UNIVERSITY OF NAIROBI

AFRICAN PEER REVIEW MECHANISM (APRM) AS A TOOL FOR GOOD GOVERNANCE IN AFRICA: A CASE STUDY OF GHANA, KENYA, RWANDA AND SOUTH AFRICA

BY

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DECLARATION

This Research Project is my original work and has not been presented for award of a degree in any other University or anywhere else for academic purposes.

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Date ....14th November 2011.....

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DEDICATION

This Research Project is dedicated to my family whose support and inspiration has propelled me to great heights in life.

ACKNOWLEDGEMENT

LIST OF ACRONYMS

ACBF	African Capacity Building Foundation
ACHPR	African Commission on Human and Peoples' Rights
ADB	African Development Bank
APEC	Asia Pacific Economic Co-operation
APRM	African Peer Review Mechanism
ASEAN	Association of South East Asia
AU	African Union
CCFA	Commission on Capital Flows to Africa
CRM	Country Review Mission
CRT	Country Review Team
CSAR	Country Self-Assessment Report
CSO	Civil Society Organization
CSSDCA	Conference on Security, Stability, Development and Cooperation in Africa
ECA	Economic Commission for Africa
ECOSOCC	Economic Social and Cultural Council
ECOWAS	Economic Community of West African States
ERSWEC	Economic Recovery Strategy for Wealth and Employment Creation
EU	European Union
FY	Fiscal Year
GATT	General Agreement on Tariffs and Trade
GDP	Gross Domestic Product
HIV	Human Immuno-Deficiency Virus
IMF	International Monetary Fund

IORC	Indian Ocean Rim Community
KANU	Kenya African National Union
MAP	Millennium Action Plan
MCA	Millennium Challenge Account
MDGs	Millennium Development Goals
MOU	Memorandum of Understanding
NAFTA	North Atlantic Free Trade Association
NAI	New Africa Initiative
NARC	National Rainbow Coalition
NEPAD	New Partnership for Africa's Development
NGC	National Governing Council
NGOs	Non-Governmental Organizations
NPOA	National Program of Action
OAU	Organization of African Union
OECD	Organization for Economic Cooperation and Development
PAP	Pan African Parliament
PoA	Programme of Action
PSC	Peace and Security Council
SAARC	South Asian Association for Regional Co-operation
SAIIA	South African Institute of International Affairs
SAP	Structural Adjustment Program
UN	United Nations
UNCTAD	United Nations Conference on Trade and Development
UNDP	United Nations Development Program
UNECA	United Nations Economic Commission for Africa

USAID   United States Agency for International Development

WTO   World Trade Organization

ABSTRACT

This study sought to investigate the African Peer Review Mechanism as a tool for good governance in Africa: A case study of Ghana, Kenya, Rwanda and South Africa. The objectives of the study were; to assess the impact of APRM on governance in Africa, to assess the achievements of the APRM in Africa and to assess the challenges experienced in the implementation of APRM in Africa. The study explored the APRM as a tool for good governance in Africa from inception to 2011.

As part of the theoretical framework, the study applied the theoretical concept of regionalism which characterizes the shrinking of distance between countries, a growing interdependence of nations and emergence of a transnational society permeating the old nation states. The study was conducted through desk research and questionnaires. Data collected was mainly qualitative to establish the state of APRM – mandate, progress, impact, challenges and recommendations.

The study found that so far, 31 African countries have acceded to the APRM and this far, 11 countries have undergone the first review. Among these, the study sought to have an in-depth look at Ghana, Kenya, Rwanda and South Africa because of their peculiarities in the implementation of the mechanism. Some of the challenges experienced in the implementation of the process are corruption, lack of accountability, lack of technical capacity, inadequate resources, and low levels of participation by the public. Some of the achievements are that the mechanism has led to a marked shift in countries' institutional structures, positive reform process, and increased accountability and transparency. However, a lot more remains to be done for sustainability of development in African states, there is need for more capacity building and commitment from the heads of states and civil society organizations.

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CHAPTER ONE: INTRODUCTION TO THE STUDY

1.0   Introduction

At the start of the 21st Century, Africa's economic development continued to lag well behind global averages, and African economic and social development looked certain to remain a marginalized issue in the global development discourse[1]. Despite a sizeable population of nearly 800 million people, spread amongst 53 states, Africa contributed less than 2% of the global trade balance in 2001. If one excluded South Africa, Africa's largest economy by a sizeable margin from the equation, then this figure would drop to just a little over 1% of the global trade total[2]. This poor economic performance is at odds with the sizeable loans and aid packages which have been pumped into African economies by various donor bodies and private banks since the end of the colonial period, and at the turn of the century Africa continued to receive more financial assistance from the donor community than any other region in the world.

In attempting to understand the paradox between the vast amounts of aid being given to African economies and their equally poor economic performances, the importance of good governance has become prominent in the African development discourse. The term 'governance' has been used to describe variously the state of a country's political,

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[1] Masterson G., "Governance Quality and Governance Commitment to the NEPAG African Peer Review Mechanism," EISA Research Report No. 5, 2004

[2] Collier P & Gunning J. W., "Why has Africa grown so slowly?" *Journal of Economic Perspectives* 13(3), 1999. pp. 41-66.

economic, corporate and technical/bureaucratic institutions[3]. This growing emphasis on good governance practices and policies coincided with the conception of the New Partnership for Africa's Development (NEPAD), an economic development initiative seen by some as a deliberate attempt to formalize and regularize the relationship between the donor community and African governments[4]. NEPAD seeks to promote African development on African terms, through governance reforms and increased transparency and accountability, both to the donor community and more particularly other African leaders. The African Peer Review Mechanism is part and parcel of this vision.

1.1 Background to the Research Problem

The APRM is a voluntary body of African governments who have agreed to hold each other accountable to various standards of good governance prescribed in the Mechanism's Declaration on Democracy, Political, Economic and Corporate Governance[5]. The mechanism, conceived as an integral part of NEPAD, has been the topic of a vigorous debate since its initial conception in 2001. Based on the concept of peer review pioneered by the Organization for Economic Cooperation and Development (OECD), the APRM is intended to bring together a number of like-minded states committed to the principles of good political, economic and corporate governance, and

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[3] Mosely P., Harrigan J., & Toye J., "The World Bank's move towards Policy-based Lending," Aid and Power: The World Bank and Policy-based Lending, Analysis and Policy Based Proposals, Routledge London, 1991, pp. 27-61.

[4] Alence R., "Notes on the International Relations of the New Partnership for Africa's Development (NEPAD)" Department of International Relations, University of the Witwatersrand. Johannesburg, South Africa, Paper presented at Africa Talks in Accra, Ghana, 2002.

[5] The African Union, *The Declaration on Democracy, Political, Economic and Corporate Governance,* Official Document, 2001. http://www.nepad.org/en.html

subject them to periodic performance reviews by their peers[6]. Arguably the most unique and original aspect of the NEPAD initiative, the APRM is largely responsible for thrusting African development into the international development spotlight at a time of chronic global donor fatigue and a slump in the global economy.

The NEPAD/APRM framework, the brainchild of former South African President Thabo Mbeki, incorporating aspects of Nigerian and Senegalese development initiatives such as the New Africa Initiative (NAI) and the Millennium Action Plan (MAP) departs to a degree from the dependency theories of the Lagos Plan of Action and subsequent multilateral initiatives in Africa as it acknowledges the need for African nations to work in partnership with the G7/8 nations and other donors in order to facilitate economic renewal on the continent. Mbeki, former President Obasanjo of Nigeria and President Wade of Senegal argue that in order to address the multitude of social, political and economic problems in Africa, African economies need to reverse the trend of economic stagnation and target economic development as the key to African renewal.[7]

The NEPAD framework ostensibly offers a two-pronged strategy for economic development on the African continent, namely to work in partnership with the donor nations of the developed world and other partners in development, whilst beginning to address some of Africa's political and economic problems "in house", through African multilateral and bilateral institutions. It is this second objective that has generated interest in the APRM. The APRM's central philosophy of African states taking responsibility for

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[6] The New Partnership for Africa's Development, *The African Peer Review Mechanism (APRM,*. Official Document, http://www.nepad.org/en.html
[7] See http://www.ke.undp.org/index.php/projects/support-to-the-domestication-of-nepadaprm-in-kenya

their own development and compliance has been greeted enthusiastically by the donor community. In fact, the ARPM is unique in the landscape of African development initiatives for precisely this and has become the focus of a vigorous debate in the continent's development discourse.[8]

It is close to a decade since the African Peer Review Mechanism which is a mutually agreed instrument voluntarily acceded to by member states of African Union (AU) as a self-monitoring mechanism, was founded in 2003. The process that eventually culminated in the founding of the APRM started at the 37th Summit of the now defunct Organization of African Unity (OAU) held in July 2001 in Lusaka, Zambia. It was at this summit that a document setting out a vision for revival and development of Africa – which later became the New Partnership for Africa's Development (NEPAD) – was adopted. Later in 2002, the AU summit held in Durban, South Africa, moved a step further and, other than holding on with NEPAD, made an unequivocal statement, also referred to as a declaration, on democratic, political, economic and corporate governance. This is where the states participating in NEPAD declared their belief in a just, honest, transparent, accountable and participatory government and probity in public life.[9] The leaders at the summit further undertook to enforce the rule of law, to ensure the equality of all citizens before the law, to respect individual and collective freedoms, guarantee the right to participate in free, credible and democratic political processes and, further, ensure

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[8] Baah A., "History of African Development Initiatives," African Labour Research Network Workshop, Johannesburg, May 22-23, 2003.
[9] Africa Peer Review Mechanism, Country Review Report of the Republic of Kenya, Midrand, South Africa, 2006, p.8

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adherence to the separation of powers, including protection of independence of the judiciary and effectiveness of parliament.

The focus of this study is on the challenges facing the APRM framework as it seeks adherence to and fulfillment of its commitments as outlined above. The Durban summit of 2002 further adopted a document that spelt out the stages of peer review and the principles by which the APRM would operate, which is the document that guides the workings of the peer review mechanism to this day.[10]

The following year in 2003, a meeting of NEPAD Heads of State and Government Implementation Committee in Abuja, Nigeria, adopted a Memorandum of Understanding (MOU) on the APRM, which today effectively operates like a treaty between participating states. The treaty or MoU came into effect immediately with six countries agreeing to its terms and accepting the general principle that those countries that do not accede would not be subjected to the peer review. It is understandable therefore that the March 2003 meeting also adopted a set of objectives, standards, criteria and indicators for the APRM, which in the succeeding years became the cornerstone of the peer review process, and critically so given that there had been political fears about the possible encroachment by APRM into the internal affairs of participating countries[11]. The meeting

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[10] Thierry J., "The Politics in and around Governance in the New Partnership for Africa's Development," Rhodes University, Grahamstown, South Africa - Budget Information Service – Africa Budget Project – Africa Budget Project, 2005, pp. 95-96.

[11] Manga F., et al, "AU, NEPAD and the APRM Democratization Efforts Explored," Nordiska Afrikainstitutet, Uppsala, 2005, p. 23

established structures for administering the APRM, which included a secretariat and a seven-person panel of eminent persons.

The upshot of it all is that the APRM process is driven by a self-assessment questionnaire developed by the secretariat. The questionnaire is divided into four sections: democracy and political governance, economic governance and management, corporate governance, and socio-economic development. The questions are carefully designed so as to be able to assess compliance of the participating countries with a wide range of African and international human rights treaties and standards along the themes outlined in the questionnaire. But as has been mentioned here above, the assessment criteria, particularly the one on political governance, encountered an initial resistance from some African leaders, an issue that slowed down the rate at which countries joined the APRM process. By the end of 2010, for example, just 30 countries, which is slightly over half of the total number of African countries, had joined the APRM process and only nine had been reviewed, and this is without even talking about how the participating countries are working to adhere to the findings and recommendations of the view.[12]

1.2 Statement of the Research Problem

That Africa has had a myriad of challenges on democracy and governance, or even the simple adherence to international norms and standards on democracy and human rights, has been stated many times. Only few countries on the continent, for example, have been

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[12] Africa Peer Review Mechanism, Country Review Report of the Republic of Kenya, Midrand, South Africa, 2006, p. 9

able in the last decade to run a credible general election whose results are widely respected and accepted. The continent has also been challenged for decades by corruption and mismanagement of resources, factors to which numerous writers have attributed the continent's lack of economic growth and political development.[13]

In the 1960s, for instance, some countries in Africa such as Kenya and the so called Asian Tigers[14] were on the same economic footing, but the slight difference in economic and political management between the two sets of countries resulted in the big difference witnessed today between African countries and the Asian Tigers. In the same vein, Africa remains one of the continents that is most afflicted by diseases such as malaria, tuberculosis and HIV/Aids, among others. African countries have been incapable of coping with the challenges posed by these diseases primarily due to the dilapidated state of social facilities like hospitals. With enrolment rates in education hitting rock bottom in some countries, infant mortality rate is on the increase and public environmental consciousness is at its lowest.

Amid political turmoil over the continent, Africa lags far behind in the realization of Millennium Development Goals (MDGs) and is unlikely to have achieved much by the

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[13] Len V., "NEPAD and Civil Society Participation in the APRM," IDASA budget information service, Africa budget project, 2006

[14] *Asian Tigers* refers to the four economies of Hong Kong, Singapore, Korea (South), and Taiwan, which are all known for their very high growth rates and rapid industrialization. See http://www.businessnewstreasure.com/asian-tigers.html

deadline in 2015.[15] The challenges of the continent have mainly been attributed to the weak governance structures, but also partly to what has been described as manifestly poor leadership.[16] It was against this background that the APRM process was founded in the hope that it would positively impact on the myriad challenges afflicting the continent. What must have been notable however was that the African States were keen to ensure that the APRM does not include aspects of political leadership, which was argued to be only within the purview of the Organization of African Unity, now the African Union, and not a mechanism of the type of APRM.

Despite the initial fears and skepticism, the APRM has generally been perceived as a significant step forward, especially in improving governance and accountability on the continent and in attempting to address some of the continent's governance challenges since attainment of independence by majority of the countries in the 1960s and 1970s.[17] It is a process that is not exactly of the caliber of the European Union's strict governance standards, the "aquis communautaire," imposed on member countries, the standards against which aspiring members of the EU are assessed, but one which is designed to fulfill some similar objectives like any other continental peer review or internal

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[15] Nguendi F., "From The Lagos Plan of Action (LPA) to The New Partnership For Africa's Development (NEPAD): The political economy of African regional initiatives," a PhD Thesis submitted to the Faculty of Arts, University of the Witwatersrand, South Africa, 2004

[16] Pettigrew P., "The six billion dollars is conditional on all Nepad elements, of which good governance is a part and peer review is a part of that," reporting by AFP, 2002

[17] ESCAP/UNDP Report, "Promoting the Millennium Development Goals in Asia and the Pacific," New York, 2003

cooperation mechanism. APRM is special because it is African invented, by Africans and for Africans.

With some nine countries having accepted to be peer reviewed, and in the face of some indicating the intention to go for the second round of the review, the effectiveness and/or impact of the APRM on Africa's governance ought to be evaluated on the basis of the past reviews and how the reviews have impacted on governance in the individual participating countries. This study seeks to critically look at the APRM as a tool for governance in Africa, and specifically reviews the impact of APRM on Ghana, Kenya, Rwanda and South Africa. Some of these countries have had visible reforms in their institutions of governance while there has not been much difference for other countries.

1.3 Objectives of the Study

Overall Objective

To assess the impact of APRM on governance in Africa.

Specific objectives

1. To assess the achievements of the APRM in Africa.

2. To assess the challenges experienced in the implementation of APRM in Africa.

1.4 Justification of the Study

1.4.1 Academic justification

The APRM process could not have come at an opportune moment in the history of Africa and the high optimism exhibited in various quarters over what its possible impact on governance on the continent would be is thus understandable. However, very little work

has been conducted on APRM and its effectiveness. This study therefore seeks to fill in this gap and contribute to more knowledge and information in the subject area. This will also help create more understanding in case of need for any changes.

1.4.2   Policy justification

Africa today lags far behind the so called Asian Tigers in development terms due to what economists and international relations experts have referred to as poor leadership, which is a political pillar, and governance challenges that have included run away corruption and mismanagement of public resources.[18] With regard to Kenya in particular, it has been noted that the process and the instruments devised for the APRM research saw Kenya's self-assessment yield, in some respects, the most comprehensive documentation to date of the political, social, cultural and economic situation in Kenya.[19] This broke the barriers that had been erected against the smooth flow of information, which had been hampered for long by, among others, the secrecy that surrounded governance in the country and the legal regime, which included laws such as the Official Secrets' Act, a combination of which had locked the ordinary citizens out of the goings – on in government and thus limited their participation.   This study seeks to avail authoritative information at the disposal of policy makers to help inform and shape policy reforms.

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[18] Op Cit, note no. 14, p 20

[19] Ouma S., "The APRM process in Kenya: a pathway to a new state?" Open Society Initiative for East Africa and Africa Governance Monitoring, Nairobi, Kenya, and Advocacy Project, Johannesburg, South Africa, 2007

1.5 Literature Review

1.5.1 Democracy and good governance

As recorded by UNESCO[20] historically, the first use of the term 'governance' is related to research on corporate organizations, and structural adjustment programmes and decentralization projects promoted by the World Bank and International Monetary Fund. It is concerned with who governs and how and on behalf of whom. According to Sako[21] good governance is a precursor to development. He asserts that for Africa to claim the 21st Century, improvement in the quality of governance must happen. Such improvements must touch especially on the participation of all stakeholders in national development; transparency and accountability in the allocation and use of public resources and public policy management.

These are the same tenets embraced in the concept of democracy[22]. It generally refers to a political system in which the people of a country rule through the form of government they (majority) decide to set up. Those who exercise authority in democracies are elected by the people as representatives. However, the aspect of representation is strongly refuted by Muamar Al Qathafi who argues that democracy is the authority of the people and not

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[20] Found at http://www.unesco.org/most/globalisation/Governance.htm and accessed on 07/05/2011

[21] Sako S., Africa: Major Development Challenges and their Capacity Building Dimensions, (African Capacity Building Foundation, Zimbabwe), 2002

[22] The word democracy comes from two Greek words: *Demos,* which refers to people and *Kratein,* which means to rule.

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authority acting on behalf. True democracy exists only through the participation of the people and not through the activity of their representatives in parliament.[23]

There are various features of democracy namely: representation, accountability, equality, participation, gender equity, pluralism, freedom and free and fair elections. Some other important concepts of democracy include formal political equality, inalienable human rights, right of political participation, accountability to the governed and the rule of law. These aspects of democracy point to a paradigm where the set of true democracy is an empty set of ideal that may not be realized. However, these features may be helpful in constructing an appropriate definition of democracy which should include two main distinctions; the political regimes that allow regular competition among conflicting interests and visions, and the political regimes where values and interest enjoys buttress by the actual control of force.

