

This report is presented as received by IDRC from project recipient(s). It has not been subjected to peer review or other review processes.

This work is used with the permission of Partnership Canada Africa.

© 2005, Partnership Canada Africa.

# BETWEEN HOPE AND SCEPTICISM



CIVIL SOCIETY AND THE

AFRICAN PEER REVIEW

MECHANISM

Ousmane Déme



**Partnership Africa Canada** works in partnership with organizations in Africa, Canada and internationally to build sustainable human development in Africa.

The Insights series seeks to deepen understanding of current issues affecting African development. The series is edited by Bernard Taylor.

Between Hope and Scepticism Civil Society and the African Peer Review Mechanism

Ousmane Déme

Managing Editor: Josée Létourneau

Design: SUM Incorporated

Translation: Services d'édition Guy Connolly

ISBN: 1-894888-86-3

© Partnership Africa Canada, October 2005

For permission to reproduce or translate all or parts of this publication, please contact Partnership Africa Canada.

#### **Partnership Africa Canada**

323 Chapel Street Ottawa, Ontario, K1N 7Z2, Canada Tel: +1-613-237-6768 Fax: +1-613-237-6530

Email : info@pacweb.org

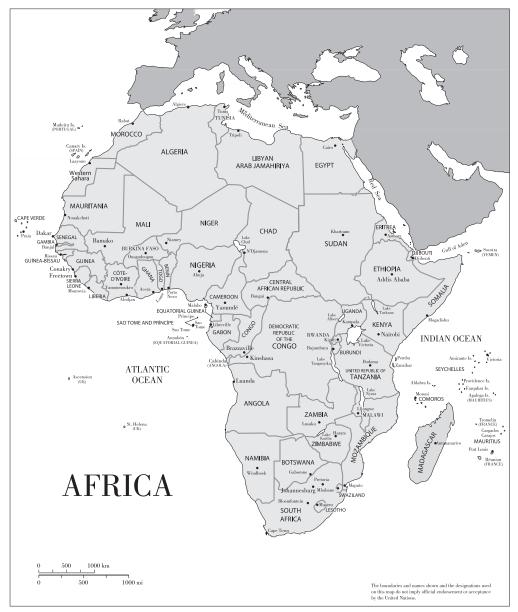
Addis Ababa, Ethiopia Tel: +251-11-439-3132 Fax: +251-11-439-3502

www.pacweb.org



John Bimpong, Vice Chairman of the Ghana Trades Union Congress, at an APRM forum, Accra, March 2005.

Photo:TUC, Ghana



Map No. 4045 Rev. 4 UNITED NATIONS
Department of Peacekeeping Operations
Jamuary 2004
Department of Peacekeeping Operations
Cartographic Section

# BETWEEN HOPE AND SCEPTICISM



CIVIL SOCIETY AND THE
AFRICAN PEER REVIEW
MECHANISM

Ousmane Déme

Partnership Africa Canada

# **TABLE OF CONTENTS**

# **Table of Contents**

Acronyms

# Preface

1	INT	RODUCTION	1
2	THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)		
	2.1	What is NEPAD?	4
	2.2	The Relevance of NEPAD	5
	2.3	General Criticism of NEPAD	6
3	GOO	DD GOVERNANCE IN AFRICA	10
	3.1	The New Development Ethic	10
	3.2	Linkage of Global Governance to Local Governance	12
	3.3	Acculturation of Governance by Local Players	13
4	NEF	AD'S AFRICAN PEER REVIEW MECHANISM	15
	4.1	What is Peer Review?	15
	4.2	What is the APRM?	15
	4.3	General Considerations about the APRM	16
	4.4	A Few Issues Pertaining to the APRM	22
	4.5	The APRM and the OECD Peer Review Mechanism	24
	4.6	The APRM and the Kimberley Process	25

5	AFRICAN CIVIL SOCIETY AND THE APRM			
	5.1	Definition of Civil Society	28	
	5.2	African Civil Society: Between Hope and Scepticism	29	
	5.3	Political Repercussions of Involvement in the APRM	29	
	5.4	The Relationship between the State and Civil Society	31	
	5.5	The Relationship between Civil Society and the Private Sector	33	
	5.6	Problems and Challenges for Civil Society	34	
6	TOWARDS A CULTURE OF POLITICAL DIALOGUE IN AFRICA			
	6.1	Improving the APRM	37	
	6.2	Integrating the APRM into Existing Dialogue Frameworks	39	
	6.3	Involving the African Media	39	
	6.4	Involving African Parliaments	40	
7	CON	NCLUSIONS	41	
8	REC	RECOMMENDATIONS4		
AN	NEX 1		46	
	THE	AFRICAN PEER REVIEW MECHANISM (APRM)	46	
AN	INEX	2	51	
	RES	OURCES	51	

#### **ACRONYMS**

ADB African Development Bank

APRM African Peer Review Mechanism

AU African Union

CONGAD Conseil des ONG d'Appui au Développement

ECA Economic Commission for Africa

IMF International Monetary Fund

MDG Millennium Development Goals

NEPAD New Partnership for Africa's Development

NIA New African Initiative

OAU Organization of African Unity

OECD Organization for Economic Cooperation and Development

PRSP Poverty Reduction Strategy Paper

SANGOCO South African National NGO Coalition

SAP Structural Adjustment Programme

UN United Nations

UNDP United Nations Development Programme

#### PREFACE

Governance is one of those concepts which is hard to define and about which opinions often differ profoundly. Despite the difficulty with definition, we tend to agree when governance is absent, although responsibility for its absence is another bone of contention.

Africa is not alone in having governance problems, as shareholders in Enron and Parmalat will readily acknowledge. Where clarity is required, though, is how to address the many, varied and deep-rooted problems that make up Africa's governance picture. Where does responsibility lie within Africa and what responsibility do external players have?

Africa is set to take a huge leap forward by implementing the African Peer Review Mechanism (APRM). No other continent or political or geographic entity has ever set itself such an ambitious programme of self-evaluation and reform. This is hugely to Africa's credit.

For the APRM to succeed, however, African governments have to take very concrete measures to fully implement the APRM provisions. This includes creating a real and effective partnership with African civil society, for there is no doubt that it is the latter that can enrich and deepen the analysis required. At the end of the APRM process, when the time comes for action, African governments will depend on the full participation of civil society and the private sector in order to attain the mutually agreed objectives that will have been identified.

Partnership Africa Canada is very pleased to have had the opportunity to lead this research initiative, the aim of which is primarily to help inform African civil society about the APRM. It is a small contribution to what we hope will be a significant effort on the part of many interested organizations to help the APRM go forward. We are very grateful to the International Development Research Centre and to the Canadian International Development Agency for their support to this initiative.

Bernard Taylor Partnership Africa Canada

V/ BETWEEN HOPE AND SCEPTICISM	
"In order to love people, you have to hate what oppresses them." (Translation)	
	Jean Paul Sartre

"The task is to awaken people to a brilliant future." (Translation)

Léopold Sedar Senghor

"Oppression is not an alternative to poverty. Nor is development an alternative to freedom. Poverty and oppression go hand in hand, while true development means freedom from both. No State can truly be called democratic if it offers its people no escape from poverty; and no country can truly develop, so long as its people are excluded from power."

Kofi Annan

#### 1 INTRODUCTION

As the third millennium gets underway, Africa is entering into an important stage of its political history. We are currently witnessing major ferment in the development of the poorest continent on the planet. In the wake of the failure of the structural adjustment policies of the Bretton Woods institutions and of the negative effects of national policies, attempts are being made at all levels to lay the foundations for a new political and economic framework capable of putting an end to the endemic underdevelopment plaguing Africa.

It is in this context that, on the initiative of African heads of state, the African and global community learned of the existence of an ambitious programme known as the New African Initiative (NAI), which would later become the New Partnership for Africa's Development (NEPAD). Since its creation, NEPAD has sparked a great deal of interest, marked by major debates both within Africa and throughout the Western world. Positions on NEPAD vary. For some, it is a new and highly promising dynamic. For others, NEPAD contributes nothing new to development efforts already undertaken by Africa and, indeed, only reinforces the continent's dependence on the economic and political powers of the North.

Nearly four years after its launch, what has NEPAD become? It increasingly appears that outand-out criticism is replacing the strong enthusiasm that prevailed at its inception. In fact, the hopes originally raised by this ambitious programme are now beginning to dissolve. Criticism is emerging from all directions. NEPAD's biggest supporters, among them President Abdoulaye Wade, are starting to publicly voice their misgivings and censure.

The APRM proposes a comprehensive approach to the concept of governance, which includes political, democratic, economic and corporate governance. Its reviews must also focus on the level of socio-economic development.

The African Peer Review Mechanism (APRM) is a NEPAD governance programme. To date, it is the only area where it is possible to understand in concrete terms the changes brought by NEPAD in the development of the continent. Admittedly, it is not the only concrete action taken by NEPAD, given that the NEPAD Secretariat is obviously active in the areas covered in its objectives. But it is difficult to quantify the achievements made on behalf of and thanks to NEPAD, because of the Secretariat's lack of a clear and coherent communications policy. Moreover, the overlap of expertise and efforts among various pan-African institutions makes it difficult to identify what NEPAD's tangible accomplishments have been, as compared to those of the African Union, regional institutions, the Republic of South Africa's foreign policy and the foreign policy of those international institutions with a presence in Africa.

The purpose of the APRM is to put Africa on the road to good governance. This is also one of the core objectives of NEPAD. The APRM proposes a comprehensive approach to the concept of governance, which includes political, democratic, economic and corporate governance. Its reviews must also focus on the level of socio-economic development.

In order for the APRM to be a success on a national level, all stakeholders, namely government, the private sector and civil society, must team up to create a framework for dialogue and action to ensure that all national players are fully involved.

So far, Ghana and Rwanda have completed their reviews, and their reports and action plans are expected to be issued shortly. Kenya and Mauritius will soon be finishing their reviews. Although these reports have not yet been made public, it can already be confirmed that NEPAD, through the APRM, is seeing one of its most important programmes come into being. Many obstacles of a political and economic (the cost of these reviews) nature have been overcome to get this key programme off the ground. There are bound to be problems. However, by implementing this programme, Africa is demonstrating that it is able to set and achieve its own objectives.

In order for the APRM to be a success on a national level, all stakeholders, namely government, the private sector and civil society, must team up to create a framework for dialogue and action to ensure that all national players are fully involved. This is a mandatory requirement set out in the memorandum of understanding that must be followed to the letter by all APRM member states. The APRM base document provides all stakeholders irrefutable arguments that would enable them to fully play their role in assessing the level of governance and development of each country. Certainly, in the African context, governmental involvement does not pose any problem whatsoever, inasmuch as it is governments that monopolize the continent's politics. However, it is in the private sector and civil society that is difficult to foretell if the conditions for their involvement are met at the national level. With the exception of a few countries, the African private sector, generally speaking, is very marginal or marginalized in the debates on governance and socio-economic development within Africa. The APRM could gradually correct this situation in order to foster greater involvement within the sector. It is important to emphasize that the African private sector is now, and must be even more so in the future, an essential lever in the continent's development.

The APRM base document provides all stakeholders irrefutable arguments that would enable them to fully play their role in assessing the level of governance and development of each country.

As for civil society, it must still fight to ensure that it is adequately involved in the development and execution of development policies. Given the current trend toward bilateral and multilateral co-operation, governments must involve civil society in a good number of initiatives, failing which they risk incurring the wrath of their development partners. This situation thus prompts certain countries to instrumentalize civil society by attempting to infiltrate, co-opt, corrupt or simply divide it, so as to prove the age-old argument about the impossibility of finding reliable and representative partners. As a result, regardless of the national context, civil society must constantly be ready to take on immense challenges to ensure that its needs and agendas are front and centre. Clearly, there are still significant differences, depending on the country. In countries with relatively stable political traditions, such as Senegal, Ghana, Mali and Mauritius, to name

but a few, civil society has won many battles and taken its rightful, essential place on the national scene. Elsewhere, such as in Rwanda, Burundi or Sudan, it makes a significant contribution to resolving major national or regional issues, but it must also continuously face almost insurmountable roadblocks in its dealings with state authorities.

The APRM represents a major challenge for African civil society. It needs to seize this opportunity to parlay its extensive experience into improved governance in African countries. Its successes and failures are both vital elements that can enable it to make a positive contribution to the development of the analyses necessary to prepare national review reports for member states. It must also carry out its own self-assessment, in order to maintain its influence and fully understand its weaknesses and shortcomings.

## 2 THE NEW PARTNERSHIP FOR AFRICA'S DEVELOPMENT (NEPAD)

#### 2.1 What is NEPAD?

The economic, political and social consequences of the failure of various development policies in Africa and the radical change in North-South relations led certain heads of state to submit to their peers and the international community a document entitled the *New Partnership for Africa's Development* (NEPAD) in 2001. This aim of this initiative of Africa's heads of state was to put an end to the continent's chronic underdevelopment and see its full integration in the global arena. The diagnosis of the continent's problems showed that weak economic structures, various social crises and shortcomings in political systems had reached intolerable levels. Africa needed to become a strategic player in international relations to ensure that the economic gap does not continue to grow.

