



Next Time Better? Conducting the APRM's 'Second-Generation' Reviews

Terence Corrigan¹

EXECUTIVE SUMMARY

Reviews conducted under the African Peer Review Mechanism (APRM) are intended to occur at regular intervals, helping countries conduct an ongoing assessment of their governance. However, after 12 years of the APRM's existence, no country has yet conducted a full 'second-generation' review. Settling on a format for these reviews is of considerable strategic importance, since it will set a precedent for future reviews. However, weaknesses in the first-generation reviews demand that some adaptations be made. The second-generation reviews also offer an opportunity to examine the implementation of countries' National Programmes of Action (NPoAs), a critical part of the system yet one sometimes overlooked.

INTRODUCTION

The APRM was designed as a dynamic, ongoing system of evaluation of and feedback on the governance of participating states. In some ways, it has carried this out successfully, having so far reviewed 17 of the 35 acceding countries and produced a detailed and well-regarded report on each. The APRM has performed a valuable service in diagnosing Africa's problems and offering policy recommendations. In other ways, it has not lived up to expectations. Most obviously, its initial momentum has dissipated, and no reviews have been undertaken since the last were completed in 2013. The imperative of regaining momentum cannot be understated. Nowhere is this more important than in moving beyond the initial 'base' reviews to so-called 'periodic' reviews.

RECOMMENDATIONS

- Recognise the extent of the task and establish mechanisms to deal with it. In moving to the second-generation reviews, countries must accept both the complexity of the task and its political dimensions, and plan accordingly. Drawing on the lessons of the previous reviews, an adequate budget, capacitated institutions and a plan for research and consultation must be available.
- Use institutional memory. People and institutions with experience of the first-generation reviews must be encouraged to participate in planning and executing the second-generation reviews.
- Continue to sensitise. The APRM has not yet captured the broad imagination of the continent – this requires ongoing attention.
- Emphasise the key issues identified in the first-generation reviews. This will help to provide a narrative to the consequent report, generate serious policy discussion and assist with monitoring and evaluation.
- Review progress of the NPoA. Although intrinsic to the APRM system, the implementation of the NPoAs has been questionable. The second-generation reviews offer an opportunity to probe what has been achieved and how it may be improved in future.

The APRM Base Document, which establishes the framework for the APRM system, envisages a process to evaluate 'the policies and practices of participating states to ascertain progress being made towards achieving mutually agreed goals and compliance with agreed political, economic and corporate governance values, codes and standards'.² The reviews are to be initiated by a base review (a first-generation review), to provide a comprehensive evaluation of the country, followed at intervals of two to four years by periodic or – in the terminology employed here – second-generation reviews. The latter are intended both to examine progress made since the base review and to provide an opportunity to interrogate new issues that may have arisen.

However, second-generation reviews are uncharted territory. There are no official guidelines or precedents to steer them; they will be establishing precedents for the future. The design and conduct of these reviews demand close attention.

The closest achieved to a second-generation review so far has been a partial second review of Kenya in 2011. It focused on two of the APRM's four thematic areas, these being democracy and political governance and socio-economic development, mainly in response to the post-electoral crisis. However, that report was withdrawn after a request from the Kenyan government, which argued that it contained several inaccuracies and omissions and was not fit for discussion by heads of state. It pledged a full review, encompassing all thematic areas.³ Nigeria has conducted an internal self-assessment since the completion of its country assessment in 2008, but has not yet hosted a second Country Review Mission (CRM) from the continental APRM authorities.⁴

To regain momentum, a framework must be developed to get the second-generation reviews underway. These can present a powerful 'value proposition' to participating states and the continent at large.

LESSONS FROM FIRST REVIEWS

The first-generation reviews provide obvious points of comparison for framing the second-generation reviews. Uniquely among governance review systems, the APRM's inquiries cover most facets of

public life. It can interrogate politically sensitive issues, such as the observance of civil liberties, the conduct of elections, corruption and so on. As part of the review process, countries are required to produce NPoAs outlining strategies to address the identified shortcomings.