1.5.2   NEPAD/ APRM

New Partnership for Africa's Development is an African-led initiative and a programme of the African Union adopted by African leaders in 2001 to promote poverty eradication, the promotion of sustainable growth and development and the empowerment of women. This is made possible through building partnerships at country, regional and global levels. Adedeji[24] notes that

NEPAD is largely attempts to transform the politico-economic landscape of Africa.

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[23] Qathafi M., " The Green Book," Macmillan, 1984, p. 5-7

[24] Adedeji A., "From the Lagos Plan of Action to the New Partnership for Africa's Development and from the Final Act of Lagos to the Constitutive Act: Wither Africa?" *Nepad Information Pack I* (Johannesburg: EISA), 2002

According to Fombad & Kebonang[25] and Sako[26] the New Partnership for Africa's Development (NEPAD) is at present Africa's most visible and resolute commitment to addressing the multifaceted problems that have for decades plagued the continent. However, the bedrock in many respects of the NEPAD vision is the African Peer Review Mechanism (APRM), a voluntary process and procedure that seeks to promote good governance (political, economic and corporate). Fombad & Kebonang[27] contend that this is supposed to be achieved through sharing of experiences, reinforcement of successful and best practices, adherence to international standards of governance, democracy, and respect for human rights and the rule of law.

Although the process is voluntary, the APRM and benefits of participation in the process allow NEPAD to dictate to African states, how they should govern themselves. The form of governance that NEPAD has promoted is in line with the process of structural adjustment as espoused by the World Bank and others. This idea is premised on the fact that, problems faced in Africa are directly related to structural inefficiencies. NEPAD is therefore concerned with promoting an identity of an Africa that is undergoing necessary structural change in order to succeed in its commitment to economic development.

[25] Manga F., et al, "AU, NEPAD and the APRM Democratization Efforts Explored," Nordiska Afrikainstitutet, Uppsala, 2006

[26] Sako S., "The New Partnership for Africa's Development: Building Economic and Corporate Governance Institutions for Sustainable Development," (African Capacity Building Foundation, Zimbabwe), 2003

[27] Op Cit note no. 25

In the following section, the researcher will give an outline of how some other review mechanisms work. These are the WTO, OECD and IMF review mechanisms.

1.5.3   World Trade Organization's Trade Policy Review Mechanism

Fombad & Kebonang[28] notes that there are various peer review mechanisms that seem to be doing well, such as the World Trade Organization's Trade Policy Review Mechanism (WTO-TPRM) which was established in 1989 on a provisional basis under the General Agreement of Tariffs and Trade. TPRM is a collective review process that aims to monitor trade policies and practices of WTO member states. Its intended purpose is to contribute to improved adherence by all members to rules, discipline and commitments made under the WTO in order to enhance the smooth functioning of the multilateral trading system.

Under TPRM, the responsibility for carrying out trade policy reviews is left to the trade policy review body (TPRB), which essentially performs two basic functions. First, it examines the impact of members' trade policies and practices on the multilateral trading system. Second, it increases the transparency of members' trade policies and practices. Essentially, the TPRM is a transparency review mechanism. Although the reviews under TPRM are not meant to enforce specific obligations or impose new commitments, they serve to provide information and play an important transparency role on the basis of which WTO can monitor the behaviour of member states. The information made available through these reviews can trigger other implementation mechanisms, such as

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[28] Fombad M., et al, "AU, NEPAD and the APRM Democratization Efforts Explored," Nordiska Afrikainstitutet, Uppsala, 2006

supervision or enforcement, especially when the information reveals some WTO-inconsistent behaviour.

1.5.4 The OECD Country Review

Dialogue, consensus, peer review and pressure, are at the heart of OECD.[29] A recent OECD document, Pagani (2002), clarifies and develops the idea of peer review and pressure, and describes the OECD peer review process in general terms.[30] The OECD peer review mechanism is not necessarily an all encompassing review as envisaged in the APRM. Most OECD reviews are specific, focusing on particular sectors or particular policies. For example, Ireland's aid program was recently peer reviewed through the Development Assistance Committee of the OECD. A key role is played by "examiner countries". These are the countries in the peer group who will conduct the peer review. Officials from the examiner countries lead the review, but they represent not themselves or their countries, but the collectivity.

Once the topic of the review, the principles, standards and criteria are decided by the collectivity, there are three phases of an OECD review—the preparatory phase, the consultation phase and the assessment phase. The first phase ("the preparatory phase") corresponds to the APRM's first stage. Information is collected, from existing sources and from questionnaires sent to the reviewed country Government, and background studies are conducted. The second phase ("the consultation phase") corresponds to the

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[29] See http://www.oecd.org/home/ and then to "About OECD". Accessed 11 December, 2003.

[30] Pagani, Fabrizio (2002), "Peer Review: A Tool for Cooperation and Change—An Analysis of the OECD Working Method," OECD SG/LEG (2002)1, http://www.oecd.org/dataoecd/33/16/1955285.pdf. Accessed 11 December 2003.

second and third stages of the APRM. There are site visits, discussion with government and broad civil society, and a draft report which is usually discussed with government. The third phase of the OECD review ("the assessment phase")[31] corresponds to the crucial fourth stage of the APRM.

The OECD peer review mechanism is a generally accepted as successful because of the technical competence of the OECD secretariat, and the examiners. The basic facts and analysis have to be gotten right in phase one and phase two. Also in these phases, independence of the secretariat and the examiners is crucial. The third phase is seen to be explicitly political, the final report involves negotiations and consensus building, but for this to work there has to be confidence that such negotiation has not already gone on in the earlier phases, compromising competence and independence there. But a crucial aspect of the success is that OECD peer reviews enter an already rich domain of policy dialogue in a country. The peer review is not the only intervention in place. If this was the case, then it is easy to see that there would be enormous incentives for political interference in the technical phases, and even the political discussion in the third phase would be poisoned by the amount at stake. But because it is one review among many that are conducted routinely, so to speak, by the reviewed country's civil society, it is a valuable input to the dialogue. Competing voices are important. It is through its influence on domestic public opinion, as one voice in a pluralistic dialogue, that OECD peer reviews seem to have their biggest impact.

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[31] Explained by Pagani (2002) as follows; the assessment phase - the draft report is discussed in the plenary of the body responsible for review. The examiners lead the discussion, but the whole body is encouraged to participate extensively. Following discussions, and in some case negotiations, among members of the body, including the reviewed State, the final report is adopted, or just noted, by the whole body.

1.5.5   IMF Review Mechanism

Under Article IV of the IMF's Articles of Agreement, the IMF holds bilateral discussions with member states usually every year. A staff team visits the country, collects economic and financial information, and discusses with officials the country's economic developments and policies. On return to headquarters, the staff prepares a report, which forms the basis for discussion by the Executive Board. At the conclusion of the discussion, the Managing Director, as Chairman of the Board, summarizes the views of Executive Directors, and this summary is transmitted to the country's authorities.[32] At face value, this process looks remarkably like the process of OECD peer review. The actual articles of agreement[33], however, have a much more severe tone. Article IV is entitled "Obligations regarding exchange arrangements."

The tone of these stipulations makes clear that the role of the IMF is more supervisory and compliance than "peer review," albeit that the members have entered voluntarily into the agreement defined by the articles of agreement. Yet it can be argued that it is in rich countries, where IMF resources are not used, that the Article IV consultations tend to play the same role as OECD peer reviews. In these countries, the visit of an IMF mission, and the subsequent report, is one among a number of assessments of the economy, produced by domestic and international entities (including in the latter, OECD peer reviews). There is a vibrant and domestic dialogue which the IMF Article IV consultation feeds into and makes a contribution—the final policy

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[32] See http://www.imf.org/external/np/sec/pn/2003/pn03139.htm, accessed June 16, 2011.

[33] See http://www.imf.org/external/pubs/ft/aa/index.htm , accessed June 16, 2011.

decisions of the governments are influenced by, not determined by, the IMF review.

This is a very different picture from poor countries where IMF resources are often in play. There are program missions, conditionalities of the program, and the IMF's assessment is almost invariably the gateway to resource flow from private and public sources. The anticipation around the visit of an IMF mission in Africa (and in Latin America and Asia) is of a different order to that in the UK, or Finland. And, as we all know, there is a great deal of mistrust and misapprehension on the part of government and civil society alike. The concerns arise not so much on competence but on independence and competition, and the two are related. On independence, there is a strong feeling among poor countries that the IMF is too much driven by the interests of its major, G7/G8, stakeholders. On competition, in many African countries certainly, there exist not many alternative authoritative sources of analysis that can "take on" an IMF assessment on its own terms. Finally, crucially, when IMF resources are in play, the IMF assessment is the key that unlocks non-IMF resources as well.

1.6   Theoretical Framework

1.6.1   Regionalism

According to Maluki[34] the growth of regional organizations such as the European Union (EU), Association of South East Asia Nations (ASEAN), African Union (AU), North Atlantic Free Trade Association (NAFTA), Asia Pacific Economic Cooperation (APEC) and now the Indian Ocean Rim Community (IORC) is a clear sign of the popularity of

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[34] Maluki P., "Regionalism in the Indian Ocean: Order, Cooperation and Community," M.A Dissertation submitted to Jawaharlal Nehru University, New Delhi, India, 2011

regionalism. Maluki goes on to say that as a concept, regionalism is very versatile and can be used to describe different functional as well as geographical groups. While factors such as common ethnic, cultural, social and historical bonds have been used to identify regions, in today's world regionalism is increasingly influenced by issues related to technological changes that affect economic and political decisions. It is also influenced by large-scale changes in public opinion resulting from particular events, new issues, or generation change.[35]

In his contribution to the study of regionalism, Karl Kaiser observes that the present international system is characterized by a shrinking of distance between countries, a growing interdependence of nations and emergence of a transnational society permeating the old nation states. He defines regionalism "as a pattern of relations among basic units in world politics which exhibit a particular degree of regularity and intensity of relations as well as awareness of interdependence among participating units"[36]. Such a definition is very elastic and can be used to define different functional and geographical groups.

Raimo Vayrynen has extensively looked at the concept of regionalism. In his opinion, there are important discontinuities and continuities in the international system. "The discontinuities may be politico-military (bloc boundaries), economic (tariff barriers) normative (ethnic and religious cleavages) or geographical."[37] According to him, these discontinuities give rise to sub-systems in the international system separated from each

[35] Ibid

[36] Karl K., "The International Regional Subsystems: Some preliminary, Notes On Recurrent Patterns and the Role of Superpowers" *World Politics* Vol.30 (January 1978), p.86.

[37] Raimo V., "Regional Systems Conflict Formation: An intractable problem of International Relations". *Journal of Peace Research* Vol. 21, No.4, 1984, p.338.

other by different kinds of boundaries. On the other hand, he sees continuity in the international system as being engendered by the capitalist economy. He argues that the capitalist world economy has penetrated the peripheral territories and areas of the world but in an uneven way. This uneven penetration produces a measure of heterogeneity in world regions in the sense that they have different levels of development and hence are placed in different structural positions in the world economy.

This heterogeneity forms the bases of sub-regions. He defines sub-regions as," clusters of actors, issues and actions which have a certain territorial base, they have culture, functional and structural variants."[38] He points out that regions are dissimilar in terms of their power balances, political and military alignment, economic formations as well as ethnic and religious background. They have a measure of dissimilarity and autonomy. Vayrynen goes on to identify two ways of defining regions. These are the inductive approach and deductive approach. The inductive approach divides the territorial units of the world into regions on the basis of empirical criteria such as physical distinctiveness, independence, and homogeneity of loyalties. The deductive approach is based on certain theoretical premises such as balance of power theory. This approach analyses regions in terms of security complexes. According to Barry Buzan, a security complex refers to "a group of states whose primary security concerns link together sufficiently closely that their national securities cannot realistically be considered apart from one another". 39

[38] *Ibid*

[39] Barry Buzan, quoted in Raimo Vayrynen, Op Cit note no. 37 p.344.

In his cultural-historical perspective of regions, Vayrynen points out that "Regions are historically constituted and are located both in time and space. A region is a dynamic socio-political factor; the dynamism implies that regions and the people living there are continuously transformed both in terms of their socio-political practices and cultural consciousness."[40] Using this cultural-historical perspective Auss Paasi identifies four stages in the creation of a region. These include: the constitution of a territorial shape; the symbolic shape; institutions; and lastly, establishment of the region in the social-political consciousness of the people. The development of territorial shape gives the region its boundaries, thus establishing it as a distinct unit in spatial terms. The symbolic shape evokes a sense of identification and loyalty that go beyond rationalistic calculations of costs and benefits. Institutions in regions create and are also created by standardized behaviour, as regions usually develop their own specific political, economic and socio-cultural behaviour. The socio-political consciousness necessary for creation of a region is based on territorial shape, regional symbols, and incipient institutions. These symbols act to socialize people into the various regional contexts creating a certain identity. These factors are not static. They change; especially when two regions merge to create a new region.[41] Thus, dynamism is a key process in regionalism.

In the opinion of Joseph Nye

> "Regions are relative; they are no absolute, naturally determined regions. Relevant geographical boundaries vary with different purposes and these purposes differ from country to country and changes over time....physical continuity can be misleading not only because technology, history and culture can make effective distance differ from linear distance, but also because images of what constitutes a region is affected by political interests."[42]

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[40] See Raimo Vayrynen, op cit, p.354.

[41] For more discussion of Paasi ideas see Raimo Vayrynen. ibid.

[42] Joseph S. Nye, "Regional Institutions", in Falk R and Mendlovitz eds, *Regions World Order: Block, Subsystems and Organizations,* New York: (Freeman 1973), p.80.

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Nye goes on to say that regionalism has some iconography as its foundation. But these beliefs or icons change or are differently applied.[43] Thus regionalism has a value-laden character, but issues of geographical contiguity and identity are important.

Economic groupings which provide high trade integration or common services are very popular nowadays. Such economic groupings have both derivative and declared uses. In addition to diplomatic functions, the derivative uses may include symbolic roles such as statements of goodwill, non-aggression pacts or enhanced communication among the concerned states. In the words of Nye: "these derivative uses have made regional organization particularly attractive to statesmen because of the nature of power in the current international system."[44] There seem to be a shift from the role of force to that of the psychological component of power in world politics. Milieu goals have become more important than possession goals, prestige and capacity to communicate and understand each other has assumed a special importance in states' policies.[45] Regionalism also reflects a shift in power in the international system.

There is in process power diffusion from the 'core' states to the 'periphery' as people, conscious of their cultures but motivated by economic gains and a healthy international environment, are moving towards regional blocs. Advancing the idea of power diffusion, Vayrynen writes, "The rise of regionalism is a sign of a beginning in a process of systematic transformation. Hegemonic and sub-imperialistic relationships between major

[43] Joseph S. Nye, "Regional Institutions", in Falk R and Mendlovitz eds, *Regions World Order: Block, Subsystems and Organizations,* New York: (Freeman 1973), p.80.

[44] Ibid p. 84

[45] ibid

powers and pivotal states in the Third World have gradually declined in importance and have been replaced by a dualistic relationship in which major powers are still at the top of the international hierarchy but are no longer able exclusively' to steer the development of international economic and political relations."46 The APRM process aims at encouraging African countries to take their destiny in their own hands by exchanging views on better governance and economic growth instead of relying on the developed countries.

It can be said that a region can have one or more of the following characteristics: geographical proximity; regularity and intensity of interaction between the regional actors; internal and external recognition as a distinct area and the existence of a common international organization. Our review of various writings suggests in addition that regions are dynamic entities that can change with changes in politics, economics, and society and new perceptions of identity fostered by elemental changes. Regional politics are also determined by the place of a region in a global system which is essentially capitalist. A region is likely to form, that is, around a particular division of labour and therefore a particular pattern of economic complementarities. A region is also a strategic area: a security complex, wherein the calculations of one country are intimately bound with the calculations of others. Regions are strategic arenas also in the sense that they reflect a diffusion of international power away from the "centre". In sum, regions encompass strategic calculation, economic interdependence, and cultural and other forms of identity.

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46 See Raimo.Vayrynen, Op Cit note no 37, p.335.

1.6.2   Motivations for Regionalism

There are at least three broad factors which act to motivate states to create a regional bloc. These are: strategic calculations; ecological and economic interdependence; and cultural affinity. A region is a strategic zone over which powerful actors want control. Increasingly, the element of economic control seems to be more important than 'political' control.[47] Another strategic factor which prompts regionalism is the existence of a common enemy. Regional blocs are formed on the basis of interdependence. Interdependence can be ecological as well as economic. Today, more than any other time, the theory of "complex interdependence" advanced by Joseph Nye and Robert Keohane has assumed great relevance in world politics. States seem to be paying attention to issues of low politics as well as high politics. The contemporary political undercurrent is of cooperation, issue linkages and regime creation. States are greatly concerned with economic development and environmental issues. They increasingly see poverty and other social deprivations as the main threats to national security.

David Mitrany, the father of the functional approach to international organization, sees the 20th century as being a social century which needs "a working peace" instead of a protected peace. He says that the world should be organized by what unites it and not by what divides it. In a world where,

> "Social interdependence is so pervasive and all embracing; the international society should focus their resources on real tasks of our common society – conquest of poverty, of disease and of ignorance. Cooperation for the common good is the task both for the sake of peace and of a better life economic areas do not always go with political areas."[48]

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[47] T.G Ramamurthi was one of the earliest scholars to visualise a regional grouping in the Indian Ocean zone after the end of apartheid. See T.G. Ramamurthi, "India, South Africa and the Indian Ocean" *Journal of Indian Ocean Studies*, Vol.1, No.2, (March 1994), p.10.

[48] Mitrany D., "A Working Peace System," Chicago: (Quadrangle Press 1966), p.55.

The third attribute of regional blocs is cultural affinity. In most cases regionalism has been based on cultural commonalities. For instance the South Asian Association for Regional Cooperation (SAARC) has been sustained in part by a sense of cultural commonality. The same can be said of the Economic Community of West African States (ECOWAS) or even the European Union (EU). Culture creates a common bond and at least it leads to better understanding among members of a bloc. Culture creates social institutions which later develop to affect the political and economic structures. People sharing a common culture are able to cope better with their mutual conflicts and opportunities for cooperation. Cultures of course are not static but dynamic. A culture can grow and transform itself to acquire new characteristics, expecially under the influence of economic change. Joseph Nye[49] talks of generation change in relation to the dynamism of culture. He says that "there is evidence to show that young groups in regions like Europe are more favorable to unity than their elders.