NEPAD is neither a programme nor a definitive, comprehensive project. Rather, it is a process that changes over time and requires the participation of many and that aims to reach an objective diagnosis of the problems of African underdevelopment in order to define priority focuses and medium- and long-term goals. NEPAD's purpose is four-pronged<sup>1</sup>:

- To eradicate poverty.
- To place African countries, both individually and collectively, on a path of sustainable growth and development.
- To halt the marginalisation of Africa in the globalisation process and enhance its full and beneficial integration into the global economy.
- To accelerate the empowerment of women

The NEPAD strategic framework document arises from a mandate given to the five initiating Heads of State (Algeria, Egypt, Nigeria, Senegal and South Africa) by the Organization of African Unity (OAU)<sup>2</sup> to develop an integrated socio-economic development framework for Africa. The 37th Summit of the OAU in July 2001 formally adopted the strategic framework document, which was ratified later at the Summit of the African Union (AU) in July 2002. The African Union, through this summit of heads of state, is the highest authority overseeing the NEPAD implementation process. In the NEPAD structure, there is also the Heads of State and Government Implementation Committee (HSIC). The HSIC comprises three states per AU region, as mandated by the OAU Summit of July 2001 and ratified by the AU Summit of July 2002. The HSIC reports to the AU Summit on an annual basis. The structure also includes the NEPAD Steering Committee, which comprises the Personal Representatives of the NEPAD Heads of State and Government. This steering committee oversees development projects and programmes. Lastly, there is the NEPAD Secretariat, which co-ordinates the implementation of projects and programmes approved by the HSIC.

<sup>&</sup>lt;sup>1</sup> See the base document, available on www.nepad.org (consulted on April 10, 2005).

<sup>&</sup>lt;sup>2</sup> OAU: Organization of African Unity, which was founded in 1963 and replaced by the African Union in July 2002.

#### 2.2 The Relevance of NEPAD

The 2001 initiative of African heads of state to create NEPAD was clearly considered to be an important milestone in the continent's road to development. By presenting itself as a purely African voice on the problems and future of the continent, NEPAD put a stop to the North's monopoly over debates concerning African development. Admittedly, the 1960s and 1970s saw a proliferation in nationalist-, Marxist- and universalist-inspired discourse. Throughout Africa, theories of modernization were opposed by those espousing endogenous, self-sustaining development. In contrast, the 1980s and 1990s were marked by significant influence from countries in the North and multilateral institutions with respect to the formulation of development policies for Africa. The structural adjustment policies that were imposed by Bretton Woods institutions attest to this. NEPAD subsequently reintroduced African state representatives into the process of developing theories and practices concerning the continent. While some people, including Aminata Traoré<sup>3</sup> or Samir Amin<sup>4</sup>, see in NEPAD a continuity in the discourse of African subservience and Western domination, it is nevertheless judicious to give this initiative the credit for enabling the continent to move beyond its status as a simple consumer of "pre-fab" solutions, a situation that had prevailed since the advent of structural adjustment policies.

NEPAD has succeeded in introducing the continent into the political and economic agendas of its development partners, in particular those in the G8, as evidenced by recent summits.

Furthermore, by trying to identify ways and means to achieve its objectives, NEPAD strongly affirms the necessity for Africa to become master of its own fate and occupy a key position in the global arena. From this perspective, it can be seen that NEPAD has succeeded in introducing the continent into the political and economic agendas of its development partners, in particular those in the G8, as evidenced by recent summits. From Kananaskis in Canada (June 2002) to Gleneagles in Scotland (July 2005), G8 members have debated NEPAD's priorities, trying to see how their countries could join in the fulfilment of its important objectives. The major decisions made during these summits have not always translated into concrete actions designed to implement NEPAD's projects and programmes. However, they do show that, if only in terms of being included in the discourse emanating from the world's greatest powers, it is no longer possible to disregard Africa's cry for help. In other words, the international community can no longer remain indifferent to the needs of those countries that have become marginalized in the global economic system.

<sup>3</sup> Aminata Traoré: A prominent figure in African civil society, this renowned intellectual is one of the most critical African voices with regard to NEPAD and development polices from the North. She sees NEPAD as a extension of neo-liberal discourse, the sole purpose of which is to subjugate Africa to the interests of worldwide capitalism.

<sup>&</sup>lt;sup>4</sup> Samir Amin: An eminent African intellectual who made a name for himself through his extensive work on global capitalism and the dependence of peripheral nations on core nations. He shares Aminata Traoré's critical view of NEPAD.

Another merit of NEPAD lies in its analyses concerning the economic, political and cultural problems that prevent the continent from being competitive at all levels of development in comparison to developed countries. It is in respect to the ways and means advocated to address this situation that many remain sceptical, in particular African civil society. Despite the fact that the instigators of this programme remain fairly uncritical of the structure of the world economy (Coméliau, 2001), which in itself explains in large part why Africa is maintained in a state of endemic poverty, many of the frameworks that it offers to explain the "lag" in Africa are still largely shared. The resulting analysis remains an invaluable tool in understanding many of the problems related to Africa's underdevelopment.

#### 2.3 General Criticism of NEPAD

NEPAD has obviously lost the interest it generated when it first came on the scene. It is less and less a "necessary reference" in the African debate, for both African players and their partners in the North. The failure of its attempts to appeal to the international community, especially the private sector, has also contributed to its waning credibility. Four years have already passed since NEPAD announced its plans to launch 20 large-scale infrastructure projects in conjunction with the foreign private sector. Almost no businesses have responded to the invitation to invest in one or another of the proposed projects. The summit of heads of state and the private sector on NEPAD financing, which was held in Dakar on April 15-16, 2002, demonstrated how difficult, even impossible, it was to persuade the foreign private sector to make massive, long-term investments in NEPAD's major projects. It is worthwhile pointing out that African heads of state spared no effort in their attempt to attract and facilitate African markets' access to foreign capital. Mohammed Jahed, the person in charge of economic issues for the NEPAD Secretariat, has declared that "the private sector has displayed no interest whatsoever in investing in any of NEPAD's 20 large-scale infrastructure projects, including initiatives to upgrade Africa's defective water and sanitation facilities. African governments will review and rethink the strategy for promoting these projects in order to ensure the involvement of the private sector."

NEPAD has obviously lost the interest it generated when it first came on the scene. It is less and less a "necessary reference" in the African debate, for both African players and their partners in the North.

As a result, this lack of concrete achievements has contributed to discrediting the NEPAD initiative, whose projects are deemed overly ambitious, if not impossible to execute. Furthermore, criticism from civil society movements and academic bodies has not been addressed by NEPAD officials. In this regard, Philippe Hugon notes that NEPAD is "a top-down process that incorporates very few "grass-roots" dynamics." Launched from on high, will

<sup>5</sup> In his article "Le succès du NEPAD, un paradoxe" ["The success of NEPAD: A paradox"], Jean Coussy emphasized the fact that NEPAD "has become a necessary reference" in political and scientific discourse. Four years after NEPAD's creation, this statement is no longer relevant.

<sup>&</sup>lt;sup>6</sup> Sources nouvelles: "Afrique: les objectifs du NEPAD ne sont pas atteints" ["Africa: NEPAD objectives not met"], available at http://www2.irc.nl/source/lgfr/item.php/4065 and on the NEPAD Web site: www.nepad.org

<sup>&</sup>lt;sup>7</sup> P. Hugon, "NEPAD: une nouvelle chance pour l'Afrique" ["NEPAD: A new chance for Africa"] in *Afrique contemporaine*, No. 204, Fourth Quarter 2002, section devoted to NEPAD, p. 46.

NEPAD be able to integrate the needs and aspirations of local organizations and the grass-roots development dynamics that arise from peoples' struggles to survive and be free?

Hugon's questions are germane and highlight one of NEPAD's major flaws. The document does clearly mention that the public's involvement in NEPAD is the only guarantee of success. However, this formula seems to be more a product of simple rhetoric than a real political commitment on the part of its authors. This is an invitation to support and legitimize the project without its choices and content, as well as its vision of development and governance, being subject to criticism. There have been many debates about NEPAD, but this declining momentum demonstrates that the public is far from being involved and convinced of the soundness of this initiative. Many civil society organizations continue to stress this point.

Increasingly in African civil society, voices opposed to liberal globalization are criticizing this development plan that, according to them, may potentially exacerbate Africa's poverty and dependence on global capitalism, which is dominated by the North. What bothers many analysts and players in African civil society is the reaffirmation of the faith in the liberal ideology that NEPAD has clung to unequivocally. Aminata Traoré believes that NEPAD is "sidestepping the issues," and is a "new instrument for getting handouts" from richer countries. In her opinion, "a handful of African neo-liberal decision-makers have managed to say what they wanted Africa to say" without consulting their own people. She feels that this is "a new adjustment" that does nothing more than replace "30 years of structural adjustment planning by the International Monetary Fund and the World Bank and that has had disastrous consequences."

In reality, NEPAD should not break with the dynamic that led to its creation. It should maintain a flexible and participatory character for two reasons: to broaden dialogue with African civil society and to involve the African private sector in the search for capital. The African private sector certainly does not have the material and financial means to carry out NEPAD's large-scale projects. However, it works at the national and regional levels and, in the last few years, has demonstrated a positive influence on the development of the continent. The South African private sector's massive investment in southern and central Africa in the mining and agricultural industries and in new information and communication technologies is but one of many examples. Strategic thinking can see to the integration of this sector into NEPAD's economic development objectives to implement relevant and realistic projects. However, NEPAD's strategies underestimate the African private sector.

Apart from the APRM, therefore, it is obvious that, as Senegalese Foreign Affairs Minister Cheikh Tidiane Gadio has stated, "after a dazzling launch, NEPAD is experiencing minor growing pains." Senegalese President Abdoulaye Wade has clearly stated that concrete accomplishments are slow to materialize and criticized the loss of time and money linked to its management. He has strongly objected to the "English takeover" he claims is underway at NEPAD, saying "that there are only four French-speaking experts out of a total of 30 or 40 professionals. That is not good. Selecting only English-speaking people is contrary to the spirit

<sup>&</sup>lt;sup>8</sup> Aminata Traoré, quoted in *Afrique Express* in "Lancement du système d'évaluation de la bonne gouvernance" ["Launch of the review system for good governance"], No. 288, February 17, 2004, available at http://www.afrique-express.com/homesafex/pagesaccueil/economie/288lancementdusysteme.htm

of the African Union and I hope it ceases." He regrets that the "true conception of the project" is biased. It should be recalled that presidents Mbeki (South Africa) and Obasanjo (Nigeria) view NEPAD's progress much more positively.

In reality, NEPAD should not break with the dynamic that led to its creation. It should maintain a flexible and participatory character for two reasons: to broaden dialogue with African civil society and to involve the African private sector in the search for capital.

This difference in the perception of NEPAD's accomplishments is very edifying. It demonstrates that Africa is profoundly divided along linguistic and cultural lines. NEPAD has not managed to overcome these obstacles. In fact, it seems to have reinforced them. The assignment of positions and duties is constantly in conflict with linguistic and regional considerations. In addition, the hegemony of South Africa and Nigeria in NEPAD entities is increasingly criticized by certain African countries.

Furthermore, we believe it is important to point out that one of the weaknesses of NEPAD lies in its lack of credible communication. Despite the new advances of modern information and communication technologies, the NEPAD Secretariat, based in Midrand, South Africa, does not have a communication policy consistent with its political commitments and the various expectations it has elicited. Many people speak on behalf of NEPAD, and what they say is often contradictory. The result is varying views on the advances made in the programme. Added to this are statements made on occasion by certain heads of state, such as President Wade, which are in stark contrast with the official version issued by the Secretariat and available on the NEPAD web site. The resulting cacophony, criticized by many stakeholders and observers, is detrimental to the success of both NEPAD and the APRM.

Finally, there are close ties between the African Union (AU) and NEPAD. The AU has, from its inaugural summit, integrated NEPAD objectives into its own mission. Some heads of state, such as President Wade and many others, are in favour of merging NEPAD with the AU. However, one does pause to wonder if, by allowing the AU to set NEPAD's institutional framework, it might not be "swallowing up NEPAD and stripping it of its uniqueness" because of its "bad habits inherited from the OAU." In addition, to what extent will the AU be able to enforce the obligations outlined in NEPAD?

The debate concerning co-ordination between the NEPAD Secretariat, based in Midrand, South Africa, and the African Union (AU), based in Addis Ababa, Ethiopia, is ongoing. Countries such as South Africa and Nigeria have, since the creation of NEPAD, defended the need to ensure the

<sup>10</sup> Linguistic conflict is more evident between English and French speakers. In addition to these two dominant groups, there are Spanish and Portuguese speakers. Arabic speakers can also be added for Northern Africa, but the demands of this group are based primarily on the argument of geographic distribution.

<sup>&</sup>lt;sup>9</sup> Statement by Abdoulaye Wade on the occasion of the Johannesburg Summit in October 2004.

<sup>&</sup>lt;sup>11</sup> In *Le NEPAD : vision ou illusion ?* [NEPAD: Vision or Illusion?], p. 5, quote by H.-P. Cart, former head of the Swiss Agency for Development and Co-operation (SDC), an entity within that country's Foreign Ministry, during a conference on NEPAD policies and strategies held in Geneva, 14 and 15 May, 2003.

autonomy of NEPAD institutions in respect to those of the AU. However, the NEPAD Secretariat is confronted with enormous material and financial difficulties that must be addressed to ensure its smooth operations.

One of the key objectives that NEPAD has set for itself is to improve governance in Africa. It is for this reason that NEPAD developed the APRM to implement the conditions for good governance. This is increasingly the focus of African political debate. It is foremost on the agendas of development partners as well.

#### 3 GOOD GOVERNANCE IN AFRICA

# 3.1 The New Development Ethic

Since the early 1990s, good governance has stood as one of the top priorities of Africa's development partners. It was primarily theorized and popularized by the World Bank, which defines good governance as follows: "as the manner in which power is exercised in the management of a country's economic and social resources for development." 12

According to Bonnie Campbell, it is important to understand the distinction between the three aspects of governance that are explored in the World Bank publication entitled *Governance and Development*. <sup>13</sup> They are:

- the form of a political regime;
- the processes by which authority is exercised in the management of a country's economic and social resources; and
- the capacity of a government to design, formulate and implement policies and the general way in which it discharges its functions.

The notion of governance was taken up and internalized by national players, particularly by civil society organizations. It increasingly appears as the *sine qua non* for all human and sustainable development.