The reviews have also had some indirect benefits. They have helped define 'good governance' by measuring conduct against 'governance standards', African and international agreements, conventions and codes setting out countries' obligations. And by requiring broad public involvement, the APRM has helped to stimulate a democratic political culture on the continent. Across Africa, civil society groups have used the APRM to draw attention to their causes.

However, conducting APRM reviews has proven complex. They were intended to run for six to nine months from the start of the process (compiling background research on the country and sending a Country Support Mission from the continental authorities) until the final review by the forum of heads of state. No country has managed to stay within this timeframe. Peer review processes have also been costly – each having cost between \$1 million and \$3 million, depending on the size of the country and the activities undertaken. The more comprehensive and inclusive the review is, the greater the demands on time and resources. The resultant Country Review Reports (CRRs) are cumbersome – averaging around 400 pages and sometimes subsuming the crucial issues in the large volume of material.

The APRM has not avoided the currents of politics. A key issue has been concerns about government dominance in the process. In South Africa, for example, the government edited the Country Self-Assessment Report (CSAR) to alter some of the contentious material – although most of this did appear in the final CRR. In other instances, such as in Zambia, changes in government disrupted preparations for review. Elsewhere, as in Kenya, participating individuals and civil society groups exploited the APRM for their own gain.

Finally, it is unclear how effective the NPoAs have been. Clearly, some of the issues identified in the reviews have not been adequately addressed – demonstrated, for example, by the conflict following Kenya's election in 2007 or the violent outbursts

of xenophobia in South Africa in 2008 and 2015. Countries have tended to ignore some findings of the reviews in their NPoAs, failed to implement commitments, or come up with ineffectual strategies. In addition, reforms may not be branded as having arisen from the APRM process.

These experiences highlight what needs to be replicated and what needs to be improved upon as the APRM moves on to second-generation reviews.

PLANNING FOR SECOND REVIEWS

At present, preparations for the intended second-generation reviews assume they will largely repeat the processes followed for the base reviews. They will attempt to interrogate the same range of issues; indeed, a revised questionnaire was released in 2012 and incorporated several issues absent from the original, making it even longer than the original. It has also been agreed that countries preparing for second-generation reviews will compile reports on the progress made in the implementation of their NPoAs. These will presumably be used to guide interrogation of some of the weightier issues identified in the initial review, and suggest an intention to evaluate government efforts to deal with them.

The political dimensions are unlikely to be any less pronounced than they were in the first-generation processes. A case may be made that the political stakes will be even higher as countries may be called upon – both by the APRM authorities and by their own citizens – to justify failures to heed the warnings made by their first-generation reviews, or to implement their NPoAs.

ENHANCING THE APRM

Does it make sense to alter the format of second-generation reviews? Can – and, indeed, should – the APRM's processes as they have thus far developed be modified?

Little can be removed from the scope of its investigations without compromising its diagnostic capacity. Equally, the processes of consultation and soliciting public submissions cannot be significantly truncated without undermining its inclusivity. Both are critical elements of the APRM. Furthermore,

because the time elapsed since the first reviews generally far exceeds the two- to four-year interval envisaged in the design of the APRM, it is prudent to undertake a comprehensive review.

Nevertheless, several important alterations to the APRM's operations can be made; cumulatively, their impact would be significant.

Firstly, the continental structures need to be properly capacitated for their role. This implies proper funding, but equally importantly, stability and leadership. The long-standing absence of a permanent chief executive officer at the Secretariat is a particular handicap. Prioritising and planning for the numerous second-generation reviews that are required demands bold leadership.

Secondly, institutional memory of the first reviews must be drawn upon. Second-generation reviews should not need to learn the mechanics of the process from scratch. Principally, this should imply keeping National Governing Councils (NGCs) in operation between reviews. No other body can perform this role – not even National Focal Points, which tend to be vulnerable to changes in government. It is critical that existing NGCs consciously apply the operational lessons learnt in the first reviews to the second. It may be advisable for the members of currently constituted NGCs to consult with predecessor members to understand the challenges that they faced. In reality, however, many countries' NGCs were disbanded following their first-generation reviews. They will need to be reconstituted, and attention must be paid to re-enlisting or consulting former members.