Regionalism is therefore the most suitable and relevant theory in this process as it outlines the factors that motivate states and other actors to conglomerate so as to acquire greater bargaining power. To this end, African states, largely in the periphery, decided to unite and address their deficits as well as improve the governance situation. Hence African Peer Review Mechanism is e one of the African interventions by African states to

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[49] Nye J., "Regional Institutions", in Falk R and Mendlovitz eds, *Regions World Order: Block, Subsystems and Organizations,* New York: (Freeman 1973), p.80.

hold one another to account and to improve their socio-economic and political situation for the betterment of the African peoples.

1.7   Hypotheses

1. The APRM process has improved levels of democratic governance in countries reviewed.

2. Countries that have undertaken APRM have higher levels of social cohesion.

3. The APRM process has launched a dynamic process of dialogue and consultation between government institutions and non-state stakeholders including civil society

1.8   The Research Methodology

1.8.1   Research Design

This research will involve utilization of both secondary and primary sources of data.

1.8.2   Primary data sources

This study will use purposive sampling method to collect data from key informants. It will utilize information from experts on African governance especially the APRM who include; one Eminent Person- Prof. Amos Sawyer, former Liberian President, other experts on African governance – Prof Said Adejumobi, the in-charge of governance at the Economic Commission for Africa, Rachel Mukamunana, governance specialist at the APRM Secretariat, Generali Ulimwengu, a Tanzanian author on African issues and activist, among others.

1.8.3   Secondary data sources

This study will utilize a survey design. This will be undertaken through desk review. This will involve the review of all available documents related with the APRM process. Most of these documents will be sourced from the NEPAD secretariat in Nairobi and other relevant departments in the government. The study will also critically look at the academic researches that have been done either on the process or the content and recommendations of the APRM in Kenya and elsewhere. This therefore shall include a thorough analysis of the Kenyan government's self assessment report and the report of the imminent persons, its findings and the recommendations and how the government has responded since it was handed in. This analysis will also be extended to the reports of Ghana and Rwanda.   It is expected that the review of all these documents will enable the researcher to get a general picture of the impact and challenges of the APRM process to the particular countries under study.

1.9   Scope and Limitation of the Study

There was relatively very little available literature on African Peer Review Mechanism, hence a lot of time was spent searching for relevant information on the subject. Financial and time constraints also posed a challenge because this researcher is a full-time employee trying to strike a balance between work and this project research.

This study uses purposive sampling techniques in data collection. This may be a limitation in the sense that the focus will be on experts on African governance especially, the African Peer Review Mechanism. However, there are other experts on matters of governance who will be left out; but this will not necessarily affect the study in terms of

what it seeks to investigate since all the desirable characteristics are present in the targeted population.

1.10 Chapter Outline

This study is divided into five chapters.

Chapter one constitutes the proposal. It is composed of the Introduction and Background to the study, Statement of the problem, Objectives, Justification, Theoretical framework, Hypotheses, Methodology, and Scope and Limitations of the study.

Chapter two is on aims and impact of APRM as a tool for good governance.

Chapter three is on the challenges faced in implementation of APRM

Chapter four details the future of the APRM. It will build on the successes

of other countries

Chapter five: Summary, conclusion and recommendations

CHAPTER TWO: THE APRM PROCESS

2.1 Introduction

The following section will discuss the APRM critically as a tool of governance i.e. its aims, members, issues, successes, progress made, impact of the process, political goodwill, and good practice cases.

2.2 The Aims of APRM

The African Peer Review Mechanism is a mutually agreed instrument voluntarily acceded to by the member states of the African Union (AU) as a self-monitoring mechanism. It was founded in 2003. Born out of the optimism at the new millennium that Africa's time had come, the African Peer Review Mechanism, a tool designed to promote good governance on the continent, is built on the belief that the continent does not lack ideas to advance its development, but that states have struggled to live up to their principles and implement their policies. The APRM rests on the fundamental belief that good governance is a precondition for taking Africa out of its spiral of conflict, underdevelopment, poverty and increasing marginalization in a globalised world. The mandate of the APRM is to encourage conformity in regard to political, economic and corporate governance values, codes and standards among African countries and the objectives in socio-economic development within the New Partnership for Africa's Development(NEPAD)[50]

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[50] Grant S., "Grappling with Governance: Perspectives on the African Peer Review Mechanism," - South African Institute, 2004, p. 8-10

2.3 NEPAD and the APRM

The New Partnership for Africa's Development has been heralded, since its adoption by African Heads of State Summit in Lusaka in July 2001, as Africa's vision and compact for development in the 21st Century. The five core principles of NEPAD are good governance; peace, stability and security; sound economic policy-making and management; effective partnerships; and domestic ownership and leadership. The African Peer Review Mechanism is an important component of the NEPAD process to achieve its objectives. Considered to be the most innovative aspect of NEPAD, the APRM aims to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration. It, thus, identifies the capacity gaps in African governance systems and recommends remedial policy actions by adopting best practices from within the continent.

The APRM has a comprehensive structure of peer review that aims to inspire under-performing African states to improve in four key areas – democracy and political governance, corporate governance, economic governance and management, and socio-economic development. The first of its kind in Africa, the APRM has the real potential of playing a decisive role in "collective self-governance" thereby unleashing the continent's economic and political energies. It serves as a double contract between African governments and their citizens, on the one hand, and between Africa and its development partners, on the other. Above all, it provides a forum that speaks with an African voice to

Africans, thereby enhancing ownership of the debate about development and security issues.

The APRM Heads of State and Government Forum, NEPAD's highest political authority, officially launched the APRM process in 2003. The review is open to all 53 member states of the African Union (AU), but as at 2011 only 31 African countries have signed up to be reviewed by their peers. As at the end of 2010, 30 countries had formally joined the APRM by signing the MOU on the APRM. Algeria, Burkina Faso, Republic of Congo, Ethiopia, Ghana and Kenya signed the MOU in march 2003; Cameroon, Gabon in April and Mali in May 2003; Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Uganda, Egypt and Benin in March 2004; Malawi, Lesotho, Tanzania, Angola, and Sierra Leone in July 2004[51]; Sudan and Zambia in January 2006; Sao Tomé and Principe in January 2007; Djibouti in July 2007, Mauritania in January 2008, Togo in July 2008; and Cape Verde in March 2009. Liberia was expected to sign the MOU at the AU Summit in January 2011. This is more than half of the AU's 53 countries.[52] Mauritania was suspended in October 2008, due to its suspension from the AU after a coup earlier in the year, but reinstated when it was readmitted to the AU.[53]

In February 2004, the Heads of State and Government Forum in Kigali, Rwanda announced that Ghana, Kenya, Rwanda and Mauritius would be the first four countries to

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[51] NEPAD - APRM Countries. 2005, retrieved on 2 June 2011 from:
http//www.nepad.org/2005/files/aprmcountries.php.
[52] UNECA - APRM Country Status, retrieved on 2 June 2011 from:
http//www.uneca.org/aprm/countrystatus/asp.
[53] NEPAD Countries *Op. cit.*, p 2

be reviewed. Subsequently, all four countries have received supporting missions from the Africa Peer Review(APR) Secretariat and its strategic partners to assess their level of readiness in terms of what institutional structures and participatory mechanisms they have set up for overseeing the review process.

The APRM aims to change the context of African government's engagement with their citizens. The launching of NEPAD was an affirmation of Africa's political leadership, at the highest level, to forge a new partnership with all development stakeholders including the private sector and civil society organizations (CSOs). Indeed, AU recognizes civil society and the private sector as key partners in governance and development and emphasizes the strengthening of partnerships to improve citizens' participation in development, including governance.[54]

2.4   African Peer Review Mechanism Organization and Structure

The APRM is organized in a hierarchical manner with the Participating Heads of States and Governments constituting the APR Forum which is the ultimate authority in the APRM chain of command.[55] The APR Forum has ultimate responsibility for oversight of the APRM organization and processes, for mutual learning and capacity building, and for exercising the constructive peer dialogue and persuasion required to make the APRM

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[54] UNECA , *Strategies for Promoting Effective Stakeholder Participation In The African Peer Review Mechanism,*
   retrieved on June 15, 2011, from http://www.uneca.org/chdcs3/3.pdf.

[55] Materson G., "An Analysis of The Implementation of The African Peer Review Mechanism In Ghana, Kenya and Mauritius," *EISA Occasional paper no. 29*, 2005, p.5

effective, credible, and acceptable.[56] The Panel of Eminent Persons (APR Panel) follows up on the decisions made by the APR Forum. It oversees the review process and ensures the integrity of the process. This panel also analyses review reports in order to make recommendations to the APR Forum. As required and expected, although panel members are appointed as individuals, the panel has diversity of representation from different parts of Africa.[57] The other body is the APRM secretariat whose purpose is to provide secretarial, technical, coordinating and administrative support services for the APRM. The secretariat works in close coordination with the APR Team, which is composed of a team constituted to visit a country to review progress with its programme of action and eventually produces the country's report.[58]

2.5   The APR Partner Institutions and Technical Assessments

The APR Partner Institutions refers to the institutions that conduct the technical assessments on countries to be reviewed. Such technical assessments can best be conducted as part of the APRM process, after consultation between the country to be reviewed and the APR Secretariat and Panel. The United Nations Economic Commission for Africa (ECA) has been requested to conduct the technical assessment in economic governance and management, and the African Development Bank (ADB) in banking and

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[56] NEPAD/APRM Guidelines, *Organization and Processes*, retrieved on 1 July 2011, from http://www.nepad.org/2005/files/documents/48.pdf p.1

[57] Kanbur R., "APRM: An assessment of concept and design of APRM," retrieved on 16 June 2011 from www.people.cornell.edu/pages/sk145

[58] NEPAD/APRM Guidelines, Op. cit., p. 5

financial standards. The two institutions are the primary resource institutions in their respective areas of competence.[59]

The APR Forum uses other African Union bodies to conduct technical assessments on matters relating to human rights, democracy and political governance. These bodies are: the African Commission on Human and Peoples' Rights (ACHPR), the African Committee of the Experts on the Rights and Welfare of the Child, the Peace and Security Council (PSC), the Pan-African Parliament (PAP), the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA). Where the above AU institutions have inadequate or no capacity, the APR Panel recommends, for approval by the APR Forum, appropriate African institutions with requisite capacity to support the relevant AU institution, with a view to build its capacity in conducting technical assessments.[60]

2.6 The Review Process

The APRM documents identify five stages in the review process. The first and most important is that of self assessment. A country support mission from the APRM Secretariat led by the assigned eminent person visits the participating country to ensure a common understanding of the rules, processes and principles of the APRM. The team liaises with the respective country's focal point and organizes working sessions and technical workshops with stakeholders; the eminent person signs a memorandum of understanding with the government on modalities for the country review mission. The

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[59] Ibid, p. 7.

[60] Ibid, p. 8.

country then begins its self-assessment report, based on the APRM questionnaire (Appendix I).[61] The country is also expected to formulate a preliminary programme of action (PoA) based on existing policies, programmes and projects. The self assessment is supposed to involve the broad participation of all relevant stakeholders, including civil society organizations as well as government ministries and departments. Secondly, a country review team – also led by the eminent person and made up of representatives of the APRM Secretariat and of the APRM partner institutions, visits the country to carry out broad consultations, clarify any issues that may require discussion, and help to build national consensus on the way forward.[62]

During stage three, the country review team drafts its own report on the country, based on the information it has gathered during its review mission and on independent issues papers developed by the APRM Secretariat, and shares its findings with the government. Based on the self-assessment report and the country review team's report, the country finalizes its PoA outlining policies and practices for implementation. In the fourth stage, the country review team's report and the PoA are presented at the APR Forum by the Eminent Persons and the country's head of state or government for consideration by the other participating heads of state and government. Finally, after the report has been considered by the APR Forum, it is tabled at the AU Summit, before being made public[63].

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[61] LDG Report (2007), Critical Review of the African Peer Review Mechanism Process in Rwanda Kigali, retrieved
on 16 June 2011, from http://www.afrimap.org/english/images/report/APRM Rwanda ENG.pdf. p. 8
[62] Ibid, p. 8

[63] Ibid, p. 9

The AU has also developed a financing mechanism so as to make the process operational. APRM is funded by contributions from participating member states.[64] The emphasis has been from the onset, that African problems are best solved by Africans themselves. Some countries have however lagged behind in remitting their contributions. The cost of the internal process is covered by the respective country.[65]

2.7 The APRM: A Critique

In response to the international interest that has been generated by the APRM, 31 African states have voluntarily acceded to a governance review from their peers. This number has grown from an original group of 16 states who initially volunteered for the process. This means that less than half of Africa's 53 states have acceded to the mechanism on a voluntary basis. Some critics see this as a sign that peer review has failed to attract appropriate levels of support amongst African governments.[66]

This interpretation ignores some of the fundamental concepts upon which the APRM is based. Initial interest in the APRM was based on a sketchy and incomplete outline of the APRM's design. Numerous actors across Africa and amongst the international community were eager to support the initiative, but concrete information about the mechanics of the mechanism remained scarce. In a sense, the interest generated by the APRM seems to have been unanticipated by its architects, who were unprepared for the

[64] NEPAD/HGSIC-3-2003/APRM/Guideline/O&P9 March 2003 P 17.

[65] AU/NEPAD, Guidelines for countries to prepare for and participate in the African Peer Review Mechanism
   (APRM). NEPAD/APRM/ Panel3/Guidelines/11-2003/DOC8.
[66] Moyiga N., "A Challenging Road ahead for the Peer Review Mechanism," All Africa Inter Press Service, Johannesburg, 7 January 2005, accessed from http://www.nepad.org/en.html

overwhelming demand for more concrete information. As a result, information regarding the APRM's function was initially slow in coming, and afforded the opportunity for broad speculation as to its final make-up. In the process, various hypothetical models were put forward and suggestions made that were based on incomplete information about the APRM's function and design. This speculation became more of a hindrance than of help for those governments and actors seeking concrete information regarding the APRM. In this regard, comments made by the APRM's architects, Mbeki, Obasanjo and Wade, were often contradictory and served to create further confusion rather than clarity on the APRM's design and purpose.

Considering that the APRM was by no means a finished product at the time and was still evolving in the midst of increased African and international scrutiny, this is understandable. However, Mbeki and other architects of APRM did their cause no good as a result of contradictory statements and remarks. This caused some critics to accuse these architects of reneging on their commitments by watering down the concept in order to make it more palatable to Africa's leaders at the expense of the mechanism's central philosophy[67]. Although a degree of confusion and contradiction existed which appeared to justify this viewpoint, it is unlikely that the APRM was ever intended to be a prescriptive body as had been suggested, thus invalidating this critique. The APRM's original conception as part of NEPAD was as a stand-alone initiative with a budget provided primarily from the mechanism's signatories and the donor community. The

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[67] Kanbur R., Op, Cit., Note No. 57

APRM, although coordinated by a separate secretariat, was linked with the NEPAD framework as a key catalyst towards NEPAD's objectives.

This arrangement was initially extremely attractive to the donor community, as grave doubts existed over the political commitment to the process in the continent's various collective bodies, in particular the Organization for African Unity (OAU). As an independent, autonomous initiative, NEPAD initially attracted an enormous amount of goodwill and interest from the donor community, to the extent that both Canadian Prime Minister Jean Chrétien and British Prime Minister Tony Blair made public statements of support for the initiative. However, in 2002, NEPAD and the APRM were incorporated into the newly inaugurated African Union (AU), the successor to the defunct OAU. This move generated concerns amongst NEPAD's supporters in the donor community, and to the skeptics the move seemed to signal the retraction of the lofty aims and ideals that had become the rhetoric of the APRM. Other commentators challenge this viewpoint, citing the OECD's model of peer review as a working model on which to base the APRM.[68]

The purpose of peer review, according to the OECD model, is to foster accountability, transparency and capacity building through the process of open dialogue between states. The reviews serve as a benchmark against which to measure progress over time rather than as a score against which a country is either rewarded or punished accordingly. The review process is also seen as an opportunity for the dissemination of information, policies and best practices between countries at multiple levels, including government,

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[68] Fabriziano P., "The NEPAD African Peer Review Mechanism," *African Security Review.* Vol. 1. 2002.

state institutions and civil society. This concept is also explored in the APRM document, where it states that:

> The peer review process will spur countries to consider seriously the impact of domestic policies, not only on internal political stability and economic growth, but also on neighboring countries. It will promote mutual accountability, as well as compliance with best practice.[69]

The APRM document adopts a "soft approach" to non-compliance in which the concept of promoting cooperation between states with a common objective is given precedence over punitive measures for non-compliant partners. Some analysts have suggested that peer review is only successful in a situation where the various governments involved in the review process are clearly not antagonistic towards one another, and in a situation where this is not the case, the peer review process tends to break down. Despite this, various actors continue to call on the APR Forum, APRM's Heads of States and Government Council, to introduce stricter and more punitive measures for noncompliance[70].

In spite of the controversy regarding the APRM's design and process, the mechanism does appear to be exerting a certain amount of peer pressure on African governments in pressuring them to accede to the mechanism. During the APRM launch at the African Union's inaugural Summit in 2002, 16 governments indicated their intention to accede to the mechanism. In

January 2005, an additional 7 governments had signed the Memorandum of Understanding (MOU) on the APRM, indicating their consent to future peer review. Thus

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[69] NEPAD Official Document, "The African Peer Review Mechanism," NEPAD, 2002.

[70] Osana P, "What is happening in Africa?" All Africa Inter Press Service, retrieved on 17 June 2011 from http://www.allafrica.com

whilst the APRM continues to adopt a non-adversarial approach towards compliance, it is increasingly becoming the fashionable "club" on the African continent, forcing African governments to assess the costs and benefits of remaining apart from the group.[71]

2.8   Limitations and Challenges: An analysis of APRM progress to date

Peer review undoubtedly presents a unique opportunity to involve all sectors of government and civil society in reforming the governance climate. However, as it stands, the design of the process and the manner of its rollout in the first countries to submit to it pose serious challenges to the depth and integrity of the final review report and its real impact on improving governance. According to Kanbur, the three essential criteria for successful, fully functioning peer review mechanisms are competence, independence and competition.[72] In addition, ownership and communication are significant factors for success.