The extent of the debate and controversy in the extensive literature on good governance in Africa is striking. Many different meanings have been attributed to the term "good governance." For the purposes of this publication, we have settled on the definition given by Bowao and Samb: "...the desire, constantly renewed over time, for liberty, justice and growth that fuels the drive and determination, admittedly controversial but never incomplete, of human society. This contradictory yet universal human quest which, under diversified and historically changing forms, merges with the refusal to accept any kind of oppression, alienation, social hardship or moral decay..." This pursuit of well-being "constitutes the new interpretation, or rather reinterpretation, as the millennium draws to a close, of what good governance is." It relies on an acceptance of the notions of transparency, accountability, institutional diversity, participation and the rule of law.

<sup>13</sup> Bonnie Campbell, "Quelques enjeux conceptuels, idéologiques et politiques autour de la notion de la bonne gouvernance" ["Some conceptual, ideological and political issues surrounding the notion of good governance"], in *Bonne gouvernance et développement en Afrique*, Éditions Démocraties africaines, Institut africain pour la démocratie (IAD), 1997, pp. 65–94.

<sup>&</sup>lt;sup>12</sup> World Bank, Governance and Development, World Bank, Washington, D.C., 1992, p. 1.

<sup>&</sup>lt;sup>14</sup> Charles Bowao and Moussa Samb, "La bonne gouvernance : une nouvelle éthique du développement?" ["Good Governance: A New Development Ethic?"], in *Bonne gouvernance et développement en Afrique*, Éditions Démocraties africaines, Institut africain pour la démocratie (IAD), 1997, pp. 30–63.

It is necessary to remember that the debate on governance is driven by two opposing concepts. The first is of Latin origin, which some refer to as the French system of governance. The second could be construed to be of Anglo-Saxon descent.

The French system is more or less synonymous with decentralization. Its objective is to create conditions under which powers are shared by way of a new architecture connecting the core entity to those on the periphery. The goal is to reorganize, in an optimal fashion, the relations between the governors and the governed. In the French system, "governance" is sometimes referred to as "governmentality," in the sense understood by such authors as Michel Foucault or Jean-François Bayart. "governance" or "governmentality" is used by these authors in its medieval way, i.e., the philosophy of reform that aims to put an end to despotism and the excesses of a centralizing state.

Generally speaking, the "World Bank" view of governance is the dominant model in Africa.

The second, Anglo-Saxon- or American-inspired model is that found in World Bank analyses. According to Bernard Husson, the meaning of good governance "focuses on transparency and effective management of public monies or funds made available to the state. It is a financial and accounting approach that reduces governance to a technical, efficiency-seeking dimension. Better used, the available resources should generate an economic dynamic" <sup>15</sup>.

Generally speaking, the "World Bank" view of governance is the dominant model in Africa. In French-speaking countries such as Senegal, Côte d'Ivoire and Burkina Faso, these two concepts are used together. The various decentralist policies in many French-speaking countries are also rooted in the French tradition of good governance.

In Africa, the observation of poor governance is the basis of the emergence, through analysis and discussion, of the necessity of holding up good governance "as the normative and procedural baseline for the historic passing"<sup>16</sup> of underdevelopment status. The latter is characterized by corruption, mismanagement and a lack of ethics, transparency and accountability in the conduct of public affairs. A great many of the objective assessments of the African "lag" clearly point to poor governance as one of the major impediments to human and sustainable development. For example, in 2000 the United Nations Millennium Declaration asserted that meeting development objectives and eradicating poverty depends in large part on good governance.

However, there are questions to be asked about the theoretical and ideological assumptions underlying the notion of good governance. It is presented as an essential condition in the development and democratization of Africa. However, as Amady Aly Dieng shows, <sup>17</sup> the historical experience of certain non-democratic countries, such as Hitler's Germany, North

<sup>17</sup> Amady Aly Dieng, "Gouvernance et développement" ["Governance and development"], in *Bonne gouvernance et développement en Afrique*, Éditions Démocraties africaines, Institut africain pour la démocratie, 1997, pp. 101–109.

<sup>&</sup>lt;sup>15</sup> Bernard Husson, "La problématique entre l'indigénité et modernités" ["The problem of indigenousness vs. modernity"], *Cahier du CEMDEV*, No. 24, June 1996, pp. 24–25.

Korea and South Africa under apartheid, has demonstrated that the causal link between good governance and development (in the sense of capitalist development) is not always there.

Moreover, in a post-structural adjustment context, good governance, as understood by the World Bank, World Trade Organization and International Monetary Fund, seems to legitimize the political and economic choices that had led to the imposition of structural adjustment policies (SAPs). From this point of view, their failures stem more from African countries' poor governance than from the unsuitability of the choices made. The link with the problems of world governance frequently appears to be systematically obscured. This highlights two fundamental realities that analyses must take into account. The first concerns the linkage of global governance to local governance and the second the necessity of the acculturation of governance by local players.

# 3.2 Linkage of Global Governance to Local Governance

"Our hope is for a global citizenship." (Translation)

Aminata Traoré

In the context of globalization, there is reason to consider the various links between the local and the global. These two levels have a dialectic relationship. Because of their obvious conjunction, local governance, to be well-designed and translated into relevant and credible policies, must be put on the same level as the various problems associated with poor global governance, which have repercussions on the fate of African societies. That is what Yash Tandon is attempting to point out in his article "Global Governance and Justice." In it, he condemns the manipulation of international institutions by governments of the North, which abuse the principles of democracy and justice. Through an analysis of the discourse of these institutions and developed countries, he notes that the model of governance promoted with such enthusiasm only seems to apply to countries in the South, especially in Africa. He maintains that governance, as it is promoted by the dominant system, has nothing to do with the notions of justice and solidarity. Consequently, he advocates the improvement of global governance, in the spirit of solidarity and devoid of any injustice so that the desired results in the struggle against poverty can be achievable.

The governance, as it is promoted by the dominant system, has nothing to do with the notions of justice and solidarity.

Amartya Sen defines poverty as "capability deprivation" and then goes on to identify the sources of this deprivation, which the dominant system creates or contributes to reinforcing. In other words, "the struggle for democratic governance can not and must not be limited to the local

<sup>&</sup>lt;sup>18</sup> Yash Tandon, "Global Governance and Justice," in *Deciphering the Language of Governance*, International South Group Network, March 2005, p. 46.

<sup>&</sup>lt;sup>19</sup> Amartya Sen, *Development as Freedom*, Oxford, 1999, p. 13.

or national level."<sup>20</sup> It is necessary to fight for a better global governance that can "deal with the greatest obstacles, which take the form of an inequitable distribution of power and resources throughout the world."<sup>21</sup> Without such an initiative, policies and institutions that attempt to introduce good governance in Africa are doomed to failure.

Given that the link between underdevelopment and the nature of the dominant system has been established, the next area to explore is the accountability of Africans for the continent's lag. Africa is, in large part, responsible for its own sickness. Sick, not because its cultures and the mentality of its peoples are obstacles to development, as is the position of Afro-pessimists such as Axelle Kabou<sup>22</sup> and Stephen Smith<sup>23</sup>, but simply because the historical and political responsibility of Africans is engaged in various ways. This is what Jean-Marc Ela<sup>24</sup> is attempting to point out in saying "it is enough to evoke the pillage organized by the ruling classes who, for instance in Cameroon, go so far as to make corruption a means of governing. Or even the tendency for states to redistribute resources to its supporters, based on predatory mechanisms that have led to the ruin of many African countries." Admittedly, the involvement of organized crime networks and various lobbies in African regimes contributes to poor governance. But to eradicate certain recurring problems that plague Africa, it is imperative to work towards good governance.

# 3.3 Acculturation of Governance by Local Players

One of the causes of poverty and underdevelopment in general in Africa can be explained by poor governance, the consequence of corruption and lack of transparency, ethics and accountability among local players. This poor governance is characterized by the absence of credible and effective management standards. As a result, the need to apply good governance to all aspects of national development presents itself as a necessity. However, in order for objectives to be achieved, local players themselves must internalize sound good governance in their practices. For, in reality, there is often a significant gap between what local players (governments and civil society organizations alike) say and the effectiveness of what they do.

In the APRM, the concept of governance—the theory for which is not expounded upon in any detail in the base documents—guides and inspires all the mechanism's choices. An examination of the soundness of this concept is therefore in order. As formulated, it seems to be situated in the "continuity of a discourse on Africa that comes unilaterally from the North." However, in order for local players to be in a better position to introduce good governance, they need to

\_

<sup>&</sup>lt;sup>20</sup> Alessandro Bendana, "Bonne gouvernance, pour qui?" ["Good Governance: For Whom?"], in *Deciphering the Language of Governance*, International South Group Network, March 2005, p. 44.

<sup>21</sup> Ibid.

<sup>&</sup>lt;sup>22</sup> Axelle Kabou, *Et si l'Afrique refusait le développement* [What if Africa Refused to Develop?], L'Harmattan, Paris, 1991.

<sup>&</sup>lt;sup>23</sup> Stephen Smith, *Négrologie, pourquoi l'Afrique meurt* [Negrology: Why Africa is Dying], Calmann-Lévy, Paris, 2003, 248 p.

<sup>&</sup>lt;sup>24</sup> Jean-Marc Éla, "Refus du développement ou échec de l'occidentalisation? Les vois de l'afro-renaissance" ["Refusal to Develop or the Failure of Westernization? The Voices of the African Renaissance"], in *Le Monde diplomatique*, October 1998.

"effectively adapt a management approach, which . . . is always culturally biased" by creating "new behaviours based on the values of the 'importing' society." This is the direction that Joseph Ki-Zerbo strongly recommends in his article, "Le cadre historique de la gouvernance en Afrique" ["The historical background of governance in Africa"]. By means of an historical analysis of African societies, he shows that traditional political systems had effectively internalized many notions that are now being reiterated in the new discourse. Governance policies in Africa must incorporate these historical dimensions and be based on local dynamics that have achieved concrete results in terms of good governance. At the local level, certain tontine experiments in urban areas of Cameroon, Mali and Burkina Faso, as well as participatory management methods in agricultural projects in rural areas, are examples of success stories involving endogenous practices.

Moreover, it seems increasingly clear that solid political and administrative institutions are indispensable to the introduction of good governance. During the 1990s, a consensus was gradually built about the importance of the institutional dimension of good governance.

African heads of state and government had already stated this requirement in the 1990 Addis Ababa Declaration. This declaration was to have a major influence on the development of good governance policies in many African countries. The 1991 Harare Commonwealth Declaration, for one, features many recommendations along these lines. NEPAD, which, as we have already mentioned, is an initiative of African heads of state, has made good governance one of its ten priorities. NEPAD also calls for the strengthening of institutional capabilities, without which development objectives cannot be fulfilled.

International organizations that play a role in African development also share this perspective. Many of them have introduced various support or co-ordination initiatives or programmes intended to address governance-related issues and problems in Africa. However, they are essentially sector-oriented in nature, as opposed to the APRM, which provides a comprehensive approach to governance and which attempts to assess the level of African countries' socioeconomic development. The UNDP's Regional Bureau for Africa has stood out in this regard by implementing many initiatives designed to assist governments and civil society, among them the Special Initiative on Governance in Africa (SIGA). One of the aims of the SIGA is to develop a dialogue among donors (donor agencies and aid agencies) and to create a reliable and objective database on the performance of African countries with respect to governance.

The APRM, which remains an African initiative, can play a part in strengthening good governance practices in Africa. It is an open process that grants an important role to all local stakeholders. Civil society organizations can contribute to its implementation or, even better, its improvement.

<sup>25</sup> Joseph Ki-Zerbo, "Le cadre historique de la gouvernance en Afrique" ["The historical background of governance in Africa"], *Renaissance*, May 2000.

\_

<sup>&</sup>lt;sup>26</sup> Jean-H. Guilmette, "De l'importance d'adapter le système de revue par les pairs à un nouvel environnement culturel" ["On the importance of adapting the peer review system to a new cultural environment"], Discussion notes, SID, Ottawa, 2004.

#### 4 NEPAD'S AFRICAN PEER REVIEW MECHANISM

#### 4.1 What is Peer Review?

Peer review is when parties (governments, society or others) agree to exchange their experiences on the basis of a common intellectual and moral ground and to identify consensual principles and shared values. It is a systematic assessment of the performance of a country by other countries (peers) and/or institutions in a position to do so. The ultimate purpose of peer review is to help the countries concerned make improvements to the way they develop their policies, adopt best practices and respect standards, principles, established codes or other contracted obligations. It is a smooth process and relies greatly on mutual co-operation, trust and understanding between reviewers and reviewees.

Peer review can focus on a broad field or a specific theme (e.g. health, environment, governance). It can also explore the overall condition of a country, as is the case with the APRM.

Regardless of the nature of the review, its credibility depends on the regularity of the assessments. In addition, "each review must produce a report that measures the progress made, indicates any shortcomings and makes recommendations. It rarely condemns or proposes sanctions or other forms of legal restriction or coercion, but it may do so, as in the case of the European Union's Stability and Growth Pact, which sets a cap on budgetary deficits equivalent to 3% of gross domestic product (GDP)."<sup>27</sup> In general, however, most peer reviews tend to focus on promoting a good governance framework, as the APRM does, through education and the sharing of best practices.

#### 4.2 What is the APRM?

The APRM "is a mutually agreed instrument for self-monitoring by the participating member governments of the African Union.<sup>28</sup>. The primary purpose of the APRM is 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 through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for capacity building."<sup>29</sup> It is a tool that allows all those involved in Africa's development to work together to ensure better transparency in the management of their affairs. It is designed to help reinforce good governance in Africa and assess member states' level of socio-economic development. Reviews must, in all cases, be followed by an action plan that engages the countries in a dynamic to resolve those problems that have been identified. Moreover, it provides NEPAD officials with a forceful argument in

<sup>&</sup>lt;sup>27</sup> Jean Baptiste Natama, "Le rôle du MAEP dans l'évaluation de la bonne gouvernance en Afrique" ["The role of the APRM in assessing good governance in Africa"], presentation given in Ouagadougou, Burkina Faso, March 2004.

