated APRM process. NGC representatives understand the value of governance assessments, particularly in conjunction with meaningful plans for improvement. The workshop also demonstrated, however, that there is much work to be done in improving peer learning at the regional and continental levels.

For the APRM to add value at country level, the APRM infrastructure – the Secretariat, Panel and Forum – as well as states' financial and political support must continue to improve. Establishing ongoing peer learning and the infrastructure to share and implement best practices would be a fundamental first step.

ENDNOTES

1   Jacob Kurtzer is an independent consultant based in Pretoria, South Africa. Previously he worked for the International Committee of the Red Cross and Refugees International, and consulted with the International Labour Organisation.

2   In this policy briefing, NGCs will be used for bodies alternately known as national governing councils, national commissions or national forums.

3   This policy briefing is based on the proceedings and outcomes of a workshop organised by SAIIA: *Learning from the African Peer Review Mechanism National Governing Councils*, 10–11 February 2015, Johannesburg, South Africa.

4   The four thematic areas of APRM review are: democracy and political governance, economic governance and management, corporate governance, and socio-economic development.

5   SAIIA, 'Supplementary Document for APRM Reviews', http://aprmtoolkit.saiia.org.za/official-documents/item/606-supplementary-document-to-aprm-guidelines-for-country-review, accessed 30 March 2015.

6   *Ibid.*

7   Petlane T, 'Strengthening Peer Learning in the APRM: The Case for Best Practices', Policy Briefing, 76. Johannesburg: SAIIA, October 2013, http://www.saiia.org.za/policy-briefings/strengthening-peer-learning-in-the-african-peer-review-mechanism-the-case-for-best-practices.

8   OSF (Open Society Foundations), *The African Peer Review Mechanism: A Compilation of Studies of the Process in Nine African Countries*, 2010, http://www.afrimap.org/english/images/report/AfriMAP_APRM_compilation_overview_EN.pdf.

9   Liviga AJ, *The APRM Process in Tanzania: Setting the Governance Agenda*, OSF, November 2013, http://www.afrimap.org/english/images/report/AfriMAP%20Tanzania%20APRM%2018Nov1135%20Web%20FINAL.pdf.

10 Petlane T & S Gruzd (eds.), *African Solutions: Best Practices from the African Peer Review Mechanism*. Johannesburg: SAIIA, 2011, http://www.saiia.org.za/books/african-solutions-best-practices-from-the-african-peer-review-mechanism.

11 Grant Makokera C & S Gruzd, 'Promoting Peer Review as a Compliance Mechanism for Regional Integration', Policy Briefing, 106. Johannesburg: SAIIA, September 2014, http://www.saiia.org.za/policy-briefings/promoting-peer-review-as-a-compliance-mechanism-for-regional-integration.