2.8.1   Competence
The APRM covers a vast range of objectives, standards and criteria,[73] but the APR Secretariat is presently understaffed and lacks research capacity in several key areas. The

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[71] Materson G., "An Analysis of The Implementation of The African Peer Review Mechanism In Ghana, Kenya and Mauritius," *EISA Occasional paper no. 29*, 2005, p.5

[72] Materson G., "An Analysis of The Implementation of The African Peer Review Mechanism In Ghana, Kenya and Mauritius," *EISA Occasional paper no. 29*, 2005, p.5

[73] Nepad Secretariat, "The African Peer Review Mechanism (APRM)," Johannesburg, available online at *http://www.dfa.gov.za/au.nepad/nepad49.pdf*.

successes of the OECD's reviews are attributed largely to sufficient human, financial and technical resources.[74]

An independent estimate by the South African Institute of International Affairs (SAIIA)[75]16 indicated that it would take 20 investigators five weeks to reasonably examine all of the areas under review. In view of the review team size (six to ten) proposed by the APR Secretariat and the timing of two weeks for the country visit, this calls into question the technical capacity of the process.

While the APR Panel has recommended the involvement of three categories of partner institutions (strategic partners, regional-resource institutions and international-resource institutions) to strengthen the technical capacity of the review,[76] such 'outsourcing' presents its own challenges. The African ownership of the APRM may be called into question and the Secretariat may encounter practical difficulties in synthesizing the outputs from a variety of subcontracted analyses. The technical and human resources available depend on the funding of the APRM, which is essentially via a contribution of at least $100,000 from each country that has signed up for review. However, the past record of Organization of African Unity (OAU) states in submitting dues is not encouraging in this regard. Furthermore, Herbert estimated that a comprehensive peer

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[74] Kajee A., "Peer Review in Practice," *eAfrica: The Electronic Journal of Governance and Innovation,* 1, October 2003. Johannesburg: SAIIA, p.11

[75] Herbert R., "Becoming my brother's keeper," *eAfrica: The Electronic Journal of Governance and Innovation,* 1, October 2003. Johannesburg: SAIIA, p.10.

[76] APR Forum, *op. cit.*, p.5.

review would cost at least four times as much for each country.[77] Some APRM countries have already paid their contributions. South Africa, for example, has already contributed more than this amount to the process. Other states have been urged to make payment as soon as possible in order to ensure the smooth operation of the APRM process. In addition, the UNDP's Regional Bureau for Africa has been tasked with establishing the APRM Trust Fund to ensure ongoing and sustainable funding for the process.

2.8.2   Independence

Perceived lack of independence by the body conducting the peer review can undermine the integrity and credibility of the APRM. The establishment of the APR Panel is therefore aimed at ensuring that the process is not unduly influenced by the review country's government. Noninterference in the technical aspects of review, transparency and inclusiveness are hallmarks of the OECD process, an example it is hoped the APRM will follow.[78] The OECD reviews are conducted by permanent staff instead of short term temporary consultants as proposed for the APRM. In the OECD countries, the involvement of civil society in peer review varies according
to the sector under review. With development assistance, for example, there is less civil society involvement than in the environmental review. Also, in some countries there is greater and more active civil society input into the process than in others.

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[77] Herbert R., "Becoming my brother's keeper," *eAfrica: The Electronic Journal of Governance and Innovation*,
   1, October 2003. Johannesburg: SAIIA, p.10.

[78] Kajee A., "Peer Review in Practice," *eAfrica: The Electronic Journal of Governance and Innovation*,
   1, October 2003. Johannesburg: SAIIA, p.11

The rollout of the APRM in the first countries undergoing the process has raised questions about the independence of civil society representatives on the National Coordinating Mechanisms. SAIIA conducted seminars on civil society and the APRM in various countries. In all cases there was a lack of information regarding civil society's role and the opportunities for engagement with the process. There were concerns raised about the manner in which civil society representation would occur and whether the media would have full access to the process as it unfolds. At a seminar in Ghana during November 2003, community-based organizations in that country, for example, were concerned that their rural membership would not be heard. Ghanaian civil society players in general were outraged at the lack of consultation and what they perceived as a non-democratic process of representation. The government has since engaged in a broader process of consultation.[79] Similar criticisms have been raised in Kenya and South Africa. In both these countries there is a perception that the governments have the 'high moral ground' and should therefore be exempt from criticism. Civil society players also expressed concerns that participation of civil society in the official APRM could lead to co-option and a silencing of critical voices within the process. In Rwanda, the virtual absence of a civil society voice is cause for concern regarding the independence of the review.

Government players in all these countries have given assurances that the criticisms will be considered and steps taken to ensure the APRM's integrity. These countries may indeed be sincere in their assurances, but concern remains that a largely government-

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[79] Ibid

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controlled process in the first countries to be assessed will culminate in a review that is neither credible nor independent. This would be a disaster not only for the development and growth prospects of the countries concerned, but would set a dangerous precedent for reviews in countries where corrupt governments could attempt to manipulate the APRM to 'whitewash' their governance problems by controlling non-government participation in the review.

2.8.3   Competition

Kanbur suggests that reviews need to be part of a range of assessments so as to avoid the pressures of being perceived as the only modes of intervention. He says that while the APRM may provide a counterweight to IMF and donor assessments, there is a need for independent civil society reviews, and suggests that NEPAD should allocate resources for this purpose.[80] At present, civil society groups in various APRM countries are undertaking types of parallel reviews in the different areas that fall under the APRM. The African Human Security Initiative is one such example, which uses expert analyses to assess the human security climate of the countries in the study.

To date, however, there has been no single attempt at a comprehensive 'shadow review' by civil society in any country undergoing review. This is primarily due to the lack of funding for such a mammoth undertaking and a lack of consensus as to the best way of going about it. While broad-based participation from civil society groups and citizens in general is desirable, practical considerations such as time and money may necessitate

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[80] Kanbur, Ravi, Op Cit note no. 57

more limited approaches.[81] The use of membership-based umbrella organizations has been mooted as a mechanism for ensuring broad participation in countries where such structures exist. However, even here there are problems, because not all civil society bodies may be members of such umbrella organizations. Furthermore, umbrella structures may be viewed as being too closely aligned with a particular ideology or political party.

2.8.4 Ownership and communication

A major criticism frequently expressed by civil society players from business, labour, academia, media and NGOs has been the lack of ownership of the APRM by African citizens. This has been echoed even within governments; parliamentarians complain that the process has been housed within the executive level of government with no defined role for the legislature.[82] Communication with, and information flow from, the continental NEPAD and APR Secretariats is problematic at best, a concern raised by players from across the government and civil society sectors in different countries. At SAIIA, repeated recent requests for information from these bodies have been met with silence or a tendency to pass responsibility on to others.

Ownership of the APRM process is dependent on timely and factually correct information flows between the official structures and all stakeholders in the process, at continental and national levels. Currently, stakeholders across the civil society, government and parliamentary spheres lack information and are therefore unaware of the potential opportunities for involvement at various stages of the peer review process. The

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[81] *Ibid.,* p. 11

[82] NEPAD Official Document. *op, cit.,* 2002

communication problems point directly to the ownership and competence issues discussed above. It is therefore incumbent upon the leaders of the process at all levels to address these challenges in the early stages of APRM rollout. The problem of course is that this is a mind-set shift for governments — from seeing civil society as a threat to seeing them as partners in the same enterprise. Such ownership becomes even more important when considering the role that business will invariably have to play in actualizing the vision of APRM.[83]

2.9 Conclusion: Seizing Opportunities for Reform

During the World Economic Forum's Africa summit in June 2004 in Maputo, the media reported that African leaders had refused to consider stricter punitive measures against errant governments. This led to renewed debate on effectiveness of the APRM as a watchdog for good governance in Africa.[84] Given the sensitivities of some African leaders about APRM and the controversy over whether so-called retrograde states can be 'whipped into line' via peer review, the APRM, in its current incarnation, is to some extent a compromise that encourages more AU countries to join the process, even those that may be wary of 'outside interference'. For example, the latest version of the country self-assessment questionnaire places more emphasis on legal frameworks and the establishment of oversight mechanisms than on whether the laws are actually implemented or whether offices such as those of the ombudsman, the attorney-general and the electoral commission are independent and sufficiently empowered to carry out

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[83] Kajee A., "Peer Review in Practice," *eAfrica: The Electronic Journal of Governance and Innovation*, 1, October 2003. Johannesburg: SAIIA, p.11

[84] Ibid., p. 15

their mandate without interference. Consequently, African citizens may not, at this stage, be able to influence outcomes to the extent that they may desire.

However, the wording of the APRM documents and subsequent communications presents citizens (in and outside of government) with windows of opportunity to make meaningful contributions to the process. Reports, surveys, analyses and studies by various civil society groups in areas related to the APRM can be submitted as background documentation to the APR Secretariat, the APR Panel and the national commissions in phase one of the process. The same is true of the reports and analyses of relevant parliamentary committees, parastatal bodies and government-established agencies such as the auditor-general or the human rights commissions in countries where they exist. Election observer reports, human rights analyses, corporate governance audits and trade competitiveness studies are some examples of potentially valuable documents in this regard.

Civil society and government organizations could can offer their technical expertise, where relevant, for the country's self-assessment process and during the drafting of the National Action Plan. This is especially important for areas where there may be a tendency to focus on the country's legislative framework, which in many cases may be perfectly aligned with the NEPAD objectives of good governance. The contribution of practitioners from civil society and government can ensure that emphasis is placed on the implementation (or lack thereof) of the law as experienced by citizens. Civil society groups and political parties could gather existing material and commission new studies

where applicable, in order to make formal written submissions to the APR Secretariat and APR Panel on issues that they regard as being crucial governance challenges for the country concerned. Such submissions become a matter of record and are therefore difficult to ignore if the Panel is to maintain the integrity of the process.

Groups and individuals can also lobby for a hearing during the country visit phase of the process. This includes parliamentarians, who may need to lobby for their submissions to be heard, a reversal of their usual roles when they are on the receiving end of lobbyists. The media has a crucial role throughout the process in ensuring factual reporting and informed analysis, to keep public attention focused on the important governance issues that may otherwise be swept under the carpet. Lastly, civil society and government practitioners have a responsibility to remain involved in the process in the inter-review period of 3–5 years. It is only through active monitoring and oversight mechanisms that citizens can ensure the peer review recommendations
are implemented in order to bring about lasting governance reforms.

Whether APRM will change things for participants remains to be seen. While the envisaged benefits of a 'good score-card' in the APRM include increased domestic and foreign investment and an increase in development assistance, many countries that are regarded as stable and Investment-friendly (e.g. Namibia) are adopting a wait-and-see attitude before signing up. In particular, the non-participation of Botswana has signaled that some countries may perceive no 'value-addition' to acceding to review if they are already seen to be practicing good governance and have high levels of foreign direct investment. On the other hand, several of Africa's poorest and most corrupt nations have

recently experienced decline in donor funding i.e Zimbabwe and Somalia, with much foreign aid being redirected to countries that are perceived as being more accountable, and therefore more 'worthy' of such aid, such as Rwanda[85]. African states that are willing to expose themselves to scrutiny with sincere intentions to improve governance, could find that peer review becomes the catalyst for their socio-economic renaissance and that assistance becomes available.

The utopian ideal of good governance with no evident extrinsic motivation is a long way off from the reality of many African countries. The APRM has both advantages and limitations, which will become apparent as it progresses. The success of peer review will be predicated on the involvement of African citizens, who must be motivated to seize the opportunities that APRM offers for improving the socio-economic development landscape in their countries.

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[85] See Report by World Bank, 2008, dabbed, The Fiscal Impact of Foreign Aid in Rwanda: A Theoretical and Empirical Analysis, found at http://www-wds.worldbank.org/external/default/WDSContentServer/IW3P/IB/2008/02/29/000158349_200802291511 0/Rendered/PDF/wps4541.pdf

CHAPTER THREE: CHALLENGES IN THE IMPLEMENTATION OF APRM

3.0   Introduction

This chapter looks at the challenges faced by the continent as it goes about implementing the requirements of APRM. The chapter looks at challenges for the whole continent generally then focuses on the specific challenges in Kenya, Rwanda, Ghana and South Africa. It is imperative to note that most of the challenges facing NEPAD are almost similar to those being faced by APRM; reason being that they are both dealing with similar issues such as democracy and political governance, economic management, corporate governance, and socio-economic development. The backdrop of the challenges facing African countries can be hinged on the pathetic situation that the continent had been driven into by most of its autocratic leaders. For decades autocrats in post-colonial Africa turned a blind eye to each other's corruption, human-rights abuses, and coups d'état in obedience to a cardinal rule of sovereignty and non-interference in each other's domestic affairs. Agreeing that a state's internal affairs were no one else's concern, Africa's 'big men' plundered their countries for personal gain, destroyed constitutional checks and balances and violated the rights of their people. Abuse of power sparked incessant conflict, state collapse and genocide. Africa in the 1990s became a parade of state dysfunction: Rwanda, Liberia, Sierra Leone, Somalia, Democratic Republic of Congo, Republic of Congo, Chad, Niger and Central African Republic. But as the older generation of liberation leaders fades out, their younger, more progressive heirs are replacing the notion that sovereignty is sacrosanct with an acceptance that each is, in fact, his brother's keeper.

3.1   Challenges faced by APRM

This section shows that any new initiative is bound to have challenges. The question we should ask ourselves is how effective has the review been in effecting change across the continent? One of the main problems facing APRM is inadequate funding. Currently the APRM is primarily funded by contributions from participating countries and funds from development partners such as Canada, the United Kingdom, and UNDP. The APRM reported a contribution of some $17.3 million in 2007 with $10.5 million coming from development partners. Unsurprisingly, many member states failed to meet the minimum contributions of $100,000.[86]

3.1.1 Corruption and bad governance.

Many African countries are facing challenges of corruption and bad governance. This at times makes the APRM's work difficult therefore slowing its progress. Peer review assumes that participants will act in good faith and that their development problems have arisen from lack of resources and capacity. In a conference on Leadership and Management held in Mombasa, African leaders called for a radical shift in politics and governance to speed up development on the continent.[87] The Director of the Kenya Anti-Corruption Commission, PLO Lumumba noted that;

> "... Unless the war against corruption was waged diligently, hopes of an African renaissance this decade would be shattered. ... One cannot acquire that which requires effort without making an effort. Africa will not claim the second decade and that is a fact. You cannot win the lottery without buying the lottery ticket. We have not bought the lottery ticket and let's not delude

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86 Gruzd S., "Africa: The African Review Mechanism – Progress and Prospects," South Africa Institute of Internal Affairs, Johannesburg, (29 June 2009).

[87] Africa Governance, Leadership and Management Convention 2011 held on 2 – 6 August in Mombasa Kenya, see http://www.kim.ac.ke/convention/Documents/Convention%202011%20Concept%20Paper%20-%20Africa.pdf

The assumption that participants acting in good faith is clearly false for countries have signed up, which means an honest peer review inevitably will have to confront a different form of the Zimbabwe problem.[89] Every country has laws and institutions that ostensibly act against corruption. And every rotten leader has plenty of excuses. But corruption flourishes in Cameroon, Nigeria, Burkina Faso, Gabon, Kenya, and Republic of Congo – all of which have acceded to peer review – because leaders consciously choose to do the wrong thing. Likewise, human rights or elections are not abused accidentally. Indeed, expansions or repair of ports, roads, rails, schools, hospitals, telephone systems and electric plants are delayed for years because of corruption, and the number of projects that states complete are severely limited because corruption adds enormously to the costs of each.[90] In much of Africa the government's entire programme is derailed or warped by the demands of corruption. A majority of officials in most countries fear that such a mechanism may be biased against them. African countries are at different stages of development and experience different circumstances and levels of corruption. They do face different constraints, challenges and impediments have different resources and capacity. There are concerns that establishing a monitoring process could stigmatize developing countries and criticize them for deficits which they have no capacity or resources to correct. State parties at times express fear and reluctance that the APRM

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[88] Nation Reporter, "Fight graft or forget economic growth leaders," Daily Nation *p. 6*, (4 August 2011)

[89] Herbert R., "Peer Review: Who Owns the Process?" *Electronic Journal of Governance and innovation*, Vol 1, (2003), p. 10, *eAfrica, South Africa.*

[90] Ibid., *eAfrica*, p.10

could result in a form of intrusion in domestic affairs. The need to take into account the sensitive and complex nature of anticorruption efforts as well as respect principles of sovereignty and non intrusion in affairs was emphasized by state parties on a number of occasions. It is therefore important to strike a balance between implementation requirements and the respect of states' prerogatives for internal affairs.[91]

The civil society has a key role to play in the implementation of international anti-corruption instruments. The review contains provisions of participation of Civil Society Organizations (CSO's) in the fight against corruption but little information is available on how state parties implemented them. The role and potential contribution of civil society to the monitoring process is not explicitly mentioned or discussed in-depth in official documents or recommendations on the review mechanism. In some contexts, state parties may even impose severe restrictions on the operations of CSO's and be extremely reluctant to involve them in the political processes.[92]

3.1.2   Size and Task

The sheer size of the task of APRM is immense. If peer review follows the letter of the APRM documents, the process will be exhaustive. The documents refer to 37 major international standards, treaties and declarations against which participants are to be judged. Some, such as international accounting standards, are highly complex. In addition, the documents define 21 major objectives, 78 criteria and 98 examples of

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[91] Akokpari J., "The AU, NEPAD and the Promotion of Good Governance in Africa," *Nordi Journal of African   Studies* 13(3), 2004, pp. 243–263.

[92] Chene M., and Gillian D., "A Comparative assessment of anti-corruption conventions' review mechanisms ,
  anti-corruption Resource Centre," Transparency International HQs, (2008).

indicators that must be examined. But the examples are only a suggested, partial list. Under the objective to fight corruption, for example, there are only four examples of indicators: ratification of international and African anti-corruption codes; enactment of effective laws; effectiveness of institutions; and the results of an overall assessment of corruption and money laundering. Such generalities will not get to the heart of the problem. To truly assess corruption and who is to blame, a rigorous review must conduct extensive interviews with corporations, lawyers, judges, the police, citizens and various governance monitors.[93] To properly investigate corruption or human rights abuses, country review teams will need to have the ability to protect witnesses who fear reprisals by conducting anonymous interviews without interference from the state. If the government insists on public hearings or succeeds in controlling with whom and how interviews are conducted, peer review is certain to fail.[94]

The South African Institute of International Affairs conducted a study of the APRM indicators and standards and concluded it would take 20 investigators, working in teams of two; five weeks to reasonably examine all the objectives and criteria set out in the APRM documents. That calculation assumes that interviews would be perfectly scheduled uninterrupted for eight hours a day. Scheduling in the real world could easily stretch the process to two or three times that long. Assuming there was a team of five support staff to schedule interviews, 15 of the 20 investigators coming from outside the country of review, $150 a night for hotel and food, a vehicle for each pair of investigators

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[93] Herbert Ross, *Op. Cit.*, note no. 89
[94] Ibid

and a modest salary for international investigators, such an examination would cost $413,884 a country. That's $12.41 million for all 30 countries that have signed up for peer review so far.[95] This figure excludes computers, telecommunications and the cost of the APR Secretariat's offices and salaries.