<sup>&</sup>lt;sup>28</sup> Current APRM members number 23 countries: Algeria, Angola, Benin, Burkina Faso, Cameroon, Republic of Congo, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Tanzania and Uganda.

<sup>&</sup>lt;sup>29</sup>APRM base document, available at www.nepad.org. See also Annex 1, African Peer Review Mechanism.

convincing the international community of the seriousness of Africa's commitment in taking on this new struggle. It also represents a tool that African countries have to create viable, sustainable co-operative frameworks to identify and resolve the priority issues identified by the various national stakeholders, i.e., the government, private sector and civil society, with a view to fostering a culture of political dialogue. The APRM was adopted in March 2003 by African heads of state.

#### 4.3 General Considerations about the APRM

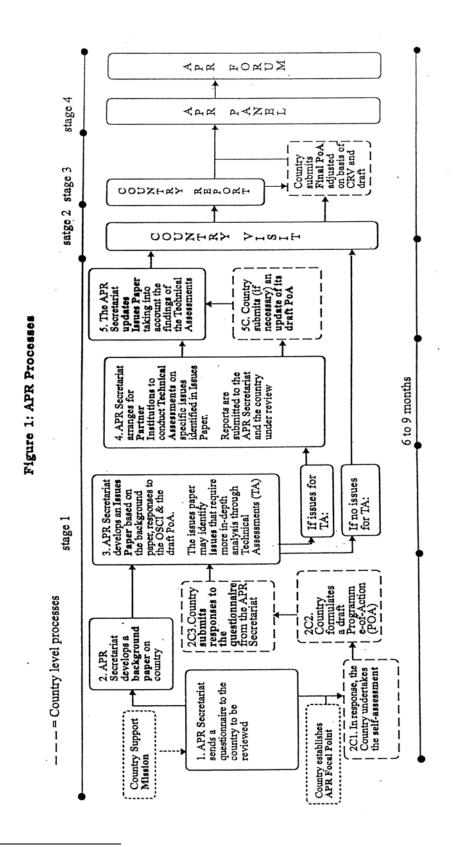
Of all the projects put forward by NEPAD, the African Peer Review Mechanism (APRM) is, in the words of Henri-Philippe Cart, the "most innovative" element of its programme. Furthermore, it is the only area where it is possible to get a concrete idea of NEPAD's achievements. Despite the weaknesses inherent in its design, the APRM is still a pragmatic solution to attaining the objectives it has set for itself.

The APRM is an initiative of African heads of state intended, on the one hand, to promote a culture of political dialogue among various national stakeholders and, on the other, to encourage the exchange of experiences among countries. It is ambitious yet realistic. It's ambitious first of all, in that it targets all aspects of governance. The mandate of the APRM is to ensure that countries' policies and practices are consistent with shared values in the field of political, economic and corporate governance, as well as with the codes and standards of its declaration on democratic, political, economic and corporate governance.<sup>31</sup> There is a willingness to take into account all the problems related to the issue of African development. The APRM is also a realistic initiative in that it considers dialogue to be paramount. Coercive measures are only envisaged as a last resort. Evidently, in the African context, highly coercive policies and measures have rarely had the desired effect. The APRM's role is to reassure and to convince all stakeholders (especially malfunctioning governments), and encourage states to undertake the necessary reforms and to include any changes in a medium- or long-term perspective. Recommendations are made in the review reports, which must propose action plans aimed at resolving the various problems identified by all stakeholders. The principle behind the APRM is also eminently pragmatic, especially in that it takes into account the psychological and sociological factors that play a role in African political arenas. Fear, suspicion, refusal to enter into dialogue and systematic denigration are constants in African political life, with only a few countries excepted. Also, the very nature of political regimes compromises the chances for good governance, given that many heads of state are very hostile to any form of binding framework where civil society organizations and the political opposition will not lack the opportunity to expose the excesses and failures of certain governments. Consequently, the promotion of a

-

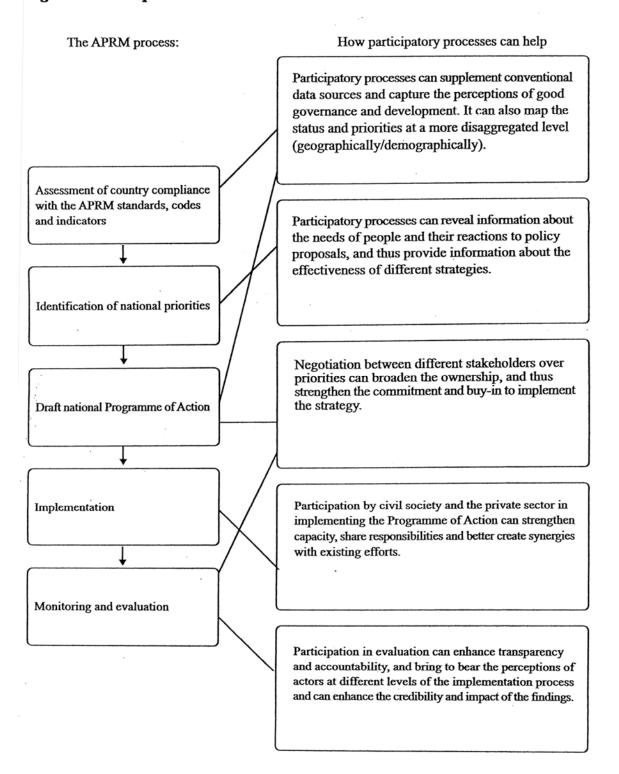
<sup>&</sup>lt;sup>30</sup> H.-P. Cart, "Le NEPAD: vision ou illusion?" ["NEPAD – Vision or Illusion?"], p. 3. Presentation made during a conference on NEPAD policies and strategies, Geneva, 14 and 15 May, 2003.

<sup>&</sup>lt;sup>31</sup> APRM base document, available at www.nepad.org



<sup>32</sup> Figure 1 : NEPAD, "Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)", NEPAD Secretariat, Midrand, 2003

Figure 2: Participation in the APRM



<sup>&</sup>lt;sup>33</sup> Figure 2 : NEPAD, "Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)", NEPAD Secretariat, Midrand, 2003

culture of dialogue in a democratic environment where the various players trust each other may be an appropriate approach to implementing good governance at all levels of political and economic life. A certain realism forces us to admit that in many national contexts, the introduction of good governance is an exercise that requires time and significant compromise. Not taking this reality into account inevitably leads to an impasse and the failure of the policies put into place.

Of all the projects put forward by NEPAD, the African Peer Review Mechanism (APRM) is, in the words of Henri-Philippe Cart, the "most innovative" element of its programme.

The great interest shown by bilateral (Canada, Norway, Sweden, United Kingdom) and multilateral (e.g., the UNDP and the ECA) development institutions is a tremendous asset for the APRM. In addition to benefiting from the financial support and expertise of such institutions, it is gradually establishing a degree of consistency in all development programmes and activities at the national level. One of its impacts could be to provide an overview of the political, economic and social situation of the countries under review, as well as to develop reliable systems for comparing the various countries.

The fact that it is impossible to draw comparisons between countries and conduct exhaustive reviews of development policies is a serious flaw in the process of establishing development policies in Africa, as Michael Fleshman has noted. According to a report on the effectiveness of development as outlined by the United Nations Development Programme (UNDP) in November 2003, some 40 donors conducted 2,000 separate projects in Tanzania in the 1980s.<sup>34</sup> This profusion of projects hardly led to sustainable development in the field. Numerous duplications and contradictions ensued, creating extra administrative red tape for the government. Called in to intervene, former World Bank president James Wolfensohn<sup>35</sup> stated that it was a worldwide problem. In February 2003, during a meeting of donors in Rome, he pointed out that, since 1992, more than 400,000 separate development projects had been conducted around the world and that another 80,000 were underway. "We don't co-operate. We don't co-ordinate our activities. We don't take advantage of others' experiences and, in certain cases, we don't even learn from own experience," said Wolfensohn, as cited by Fleshman. He went on to say that for the world to achieve the Millennium Development Goals (MDGs) by 2015, it is critical to improve the quality of assistance and establish real partnerships between developed and developing countries.

While international organizations and certain government agencies or civil society organizations publish annual reports on developing countries, there are scarcely any studies that compare African countries. The lack of consistent, reliable and regularly updated data on economic, political and social growth in Africa remains a considerable problem for both donor agencies and

<sup>&</sup>lt;sup>34</sup> Michael Fleshman, "Il faut améliorer l'aide consentie, les donateurs doivent rendre compte de leurs pratiques et politiques" ["Assistance must be improved; donors must account for their practices and policies"], *Afrique Relance*, Vol.17, No. 4, January 2004, p. 18.

<sup>&</sup>lt;sup>35</sup> James Wolfensohn, quoted by Michael Fleshman in the previously cited work, p. 18.

<sup>&</sup>lt;sup>36</sup> Ibid., p. 19.

local authorities. Given the extreme contrast between the current situation in African countries and the changes underway in many other countries, periodic examinations of their status and short-term outlook are indispensable instruments for the successful formulation of policies and solid economic development. The Economic Commission for Africa (ECA), through its report on governance in Africa, is attempting to meet this challenge. In collaboration with the African Development Bank (ADB) and the African Union (AU), the ECA seeks to shed light on the various gaps in terms of capabilities and to promote the sharing of experience and knowledge pertaining to governance-related challenges.

Lastly, it is worth noting that one of the strengths of the APRM is its ability to adjust to national constraints by providing national players the leeway to adjust the questionnaire<sup>37</sup> to reflect the constraints and needs of the country under review. For example, in the reviews of Ghana, the National Governing Council<sup>38</sup> (NGC) thought it critical to integrate into the questionnaire problems related to tax issues. These are the source of enormous social tension and constitute a major concern for everyone in Ghana. In Rwanda, the experience of the *gacaca* (traditional tribunals) was integrated into the questionnaire, in order to better assess the efforts undertaken as part of national reconciliation.

One of the strengths of the APRM is its ability to adjust to national constraints by providing national players the leeway to adjust the questionnaire to reflect the constraints and needs of the country under review.

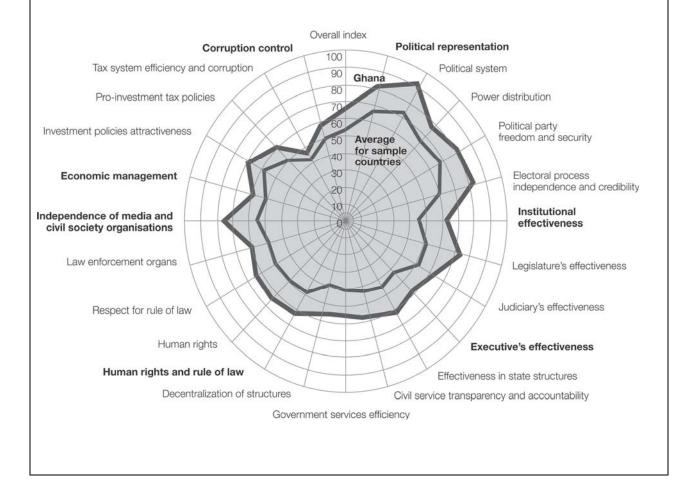
Even though several criticisms can be directed toward the APRM, it is an interesting and bold initiative that has the advantage of being in an implementation stage. The various reviews already conducted (including those for which reports have not yet been made public) and those currently underway will provide more information on the scope and limits of the APRM. In the past, many initiatives were conceived to deal with important development issues in Africa, but almost none of them progressed beyond the initial development phase.

<sup>&</sup>lt;sup>37</sup> The questionnaire is the document that outlines the methodological guidelines for the review process. Reviewed countries are invited to discuss the questionnaire and adapt it to their own requirements.

<sup>&</sup>lt;sup>38</sup> The National Governing Council (NGC) is the national entity in charge of overseeing APRM reviews in Ghana. It is composed of representatives from government, the private sector and civil society.

#### The Economic Commission for Africa

The Economic Commission for Africa has shown great interest in the APRM since its creation and continues to give it support. It is interesting to point out the work that the ECA has carried out in the area of governance in Africa. The ECA undertook some ambitious research to evaluate governance in Africa and this has been presented in a report<sup>39</sup>, which seeks to measure and monitor progress achieved. It features the efforts made by various countries on good governance and it stresses the numerous obstacles and steps that need to be taken to deal with the shortcomings in this area. The ECA research is interesting because it allows an objective comparison to be made between African countries based on common criteria. These comparisons can be made in a specific area, such as in human rights, or on good governance in general. The following illustration with respect to Ghana is taken from the report:



<sup>39</sup> Economic Commission for Africa, "Striving for Good Governance in Africa, 2005", available at: www.uneca.org

# 4.4 A Few Issues Pertaining to the APRM

### The Availability of Resources

It is worth stressing that the meagreness of the available resources makes it difficult to bring this ambitious programme to fruition. The APRM originally had few external resources because it seeks to rely largely on African funding mechanisms, with the most significant contributions coming from member states. However, the economic frailty of many of these states has compromised the chances of suitably conducting the APRM's ambitious review programme. In this regard, reviewed countries will have to depend on not only their own resources but also external means. Countries such as Canada, Norway, Sweden and the United Kingdom have contributed financially to the APRM. As for the UNDP, it makes major technical and financial contributions. According to Marie-Angélique Savané, first President of the APRM's Panel of Eminent Persons, the mechanism will be able to support substantial financial costs in the years to come, because of the major financial contributions received through bilateral and multilateral cooperation. Nevertheless, there is a question as to whether reviewed countries must always contribute financially to their own reviews. In keeping with its commitment to transparency, the funding for the APRM will be put into a Trust Fund managed by the UNDP. This, of course, raises a few questions. How will this fund be administered? Will governments, the private sector and civil society have control and decision-making power over the administration of these resources? How and on what basis will the resources be distributed?