The Technical Research Institutes that assisted in the first reviews are another repository of institutional memory. These would have an understanding of the functioning and aims of the APRM, as well as of the contents of the original relevant CSARs, CRRs and NPoAs. This background would enable them to make a valuable and contextualised contribution to the second review.

Thirdly, ongoing sensitisation is crucial. The APRM remains insufficiently known to many of Africa's people. As one civil society activist, whose country had been through its review, commented: 'We need a campaign to explain the value of APRM. It does seem to me that it has been left to the leaders without a strong push for others in society. It is not

making enough progress. It is about governance and accountability on the continent.⁵

Fourthly, the second-generation reviews provide an opportunity to further tailor the APRM process to the specific concerns of individual countries. This is not to suggest that reviews – at this point – truncate the scope of their inquiries. The review would still aim to produce a comprehensive report, based on the questionnaire, and would accept submissions on all issues from interested groups. Rather, second-generation reviews should emphasise specific issues of concern that were raised in the first-generation reviews and included in the NPOAs. Particularly important issues should be identified through consultation between the continental APRM authorities and their national counterparts – the latter not being limited to national governments, but reserving a large role for NGCs. Research would then be commissioned and specific input invited on these issues. The CRMs would complement this by paying particular attention to them. This emphasis should find its way into the CSARs and CRRs, assisting in driving a conversation about these issues as well as the effectiveness or otherwise of the NPOA. Doing this would provide fuel for journalists and researchers to engage with substantive issues, and would help to demonstrate the benefits of the APRM.

A fifth consideration concerns long-term planning. The second-generation reviews have the considerable responsibility of restarting a process that has largely ground to a halt. They should be conceived as the start of a truly periodic process. Planning for them should include maintaining a functioning NGC and setting timelines for holding subsequent reviews, as well as ensuring funding is allocated through budget forward-planning. Once reviews begin to happen regularly and predictably, as originally intended, it should be possible to refocus them. This would allow reviews in particular years to be devoted to particular themes. The result would be a more forthright and in-depth treatment of pressing matters – while recognising that other issues would be dealt with in subsequent reviews.

CONCLUSION

In their second generation, the APRM reviews will need to be adapted from the patterns established by those of the first generation, although the possibilities for change are limited by the nature of the APRM. At this point, the focus for the second reviews should be on bolstering institutions and enhancing efficiencies in their operation. Currently, the time elapsed since the first reviews means that the coming second-generation reviews will need to be comprehensive, both to investigate interim developments and to reignite public interest. They must also interrogate the effectiveness of the NPOAs, which are the key policy and developmental outcomes of the APRM. Alterations to the nature of the review should, however, not be excluded in future: if reviews are held on schedule, it would make sense to give them sectoral or issue-specific foci, so their inquiries would delve more deeply into particular issues in particular years. Fundamental to all of this is building continuity: the APRM must be willing to learn from its own experience, to maintain the expertise that this has created, and to adapt as it moves into the future.

ENDNOTES

- 1 Terence Corrigan is a Research Fellow with the Governance and APRM Programme at SAIIA.
- 2 NEPAD (New Partnership for Africa's Development), *African Peer Review Mechanism*, Base Document, 2003, par. 14.
- 3 Gruzds S, 'Kenya Gears up for Second Peer Review – Again', SAIIA Opinion Analysis, 22 May 2014, <http://www.saiia.org.za/opinion-analysis/kenya-gears-up-for-second-peer-review-again>.
- 4 Nnamani K, 'As Nigeria Undergoes 2nd Peer Review', *Leadership*, 18 May 2015, <http://leadership.ng/news/434273/as-nigeria-undergoes-2nd-peer-review>.
- 5 Confidential telephonic interview with East African civil society activist, 4 March 2015.

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