3.1.3 Ownership of NEPAD AND APRM

One of the challenges facing APRM is that of a disconnect between what APRM stands for and the local citizens. Most Africans remain unaware of what APRM stands for. APRM has the daunting task of marketing itself to Africans. This is a challenge facing African Continental bodies such as Africa Union (AU) and NEPAD.[96] APRM and NEPAD are seen by critics not as home-grown but as a programme designed externally by a capitalist agglomeration. Bond[97] for example, contends that, NEPAD surfaced only after extensive consultations with the World Bank president and IMF Managing Director; major transnational corporate executives and associated government leaders (at the Davos World Economic Forum in January 2001); G8 rulers (at Tokyo in July 2000 and Genoa in July 2001); and the European Union president and individual Northern heads of state.[98] This criticism is given credence by the intrusive conditionalities underlying NEPAD, which further incites suspicion about its similarity with the once ubiquitous yet unpopular

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[95] Source: South African Institute of International Affairs

96 Hansungule M., (2008), Heinonline Law Journal Library, http://www.heinonline.org/HOL/Malawi

[97] Bond, P., "Can NEPAD survive its Proponents, Sponsors, Clients and Peers?" Organization for Social Research in Eastern and Southern Africa (OSSREA) Newsletter 21(3), 2003, pp. 12–19.

[98] Ibid

SAPs.[99] Some critics even perceive NEPAD as a weapon of control by international creditors. According to Aredo[100], today, one major obsession of the west is to find ways to prevent African leaders from reversing the donor-imposed policies of economic liberalization. No doubt, NEPAD is conceived to 'lock in' policy reforms and to further contain any sorts of non-compliance with structural adjustment policies.

Another critical element is that APRM and NEPAD were initiatives meant to spur accountability and transparency in governments across Africa. The new global culture demanded that countries promote cultures of transparency, accountability and responsibility. These bodies have not yet demonstrated that they can quickly compel countries to promote these tenets. There has been a general feeling that NEPAD and APRM are foreign imposed programs by donor countries. NEPAD and APRM have been designed by experts and adopted by governments with little public consultation. This means that opportunities are being missed for strengthening popular ownership and ensuring that NEPAD and APRM promoted democracy. In no African country, including Algeria, Egypt, Nigeria, Senegal and South Africa, the founding members and leading advocates of NEPAD, was anything close to a referendum contemplated, let alone held, to determine its public acceptance, depriving it of the necessary legitimacy. The lack of consultation did not only expose a major contradiction in NEPAD's stance on good governance, but also rendered the project's commitment to democracy highly suspicious.

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[99] Adesina, J. O., "Development and the Challenge of Poverty: NEPAD, Post-Washington Consensus and Beyond," paper presented at the South African Sociological Association Congress, Regent Hotel, East London, South Africa, 30 June – 3 July, 2002.

[100] Aredo, D., "The New partnership for Africa's Development: Prospects and Challenges," *Organization for Social Research in Eastern and Southern Africa (OSSREA) Newsletter* 21(3), 2003, pp. 24–30.

Importantly, the absence of public discussion on NEPAD limited knowledge about it not only among the general public but also among some political elites. For example, in October 2002, one year after its adoption, Ms Ama Benyiwa-Doe, a member of Ghana's Parliament, candidly admitted that she and many of her colleagues in the law-making body knew nothing about NEPAD. Similarly, although Nigeria is one of the architects of NEPAD, the vast population in the country remains ignorant about the programme.[101]

At another level it can be argued that APRM is not new since aspects of it have at various times been thrust on Africa. Besides, membership in the APR is voluntary and certain to keep Africa's notorious dictators out. Added to this, African leaders have already begun a process of manipulating the APR by not only redefining what it can or cannot do, but also defining the concept of good governance in ways that diverge from conventional wisdom. These factors along with the natural tendency for African leaders to condone and support, rather than condemn and oppose peers in clear instances of mis-governance, combine to mitigate hopes of the APR precipitating good governance. A case in point is that of Zimbabwe where while Robert Mugabe violently dismantles a state that was, until recently, functional, his peers applaud. Far from condemning the aging autocrat, his peers repeatedly rally to his defense. They refused to attend a summit with the European Union from which Mugabe was banned, blocked a UN human rights investigation, and applauded him recently at a regional summit. Regional ministers

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[101] Harsch, E., "Africans Ponder New Partnership," Africa Recovery 16(4), 2003, pp. 6–9.

repeatedly assert that allegations of human rights abuses and torture are fabrications of the media.[102]

Many African leaders have been caught in a rather embarrassing predicament when it involves correcting their colleagues. They are very reluctant as they have more or less adopted the similar ways of governing their countries as their peers. The onus is left to the citizens of the particular countries to revolt and topple their leaders as is happening in the Arab north. Most of the current and former African leaders have not been impressed by these happenings. The recent images of former Egyptian president, Hosni Mubarak being brought to a courtroom in a cage drew the ire of former president of Nigeria, Olesugun Obasanjo who commented that:

> "The humiliation Mr. Mubarak was going through would make many leaders facing similar circumstances think twice about leaving office. It also makes the work of negotiating for such leaders' peaceful exit from power difficult"[103]

3.5   Speed Versus Quality and Credibility

Time is a key factor working against a rigorous process. Participating countries are supposed to have their baseline reviews conducted within 18 months of signing the APRM Memorandum of understanding – roughly at the end of 2004 – and all five stages of each review must be completed in six months. These deadlines already look implausible, given that none of the countries has produced their national Programme of Action. To meet the deadline, many peer reviews will have to be conducted simultaneously by an APR Secretariat that does not yet have adequate staff; given time

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[102] Ibid
[103] Agutu M., "Mubarak humiliation 'bad for Africa," Daily Nation, 4 August 2011.

constraints and the chronic under-funding of continental institutions. African civil society must remain watchful that monetary pressures do not force the APR Secretariat to cut corners.

The process does envision using outside experts, such as the UN Economic Commission for Africa, to help conduct the background research into each country. Whether the Eminent Persons will demand a rigorous review remains to be seen. But the language of the APRM documents and interviews by the APRM team with participants suggest that the country review team will primarily assess the adequacy of the national Programme of Action and will not directly assess the extent and character of political and economic problems according to the questions set out in the APRM documents. That leaves plenty of room to cut corners. Time and staff shortages will create enormous pressure to rely on the background research to assess, for example, the state of corruption in a country under review.[104] That makes the choice of researchers and partner institutions critical. The APRM documents note that the examination of political aspects of governance will be managed by the new organs of the African Union, but most of these don't yet exist. Those that do only have a skeleton staff and have no administrative capacity to engage in complex reviews.[105] Another key concern is whether the leaders of countries under review will have the ability to, in effect edit review reports before they are released in their final form. The documents laying out the organization and processes of peer review indicate that a review team's final report only needs to contain 'all the essential elements'

104 Harsch, E., "Africans Ponder New Partnership," Africa Recovery 16(4), 2003, pp. 6–9.

105 Ibid., eAfrica.

of the draft report by the country review team. This wording suggests that the draft report

may be edited – potentially by the heads

of state under review – before it is released to the public.

3.2   Country Specific Challenges

3.2.1 Kenya

3.2.1.1. Poor access to information and a lack of transparency

One of the much-touted features of the APRM process is its capacity to create greater

participation in national debate. This requires transparency and access to information.

Transparency in government activities is a basic norm of a democratic state. Knowing

what the government is doing is a paramount right for individuals in a free society.

However, in spite of the new spirit abroad in the country with the election of the NARC

government in 2002, researchers for the lead technical agencies compiling the self-

assessment report experienced difficulty in accessing documents, both from government

and from the private sector.[106]

According to a member of the NGC, ignorance of the APRM process by officials in

government and key private sector institutions, compounded with unwarranted suspicion

and the secrecy encouraged by years of misrule, led, in some instances, to outright refusal

of access to government and private sector documents. In addition to difficulties in

accessing information, the APRM process seems to have suffered from a lack of internal

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[106] Akoth S., "The APRM process in Kenya a pathway to a new state?" Open Society Initiative
      for East Africa (OSIEA) and Africa Governance Monitoring and Advocacy Project (AfriMAP), Kenya,
(2007).

transparency that reinforced its 'state-centric' nature. The work product of the process seems to have been exclusively controlled

by a group of state representatives in the governing institutions. According to an NGO representative, most of the members of the National Governing Council did not see the full country self assessment report submitted to the APRM Secretariat, nor had they seen the country issues paper, prepared by the Ministry of Planning at the start of the review process.[107]

3.2.1.2. Weak civil society engagement

Although there is a vibrant civil society network and nascent broader-based 'movement' of human rights and social justice in Kenya, the APRM process does not appear to have galvanized CSO's or brought them together effectively. Beyond the 27 July 2004 meeting presided over by Dr Machel, the APRM Chairperson then, there was no other constructive gathering where the CSO s agreed on how to utilize the APRM process as a tool to promote their agenda. Some of the reasons for this lie in the government's reluctance to relinquish control of the process to all stakeholders.[108] Of the 15 members of the NEPAD National Steering Committee set up following the signing of the APRM memorandum of understanding, 10 represented government agencies, including nine permanent secretaries of ministries, and only two represented NGOs. The APRM Task Force, established in February 2004 to draft a detailed timeline for the review process and set up the structures of the process, was initially composed exclusively of officials from

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[107] Interviews with former members of the NGC and NEPAD Kenya Secretariat, on 15 March 2006.

[108] Op Cit., Note 106 p. 74

government ministries before it eventually invited representatives of the civil society and the private sector to its activities. This resulted in an inadequate opportunity for participation by CSO's, and their lack of ownership of the process.[109] But CSO's have also been slow to understand the opportunities offered by the APRM, and their participation has remained by and large passive. Only two CSO organizations[110] have developed programmes aimed at promoting NEPAD and the APRM agenda. The others have maintained a sporadic and uncoordinated involvement, mainly consisting of attending meetings. Even the NGO Council has no history of having programmes and projects in this area. Because of tight deadlines requested by the APRM Secretariat in South Africa, the review process was relatively rushed and there was not enough time for CSOs to develop projects and mobilize the kind of financial support they would have needed to campaign on APRM issues.[111] Most CSOs are dependent on donor funds and would need time to develop proposals and market them to potential donors. The slow disbursement of funds by UNDP did not help in this regard. Due to the bureaucratic hurdles between the Ministry of Planning and the UNDP, monies were not released to the NGC on time to commence the awareness campaign and mobilization for the review. Greater public awareness and sensitization before the process began would in turn have led to demands for CSOs to engage more effectively with the APRM, as has been the case around the use of public funds for development more generally.[112]

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[109] Ibid., p. 17

[110] The Ecumenical Centre for Justice and Peace and the Centre for Governance and Development.

[111] Like Ghana and Rwanda, Kenya was unable to complete its country self-assessment report within the suggested six-to-nine-month timeframe.

[112] Op cit., APRM in Kenya, p. 17.

The Kenyan media did a good job of putting the APRM on the agenda. It is however unfortunate that much of the coverage was sensational and of poor quality. The media could have done more to provide informed coverage that highlighted the potentials of the APRM process because this would have helped both the public and CSOs to be more engaged. The NEPAD Kenya Secretariat in turn could have done better at briefing the media on what was being planned and undertaken. Perhaps the most important lesson that emerged from the process is that the CSOs in Kenya must now become more proactive and self-driving. The Africa Youth Parliament demonstrated such ability by taking up the agenda of APRM and using it to organize and mobilize young people. In so doing, they were always a step ahead in the process and did not wait to be organized by the NGC as the other CSOs did.

3.2.1.3 A state-centric conceptual framework

The country self-assessment and the APRM review reports provide the most comprehensive documentation ever undertaken of the political, social, cultural and economic situation in Kenya. Both documents are organized based on the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance adopted at the 2002 AU summit in Durban. Like Ghana and Rwanda, Kenya was unable to complete its country self-assessment report within the suggested six-to-nine-month timeframe.

The documents address some of the major obstacles to good governance in Kenya and provide much-needed insights into the realities of life in Kenya, prepared in a 'one stop' review produced through a participatory process. Despite these strengths, the report and the APRM process in general have several flaws. Some of these are related to limitations

in the Declaration on Democracy, Political, Economic and Corporate Governance itself. There seems to be a fundamentally erroneous assumption that the African states that acceded to the APRM process support the paradigm and philosophy of open government, which assumes that the government is the agent and that members of the citizenry are the principals. It is assumed in the Declaration that the government and the state in question are well organized, well designed, and intent upon realizing human and political rights and improving the welfare of the citizenry. From the experience of the Kenyan situation, this has not been always the case. The other assumption within the Declaration is that what Africa requires is to negotiate faster integration to the neo-liberal system. This is a 'developmentalist' focus that does not define the obligations as accurately as is done in the human rights framework. It is because of this developmentalist orientation that the self-assessment report submitted by Kenya to the APRM country review team presented poverty, rather than rights and freedoms, as the problem for Kenya and Kenyans. By so doing, impoverished people like slum dwellers, squatters and street vendors are presented as the problems. Furthermore, neither the self-assessment nor the country review reports present

information on the various struggles that Kenyans have undertaken, both privately and publicly, to demand greater freedom. The popular movement that led to the defeat of the Kenya Africa National Union (KANU) regime in 2002 demonstrated that Kenyans are not the mute and mindless multitude the report depicts. Absent from the self-assessment and the country review report, however, are images of Kenyans actively engaged in resistance to corporate impunity and a government that was neither accountable nor transparent.

The NEPAD economic programme in practice has also lacked a human rights agenda. For long-term sustainable development, this is not acceptable. The APRM self assessment report presents, for instance, problems like land grabbing, the forcible eviction of people, and their hounding as squatters as technical governance issues. They are not. These are issues of systematic exclusion and violation of human rights, and only when the diagnosis is framed in these terms will a proper remedy be generated. Kenya's programme of action (PoA), developed from the self-assessment report and discussion with the APRM Secretariat team, prescribes a series of actions, including adoption of laws, policy changes, and new standards and practices. There have been efforts to harmonize these recommendations with already-existing broad-based reform initiatives, but the PoA designated government and state institutions to be the implementing agencies for most of these recommendations.[113]

Only a handful of the recommendations for change outlined in the PoA require implementation by or through partnership with non-state actors. One of the weaknesses of the PoA, therefore, is that it assumes that the state is the single, dominant actor involved in bringing change and that change will come about through legal and policy reform, with only limited concerted advocacy or action on the part of civil society organizations to make duty bearers enact reforms. Ironically, this weakness of the PoA is part of a pattern of 'exclusion of critical stakeholders and institutions' identified in the APRM country review report as one of major reasons for the poor record of

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[113] The Kenyan Programme of Action, available at http://www.APRMkenya.org/downloads/KenyaNPOA.pdf.

implementation of policies and programmes in Kenya.[114] The report warned that 'the media as well as the political parties need to be carried along as stakeholders in examining achievements as well as impediments at the policy implementation level.

The Citizenry critical stakeholders should be further encouraged to demand more accountability from their government.[115] Ignoring them, or treating them as foes, is most likely to be counterproductive. In addition, the list of recommendations included in the PoA offers nothing significantly new. It is the same catalogue that has been presented in existing or planned governance reforms or programmes in Kenya, some of which the government referred to in its response to the recommendations contained in the country review report.[116] These include the Economic Recovery Strategy, the draft National Land Policy, the Economic Recovery Programme for North Eastern Province, the Police Oversight Board, the Public Service Reform Programme, the Local Authority Service Delivery Action Plan, the National Anti-Corruption Plan, among others.[117]

3.2.1.4 Non-inclusive follow-up structures

The APRM National Governing Council was dissolved in December 2005 and at the same time Anyang Nyong'o was relieved of his post as Minister for Planning and became a back-bench MP. However, before leaving office he did appoint a new National Steering Committee for NEPAD. As part of its mandate, this committee assisted in preparations

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[114] Africa Peer Review Mechanism, Country Review Report of the Republic of Kenya, May 2006, p.242.
[115] Ibid., p.243.

[116] APRM Country Report of the Republic of Kenya, Government of Kenya Response, May 2006, pp.253–322,.
[117] Ibid.

for the presentation of the Kenya self-assessment report to the APRM Forum and it is responsible for follow-up on the PoA. More specifically, the role of the NEPAD National Steering Committee includes coordination of priority projects identified in Kenya's poverty reduction strategy paper; monitoring and evaluation of the Millennium Development Goals (MDGs); and monitoring and evaluation of the implementation of the APRM national PoA.[118]

The existence of this committee is not well known, and, as was the case in the initial stages of the APRM process, it is dominated by government representatives and was appointed in a non-consultative manner. The committee is chaired by the Minister of Planning and National Development. This defies the principle that APRM should be more inclusive than other on-going government development programmes. The government needs to work with civil society to broaden the composition of the steering committee. A more inclusive steering committee will be best equipped to carry out more effective monitoring and evaluation of the implementation of the PoA recommendations, including actions that are to be implemented by non-state actors.

3.3.1.1. A government-dominated process

The APRM was conducted by a coordination office housed within the National NEPAD Secretariat. The resulting limited administrative and management autonomy had a negative impact on the conduct of the APRM process. It was unable to attract skilled and motivated human resources other than the volunteer staff made available to it by

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[118] Ministry of Planning and National Development, 'The New Partnership for Africa's Development (NEPAD) Appointment of National Steering Committee', Gazette Notice No. 9526, December 2005, the steering committee's membership is listed in Annex 4.

government NEPAD structures. The independence of the APRM National Commission was affected by the overrepresentation of government members, although this composition did ensure easy access to official state data and documentation. On the other hand, this dependency on official sources meant that in the eventual PoA there were relatively few departures from the programmes already established by the government. The self-assessment liberally quotes positions and statistics drawn from official documents, suggesting that the public archives were used as the major source of answers to the questionnaire. This observation was also made by the panel of eminent persons in their report.[119] Non-governmental stakeholders (including civil society organizations and the private sector) were consulted, but do not seem to have had much impact on the answers made to the questions by the civil servants forming the technical teams established several months earlier. Indeed, the answers to the questions required references to legislative texts, administrative decisions, statistics and research work, and the government databases were the principal source of information.