The next reviews will have to provide answers to these questions. The publication of the review reports for Ghana and Rwanda is expected soon. Reviews are currently being conducted in Kenya and Mauritius. These reports will provide exhaustive details on the cost of reviews and the various sources of contributions. Other countries, including Senegal, Nigeria, Uganda and South Africa, have voiced their willingness to undergo the APRM exercise soon. Some of these countries have begun their pre-evaluation phase.

#### The Risk of Interference from Heads of State?

Once the national self-assessments and the APRM Secretariat's reviews are completed, reports must be, as specified in the APRM base documents, submitted for appraisal by the heads of state and governments of the member countries. They must examine the reports and engage in discussions with their fellow leaders on their content and on the ways and means that could be used to solve the problems identified in the action plan. This stage of the process, referred to as the fourth stage, is not very transparent. This in turn leads to certain fears. Is there a risk of political interference, especially given that certain heads of state are known to be very reticent about the tone of freedom that certain reviewers and Panel members tend to adopt?

Moreover, can some highly visible African leaders associated with NEPAD and the APRM, including Presidents Bouteflika and Obasanjo, let the Forum of Heads of State authorize the publication of reports that expose human rights violations in their own countries? Is there not a risk that heads of state might be overly indulgent with their peers, so that they can preserve their democratic image when it is their turn to be reviewed? As it currently stands, there are no clear

answers to these questions. We shall have to see how the first series of reports are received in order to provide this information to stakeholders and observers.

## The Absence of Constraints: a Shortcoming of the APRM

The APRM is a review process to which countries voluntarily submit themselves. They can withdraw at any time they wish. The process relies on dialogue and deterrence to keep members in line. But one can ask if a review mechanism can remain effective if there are no coercive measures to back it up. Paragraph 24 of the APRM base document states: "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. . . All considered, such measures should always be utilized as a last resort." The APRM remains vague on the sanctions to apply when dialogue is no longer an option.

### The Risk of the APRM becoming a Condition of Official Development Assistance (ODA)

There is a risk that the APRM may gradually become an implicit condition of official development assistance. There seems to be a consensus among all development partners as to the link between good governance and development. As we await the reports on Ghana and Rwanda, there is a certain caution and reservation as to the APRM reviews. Assuming that they do gain credibility in the eyes of the international community, there is a chance that they may become a condition for obtaining official development assistance. That is what certain heads of state fear, and they reiterate at every opportunity that the purpose of the APRM is not to classify African countries as "good" or "bad." Nevertheless, given the growing interest in the donor agency community in respect to the APRM, the risk that it will become a condition for assistance would seem difficult to avoid.

## **Monitoring Action Plans**

The effective monitoring of recommendations and the execution of action plans is a crucial stage through which the APRM can demonstrate the uniqueness and tangibility of its contribution toward good governance and the development of the countries in question. Currently, general reviews and reviews focussing on certain themes are conducted on the national, region and continental level. But in almost every case, the resulting recommendations are not applied. Will the APRM manage to avoid falling into the same situation? This is what the instigators of the APRM are attempting to avoid through their plan to conduct periodic follow-up assessments to measure the achievements that comply with recommendations outlined in the actions plans.

\_

<sup>&</sup>lt;sup>40</sup> APRM, African Peer Review Mechanism (APRM): Base Document, www.nepad.org. See also Annex 1.

#### 4.5 The APRM and the OECD Peer Review Mechanism

Compared to the OECD peer review mechanism, the APRM is more holistic, in that it proposes a comprehensive approach to development issues.

Other peer review mechanisms do exist, such as those used in the Kimberley Process, the IMF monitoring system, the World Trade Organization's (WTO) review mechanism for commercial policies and the economic review used by the European Commission. Many UN agencies also use peer reviews. But the process used by the Organisation for Economic Co-operation and Development (OECD) is more typical of a peer review on an international level. It is also the best-known and most cited peer review mechanism. OECD reviews are considered to be theme-based reviews. They focus exclusively on the aspects and fields related to international co-operation and development assistance. "Its work covers economic and social issues from macroeconomics, to trade, education, development and science and innovation." While these reviews are useful for analysing a specific theme or for establishing theme-based comparisons between OECD member countries, they are not exhaustive with respect to the overall situation facing the countries in question. However, because of the expertise and professionalism of its work and analyses, the OECD peer review has become a benchmark.

Compared to the OECD peer review mechanism, the APRM is more holistic, in that it proposes a comprehensive approach to development issues. For example, the issues of human rights and political governance are not covered in the OECD review process. In comparison, the APRM tries in its reviews to integrate all facets of development. Governance, in its broadest sense, is examined from a political, democratic, economic and corporate perspective. Moreover, by trying to measure a country's degree of socio-economic development, all sectors—including health, education and the environment—are taken into consideration. In the case of Africa, where the variation in development policies complicates the identification of national priorities on the basis of objective assessments capable of providing a "big picture" outlook, the APRM makes a major contribution. The question is whether the review process complies with the rules and standards set out in the base documents, so that the objectives can be met.

The success of the OECD peer review process lies in the combination of the following factors:

- Credibility: which requires the absence of political interference on the part of member states. This credibility is reinforced by the professionalism and expertise of the technical teams in charge of conducting the reviews requested.
- Transparency: which ensures that all the parties involved fully comprehend the details of the peer review process.

<sup>&</sup>lt;sup>41</sup> OECD, "About the OECD" at http://www.oecd.org/about/0,2337,fr\_2649\_201185\_1\_1\_1\_1\_1,00.html consulted July 15, 2005.

- Mutual trust: without which it is impossible to conduct a peer review. This requires the sincere co-operation of all member states. This mutual trust and co-operation help ensure optimal results.
- Shared values: in order to prevent misunderstandings and obstacles that may compromise the reviews. This is vital to the success of any review.

The sharing of common values is something that, in large part, explains the success of the OECD reviews. Jean-H. Guilmette notes in this regard that "the institutional culture of the OECD corresponds to a value system . . . that shares a kinship with Anglo-American culture; it is a flexible architecture within which decisions and informal relations end up having as much, and at times even more, weight as do formal declarations . . . . In addition to the three fundamental values, namely respect for democracy, human rights and faith in the benefits of a market economy, a number of other values that already exist in Western societies have been naturally integrated into the process." This emphasizes the existence of a common base that, despite the specific paths followed by individual nations, makes it possible to establish a pool of commonly shared values.

With respect to the APRM, the question remains: How can we establish a common institutional culture, based on a set of values that are accepted and shared by everyone?

With respect to the APRM, the question remains: How can we establish a common institutional culture, based on a set of values that are accepted and shared by everyone? To date, 23 countries have joined the APRM. How can we overcome the cultural and ideological differences between them? Furthermore, given the diverging views and interpersonal conflicts between African heads of state, the expansion of the APRM to a large group of countries could constitute a hurdle to its proper operation. This is the reason it is necessary to argue in favour of a greater involvement of civil society and the private sector at all decision-making levels of the APRM.

# 4.6 The APRM and the Kimberley Process

The Kimberley Process is a certification system for rough diamonds to exclude conflict diamonds from the legitimate trade.<sup>43</sup> It involves governments, the private sector and civil society in a collaborative framework that defines the rules and standards designed to promote the eradication of conflict diamonds from the global market. The diamond trade is a very lucrative one, representing a sector of strategic importance for governments and, especially, the private sector. In addition to these two players, there are criminal networks involved in this sector that do not respect the national and international laws governing the diamond industry. In Africa, because of the inadequacies of certain countries and the ineffectiveness of control mechanisms,

<sup>&</sup>lt;sup>42</sup> Jean-H. Guilmette, "De l'importance d'adapter le système de revue par les pairs à un nouvel environnement culturel" ["The importance of adapting the peer review system to a new cultural environment"], IDRC, Ottawa, 2004.

<sup>&</sup>lt;sup>43</sup> Ian Smillie, "*The Kimberley Process: The case for proper monitoring*," Partnership Africa Canada, Ottawa, 2002, www.pacweb.org.

diamonds have fuelled conflicts by helping fund wars, with devastating consequences. Rebel movements have seized diamond production areas, while maintaining organized crime networks specializing in the trade of rough diamonds. Liberia, Sierra Leone, the DRC and Angola are typical examples of how these diamonds can fuel conflict. Elsewhere, rebel movements, funded by the proceeds from conflict diamonds, have attacked democratically elected regimes.

The Kimberley Process shows that, in the African context, peer review enables considerable advances to be made in sensitive and complex areas.

In the face of these terrible conflicts, civil society organizations in the North and South engaged in a long process of dialogue with the private sector and producing and importing countries in order to find a way to exclude conflict diamonds from the legitimate trade. This dialogue became the Kimberley Process, through which a certification system for rough diamonds was developed. The Kimberley Process has helped create legal frameworks to protect legitimate international trade and eliminate conflict diamonds. According to many observers, the results thus far are very encouraging, especially considering the enormous initial difficulties that the Process attempted to resolve.

An essential element of the Kimberley Process is the monitoring of national certification systems. The civil society organizations participating in the Kimberley Process stressed the importance of monitoring from the outset of negotiations and proposed a compulsory peer review mechanism. As a result, the Kimberley Process agreed to set up a voluntary review system and encouraged all participants to adhere to it. The member countries quickly understood the interest and importance of this initiative and agreed to receive review visits. Each review team comprises three government representatives, one representative of the private sector and one representative of civil society. Overall, this formula has proven very effective and speaks to the potential of this tripartite approach.

The various parties involved in the Kimberley Process, once common objectives were defined and philosophical differences taken into account, have been able to develop effective policies and tools. Accordingly, as a peer review mechanism, the Kimberley Process is an interesting example that can enrich the APRM. It offers, despite diverging points of view and manners of action, an example of a successful partnership between government, the private sector and civil society. The positive consequences of the Kimberley Process explain in part the renewed peace observed in Sierra Leone, the Democratic Republic of the Congo (DRC) and Angola. Significant results in economic terms have also been recorded. Sierra Leone, for one, exported \$76 million in diamonds in 2003, 85% higher than the \$42 million in exports in 2002. In 2004, the country's diamond exports are estimated at \$126 million, according to the "Diamond Industry Annual Review: Sierra Leone 2005". This report outlines the positive economic and social impacts this process has yielded. The results are the culmination of the sustained co-operation of the three main stakeholders.

<sup>&</sup>lt;sup>14</sup> Ibid.

<sup>&</sup>lt;sup>45</sup> "Diamond Industry Annual Review: Sierra Leone 2005", Partnership Africa Canada (PAC), www.pacweb.org, Ottawa, 2005.

The Kimberley Process shows that, in the African context, peer review enables considerable advances to be made in sensitive and complex areas. The peer review visits have contributed to stimulating dialogue between governments and civil society, despite the conflicts and contradictions that characterize their relations. Additionally, African civil society has demonstrated responsibility by contributing in a significant way to the resolution of certain problems. Its involvement in handling important concerns has proven that it can play a decisive role in many political, economic and social issues. The Kimberley Process also teaches us that civil society can define co-operative frameworks with civil society in the North without its agendas or real concerns being obscured or marginalized.<sup>46</sup> To summarize, the role played by civil society in the Kimberley Process is an argument in favour of its involvement in the APRM, given the major issues associated with the latter.

<sup>46</sup> See the studies by Partnership Africa Canada on conflict diamonds. Many studies were undertaken jointly with African civil society organizations.

#### 5 AFRICAN CIVIL SOCIETY AND THE APRM

# 5.1 Definition of Civil Society

The importance of defining the concept of civil society is in keeping with the concern to clearly situate such an analysis in the vast and sometimes ambiguous debate regarding social movements in Africa. In many recent publications in this regard, the term "civil society" is used in different ways. Sometimes it includes all those who place themselves in opposition to political society. Sometimes it refers only to non-governmental organizations. In addition, in some literature, the private sector is included as an integral part of civil society.

There are many definitions of "civil society." Some are complementary, some contradictory. Without going into the full history and presenting the various semantic origins and how they changed over time, we would concur with Larry Diamond's definition of civil society as "the realm of organized social life that is voluntary, self-generating, self-supporting, autonomous from the state, and bound by legal order or set of shared rules . . . it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable. It is an intermediary entity, standing between the private sphere and the state."

This definition has the merit to include all groups that define themselves, or are identified as belonging to African civil society. These different groups can be put into three categories. The first includes independent professionals (lawyers, teachers, trade unionists, intellectual leaders etc.); the second consists of formal organizations such as NGOs; the third is made up of tribal, ethnic or regional organizations. The activities of these groups are very often influenced by external actors. It's important for this reason to keep in mind, when analysing African civil society, the presence and actions of international NGOs, donor agencies and foundations that intervene in African development. Through their technical and financial means and their various capabilities, they help influence the work of local civil society.

In the above definition, the private sector is excluded from civil society. They do not share the same philosophy and the same manners of action. They obey very different sets of logic. Françoise Nduwimana in her work, entitled *African Civil Society: Prospects for Raising Awareness on Priority Issues*, emphasizes the premature and unwarranted joining of civil society and the private sector that occurs from time to time. She states: "there is a grey area between civil society and the private sector. A review of many statements and documents from NEPAD (but also the UN and the African Union) shows that each time a partnership is envisioned, private businesses and civil society organizations are lumped together in the same mould, whereas their respective mandates make them very different."