One of the reasons for the preponderance of government positions stems from the fact that, during the processing of the questionnaire, a lot of input was from the government appointed teams instead of first engaging the non-governmental organization. When the APRM questionnaire was distributed with the involvement of the National Commission in June 2004, it had already undergone initial processing by the technical teams – made up of civil servants for the most part – formed during the first national APRM conference three months before. In April, the four technical review teams had already met at a retreat

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[119] Draft Report of the APR Panel on the Country Review of the Republic of Rwanda, p.15.

in Kinigi to review and enhance their preliminary responses for the self-assessment report; this could introduce a certain bias into the work of those who were to examine it subsequently. Furthermore, the questionnaire was not distributed sufficiently in advance,[120] nor was it distributed beyond a small circle of individuals to whom it was given directly, plus a few people in their immediate entourage. Thus the information about the APRM process was not necessarily passed on to grass-roots organizations and opinions on the answers to the questions were not obtained from ordinary people. It was pointed out that not enough time was allotted to the respondents to answer such a complex questionnaire, which often required elaborate research.[121]

3.3.1.2 Strengths and weaknesses of the APRM National Commission

The strength of the APRM National Commission lay in the total support it enjoyed from the government, which is reflected in the fact that it included numerous important figures, resulting in its strong mobilization capacity. Indeed, there is cause to salute the impressive quantity of information that the Commission was able to include in its initial self-assessment report. The principal source of this information was the government. In the specific case of Rwanda, had this task been given to non-governmental stakeholders, at least where the initial assessment was concerned, they would have experienced difficulties in mobilizing competent human resources in sufficient number, especially on a volunteer basis. With few exceptions, most Rwandan civil society organizations are still emerging, and their internal resource mobilization capacity is virtually non-existent.

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[120] All of the participants in the process interviewed told the LDGL that they had become aware of the existence of the APRM at the same time they were expected to answer the questionnaire.
[121] A Report by LDLG, Critical review of the African Peer Review Mechanism process in Rwanda Kigali, January
2007

Under such conditions, failing external aid, they would have been unable to line up the necessary human resources to accomplish such an appraisal. The weakness of the APRM National Commission lay in the imbalance between the preponderance of representatives of governmental or parastatal institutions within the body and the low level of representation of non-governmental stakeholders, especially civil society and the private sector.

The same situation was also reflected in the executives of the ad hoc technical subcommittees, in which civil servants were also preponderant. On the one hand, the majority governmental representation within the Commission was inevitable from certain standpoints. For such intensive work to be carried out on a volunteer basis, it was necessary to appoint technical civil servants as members of the technical teams that served as the executives of the subcommittees. Only government employees could be temporarily seconded to the APRM process, and only they could more easily obtain access to the databases of the various government institutions.

3.3.1.3 Lack of identification of national priorities and recommendations for Government action

According to the APRM secretariat in Rwanda, the recommendations produced by the APRM process have already been taken into consideration and policies adapted or adopted, for example in administrative reform the number of provinces has been reduced from 12 to four; the number of districts from 106 to 30 and the number of sectors from 1,545 to 500, in order to give them real power in the realization of the decentralization policy. However, overall, the self assessment report repeats the priorities,

recommendations and strategies of the government as they are quoted in the various official documents prepared outside of the APRM framework.[122]

3.3.1.4 Difficulties due to the questionnaire

An assessment using a written questionnaire is an effective method if the aim is to be systematic. However, its use should be adapted, particularly in certain highly sensitive sectors such as human rights and freedoms. In light of the culture and the recent history of Rwanda, it is reasonable to assume that certain respondents would be more comfortable providing oral answers rather than written ones. The process suffered from lack of time to process the questionnaire and the ambiguity of certain questions or their inappropriateness in the Rwandan context.[123]

3.3.2.5 Lack of national expertise

The fact that Rwanda entrusted its self-assessment report to a foreign organization, African Institute for Policy Analysis (AIPA), for technical review is in itself revealing of the lack of domestic capacity and self-confidence that characterized this initial experience with the APRM assessment process. The situation was recognized and deplored by the National NEPAD Secretariat.[124] In this same context, a foreign institution (SAIIA) was brought in to organize a one-day training workshop for civil society. This recourse to foreign expertise may also be explained by another weak link in the process, which was

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[122] For example, in the section on democracy and political governance, references were made, inter alia, to the following documents: the *PRSP Implementation progress reports* of June 2003 and October 2004; *The evaluation of the decentralization process in Rwanda, September 2003, VNG International;* the 2001.

[123] Rwanda NEPAD Secretariat, *Annual Report 2004*, p.10.

[124] Rwanda NEPAD Secretariat, *Annual Report 2004*, p.10.

the fact that such an important undertaking was placed in the hands of volunteers. To be more effective, a core technical structure should be set up that is both competent and representative, that would in future be placed in charge not only of the entire phase of data collection and analysis and drafting of reports during the self-assessment process, but also of monitoring the implementation of the PoA on the strategies identified in the APRM context, so that foreign expertise would only be used on a one-off and very limited basis.

3.4.1 Ghana

In March 2003, Ghana signed the memorandum of understanding acceding to the African Peer Review Mechanism (APRM). In January 2006, president Kufour became the first African leader to be peer reviewed between 2003 and 2006, but starting mainly in march, 2004, with the appointment of Ghana's APRM governing council, the country undertook a self assessment in political governance, economic management, corporate governance and socio economic development – the four themes of APRM.[125] The real challenge for Ghana, like all African countries undergoing the process, is how to institutionalize the national dialogue and consultation process around key governance issues engendered by the process and how to implement the recommendations raised in the National Program of Action (NPA). The key issues emerging from the Ghana APRM report and National Program of Action include: resolving conflicts over land use and ownership; overcoming delays in the justice system; strengthening the separation of powers between the

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[125] Adotey Bing – Pappoe, *Ghana and the APRM: A critical assessment*, AfriMap, (2007), pp. 17 – 27.

legislature, judiciary, and the executive to prevent political manipulation; speeding up the political decentralization process; fighting corruption more vigorously; improving service delivery and the use of public resources; and creating mechanisms to allow all groups to assert their rights, particularly women, children, young persons, persons with disability and the aged. The next crucial stage would be for Ghana to design a systematic monitoring and evaluation plan to ensure that the momentum of the APRM is not lost.[126]

3.4.1.2 Challenges relating to the Civil Society involvement in Ghana's APRM process

Despite the strong emphasis on civil society involvement, in practice many civil society groups felt that the balance between public awareness raising and meaningful consultation was not sufficiently weighed in favor of meaningful consultation. The civil society felt that there was a myriad of documents giving conflicting meanings and procedures of engagement with the government. Some documents describe the civil society as a partner in the process of developing the programme of action while others insist that the government should consult widely with relevant stakeholders. The ambiguities in these documents leave important issues up to the government of each county to decide. Although the MoU establishing the APRM requires governments to 'ensure the participation of all stakeholders in the development of the National Programme of Action including trade unions, women, youth, civil society, private sector,

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[126] Ghana's APRM: Processes and Preliminary Outcomes. *Report by UN Economic Commission for Africa, Addis Ababa.*

rural communities, and professional associations',[127] the guidelines developed to assist governments during the course of the APRM enjoins them to 'define, in collaboration with stakeholders, a roadmap on participation in the APRM, which should be widely publicized...[128] It is contended that choosing one or other of these approaches would make a difference in how one engaged with civil society. In the event, the NAPRM-GC appears to have decided to work with civil society in the sense outlined in the MoU, rather than that contained in the guidelines. If the latter approach had been adopted, the nature of the Ghana process is likely to have been somewhat different.

3.4.1.3 Failure to Publish the Country Self-Assessment Report

The government of Ghana has been reluctant to publish the country's self assessment report. On the other hand, only part of the country self-assessment report – the NPOA – has been made public, not by the secretariat of the National APRM Governing Council, and only because it was an integral part of the country review report. The bulk of the country self-assessment report remains out of the public domain. Partly to blame are the government functionaries who view the document as a confidential government document.[129]

3.5.1 South Africa

South Africa was one of the driving forces behind the adoption of the New Partnership for Africa's Development (NEPAD) and the establishment of the African Peer Review

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[127] Memorandum of Understanding establishing the African Peer Review Mechanism, 9 March 2003, paragraph 22.
[128] Guidelines for Countries to prepare for and participate in the African Peer Review Mechanism, 2003, paragraph 31 (a).
[129] Ghana Country Self-Assessment Report, section on corporate governance – p.124.

Mechanism (APRM) that accompanied it. The APRM's continental secretariat – like that of NEPAD – is hosted by South Africa. The then President, Thabo Mbeki, frequently emphasized that democracy, and good political, economic and corporate governance are necessary conditions for development, and invested his personal reputation in the effort to transform continental political and economic development.[130] Though South Africa was not in the end one of the very first set of countries to undertake the APRM review, it was perhaps the most expeditious in completing each requirement of the process. The implementation of the APRM self assessment took place in South Africa over less than one year, during 2005 and 2006, with the final review of the country report by the heads of state of the other APRM countries at the end of 2006.[131]

The APRM process was arguably the first exercise in which South Africa's government and non state actors came together to debate issues of governance and human rights. The process which proved new and complex for both the public and private sectors provided a forum for discussion of matters of concern to the country a decade after the first democratic elections took place. However the way the self assessment was carried out also gave rise to questions concerning such matters of concern to the country a decade after the first democratic elections took place. There are several challenges which were faced along the following areas:

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[130] Nobuntu M., "The APRM Process in South Africa," AfriMap, 2010

[131] Ibid. p. 23

3.5.1.1 The government and the process

The government had undertaken its own review of the implementation of government policy as an assessment for the completion of 10 years (1994 – 2004) since the end of apartheid. Some government quarters and public officials were of the view that it was a duplication of effort. There was therefore the feeling that it was doing so as a public relations exercise to meet continental obligation rather than a document to increase value. Most government officials felt that the government had adopted its own program of action and had allocated a budget for it hence unwilling to alter it in response to recommendations emanating from the continental APRM structure.[132] However the government went ahead with the process to avoid any accusation of exceptionalism and its desire to encourage other African Countries to accede to the APRM.[133]

3.5.1.2 The institutions of the national APRM process

The assessment was conducted by government agencies. However concentrating the organizational structure in government agencies gave rise to the perception that the process was government driven therby hence causing distrust between the government and civil society.

3.5.1.3. The inadequacy of the plans

The Inadequacy of the plans made before starting the APRM process was the major cause of weaknesses in South Africa's self assessment exercise. Better planning would have

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[132] Ibid., p. 24.

[133] See www.info.gov.zn/aboutgovt/poa/index/html

entailed allocating adequate time to each stage of the process and that organizing sufficient research capacity at the outset would have ensured that all the data analyzed could be processed and analyzed.

3.5.1.4 Involvement with a broad base of citizens

Participation of the South Africans in the process was broad and inclusive. However observers question how relevant or meaningful this participation was. There was rarely an advance dissemination of the reports that were to be discussed at the conference and seminars which meant that delegates received the materials only on the day of the event. The quality of input from the floor was uneven. On the contrary the seminars conducted earlier on by the technical support agencies were well organized with well qualified participants to give opinion on the themes at hand. But it was difficult to select participants which led the quality of debates to going down.

3.5.1.5. Civil Society Participation

Government representatives questioned the legitimacy, constituency and mandate of NGO's. The feeling of exclusion from the process in bodies representing civil society and apparent desire on the part of the government to control their participation. Since the end of apartheid the government has increasingly criticized NGO's viewing them as undemocratic agents funded from the West.[134] These government perceptions of civil

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[134] Cawthra, H.C and Kraak, G., "Annual Review; the voluntary sector and development in South Africa 1997/1998," *Development update Vol* 2 No. 3 1999 pp 165 – 166.

society especially the NGO's has laid the foundations for mistrust between the public and private stakeholders that affected the APRM process.

3.5.1.6 The Continental APRM Structure

The continental APRM Secretariat coordinates the Country Review Mission that visited South Africa in November and December 2005 and the CRM mission that followed in July 2006. One criticism of the mission was the short time they spent in the country in most cases; the visits took place over one or two days and concentrated on the urban areas. Most of the rural communities did not have the opportunity to engage with the panel representatives, so the teams were unable to gather a broad spectrum of views.

CHAPTER FOUR: THE FUTURE OF APRM

4.0 Introduction

This chapter outlines the future of the APRM mechanism. It looks at whether the continent will be able to build on the successes of the mechanism and achieve a strong and vibrant mechanism which will help the continent to tackle its socio economic and governance issues in the future. Some of the areas that APRM and NEPAD need to look at are explained in the sections below. The sections begin with a summary of the challenges faced by NEPAD and APRM as in the previous chapter and the various efforts made to overcome those challenges.

4.1 Challenges faced by NEPAD/APRM

4.1.1 Inadequate funding

One of the main problems facing APRM is inadequate funding. Currently the APRM is primarily funded by contributions from participating countries and funds from development partners such as Canada, the United Kingdom, and UNDP. Many member states have failed to remit their contributions on time.

4.1.2 Corruption and bad governance.

Many African countries are facing challenges of corruption and bad governance. This at times makes the APRM's work difficult a factor that slows its progress. Peer review assumes that participants will act in good faith and that their development problems have arisen from lack of resources and capacity. Corruption permeates all sectors of the economy and is at times institutionalized in all government departments. Despite the

good efforts of eradicating the malaise it becomes an uphill task when the worthy efforts are slowed by crippling corruption networks and bad governance.[135]

In much of Africa the governments' entire programmes are derailed or warped by the demands of corruption. A majority of officials in most countries fear that such a mechanism may be biased against them. African countries are at different stages of development and experience different circumstances and levels of corruption. They face different constraints, challenges and impediments because they have different resources and capacity. There are concerns that establishing a monitoring process could stigmatize developing countries and criticize them for deficits which they have no capacity or resources to correct. State parties at times express fear and reluctance that the APRM could result in a form of intrusion in domestic affairs.

4.2 Size and task

The sheer size of the task is immense. If peer review follows the letter of the APRM documents, the process would be exhaustive. The documents refer to 37 major international standards, treaties and declarations against which participants are to be judged. Some, such as international accounting standards, are highly complex. But the examples are only a suggested, partial list. Under the objective to fight corruption, for example, there are only four examples of indicators: ratification of African and international anti-corruption codes; enactment of effective laws; effectiveness of

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[135] Cawthra, H.C and Kraak, G., "Annual Review; the voluntary sector and development in South Africa 1997/1998," *Development update Vol* 2 No. 3 1999 pp 165 – 166.

institutions; and the results of an overall assessment of corruption and money laundering. Such generalities will not get to the heart of the problem.[136] To truly assess corruption and who is to blame, a rigorous review must conduct extensive interviews with corporations, lawyers, judges, the police, citizens and various governance monitors. To properly investigate corruption or human rights abuses, country review teams will need to have the ability to protect witnesses who fear reprisals by conducting anonymous interviews without interference from the state. If the government insists on public hearings or succeeds in controlling with whom and how interviews are conducted, peer review is certain to fail.

4.3 Ownership of NEPAD and APRM

One the challenges facing APRM is that of a disconnect between what APRM stands for and the local citizens. Most Africans remain unaware of what APRM stands for. APRM has the daunting task of marketing itself to Africans. This is a challenge facing African continental bodies such as Africa Union (AU) and NEPAD.[137] APRM and NEPAD are seen by critics not as home-grown but as a programme designed externally by a capitalist agglomeration. Bond[138], for example, contends that, NEPAD surfaced only after extensive consultations with the World Bank president and IMF managing director in November 2000 and February 2001 with major transnational corporate executives and associated government leaders at the Davos World Economic Forum in January 2001

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[136] Ibid
137 Hansungule M., (2008). Heinonline Law Journal Library. http://www.heinonline.org/HOL/Malawi.

[138] Bond, P., "Can NEPAD survive its Proponents, Sponsors, Clients and Peers?" Organization for Social Research in Eastern and Southern Africa (OSSREA), Newsletter 21(3), 2003, pp. 12–19

with G8 rulers at Tokyo in July 2000 and Genoa in July 2001; and with the European Union president and individual Northern heads of state between 2000 and 2001.[139]

This criticism is given credence by the intrusive conditionalities underlying NEPAD, which further incites suspicion about its similarity with the once ubiquitous yet unpopular SAPs.[140] Another critical element is that APRM and NEPAD were initiatives meant to spur accountability and transparency in governments across Africa. The new global culture demanded that countries promote cultures of transparency, accountability and responsibility. These bodies have not yet demonstrated that they can quickly compel countries to promote these tenets. There has been a general feeling that NEPAD and APRM are foreign imposed programs by donor countries. NEPAD and APRM have been designed by experts and adopted by governments with little public consultation. This means that opportunities are being missed for strengthening popular ownership and ensuring that NEPAD and APRM promote democracy. In no African country, including Algeria, Egypt, Nigeria, Senegal and South Africa, the founding members and leading advocates of NEPAD, was anything close to a referendum contemplated, let alone held, to determine its public acceptance, depriving it of the necessary legitimacy.

At another level it can be argued that APRM is not new since aspects of it have at various times been thrust on Africa. Besides, membership in the APR is voluntary and certain to keep Africa's notorious dictators out. Added to this, African leaders have

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[139] Ibid
[140] Adesina, J.O. "Development and the Challenge of Poverty: NEPAD: Post-Washington Consensus and Beyond," Paper presented at the South African Sociological Association Congress, Regent Hotel, East London, South Africa, 30 June – 3 July, 2002

already begun a process of manipulating the APR by not only redefining what it can or cannot do, but also defining the concept of good governance in ways that diverge from conventional wisdom. These factors, along with the natural tendency for African leaders to condone and support, rather than condemn and oppose peers in clear instances of misgovernance, combine to mitigate hopes of the APR precipitating good governance. A case in point is that of Zimbabwe where while Robert Mugabe malgoverned a state that was, until recently, functional, his peers did not raise any concerns. Far from condemning Mugabe, his peers repeatedly rally to his defense. They refused to attend a summit with the European Union from which Mugabe was banned, blocked a UN human rights investigation, and applauded him recently at a regional summit. Regional ministers repeatedly assert that allegations of human rights abuses and torture are fabrications of the media.[141]

Many African leaders have been caught in a rather embarrassing predicament when it comes to correcting their colleagues. They are very reluctant as they have more or less adopted the similar ways of governing their countries as their peers. The onus is left to the citizens of the particular countries to revolt and topple their leaders is happening in the Arab North. Most of the current and former African leaders have not been impressed by these happenings.

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141 Bond, P., "Can NEPAD survive its Proponents, Sponsors, Clients and Peers?" Organization for
Social Research in Eastern and Southern Africa (OSSREA), Newsletter 21(3), 2003, pp. 12–19

4.4 Speed versus quality and credibility

Time is a key factor working against a rigorous process. Participating countries are supposed to have their baseline reviews conducted within 18 months of signing the APRM memorandum of understanding – roughly the end of 2004 – and all five stages of each review must be completed in six months. These deadlines already look implausible, given that none of the countries has produced their national Programme of Action. To meet the deadline, many peer reviews will have to be conducted simultaneously by an APR Secretariat that does not have adequate staff; given time constraints and the chronic under-funding. Of continental institutions, African civil society must remain watchful that monetary pressures do not force the APR Secretariat to cut corners. The process does envision using outside experts, such as the UN Economic Commission for Africa, to help conduct the background research into each country.