<sup>&</sup>lt;sup>47</sup> Larry Diamond, "Rethinking civil society," *USIS Newsletter*, Lagos, February 1995, pp. 9–10, quoted by M'boge F. and Doe S. in *Les engagements africains envers la société civile : une revue de huit pays du NEPAD* [African Commitments to Civil Society: A Review of Eight NEPAD Countries], a report by the African Human Security Initiative (AHSI), No. 6, August 2004, p. 2.

<sup>&</sup>lt;sup>48</sup> Françoise Nduwimana, *African Civil Society: Prospects for Raising Awareness on Priority Issues*, Partnership Africa Canada (PAC), Ottawa, October 2004, p. 17.

### 5.2 African Civil Society: Between Hope and Scepticism

Attitudes within African civil society about the APRM vary. Some individuals react positively and argue in favour of the full involvement of African civil society. Others remain quite critical and choose to not get involved in judgements and debates surrounding the APRM. Their argument lies in the fact that, in their eyes, the APRM is an instrument that caters to donor agencies, rather than Africans themselves.

It was noted that a large number of civil society organizations that are not involved in the APRM held positions rooted in a misconception of its principles, standards and objectives.

In May and June 2005, Partnership Africa Canada held a series of meetings with African civil society organizations in South Africa, Ghana, Rwanda and Senegal. The purpose of these meetings was to:

- explore the various positions of African civil society toward the APRM;
- measure civil society organizations' access to information about the APRM;
- measure the degree of participation of civil society in the various national reviews already conducted (Ghana and Rwanda); and
- identify those involved in the self-assessments and preparatory work (South Africa and Senegal).

There are organizations that are very familiar with the issues surrounding the APRM and that are eager to have their voices heard. They are trying to play their role so that the reviews are not biased towards state players. We will come back to this point a little later. Similarly, it is worthy of mention that PAC has observed a genuine lack of information on the APRM on the part of many civil society organizations, with the exception of in Ghana, where the reviews enjoyed widespread media coverage. In that country, there is a strong interest in the APRM because of the key role played by civil society. Elsewhere, there is also a surprising lack of understanding about the nature of the APRM. Still in the context of the PAC meetings, it was noted that a large number of civil society organizations that are not involved in the APRM held positions rooted in a misconception of its principles, standards and objectives.

### 5.3 Political Repercussions of Involvement in the APRM

In Africa, the historical paths of civil society organizations are multiple and differ greatly. In some cases, civil society has achieved a certain maturity, whereas in others it has just begun to take its first halting steps or has met real roadblocks that prevent it from moving forward. In several countries such as Senegal, Ghana, South Africa and Kenya, to name but a few, civil society has, because of the political history of these States, demonstrated that it has contributed to the emergence of viable political spaces that promote the proper exercise of citizenship for all communities. In a conflict or post-conflict context, as is the case for the Democratic Republic of the Congo (DRC), the Central African Republic, Rwanda and Burundi, civil society

organizations are working in complex political situations that are not particularly conducive to drawing on their potential and extensive experience.

There is no longer any need to prove the importance of the role played by African civil society in the democratization of the continent and the mobilization of human and material resources to ensure sustainable development. However, whatever the national context, civil society always comes up against, to varying degrees, different obstacles that prevent it from doing its work. This is why civil society is trying to seize opportunities that arise to make its voice heard. The APRM is one of them.

It is essential that civil society be associated with the implementation and improvement of the peer review mechanism. Civil society is in a position to make the endogenous and popular contribution that is missing from the APRM project. In reality, civil society has driven or been involved in a number of positive local dynamics, which in the current context hardly justifies its marginalization in projects as important as the APRM. However, it is important to remember that in the design of this mechanism, African civil society was not associated with the development of the overall project or the definition of its principles, objectives or strategic choices. Nevertheless, the base documents still emphasize that, at the national level, it is imperative to include civil society in the planned reviews.

There is no longer any need to prove the importance of the role played by African civil society in the democratization of the continent and the mobilization of human and material resources to ensure sustainable development.

The APRM reviews in Ghana were an excellent opportunity for civil society to play a key role in the national self-assessments. The National Governing Council (NGC) in Ghana, which constitutes the national structure in charge of overseeing the reviews, is made up of civil society members, along with government and private sector representatives. The civil society representatives in the NGC are leaders with recognized intellectual and moral probity. It is important to mention the value of civil society representatives in Ghana, because of the interference that exists in other African countries. Certain leaders or organizations do not always enjoy this recognition or legitimacy, due to government manipulation.

Again in Ghana, in order to promote the involvement of the public in the review process, civil society organizations have been an important lever in sensitizing the public about APRM issues. Seminars, forums and various workshops have been organized in rural and urban communities to raise public awareness and record their points of view. The purpose of the initiative was not exclusively to inform but also to promote public interaction and involvement in the success of the reviews. The various local players were informed of their rights and responsibilities so that the four areas of assessment (political/democratic governance, economic governance, corporate governance and socio-economic development) were conducted effectively.

In Rwanda, the participation of civil society was not as effective as it was in Ghana, and its contribution was very limited. Concerning this, Marie-Angélique Savané, first President of the APRM's Panel of Eminent Persons remarked: "During the first phase, when we received the

preliminary lists from Rwanda, we determined that there were not enough representatives of civil society, women and young people. As a result, we insisted on having this situation corrected, which was done."<sup>49</sup>

Such an undertaking is of capital importance in the work carried out to create conditions for good governance in Africa. Indeed, NEPAD, the APRM and many other initiatives have been severely criticized for not involving the public to an acceptable degree, either in the design or in the implementation of development projects. In Africa, civil society organizations are the only players that can promote true public involvement, through their countless interactions with all members of society. Because of their method of operation, they are better predisposed than government entities to achieve the tasks that require the involvement of all national stakeholders.

Additionally, with respect to the APRM designers' desire to foster the exchange of experiences among countries, civil society can be a significant lever in this regard. The effectiveness of the various networks it is part of and its expertise in certain fields could be useful in specific contexts. Peer learning in Africa must not be limited to heads of state and government, given that these players no longer have a political monopoly in Africa. Civil society can and must, through its different operational networks, share its national experiences in conducting APRM reviews or in taking part in other programmes, such as the Poverty Reduction Strategy Papers (PRSP). This may make it possible to create learning frameworks useful not only to African civil society but also to all development partners in Africa. The experience of Ghana proves that when civil society is given the chance to act in well-articulated frameworks it is able to effectively contribute to good governance. The APRM also represents an opportunity for civil society to create internal dialogue frameworks connecting its various stakeholders with each other and with the government and private sector.

### 5.4 The Relationship between the State and Civil Society

In recent years, the governments of the countries that adhere to the APRM all adopted laws and regulations promoting the increased involvement of civil society in various collaborative processes at the national level. In many cases, the analysis of the relations between the state and civil society clearly shows that there is a significant gap between what appears on paper and the political reality facing civil society.

#### The Rwandan Example

The relationship between government and civil society in Rwanda deserves a closer look. Unlike what is indicated in a large body of literature concerning the role of civil society in various development programmes like the PRSP, its impact remains very weak or, at the very least, difficult to assess. Because of curtailed individual and public freedoms, there is not much leeway to work with and the ability to take action is very limited.

<sup>&</sup>lt;sup>49</sup> Marie-Angélique Savané, Interview in *Dialogue 4*, Partnership Africa Canada (PAC), March 2005, available at www.pacweb.org

In the APRM reviews in Rwanda, many civil society organizations were relegated to the fringes of the review process. The reasons for such an attitude can only be fully understood in light of the real or veiled threats made by the government with respect to civil society. Post-genocidal trauma continues to weigh heavily on civil society and on all national stakeholders. The control exercised by government authorities forces many organizations to tone down their demands so as not to suffer government reprisal.

In this difficult context, many members of civil society have been exiled or otherwise silenced. The constraints of national reconstruction, as expressed by government authorities in Kigali, leave no room for initiative or, especially, for criticism of government errors. Any criticisms from civil society can be interpreted as political opposition to the central regime, which has set itself up as the only guarantor of national salvation. This situation relegates civil society to accompanying government action. At best, civil society is active only in the fields where the government allows it to operate. For example, local civil society all but ignores the issue of human rights violations in their official agendas, whereas Rwandan civil society organizations in exile make this their main focal point. On this specific issue and many others (including Rwandan troops' occupation of certain areas of the eastern part of the DRC), it will be interesting to see the content of the APRM review report and determine how these sensitive questions were handled by the government and civil society.

### The Porosity of the Civil Society/Political Society Relationship

The distinction between civil society and political society in Africa has not always been as clear as the discourse of African civil society stakeholders maintains. In fact, one of the distinctive characteristics of this civil society is the overlap of these two worlds. In countries such as Ghana, Rwanda, Kenya and Senegal, civil society figures have long been the object of co-optation on the part of sitting governments. This presents potential problems in terms of civil society's independence, the availability of its human resources and its long-term viability.

Good governance at the national level cannot emerge in a context where the state is weak or faltering. Civil society, being at the centre of development, must contribute to the creation of a competent state that is able to fully assume its responsibilities to its people.

Consequently, civil society can only fully play its role on the national scene when it is autonomous and can freely voice its opinions and have extensive experience in voicing its claims and proposing credible alternatives. It is necessary that government authorities acknowledge the role of civil society as an invaluable resource. By confirming that the success of national reviews depends as much on the involvement of civil society as that of the government and private sector, the APRM is acknowledging the core position civil society occupies in Africa's development process.

Many governments that have built co-operative frameworks with civil society continue to have their suspicions about it. Even in countries that stand as an example in the freedoms granted to civil society, governments malign it and consider it to be a mere supplier of political positions and thus devoid of any ethics. During a meeting with African civil society based in Geneva, coinciding with the World Summit on the Information Society (Geneva, December 2003), President Wade censured the behaviour of African civil society, which, in his opinion, "is the place reserved for intellectuals who lack the courage to throw themselves into the political arena in their country. They hide behind the comfortable framework of civil society to accede to political posts every time the occasion arises." This thinly veiled criticism of an African head of state who is one of the designers of NEPAD speaks volumes once again about the fear, suspicion and outright contempt in which civil society is held by certain African leaders.

The relationship between the state and civil society is not about emphasizing the obvious conflicts that exist between the two entities. Rather, it should be about working together to promote development and a constructive partnership, for civil society is not and should never be positioned or identified as a source of political opposition against state institutions. Of course, civil society cannot ignore its obligation to speak out against governmental excesses. But civil society must be more than a simple observer. To do this, it must establish a relationship based on trust, respect and communication in order to successfully advocate the sharing of responsibilities. This relationship is crucial and should lead to conditions favourable for good governance, through the identification of priorities and common objectives.

Good governance at the national level cannot emerge in a context where the state is weak or faltering. Civil society, being at the centre of development, must contribute to the creation of a competent state that is able to fully assume its responsibilities to its people. The constitutional state can be reinforced by granting responsibilities to civil society through an ongoing partnership with the state.

### 5.5 The Relationship between Civil Society and the Private Sector

The private sector in Africa is, generally speaking, on the fringe of the consultative frameworks that exist at the national level. In the words of Marie-Angélique Savané, first president of the APRM's Panel of Eminent Persons, "My main concern is not civil society, because I know that it has a tradition of struggle and involvement and, as a result, there are provisions for a true dialogue. . . I am more concerned about the private sector, which has no real experience in taking part in development debates." This speaks volumes about the attitude of the private sector, which, because of its fears, is hesitant to enter into a dialogue with civil society and government. The existing dialogue frameworks require time and concessions that, from the point of view of the private sector, tend to compromise business success.

The APRM strongly feels that the involvement of the private sector in national reviews is essential. As a result, in Ghana and Rwanda, it played a role in the process and its performance was considered to be satisfactory by local stakeholders and reviewers for the Secretariat and the Panel of Eminent persons. Madame Savané notes an example from Rwanda: "the Rwanda experience is one of the very powerful exceptions. The private-sector stakeholders demonstrated

\_

<sup>&</sup>lt;sup>50</sup> Marie-Angélique Savané, Interview in *Dialogue 4*, Partnership Africa Canada (PAC), March 2005, available at www.pacweb.org

a great deal of interest in this dialogue. They found objective allies for certain points in order to make themselves heard and advance certain issues."

The private sector in Africa is, generally speaking, on the fringe of the consultative frameworks that exist at the national level.

The private sector has been demonized for its profit mindset and its lack of sensitivity to such social problems as poverty. Despite the countless objective criticisms that civil society formulates against the private sector, it is an indispensable component in the APRM review process and many other development initiatives. It is an important player on the national, regional and continental levels. Its exclusion has hampered the advancement of good governance. In the tripartite frameworks that bring together government, the private sector and civil society, the identification of priorities and objectives can help foster good governance. It requires compromise and concessions to transcend differences and identify mutual interests. There are many advantages for the private sector in teaming up with other players, especially civil society. For example, private-sector leaders in Rwanda have acknowledged the beneficial natural of APRM reviews, stating that the results largely exceeded their expectations. Meetings made it possible to overcome some prejudices and define frameworks useful to civil society. In Ghana, the same observation applies in that many members of the private sector acknowledge the relevance of APRM reviews. However, they do express some reservations as to the follow-up of the process. They fear that the various commitments made by the Ghana government may not be respected.

### 5.6 Problems and Challenges for Civil Society

We have shown in detail what civil society can contribute to the APRM. Although it is true that its role is a significant one, it is also true that there are a number of problems and challenges confronting civil society that prevent it from realizing its full potential. For civil society to live up to the hopes surrounding it, it must act in the following areas:

### Strengthen its abilities in areas such as economic and corporate governance:

It is true that, even in Ghana, where its work was considered more than satisfactory, civil society has not contributed in the way it was expected to as regards the economic and corporate governance reviews. In Ghana, civil society is less involved in the corporate governance review. The heads of the Private Enterprise Foundation (PEF)<sup>51</sup> admitted during their meetings with PAC that their questionnaires hardly addressed civil society at all. In Ghana civil society, it is recognized that this is one of the weaknesses of their involvement in the APRM. The work of the PEF was essentially carried out in collaboration with the private sector.

This observation is also true for several other countries. Civil society, because of its particular history and its involvement in the struggles for democratization, has not developed an expertise in highly specialized economic issues, such as monetary policy, public finance and corporate

<sup>&</sup>lt;sup>51</sup> PEF : Private Enterprise Foundation is an institution responsible for the evaluation of corporate governance in Ghana.

management. It remains very effective when it comes to more political subjects, such as human rights, the defence of youth, women and other vulnerable groups, and the electoral process. One of the reasons that explain this lack of expertise is related to the fact that the human resources available in these sectors usually turn toward the local or international private sector or toward international organizations, which offer better working and living conditions.

### Work towards reinforcing its credibility:

Marie-Angélique Savané<sup>52</sup> stresses that the goal of the APRM is not to allow civil society to judge or assess other players (i.e., government and the private sector). The success of the APRM reviews depends on the examination of all stakeholders and the problems affecting the country in question. In this exercise, civil society must take stock of its shortcomings, problems and contradictions. For example, when it makes transparency and rigour one of its main priorities, it needs to apply the same rules and constraints to itself as those it sets for the government and private sector.

### **Reduce dependence on foreign inputs:**

This dependence is not only financial and material—it is also philosophical and strategic. Material and financial dependence is quite widespread, except for professional associations, such as those for lawyers and doctors, and select peasant farmer organizations. Certainly, there are civil society organizations that work toward the creation of local resources to ensure their financial independence. But they are an exception among African civil society members, which generally receive outside financial and material support.

#### Deal with the lack of resources:

This is a crucial issue for many African civil society organizations. PAC meetings have revealed that civil society organizations have real difficulty following all the stages of the APRM process, due to the lack of available resources. Because of limitations in material and financial resources, as emphasized by Rwandan organizations such as IBUKA<sup>53</sup> and the CCOAIB (the Council of Organizations to Support Grassroots Initiatives)<sup>54</sup>, civil society stakeholders cannot contribute fully to the APRM process. Reviews and preparatory meetings take place over several weeks. This implies an active and continued presence, which can compromise the normal operations of an organization, as the APRM or good governance are not the only interests of these organizations. Consequently, not all the available resources can be devoted to them. The difficulty of civil society organizations in following the APRM process all the way through underscores the need to establish clearly defined African civil society frameworks and group together the various stakeholders within them.

<sup>&</sup>lt;sup>52</sup> Marie-Angélique Savané, Interview in *Dialogue 4*, Partnership Africa Canada (PAC), March 2005, available at www.pacweb.org

<sup>&</sup>lt;sup>53</sup> IBUKA, which in Kinyarwanda means "remember." This is a group of associations devoted to defending the rights of victims of the Rwandan genocide.

<sup>&</sup>lt;sup>54</sup> Le Conseil de concertation des organisations d'appui aux initiatives de base (CCOAIB), or the Council of Organizations to Support Grassroots Initiatives, represents some 30 Rwandan civil society organizations. It is intended to provide civil society members an opportunity to meet, discuss and work together.

# Create dialogue and consultative frameworks involving the various components of national civil society:

In many African countries in recent years, there has been a profusion of discussion, consultation, negotiation, solidarity and dialogue frameworks involving the various members of civil society. This process has at times produced satisfactory results, but the truth is that objectives are far from being met. Many government or development partner-driven initiatives increasingly require the involvement of civil society. The APRM is no exception. Some questions have arisen as a result: How can civil society be adequately represented in the various development programmes? How can the real risk of co-optation and government manipulation be avoided? What strategies should be introduced in review or other programmes in order to ensure that civil society agendas are integrated into the process? These are all core issues that civil society must address in these internal frameworks, failing which it risks drowning in a sea of chaos. The experience of certain consultative frameworks in Africa, such as CONGAD<sup>55</sup>, proves that the more organized civil society is, the more capable it is of effectively taking on such challenges.

It is overly idealistic to think that it is possible to bring together all the components of society under one central and national structure that ensures all parties are fairly represented and all diverging views and contradictions from different players are taken into account. It is nevertheless possible and realistic to argue in favour of the existence of a number of consultative frameworks. The interests of the various parties are sometimes very different, but they are complementary. The requirement for partnerships is first found among the members of civil society. It would be in the best interest of governments and donor agencies to clearly identify and find representative stakeholders from such frameworks.

-

<sup>55</sup> CONGAD: Conseil des ONG d'Appui au Développement, Senegal

#### 6 TOWARDS A CULTURE OF POLITICAL DIALOGUE IN AFRICA

### 6.1 Improving the APRM

"If you are not prepared to compromise, then you must not enter or think about the process of negotiations at all. Concessions are inherent in negotiations."

Nelson Mandela

Marie-Angélique Savané stresses that: "One of the objectives we don't discuss a lot is to ensure that the Mechanism gives the countries the opportunity to learn to dialogue. The problem in Africa is that there is no communication between civil society and the government or between the government and the private sector, and even less among the three stakeholders together." This lack of a culture of political dialogue is detrimental to the construction of an environment of peace. Without dialogue between the country's key stakeholders, all development politics are doomed to failure.

Much has been said in this report about the necessity of creating true partnerships between government, the private sector and civil society. However, these partnerships must be based on complementary experience, skill and legitimacy. They must be formed on the basis of mutual respect, recognition and trust. Prevailing suspicions that characterize relations between the state, the private sector and civil society are obstacles to co-operation. Indeed, "any co-operative initiative or alliance cannot be built solely on the identification of problems, issues and stakeholders. Building a partnership means, first and foremost, **meeting and sharing**, revealing respective strengths, weaknesses, interests and objectives and identifying shared perceptions. Partnership means expressing specific opinions about a context, a problem, a partnership and other entities."

One of the objectives we don't discuss a lot is to ensure that the Mechanism gives the countries the opportunity to learn to dialogue. The problem in Africa is that there is no communication between civil society and the government or between the government and the private sector, and even less among the three stakeholders together.

The APRM offers all national players the possibility of building or reinforcing political dialogue in Africa. The conditions it sets offer everyone the possibility of participating fully in the review process. It does not provide a miracle answer to all the continent's problems. But it does provide some important opportunities to set up a culture of political dialogue in Africa.

<sup>&</sup>lt;sup>56</sup> Marie-Angélique Savané, Interview in *Dialogue 4*, Partnership Africa Canada (PAC), March 2005, available at www.pacweb.org

<sup>&</sup>lt;sup>57</sup> Carlos Cubillos and Frédéric Apollin, "Renforcement de la société civile et politiques d'alliances et partenariat" ["Reinforcement of civil society and partnership and alliance policies"], *Traverses*, No. 14, Les éditions du groupe Initiatives, VSF&Cicda, June 2004, p. 10.

It is surprising to think that the resolution of all conflicts in Africa still requires outside mediation, without which it is impossible to bring together the various stakeholders in order to initiate a dialogue of peace. These outside mediations are very useful, as the examples of Côte d'Ivoire, Rwanda and other countries attest. However, peace accords are always fragile when external guarantors are not fully involved in the application of established agreements. Moreover, experience has often shown that when the international community withdraws, conflicts tend to flare back up. Once again, this situation is due to the lack of a culture of political dialogue between the various national belligerents, whose relationships are characterized by reciprocal suspicions. A programme such as the APRM initiative, by promoting dialogue, exchange, trust, respect and shared ideas and experiences on issues of national importance, is a vital tool in building a culture of peace.

#### THE AFRICAN HUMAN SECURITY INITIATIVE (AHSI)

AHSI is a network of seven African non-governmental research organisations that have come together to evaluate the effectiveness of key African governments in the area of promoting human security. The project stems from a desire to contribute to the New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM). Although the latter has identified a broad group of objectives, norms, criteria and indicators that cover four large areas, AHSI is just dealing with one of the four, the question of political governance as it relates to human security. In this area, each partner has identified key commitments that have been made by African leaders in the summits and meetings of the OAU/AU. A report will follow on how the commitments have been put into effect. Eight countries were chosen for the report: Algeria, Ethiopia, Ghana, Kenya, Nigeria, Senegal, South Africa and Uganda. The eight countries are members of NEPAD and the APRM. Although these are not an exhaustive list of problems related to human security in Africa, the AHSI network has selected the seven following commitments: human rights, democracy and government, civil society involvement, small arms, peace and conflict resolution, anticorruption, terrorism and organized crime. The AHSI partners are: South African Institute of International Affairs (SAIIA), Institute for Human Rights and Development (IHRDA), Human Rights Trust of Southern Africa (SAHRIT), West Africa Network for Peacebuilding

(WANEP), African Security Dialogue and Research (ASDR), Africa Peace Forum (APFO) and Institute for Security Studies (ISS).

See Annex 2: Resources

### 6.2 Integrating the APRM into Existing Dialogue Frameworks

One of the primary merits of the APRM is its ability to establish a comprehensive approach to good governance that attempts to integrate all of the political, economic and social aspects related to governance and development. By adopting this approach, it provides comprehensive insight into the national situation of each country. The profusion of development initiatives and programmes translates into duplication that furthers drain the already limited available resources. Through the involvement of all stakeholders in the review process, the matching and coordination of various efforts make it possible to establish consensual policies and shared objectives. By fostering the participation of local and international stakeholders, the APRM can contribute to a rationalization of resources and a more sustained collaboration between various development partners. Hassan Lorgat of SANGOCO (the South African National NGO Coalition) emphasizes this point, affirming that the APRM must not overlook the concrete experiences of civil society and other stakeholders in the resolution of certain problems. In his opinion, the APRM must take this into account, and civil society organizations such as SANGOCO should make their contribution to the APRM on the basis of past experience.

### 6.3 Involving the African Media

"A critical, independent and investigative press is the lifeblood of any democracy."

Nelson Mandela

For the APRM exercise to be a success, it is important to push for broader media involvement in the review process. In terms of making the APRM accessible to the public and encouraging their active participation, the press is an indispensable lever in the dissemination of information. It has the means to reach a wide audience as it can deliver information in various African languages. Moreover, because of the lack thus far of a clear and consistent communication policy on the part of the APRM Secretariat, the press has been the only source of information that has enabled the various stakeholders and the public to follow the review process in the countries in question. It remains to be seen if the information in these reports is accurate. In a recent press release, Dr. Bernard Kouassi, Executive Director of the APRM Secretariat, was indignant about the fact that the press was focussing exclusively on the negative aspects of the APRM and the reviews conducted to date. He stated that "the Secretariat is of the opinion that the press has a critical role in supporting the APRM process and disseminating accurate information to the general public. The press can and should educate the masses on the positive aspects of the process and highlight the very good and positive developments happening in the African continent... The Secretariat hopes the press will support the APRM by, at least, showcasing such good practices and helping to complement its efforts to improve governance in Africa."58

The reaction of the APRM Secretariat to the media response to the presentation of the Ghana and Rwanda reports demonstrates the strategic position of the media in the African political landscape. The press has become a key player at the national, regional and continental level.

<sup>&</sup>lt;sup>58</sup> NEPAD, Press release from the APRM Secretariat, July 2005, available at www.nepad.org consulted August 2, 2005.

For the APRM exercise to be a success, it is important to push for broader media involvement in the review process

### 6.4 Involving African Parliaments

In many initiatives, African parliaments are left out of the decision-making process and the implementation of development policies. Frequently they are only solicited when it is time to adopt or modify a law. But parliamentarians have a legitimate role to play in this regard, as they sit in one of the most important national political institutions. National parliaments are places where important decisions affecting individuals' lives are made. Such an institution should therefore be more involved in initiatives aimed at promoting good governance.

National parliaments are places where important decisions affecting individuals' lives are made. Such an institution should therefore be more involved in initiatives aimed at promoting good governance.

Because of this reality and the various contributions parliaments can make in the pursuit of NEPAD's objectives, the African Parliamentarians' Forum for NEPAD (APF-NEPAD) was created "to broaden the democratic debate and economic, political and social governance" by making "the African Parliamentarians' forum for NEPAD a framework for exchange, consultation, debate, initiatives, proposals, commitment and support for the efforts underway for the realization of the objectives set out in the African Union Programme." In this respect, the Forum recommends "all national and regional parliaments to form, in line with their own organizational characteristics, NEPAD parliamentary groups to oversee the work of the Forum." The UNDP and the African Union are convinced that such a project has merit and support it for the purpose of reinforcing governance in Africa.

<sup>&</sup>lt;sup>59</sup> African Parliamentarians' Forum for NEPAD (APF-NEPAD), http://www.parlanepad.org/fr/Actualites consulted July 16, 2005.

#### 7 CONCLUSIONS

Africa will be the most important player in its development or it will not develop. Admittedly, the efforts or dynamics driven by outside partners are important, but they cannot alone spark the changes that are so desperately desired. It is for this reason that initiatives such as the APRM must be encouraged and supported.

The APRM is clearly offering conditions conducive to reinforcing good governance in Africa. The reviews already conducted in Ghana and Rwanda, and those in progress in Kenya and Mauritius, provide the possibility of creating or strengthening political dialogue, if the directives, principles and standards outlined in the APRM base document are respected.

Furthermore, by adopting universally accepted codes and standards, the APRM is encouraging the progressive harmonization of practices in Africa and, subsequently, acknowledging the efforts undertaken by Africans toward good governance.

The APRM provides extremely interesting opportunities for civil society, as it is confronted with the challenge of contributing its input to reviews. There is no doubt that civil society will be able to play a role in accomplishing and even surpassing its objectives.

The private sector is, according to many observers, the player that is most hesitant in regard to the APRM. To date, the private sector has not been as involved as other players. But its participation is encouraging and deserves support across the board. The mobilization and sensitization of this sector with respect to major national issues can contribute significantly to the resolution of many economic and social problems.