Whether the Eminent Persons will demand a rigorous review remains to be seen. But the language of the APRM documents and interviews with participants suggest that the country review team will primarily assess the adequacy of the national Programme of Action and will not directly assess the extent and character of political and economic problems according to the questions set out in the APRM documents. That leaves plenty of room to cut corners. Time and staff shortages will create enormous pressure to rely on the background research to assess, for example, the state of corruption in a country under review.[142] That makes the choice of researchers and partner institutions critical. The APRM documents note that the examination of political aspects of governance will be

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[142] Bond, P., "Can NEPAD survive its Proponents, Sponsors, Clients and Peers?" Organization for Social Research in Eastern and Southern Africa (OSSREA), Newsletter 21(3), 2003, pp. 12–19.

managed by the new organs of the African Union, but most of these don't yet exist; and those that do only have a skeleton staff and no administrative capacity to engage in complex reviews.[143] Another key concern is whether the leaders of countries under review will have the ability to, in effect- edit review reports before they are released in their final form. The documents laying out the organization and processes of peer review provide that a review team's final report only needs to contain 'all the essential elements' of the draft report by the country review team. This wording suggests that the draft report may be edited – potentially by the heads of state under review – before it is released to the public.

4.5 APRM in perspective

There must be clear roles for APRM at the national level and within the government structures to lobby for financing and budgetary allocation so that the process can be made independent and able to meet its mandate. NGC should give policy direction- lobby parliament for legislative framework. Lean secretariat and under-funding is a challenge that should be tackled well so that APRM in Kenya can have more impact. On the other hand, countries should learn from each other and exchange their stories. For instance, Rwanda has an almost zero corruption and other African countries could learn from Rwanda's experience.

There is need for a clearer and implementable Program of Action that is monitored to the later. It needs to be tightened up abit. There is also need for additional input from the

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143 Ibid., eAfrica, p. 10

civil society especially media practitioners can also engage each other across regions and countries. Civil society can do this as well. The capacity to compile and disseminate information and engage each other on lessons learnt should be strengthened. The report should be made more accessible, user friendly and given wider dissemination in a country. There needs to be a speedy ratification, domestication and implementation of African Charter on Democracy Elections and Governance (ACDEG). Furthermore, the effective implementation of the NPOAs' is the answer to the various challenges facing APRM. The APRM should not be tightly controlled by states. CSOs should be given enough space as in Ghana to influence the APRM process. There should be the political will to adhere faithfully to the idea of the APRM; and an active participation in the APRM national processes by non-state actors in particular but also by state actors like the judiciary and legislature.

4.6   Incorporation of press freedom in the APRM process

Media organizations especially in southern Africa are up in arms about deficiencies in the questionnaire about "good political governance" in a country. They feel that the requirement that a country should promote a free and independent press is omitted. This requirement was originally included in the self-assessment questionnaire when it was being framed but disappeared without explanation shortly before the questionnaire was presented to African Union member states. A country cannot lay claim to "good governance" if it does not promote free and independent media.[144]

[144] Raymond L.,The APRM MONITOR, Learning lessons from the African Peer Review Mechanism, Number 3, 2007

The need for a press freedom section in the questionnaire is of extreme importance in Africa where far too many countries maintain media restrictive laws. The most inhibiting of such laws are the so-called "insult" and criminal defamation laws which are used by heads of state and government to prevent critical reporting and commentary on their conduct. A number of journalists and editors are languishing in jails in Africa as a result of these laws being used against them. Their crime was to report what was really happening in government. Indeed, they were all pointing out the deficiencies in government. Media organizations point out that these laws are used to censor the media and protect heads of state and officials from criticism, thus thwarting the concept of "good governance". They also state that they offend against the Declaration of Principles of Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples' Rights in Banjul, Gambia, in October 2002 and member states of the African Union, as well as other international protocols. They are demanding that questions relating to the status and conduct of the media, including details of restrictive legislation, must be included in the questionnaire.[145]

4.7 Benefits of NEPAD/APRM to Africa

NEPAD is very useful in that it "brings together African governments to discuss development matters without the excessive bureaucracy that bogged down discussions at the OAU as well the ECA. Whereas the latter had reasonably good technocrats that proposed good programmes, it rarely had substantial political power to implement proposals. While the former had political legitimacy, its political power was dispersed

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[145] Ibid, p.1.

among its members none of whom was prepared to sacrifice sovereignty for the common good."[146]

4.8   Future of APRM and NEPAD

4.8.1   Kenyan Experience

In the Kenyan case, Anyang' Nyong'o argues that some areas need to be improved especially the issue of finances, the extent of popular consultative meetings and the deadlines envisaged.[147] The nine months given by the NEPAD secretariat is not enough. This is a consultative process that is done in an open and democratic manner and is therefore liable to dissent, debate, consensus building and compromise. All these lead to delays that affect the deadlines set in the schedule. NEPAD needs to increase the duration to one year. It is worth noting that Kenya is the first African country to have undergone the second country review which was held between 17th July to 31st July 2011. On finances the NEPAD Heads of State and Government Committee of Participating States of the APRM has indicated that African Governments should try to be self reliant in financing the APRM. The fear has always been that excessive donor dependence and reliance on foreign technical advisors may influence the outcome, or, at any rate make the management of the process unduly cumbersome. But due to budgetary constraints faced by African governments, NEPAD should loosen this condition to allow for assistance from donors. In the Kenyan Case, the country was helped in its first review of 2004 by

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[146] Anyang' Nyong'o, "A leap into the future. A vision for Kenya's Socio Political and Economic Transformation," African Research and Resource Forum ARRF, Nairobi, Kenya, (2007).
[147] Ibid., p. 208.

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[146] Anyang' Nyong'o, "A leap into the future. A vision for Kenya's Socio Political and Economic Transformation," African Research and Resource Forum ARRF, Nairobi, Kenya, (2007).
[147] Ibid., p. 208.

the local UNDP office to the tune of $100,000. Since the whole review operation was costing $1 million, the government had no option but to foot the remaining bill.[148]

The APRM can have a great future if implemented faithfully and entrenched well in the government framework. The challenges with the creation of the APRM structures was that they had to be made legitimate, credible and competent by for instance integrating them into the government framework. It is important that the APRM is not seen to come and replace existing programmes but to reinforce them. It is therefore quite critical that the APRM process have linkages with these existing programmes such as the MDGs, PRSPs and other such initiatives. Kenya set out to use the APRM to provide indicators, on how well the country has been served by the nation's designated road map for economic growth and human development, namely the Economic Recovery Strategy for Wealth and Employment Creation (ERSWEC) paper. This road map spells out the essence of an enabling environment, required for productive economic activities, including in this regard, reforms in the public sector, promotion of good governance and the rule of law, the fight against corruption, investment in human capital of the poor, as well as a thriving private sector. The APRM, to be relevant to the needs of the Kenyan people, was intended to assess and contribute tangibly towards the realization of the goals of the ERSWEC.[149]

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[148] Ibid., p. 210
[149] NEPAD/APRM secretariat newsletter

In addition if NPOA's are addressed well, this will make APRM a constant feature at the national level.[150] Other perspectives on the future of APRM have been given by other scholars. Khaebe Matlosa notes that the future of APRM is dependent upon the type of leadership Africa has. If the dominant character of African leadership is autocratic and self-serving, APRM is doomed for failure however if the dominant character of the African leadership is transformative, visionary and participative, then the future of APRM is very bright indeed."[151] This is complimented by Adedeji who remarks that:

> Given the wide scope earmarked for the peer review process, the APRM marks a sea change in attitude towards governance and is a positive step in promoting the internalization of the basic values of justice, equity, transparency and accountability.[152]

Adele Jinadu sees the road ahead as tough because of several factors. One of them is the huge financial costs of the process and its implications for national and African ownership of the APRM country and continental process. At another level he sees lack of political and popular will to faithfully and conscientiously keep to the spirit and letter of the APRM especially on the part of some African Leaders. Thirdly, there is some apparent ignorance of non-state actors about the APRM and the indifference this has tended to engender generally among the citizens of the member-states. The feeling is that a majority of the population especially in the rural areas are not aware of APRM let alone NEPAD.[153]

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[150] Interview with the CEO of NEPAD/APRM, on 11 August 2011, in Nairobi, Kenya.
[151] Interview with Khabele Matlosa, head of Governance at UN, Addis Ababa –Ethiopia, in August 2011.
[152] Adedeji Adebayo, "NEPAD's African Peer Review Mechanism: Progress and Prospects," in Akokpari, J.,
  Ndinga-Muvumba A., and Murithi T., (eds), "The African Union and Its Institutions," Sunnyside: Pamele, 2008.
[153] Interview with Prof. Adele Jinadu, Lecturer University of Lagos and Consultant for APRM Secretariat in Midrand South Africa (July, 2011)

While maintaining guarded optimism, Amos Sawyer says that:

> "The future of APRM could be precarious if left solely to the goodwill and actions of heads of states. I think for APRM to be successful and enduring, it requires the support of civil society all around Africa. Civil society must take ownership of the process in their various countries. Continent-wide organizations of professionals and scholars have to get engaged with the process i.e. through meetings, studies and professional dialogue, etcetera. APRM must be structurally and institutionally integrated within the AU. AU is now a compulsory organization and institutional support of the AU is important so that it begins to function like the UN with specialized agencies."[154]

4.9 Delayed assessment reports

On the question of delayed APRM reports for countries that had completed their self assessment processes, African states should show more commitment by investing substantial resources in NEPAD and APRM capacity building for the continental, regional and national offices to boost their output. It has not been lost on observers that since 2003, only three countries; Ghana, South Africa and Kenya had successfully completed their assessments while only one had finalized the process. Bearing in mind that today there were 25 countries waiting on the queue, it was critical that manpower and resources at all levels of the APRM processes be addressed with the agency it required in future.

4.10 Popular Participation in APRM

Popular participation is central to democratic governance as it enhances the accountability of the rulers to the governed. It reinforces the responsiveness of governance to the needs and interests of the people. In a recent study, Said Adejumobi defines popular participation as "the mass involvement of the people in the social processes of society, including the political and economic realm." It is how people

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[154] Interview with Prof Amos Sawyer, former President of Liberia and member of the Eminent Persons (in July 2011).

participate either directly or otherwise to influence decisions that affect their life chances."[155] This conceptualization of popular participation is exactly what should be injected into the implementation of all the five stages of the APRM process

This often involves consultative meetings, focus group discussions, small and targeted group discussions as well as provision for submission of written opinions by CSOs to the CRM. However, more by default than by design, CSOs get demobilized once the CRM submits its report. At this stage, the government reclaims its central role. It is the one that responds to the CRM report. The government response is appended to the CRM report. There is no room for a formal CSO response. Furthermore, the national governing councils are disbanded following the adoption of the report by the APRM Heads of State Forum. This presupposes the end of the formal role of CSOs in the APRM, yet the bigger role is, in fact, in the offing with the implementation, monitoring and evaluation of the National Programme of Action.[156]

Besides the limited room for the active involvement of the people in various stages of the APRM, regional CSO bodies have not yet asserted their role and this further weakens the national CSO efforts. For instance, the actual role of the Economic, Social and Cultural Council (ECOSOCC) of the African Union in the APRM process still remains unclear safe only that the base document indicates that the final report will also be submitted to

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[155] Adejumobi, S., "The African Experience of Popular Participation in Development," in Adejumobi, A., and Olukoshi, A., (eds), *The African Union and New Strategies for Development in Africa*, CODESRIA Books: Dakar, (2009), pp 66.
[156] Khabele M., "The African Peer Review Mechanism (APRM) and the Promotion of Socio Economic Development in Africa: Whither Popular Participation?" (Electoral Institute of Southern Africa – EISA – 2009)

this body. This author has not come across evidence of any of the country reports being tabled before ECOSOCC and how this body has responded. This gap also applies to the role of the Pan-African Parliament (PAP) in the review process. The PAP participated during the tabling of the Country Review Reports of Ghana, Kenya and Rwanda. It has not participated in the tabling of subsequent reports. This is a major shortcoming that needs to be rectified through the on-going review of the APRM. In sum, it seems to this researcher that although CSOs at both national and regional levels do have some role to play in the APRM process, this role is still defined and constricted by the state. Civil society is not playing this role freely and independently. Furthermore, civil society's role does not extend to the whole gamut of APRM processes as they are not involved in some stages such as responding to the CRM report.

4.11 Peer Review and Peer Pressure

Peer review refers to the systematic examination and assessment of the performance of a state by other states (peers), by designated institutions, or by a combination of states and designated institutions such as Organization for Economic Cooperation and Development (OECD);[157] and United Nations Economic Commission for Africa (UNECA) 2002b[158], 2002c.[159] The ultimate goal is to assist the reviewed state to improve its policy making; adopt best practices; and comply with established standards, principles, codes, and other agreed commitments. Peer review examinations and assessments are conducted in a non-adversarial manner, and they rely heavily on the mutual trust and understanding between

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[157] Organization for Economic Co-operation and Development (OECD), "Peer Review: An OECD Tool For Cooperation and Change," OECD: Paris, (2003).

[158] United Nations Economic Commission for Africa (UNECA), "The African Peer Review Mechanism: Process and Procedures," *African Security Review* 11, 2002b, pp. 7–13.

[159] United Nations Economic Commission for Africa (UNECA), "The African Peer Review Mechanism: Some Frequently Asked Questions," UNECA: Addis Ababa, Ethiopia (2002c).

the state being reviewed and the reviewers, as well as their shared confidence in the process (OECD;[160] UNECA 2002b[161]).

On the other hand, peer review becomes more effective when applied together with peer pressure. According to the OECD, the effectiveness of peer review relies on the influence of peer pressure, that is, the persuasion exercised by the peers. The peer review process can give rise to peer pressure through, for example, a mix of formal recommendations and informal consultations by peer countries; public scrutiny, comparisons, and ranking among countries; and the impact of the foregoing on public opinion, policy makers, and other stakeholders. This is explained in the APRM base document as follows:

> "If the Government of the country in question shows a demonstrable will to rectify the shortcomings, then it will be incumbent upon participating Governments to provide what assistance they can, as well as to urge donor governments and agencies also to come to the assistance of the country reviewed. However, if the political will is not forthcoming from the Government, the participating states should first do everything practicable to engage it in constructive dialogue, offering in the process technical and other appropriate assistance. If dialogue proves unavailing, the participating Heads of State and Government may wish to put the Government on notice of their collective intention to proceed with appropriate measures by a given date."[162]

The lessons of peer reviews conducted in the developed countries suggest that the greatest impact is derived when the outcomes of peer reviews are put in the public domain. It is that public scrutiny that is most likely to influence change and bring about corrective actions. In addition, the East Asian experience suggests that peer pressure provides an effective incentive to commit member countries to perform the required activities and take the necessary actions for common policy objectives.[163]

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[160] Ibid.
[161] United Nations Economic Commission for Africa (UNECA), "The African Peer Review Mechanism: Process and Procedures," *African Security Review* 11, 2002b, pp. 7–13.
[162] See African Peer Review Mechanism (base document).
[163] Wang, Y., and Yoon D. R., "Mechanisms of Regional Surveillance in East Asia and its Prospects,"

4.12 Conclusion

The APRM process was supposed to be simple and straight forward but it has turned out to be complicated, tedious and expensive. This increased the financial load of the countries as a lot resources have to be used in gathering the requisite data around the country. The NEPAD secretariat should therefore consider making the process simpler once more.[164]

Kobe Research Project Institute for International Monetary Affairs, Tokyo (2002).
[164] Hope, K.R., Sr, "Toward Good Governance and Sustainable Development: The African Peer Review Mechanism," in *Governance: An International Journal of Policy, Administration, and Institutions,*
Vol. 18, No. 2, April 2005 (pp. 283–311).

CHAPTER FIVE: CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This section draws up conclusions and recommendations. It begins with a brief summary of what the particular pillars of NEPAD stand for and how APRM will help in achieving or enhancing them.

5.1 APRM and Improved Public Accountability

Institutions, in particular public institutions, have been a failure in Africa. Many of these institutions have been captured by the elite to serve narrow personal interests. The resultant effect has been the lack of the ability of the state to provide the requisite institutional framework to support good governance. In too many African countries, both the public and private sectors do not operate according to widely accepted rules that are transparent and enforced by accountable institutions. Consequently, the challenge for African policy makers, under the NEPAD, is to shape policies and institutional development in ways that enhance transparency, accountability and sustainable development. Transparency is vital for accountability. In fact, a system of government that is transparent is also likely to be accountable. Accountability means that systems are in place and are facilitated by public institutions to hold public officials to account for their behavior, actions, and decisions.

Public accountability is needed to guarantee political as well as economic and financial, freedom. Where governments or corporations are corrupt, resources will be misallocated.

The scarce those resources the greater the cost to the economy and the more harm done to the development process.[165]

A system of public accountability is required so that public officials and governments act in ways that are broadly approved by society. Accountability is fundamental to any society with pretensions to being democratic. The concern with public accountability expresses the continuing need for checks, oversight, surveillance, and institutional constraints on the exercise of power. The guiding idea of public accountability is to control the abuse of power, not to eliminate the exercise of power, where legitimate.[166] Related to public accountability is the notion of responsibility. Responsibility refers to those rules that influence the behavior of public officials in ways that encourage them to be responsive to public demands and act in the interest and welfare of citizens.[167] The APRM will expose any deficiencies in accountability by public officials in African countries. The governance record in Africa indicates that public accountability is in serious need of improvement. The shortcomings with respect to public accountability in Africa are directly attributable to the fact that neo-patrimonial rule is a core feature of politics and development management in most of Africa. Whereas personal authority and relationships occur on the margins of all bureaucratic systems, they represent the very foundation and superstructure of political institutions in Africa. Consequently, although

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[165] Macedo B. J., Foy C., and Oman C. P., "The Development Challenge," in Macedo B. J., Foy C., and Oman C. P., (eds), *Development Is Back*, 2002, pp. 211–225, OECD, Paris.

[166] Schedler A, "Conceptualizing Accountability," in Schedler A., Diamond L., and Plattner M. F., (eds), *The Self- Restraining State: Power and Accountability in New Democracies*, 1999, pp. 13–28.