The African member states of the APRM seem to be showing a willingness to introduce good governance in their countries. This effort must be encouraged and pursued in collaboration with the private sector and civil society. The success of the APRM depends largely on the respect of the principles, standards and codes of conduct that they themselves have established.

Africa will be the most important player in its development or it will not develop.

There are several criticisms of the APRM. Those that come up the most frequently address two main points. The first concerns the lack of involvement of civil society in the design of the project to improve governance in Africa, namely the APRM. The second point is rooted in the apprehension that the APRM could be a tool destined simply to persuade the international community, especially the foreign private sector, to invest in NEPAD's major projects.

These criticisms warrant some attention. First, it is undeniable that NEPAD and the APRM were spearheaded by various heads of state, without consultation with the African peoples. Second, the launch of the APRM is not neutral in that it coincides with the first difficulties of NEPAD's initiators to persuade the foreign private sector to invest massively in Africa. Africa's poor image in the international community, the result of its reputation for bad governance, is in some minds one of the main obstacles to attracting foreign private investment.

Despite these criticisms, the APRM review mechanism is still the most innovative aspect of NEPAD. It is hoped that the international community will support APRM reviews in order to bolster the efforts undertaken by Africans in their struggle for good governance and for just and sustainable development.

#### 8 RECOMMENDATIONS

#### TO AFRICAN STATES

- 1. Involve all state institutions in all the stages of the APRM review process.
- 2. Ensure the full participation of civil society and the private sector in the implementation of the national structure that oversees APRM reviews.
- 3. Create and reinforce co-operative frameworks with the private sector and civil society.
- 4. Implement an action plan with the involvement of the relevant state institutions and resources.
- 5. Encourage the publication and widespread dissemination of review reports within a short time frame so that the resulting information is not obsolete when it is made public.

#### TO THE AFRICAN PRIVATE SECTOR

- 1. Be more involved in APRM national reviews.
- 2. Work to reinforce existing dialogue frameworks.
- 3. Play a key role in putting APRM action plans into practice.
- 4. Take advantage of the opportunity afforded by the APRM to demand the increased involvement of African states in the execution of NEPAD's major projects.

#### TO THE AFRICAN MEDIA

- 1. Contribute to sharing and distributing information about the APRM by highlighting the results of the reviews in both national and official languages.
- 2. Promote debate on the relevance of such a process with respect to good governance in Africa.

#### TO AFRICAN PARLIAMENTS

- 1. Encourage and promote the initiative of the African Parliamentarians' Forum for NEPAD to ensure their increased involvement in the key issues identified by the APRM.
- 2. Extend APF-NEPAD to all member countries of the APRM.
- 3. Work to ensure more direct involvement of national parliaments in APRM reviews.

#### TO THE APRM SECRETARIAT

- 1. Develop a true communications policy to ensure that all development stakeholders have a good grasp of the APRM. This should help avert the misunderstandings that have been observed here and there. The creation of the APRM web site and other media resources is vital to ensuring the widespread dissemination of the programme.
- 2. Ensure that civil society and the private sector are represented at the APRM Secretariat.
- 3. Increase the Secretariat's human and financial resources to ensure closer monitoring of national reviews.
- 4. Distribute review reports as widely as possible with countries, throughout Africa and internationally.
- 5. Integrate recommendations and criticisms from governments, the private sector and civil society to help ensure the APRM's continued improvement.

#### TO THE INTERNATIONAL COMMUNITY

- 1. Support the APRM initiative.
- 2. Harmonize the various development initiatives with the APRM in order to identify priorities with local partners.
- 3. Provide material and financial assistance to the implementation of APRM action plans.

#### TO AFRICAN CIVIL SOCIETY

### With the goal of improving participation in the APRM

Create dialogue and consultative frameworks specific to civil society in order to identify shared objectives and plan strategies that will ensure the success of good governance policies in Africa. The existence of civil society working frameworks must make it possible to:

- Ensure that civil society is suitably represented in the "APRM focal points" or any other structures that oversee the national review process.
- Exchange experiences by sharing best practices.
- Reinforce technical and institutional capabilities, in particular in the fields of economic and corporate governance.
- Hold information workshops for civil society organizations in order to share information and be in a position to monitor the APRM's progress at the national and continental levels (an example is found in CONGAD's 60 work in Senegal).
- Develop networks for African civil societies in APRM member countries.

<sup>&</sup>lt;sup>60</sup> CONGAD (the National Council of Development NGOs) is a coalition of Senegalese NGOs committed to sharing experiences and information on a wide range of issues. CONGAD is involved in the APRM and monitors national and continental debates related to it. It has participated in many continental meetings on the APRM and organizes regular information and interpretation workshops to inform its members about the latest developments pertaining to the APRM and various civil society positions on this issue.

- Conduct a self-assessment in order to fully understand strengths and, more importantly, weaknesses.
- Capitalize on present and past experiences in the development and implementation of national policies for the benefit of APRM reviews.
- Contribute to creating an atmosphere of trust between civil society and government.
- Strengthen co-operation with the private sector by setting up mechanisms that will provide meaningful dialogue.
- Monitor the various phases of the review process and the execution of action plans established by the APRM Forum.

**ANNEX 1** 

### THE AFRICAN PEER REVIEW MECHANISM (APRM): Base document

1. The African Peer Review Mechanism (APRM) is an instrument voluntarily acceded to by Member States of the African Union as an African self-monitoring mechanism.

#### Mandate of the APRM

2. The mandate of the African Peer Review Mechanism is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance. The APRM is the mutually agreed instrument for self-monitoring by the participating member governments.

### Purpose of the APRM

3. The primary purpose of the APRM is 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 through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for capacity building.

### **Principles of the APRM**

4. Every review exercise carried out under the authority of the Mechanism must be technically competent, credible and free of political manipulation. These stipulations together constitute the core guiding principles of the Mechanism.

### **Participation in the African Peer Review Process**

5. Participation in the process will be open to all member states of the African Union. After adoption of the Declaration on Democracy, Political, Economic and Corporate Governance by the African Union, countries wishing to participate in the APRM will notify the Chairman of the NEPAD Heads of State and Government Implementation Committee. This will entail an undertaking to submit to periodic peer reviews, as well as to facilitate such reviews, and be guided by agreed parameters for good political governance and good economic and corporate governance.

### **Leadership and Management Structure**

- 6. It is proposed that the operations of the APRM be directed and managed by a Panel of between 5 and 7 Eminent Persons. The members of the Panel must be Africans who have distinguished themselves in careers that are considered relevant to the work of the APRM. In addition, members of the Panel must be persons of high moral stature and demonstrated commitment to the ideals of Pan Africanism.
- 7. Candidates for appointment to the Panel will be nominated by participating countries, shortlisted by a Committee of Ministers and appointed by Heads of State and Government of the participating countries. In addition to the criteria referred to above, the Heads of State and Government will ensure that the Panel has expertise in the areas of political governance, macroeconomic management, public financial management and corporate governance. The composition of the Panel will also reflect broad regional balance, gender equity and cultural diversity.
- 8. Members of the Panel will serve for up to 4 years and will retire by rotation.
- 9. One of the members of the Panel will be appointed Chairman by the Heads of State and Government of participating countries. The Chairperson will serve for a maximum period of 5 years. The criteria for appointment to the position of Chairperson will be the same as for other members of the Panel, except that the candidate will be a person with a proven leadership record in one of the following areas; Government, public administration, development and private sector.
- 10. The Panel will exercise the oversight function over the review process, in particular to ensure the integrity of the process. Its mission and duties will be outlined in a Charter, which will also spell out reporting arrangements to the Heads of State and Government of participating countries. The Charter will secure the independence, objectivity and integrity of the Panel.
- 11. The Secretariat may engage, with the approval of the Panel, the services of African experts and institutions that it considers competent and appropriate to act as its agents in the peer review process.
- 12. The Panel will be supported by a competent Secretariat that has both the technical capacity to undertake the analytical work that underpins the peer review process and also conforms to the principles of the APRM. The functions of the Secretariat will include; maintaining extensive database information on political and economic developments in all participating countries, preparation of background documents for the Peer Review Teams, proposing performance indicators and tracking performance of individual countries.

### Periodicity and Types of Peer Review

- 13. At the point of formally acceding to the peer review process, each State should clearly define a time-bound programme of Action for implementing the Declaration on Democracy, Political, Economic and Corporate Governance, including periodic reviews.
- 14. There will be four types of reviews:
  - The first country review is the base review that is carried out within eighteen months of a country becoming a member of the APRM process;
  - Then there is a periodic review that takes place every two to four years;
  - In addition to these, a member country can, for its own reasons, ask for a review that is not part of the periodically mandated reviews; and
  - Early signs of impending political or economic crisis in a member country would also be sufficient cause for instituting a review. Such a review can be called for by participating Heads of State and Government in a spirit of helpfulness to the Government concerned.

#### **APRM Process**

- 15. The process will entail periodic reviews of the policies and practices of participating states to ascertain progress being made towards achieving mutually agreed goals and compliance with agreed political, economic and corporate governance values, codes and standards as outlined in the Declaration on Democracy, Political, Economic and Corporate Governance.
- 16. 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 neighbouring countries. It will promote mutual accountability, as well as compliance with best practice.
- 17. Bearing in mind that African countries are at different levels of development, on joining the Mechanism, a country will be assessed (the base review) and a timetable (Programme of Action) for effecting progress towards achieving the agreed standards and goals must be drawn up by the state in question, taking into account the particular circumstances of that state.

#### **Stages of the Peer Review Process**

- 18. **Stage One** will involve a study of the political, economic and corporate governance and development environment in the country to be reviewed, based principally on up-to-date background documentation prepared by the APRM Secretariat and material provided by national, sub-regional, regional and international institutions.
- 19. In **Stage Two**, the Review Team will visit the country concerned where its priority order of business will be to carry out the widest possible range of consultations with the Government, officials, political parties, parliamentarians and representatives of civil society organizations (including the media, academia, trade unions, business, professional bodies).

last resort.

- 20. **Stage Three** is the preparation of the Team's report. The report is prepared on the basis of the briefing material prepared by the APRM Secretariat and the information provided in-country by official and unofficial sources during the wide-ranging consultations and interactions with all stakeholders. The report must be measured against the applicable political, economic and corporate governance commitments made and the Programme of Action.
- 21. The Team's draft report is first discussed with the Government concerned. Those discussions will be designed to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the Team's findings and to put forward its own views on how the identified shortcomings may be addressed. These responses of the Government will be appended to the Team's report.
- 22. The Team's report will need to be clear on a number of points in instances where problems are identified. Is there the will on the part of the Government to take the necessary decisions and measures to put right what is identified to be amiss? What resources are necessary to take corrective measures? How much of these can the Government itself provide and how much is to come from external sources? Given the necessary resources, how long will the process of rectification take?
- 23. The **Fourth Stage** begins when the Team's report is submitted to the participating Heads of State and Government through the APRM Secretariat. The consideration and adoption of the final report by the participating Heads of State and Government, including their decision in this regard, marks the end of this stage.
- 24. If the Government of the country in question shows a demonstrable will to rectify the identified 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 necessary 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. The interval should concentrate the mind of the Government and provide a further opportunity for addressing the identified shortcomings under a process of constructive dialogue. All considered, such measures should always be utilized as a
- 25. Six months after the report has been considered by the Heads of State and Government of the participating member countries, it should be formally and publicly tabled in key regional and sub-regional structures such as the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the envisaged Peace and Security Council and the Economic, Social and Cultural Council (ECOSOCC) of the African Union. This constitutes the **Fifth** and final stage of the process.

### **Duration of the Peer Review**

26. The duration of the review process per country should not be longer than six months, commencing on the date of the inception of Stage One up to the date the report is submitted for the consideration of the Heads of State and Government.

### **Funding of the Peer Review Mechanism**

27. Funding for the Mechanism will come from assessed contributions from participating member states.

#### Review of the APRM

28. To enhance its dynamism, the Conference of the participating countries will review the APRM once every five years.

6th Summit of the NEPAD Heads of State and Government Implementation Committee 9 March 2003, Abuja, Nigeria

### **ANNEX 2**

#### **RESOURCES**

- African Development Bank (ADB): www.afdb.org
- African Human Security Initiative (AHSI): www.africanreview.org
- African Union (AU) www.africa-union.org
- Alliance pour la Reconstruction de la Gouvernance en Afrique (ARGA) : www.afrique-gouvernance.net
- Economic Commission for Africa (ECA): www.uneca.org
- Institute for Security Studies (ISS): www.issafrica.org
- Kimberley Process: www.kimberleyprocess.com
- New Partnership for Africa's Development (NEPAD): www.nepad.org
- Organization for Economic Cooperation and Development (OECD): www.oecd.org
- South African Institute of International Affairs (SAIIA): www.saiia.org.za/
- United Nations Development Programme (PNUD): www.undp.org
- World Bank: www.worldbank.org





## About the Author

**Ousmane Déme** is from Senegal, although he was born in Cairo (Egypt). He studied at the Cheikh Anta Diop University (Dakar, Senegal), in Besançon (France), at the Institut Universitaire d'Études du Développement de Genève (Switzerland) and at the University of Ottawa (Canada). Ousmane Déme is a consultant in Governance and International Development. He is currently focussing on the issues of natural resources and conflict, development policy in Africa, the emergence of new African social movements and governance.

From 2001-2002, Ousmane Déme worked with the Ema Invest Foundation (Geneva, Switzerland), where he was responsible for the Partnerships and Investment in Africa department. He is currently completing a PhD in International Relations at the School of Political Studies of the University of Ottawa. His doctoral research is on Power, Identities and Territorialities: an Analysis of the New African Social Movements in the Chadian Oil Fields.

The author is very grateful to all the individuals and organizations that have contributed to this report.