[167] Hyden, G., "Sovereignty, Responsibility, and Accountability: Challenges at the National Level in Africa," in Deng F. M., and Lyons T., (eds), *African Reckoning: A Quest for Good Governance*, 1998, pp. 37–66, Brookings Institution: Washington DC.

neo-patrimonial tendencies can be found in all polities, it is practiced with flair on the African continent.[168]

5.1.1 Patrimonial politics

Neo-patrimonial governance entails individual rule by virtue of personal prestige and power, personalized authority determined by the preferences of the ruler rather than the laws of the land, attempts to ensure the political stability of the regime and personal political survival by providing a zone of security in an unstable or uncertain environment, and the selective distribution of favors and material benefits to loyal followers who are regarded and treated as clients.[169] The patrimonial nature of African public officials has considerably undermined good governance in the region and continues to do so despite the gains made in political liberalization and democratic consolidation during the 1980s and 1990s. Personalistic rule is characterized, for example, by incumbents using national resources, which of course they control, to purchase loyalty and thus maintain a monopoly on power. Absolutely no distinction is made between personal and public property. The application of the APRM will determine where public accountability is faulty and what should be done to improve it. Improved public accountability will improve the democratic political order in Africa as well as the prospects for achieving sustainable development. The manner in which public accountability has been handled in Africa in the past, under patronage regimes, has stalled the development of the

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[168] Bratton M., and Van de Walle N.,"Democratic Experiments in Africa: Regime Transitions in Comparative Perspective"
Cambridge University Press: Cambridge UK, (1997).
[169] Ibid

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continent.[170] Peer reviews will result in greater public debate on many issues of governance, including public accountability. Public scrutiny and peer pressure will then provide the impetus for conscious efforts at improving public accountability.

5.1.2 Enhanced Policy Coherence

Coherent policy for sustainable development is derived from good governance. Those African countries that have pursued market-led policy reforms have made better development management choices and improved their economic performance. Africa has a history of policy development and policy implementation that have not favored growth and development. Indeed, these distorted policies continue to benefit certain influential groups. Developing and implementing coherent policies is a requirement of good governance and sustainable development. By the 1980s, the primacy of policy as the basis for encouraging and sustaining development had come to be widely accepted among those concerned about promoting development.[171] Nowhere was policy reform and coherence more needed than in Africa, a region that muddled along through ad hoc and incoherent policy implementation that led to the 1980s and 1990s being referred to as its lost decades of development. Because citizens lose confidence in a government that is unable to develop and implement coherent policies for improving well-being and

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[170] Hyden, G., "Sovereignty, Responsibility, and Accountability: Challenges at the National Level in Africa," in Deng F. M., and Lyons T., (eds), *African Reckoning: A Quest for Good Governance*, 1998, pp. 37–66, Brookings Institution: Washington DC.
[171] Grindle M. S., and Thomas J. W., "Public Choices and Policy Change: The Political Economy of Reform in Developing Countries," Johns Hopkins University Press: Baltimore MD (1991).

sustaining development, the degree to which a government is able to carry out these functions can be a key determinant of a country's ability to sustain good governance.[172]

By subjecting themselves to peer review, African countries will have their policy decisions and their application scrutinized. Consequently, peer review can tip the domestic political scales in favor of progressive, outward-looking policy and against retrograde choices. The result can be

a substantial positive bearing on policy outcomes.[173] Peer reviews will therefore stimulate better policy choices and lead to policy change. When such change occurs, relationships at various levels and among stakeholders are shifted. A new array of policy winners and losers emerges.[174] However, with better policy choices, society wins and the prospects for achieving good governance and sustainable development are improved.

An important aspect of the NEPAD is its emphasis on the development of smarter partnerships between Africa and its bilateral and multilateral partners. The overall objective is to improve effectiveness in development cooperation primarily through better practice in the aid relationship, delivery, and reporting systems. Partnerships are also being sought through private sector entities in such areas as agro-industries, tourism,

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[172] Brinkerhoff D. W., and Crosby B. L., "Managing Policy Reform: Concepts and Tools for Decision-Makers in Developing
   and Transitioning Countries," Kumarian Press: Bloomfield CT (2002).
[173] Henning, C. R. 2003. Peer Review. Paper Prepared for the Meeting of the Commission on Capital Flows to Africa,
   Washington, DC, February 21.

[174] Brinkerhoff, D. W., and B. L. Crosby. 2002. *Managing Policy Reform: Concepts and Tools for Decision-Makers
   in Developing and Transitioning Countries* . Bloomfield, CT: Kumarian Press.

human resource development, and in addressing the challenges of urban renewal and rural development.[175]

Through the peer review assessments, African countries have agreed to fight corruption, strengthen their institutions, adopt market-oriented policies, respect human rights and the rule of law, and spend more on the needs of the poor. By so doing, they also expect to get the support of the rich countries with trade, aid, investment, and debt relief. Indeed, the APRM has generated a positive echo among Africa's major external development partners, who have pledged to honor their side of the bargain by providing enhanced financial assistance and greater facilitation of trade and investments.[176] In particular, the G8 countries, at their 2002 Summit, released a *G8 Africa Action Plan* as an initial response to the NEPAD and the APRM. The plan is designed to encourage the imaginative effort that underlies the NEPAD and to lay a solid foundation for future cooperation. It welcomes the commitment made by Africa's leaders in emphasizing good governance and human rights as necessary preconditions for Africa's recovery, as well as the focus on investment-driven economic growth and economic governance as the engine for poverty reduction.[177]

In support of those objectives, the G8 has undertaken, in their individual and collective capacities, to establish enhanced partnerships with those African countries whose performance reflects the NEPAD commitments. Their African partners are selected on

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[175] NEPAD Secretariat. 2001. *The New Partnership for Africa's Development*. Midrand, South Africa: NEPAD Secretariat.
[176] R. Joseph, "Smart Partnerships for African Development: A New Strategic Framework," United States Institute of Peace: Washington DC (2002).
[177] G8 Summit (2002), "*G8 Africa Action Plan,*" available online at http://www.g8.gc.ca/ 2002_summit/menu-en.asp (last accessed on 4 August 2011).

the basis of measured results with a focus on those countries that demonstrate a political and financial commitment to good governance and the rule of law, investing in their people, and pursuing polices that spur economic growth and alleviate poverty. The G8 matches the commitment of the African countries with their own commitment to promote peace and security in Africa, to boost expertise and capacity, to encourage trade and direct growth oriented investment, and to provide more effective official development assistance. Furthermore, the APRM process is used by the G8 countries to inform their considerations of eligibility for enhanced partnerships.[178]

5.1.3 APRM and Millennium Challenge Campaign

In that same spirit, but preceding the June 2002 G8 Summit, U.S President George W. Bush announced in March 2002 the creation of a Millennium Challenge Account (MCA) devoted to projects in nations that govern justly by upholding the rule of law, rooting out corruption, protecting human rights and political freedoms; that invest in their people through investment in education and health; and that encourage economic freedom through open markets, sound fiscal and monetary policies, appropriate regulatory environments, and strong support for private enterprise. The MCA is being funded by a 50 percent increase in the core development assistance budget of the U.S. over three years, resulting in an annual increase of US$1 billion by fiscal year 2006. The goal of the MCA initiative is to reduce poverty by significantly increasing economic growth in recipient countries through a variety of targeted investments.[179]

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[178] Ibid

[179] United States Agency for International Development (2002), "The Millennium Challenge Account: Fact Sheet," available online at http://www.usaid. gov/mca (last accessed 4 August 2011).

The MCA also signals a new relationship between donors and recipients. Implementation will be based on a genuine partnership between the U.S. and the recipient country. If fully implemented, the initiative would represent one of the largest increases in foreign aid spending in half a century, outpaced only by the Marshall Plan following World War II and the Latin American-focused Alliance for Progress in the early 1960s.[180] However, some analysts had suggested that only four African countries are likely to qualify for the MCA in the first year and another five would miss eligibility by only one criterion.[181] Others, on the other hand, contend that higher income countries with stronger institutions and better capacity, such as Botswana and South Africa, should also be included.[182] Nonetheless, for FY 2004 one-half of the 16 countries, selected as qualifying in the first group of MCA.[183] It is expected that the majority of the African countries will eventually be eligible for participation in the MCA and, like the application of the APRM, some of the same performance indicators will be used. Specifically, 16 indicators in the three categories have been chosen for measuring performance under the MCA. They are; governing justly—to include control of corruption, voice and accountability, government effectiveness rule of law, civil liberties, and political freedom; investing in People — to include public primary education spending as a percent of GDP, primary education

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[180] Nowels L., "The Millennium Challenge Account: Congressional Consideration of a New Foreign Aid Initiative," Congressional Research Service: Washington, DC (2003).

[181] Radelet S., "Qualifying for the Millennium Challenge Account," Center for Global Development: Washington, DC (2002).
[182] Pasicolan P., and Fitzgerald S. J., "The Millennium Challenge Account: Linking Aid with Economic Freedom," The Heritage Foundation: Washington, DC (2002).

[183] The countries were African—Benin, Cape Verde, Ghana, Lesotho, Madagascar, Mali, Mozambique, and Senegal (MCC).

completion rate, public expenditure on health as a percent of GDP, immunization rates for diphtheria, pertussis, and tetanus, measles; and promoting economic freedom—to include country credit rating, inflation, three-year budget deficit, trade policy, regulatory policy, and days to start a business. Smarter partnerships for African countries are therefore on the horizon.

The APRM and the MCA complement each other and offer a new compact for development by tying increased assistance to performance and creating a results-based process in which African countries will derive benefits based on performance and measurable achievements that impact favorably on governance and sustainable development. Countries that have embraced good governance, as required by acceding to the ARPM, provide a much more conducive environment for smarter partnerships.

The APRM has also received very favorable responses from the EU, European employers' associations (which hope for more public–private partnerships in Africa), the OECD, the World Bank, the IMF, and the U.N. The U.N. not only endorsed the NEPAD and its APRM but also validated their principles to a very high degree. For example, in September 2002, the U.N. General Assembly decided that the U.N.'s own policies for Africa would henceforth be based on the NEPAD goals.

5.2   CONCLUSIONS

5.2.1   Deeper Private Capital Flows

Private capital flows are widely recognized as a powerful motor and major catalyst for sustainable development, poverty-reducing growth, and integration into the global

marketplace. Countries with better policies, including good governance, attract the largest increases in private capital flows. Good governance is now recognized as a crucial prerequisite for well-functioning markets and, hence, for attracting investment and a sustainable allocation of investment capital.[184] It means therefore that predictable rules of the game are required to attract both domestic and foreign long-term private investment. Private investment, in turn, is a necessary ingredient for employment generation and spurring economic growth.

5.2.2 Good governance and efficient markets

Effective governments and efficient markets are both essential if African countries are to reap the benefits of globalization and to make that process work for the poor. Private capital, for example, is highly mobile and will go where business can be conducted safely and where it can make the best return. Weak and ineffective African states, with problems of corruption, inadequate infrastructure, and cumbersome bureaucratic procedures for business start-ups, are not an attractive destination for those flows.[185]

5.2.3 Globalization

Reaping the gains from globalization is the antithesis of economic marginalization, to which Africa has been subjected for decades. However, research findings on the benefits of globalization indicate that globalization is a powerful engine of world prosperity and,

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[184] Ogûtçû M., "Good Governance and Best Practices for Investment Policy and Promotion," paper prepared for
the UNCTAD workshop on Efficient and Transparent Investment Promotion Practices: The Case of LDCs,
Geneva, June 6–7 (2002).
[185] Ibid

more importantly, it is here to stay. Surjit Bhalla[186], for example, has empirically demonstrated that living standards of poor people have increased during the past two decades at a pace faster than average living standards; that globalization has been a force for higher growth and prosperity for most and, in particular, for those at the bottom economic half of the world's population; and that inequality in several regions—as well as in the world itself—decreased in the 1980s and 1990s, with world inequality today at its lowest ever or at least since 1910.

5.2.4 Investment opportunities

Most African countries have not been able to benefit from any kind of integration to the extent they could, because of bad governance, as manifested in their development policies in the 1970s and 1980s, which sought to achieve economic and social progress through government controls on prices, interest rates, and exchange rates, as well as restrictions on various aspects of production, distribution, and trade.[187] Through peer review, Africa is hoping to reverse its status as a marginalized continent through demonstrating its commitment to good governance and policy reform that will make them attractive places for private capital flows. While the empirical relationship between robust peer review mechanisms and private capital flows needs more study, it can be expected that peer review, to the extent that it enhances transparency and fosters market-

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[186] Surjit S. Bhalla is managing director of Oxus Research and Investments, a New Delhi-based economic research, asset management, and emerging-markets advisory firm. He taught at the Delhi School of Economics and worked at the Rand Corporation, the Brookings Institution, and at both the research and treasury departments of the World Bank. He has also worked at Goldman Sachs (1992–94) and Deutsche Bank (1994–96). He is author of *Imagine There's No Country: Poverty, Inequality, and Growth in the Era of Globalization* (2002).

[187] Ibid

consistent policy reform, would positively affect investment decisions and capital flows.[188]

5.2.5   Benefits of APRM

The argument by Jeffrey Sachs that the simple act of being peer reviewed is in itself a benefit to the African countries through improvement of their governance systems is accurate. African countries will be able to benefit from specific and well targeted investments that would provide the foundation for self-sustained growth.[189] Sheer demonstration that an enabling environment exists, or is being created, would be facilitated through the application of the APRM to cover reform in such areas as corporate law, contract law, labor law, bankruptcy, and property rights.[190]

5.1.6   Strengthened Capacity

Maintaining good governance and sustaining development requires a capable state with the requisite capacity to consistently improve on policy outcomes. Capacity is the competency of individuals, public sector institutions, private sector entities, civil society organizations, and local communities to engage in activities in a sustainable manner that permit the achievement of beneficial goals such as poverty reduction, efficient service delivery, good governance, economic growth, effectively facing the challenges of

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[188] Henning, C. R., "Peer Review," Paper Prepared for the Meeting of the Commission on Capital Flows to Africa, on February   21, 2003, Washington DC.
[189] Jeffrey David Sachs is an economist and Director of the Earth Institute at Columbia University. One of the youngest economics professors in the history of Harvard University, Sachs became known for his role as an adviser to Eastern European and developing country governments in the implementation of so-called economic shock therapy during the transition from communism to a market system or during periods of economic crisis.

[190] Ibid

globalization, and deriving the greatest possible benefits from such trends as rapid changes in information technologies and science. As noted by the World Bank, it also engenders the self-reliance that comes with the ability of people to make policy choices and take actions to achieve the objectives they set for themselves, including the ability to identify and analyze problems, formulate solutions, and implement them.

5.3 RECOMMENDATIONS

From the study, there are some key recommendations that can be made to make effective the African Peer Review Mechanism. They are as follows:

A. The APRM's inclusion of review indicators such as autonomy of the central bank; effectiveness and enforcement of competition regulation; enactment and enforcement of effective anticorruption and anti money laundering laws; and protection of property rights, among others, as noted by the Commission on Capital Flows to Africa (CCFA), for instance, is a precursor to enhancing Africa's ability to attract the private capital that is crucial to long-term sustainable development and to Africa's full participation in globalization".[191]

B. Capacity in Africa is weak. With weak capacity, both the public and private sectors on the continent lack the requisite ability to develop and implement the appropriate policies for poverty reduction, sustainable development, and the maintenance of good governance.[192] It is therefore imperative that capacity

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[191] Commission on Capital Flows to Africa (CCFA), "A Ten-Year Strategy for Increasing Capital Flows to Africa" CCFA: Washington DC, (2003), pp 91.
[192] Ibid

development or building be deliberately undertaken. This will ensure sustainable development.

C. A lot of technical assistance to African states is paramount for Africa's renaissance. If African governments are to be successful in keeping ownership and leading the development agenda of their countries, then they must make serious efforts at capacity development, including the need to mount institutional reforms that focus on the administrative and civil services, legislative bodies, electoral systems, local governments, justice systems, and civil society organizations and private enterprises.

D. Institutional reforms and development should be undertaken to fill existing gaps in capacity that are adversely affecting the implementation of government policies and the delivery of public service.

E. The success in the application of the APRM will be dependent on the extent to which it (the APRM) remains free from political and bureaucratic manipulation. However bureaucratic hierarchy into the conduct of the peer reviews threatens to dilute both the impact, as well as the general acceptance (regionally and internationally), of those peer reviews. It is therefore imperative that the technical institutions charged with assisting in conducting the peer review assessments use their expertise and reputations to influence the manner in which the reviews are ultimately done to ensure that all of the peer reviews are indeed credible and internationally acceptable.

F. A study should be undertaken by the NEPAD secretariat to assess the impact of the country reviews in each member state that has undertaken the review. The heads of states should put more peer pressure to the countries that are being reviewed so that they can complement the pressure from the citizens and the civil society.

G. The NEPAD and APRM secretariats should be entrenched in the governance systems through legal means so that they can effectively serve the member countries.

H. There is increasing need for more civil society engagement; therefore, as part of the APRM process, NEPAD should set aside significant resources to allow civil society in the reviewed country to do assessments of its own, and to critique the APRM assessment.[193]

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[193] Kanbur R., "The African Peer Review Mechanism (APRM): An Assessment of Concept and Design," January 2004, www.people.cornell.edu/pages/sk145

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APPENDIX 1: Research Questionnaire

Dear Respondent,

I kindly request you to provide information on my Masters Degree thesis titled: African Peer Review Mechanism (APRM) as a tool for good governance in Africa: A case study of Ghana, Kenya, Rwanda and South Africa. The aim of this study is to assess the impact of APRM as a tool for good governance in Africa.

Thank you for agreeing to take part in this study. I assure you that the information you will fill in this form will be treated with utmost confidence and it will strictly be used only for academic purposes. Your co-operation is highly appreciated.

Thank you.

Caren N.M Wakoli

Masters candidate- University of Nairobi

<u>**QUESTIONNAIRE**</u>

1.   What is your understanding of NEPAD?

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2.   What is your understanding of African Peer Review Mechanism?

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3. What in your opinion is the linkage between NEPAD and African Peer Review Mechanism?

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4. What are some of the challenges in the implementation of APRM?

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5. Do you think APRM has had any impact on governance in Africa?

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6. Do you think APRM has had any achievements? If yes, please list and explain.

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7. Are you aware of any other governance review mechanisms? If yes, what are they?

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8. If your answer to question seven (7) above is yes, what are some of the
    differences   between APRM and what you have listed?
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9. Why do you think some African countries have not acceded to APRM?
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10. What do you think of the peer review process?
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11. Are you aware of any countries that have embraced governance reforms as a
     result going through a review process?
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12.   What do you think is the future of APRM?

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13.   Do you have any recommendations to improve the process?

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