

# The APRM

## A case study in democratic institution building?

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### Introduction

The New Economic Partnership for Africa's Development (NEPAD) and the Africa Peer Review Mechanism (APRM) arose out of the need to attend to the sluggish democratic transitions in Africa as well as the stagnation of African development in general. With both institutions designed to encourage deliberation, the noble idea was to contribute to the development of a climate of democracy. The APRM, a democratic institution in its own right, makes an attempt at constructing 'public truth' through discussions amongst professional communities, administrative agencies, the public and others that compete for attention and support. If 'democratic institutions are temples of talk' as March and Olsen (1996:61-62) state, the APRM thus forms communities of argumentation, informed debate, public deliberation, justification and self-criticism.

Democratic discourse requires relevant and valid information, and throughout Africa, a lack of dialogue with citizens has served the interests of political actors for many decades. On the other hand, democratic governance provides arenas in which citizens reason out the basis for proposed actions, interpretations of history, explanations of beliefs and even justifications for failures (March & Olsen 1996:61-62). These requirements made it critical for African governments to dig deep into their own communities in order to find knowledge that could be used as a foundation for diagnosing and redressing contemporary national ills. Even then, it is important to acknowledge that knowledge is never neutral, it is always a means to an end; hence it can be easily manipulated.

The APRM attempts to locate developmental solutions within local communities by encouraging and facilitating dialogue between the state and society, and the review process rightly acknowledges that professionals are never neutral - they too can, and often do manipulate

political actors by misrepresenting knowledge (March & Olsen 1996:81). The APRM thus attempts to bridge the divide by bringing the two sides together such that experts attend to issues of knowledge whilst the public attends to issues of political values.

Concerns with regressing levels of development on the African continent have partly contributed to what we can call an 'institutional overload'. Institution overload refers to the presence of fragmented-multiple institutions that are all tasked with addressing the same problem.<sup>1</sup> Over time, many new institutions have come up with the aim of reorienting the political will of African leaders. And other institutions have gone through modifications that rarely accumulated into significant changes that have a coherent direction.<sup>2</sup>

Similar criticisms have been thrown at both NEPAD and the APRM, and the underlying message is that common values are yet to be entrenched on the continent. NEPAD is largely perceived as Africa's last hope of getting things in order and the APRM is expected to direct a new shift in values and priorities. Why then is the review process unmistakably

slowing down? Perhaps part of the problem is that the process of the inculcation of the common values on which sustainable development hinges was designed as a top-down approach? Or perhaps by locating much of the power to drive transformation in the political leadership, the design was faulty from the beginning?

This paper uses an institutional approach<sup>3</sup> in analysing the progress made by the APRM across the currently signed up countries. Institutional theories tend to be 'variance' theories and are better at explaining differences among types of institutions (Peters 2000:7). Through scrutinising the APRM processes, the argument put forth is that African leaders and governments are in the position of gate-keeper in this review exercise, hence meaningful progress will be difficult to achieve within a reasonable and workable

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time period. The likely undesirable result is that the APRM, though designed to be a continuous activity, risks becoming moribund in the long run. It is already showing symptoms of becoming ensnared in the usual bureaucratic tangles and inertia that have plagued the continent since decolonisation. Though a worthwhile exercise in political accountability and institution building, scarce resources have been wasted by some of the countries involved as hesitancy by both political and technical staff takes its toll.

The second argument is that both democracy and dialoguing both need rules that guide actions, and the APRM has left too many loose ends. Countries up for review are still 'muddling through'<sup>4</sup> as there are many grey areas that each country has to navigate on its own.

Lastly, the issue of implementation capacity arises in all countries. Without resources to conduct what can be accepted by all stakeholders as fairly nationally representative reviews, it becomes logical to question how any recommendations will be implemented and by who. This takes us to the perennial unanswered questions of: What happened to African countries' vaunted development plans? Will the APRM recommendations suffer the same fate? And now that we know what the public's problems and priorities are, how do all concerned stakeholders go about building the many kinds of capacities (including extractive and distributive) that African states so badly need? Suggestions on how the APRM can be rescued are put forward alongside the critical analysis of the various processes and stages in this peer review exercise.

The paper starts off with a brief theoretical debate on managing institutional change. It then presents an overview of the APRM and a current status of country reviews. The main text focuses on the key APRM institutions, that is, the structures, the actors and the element of public participation. A brief discussion on general constraints/challenges faced by the countries in this process precedes the conclusion.

### A theoretical lens

The APRM envisages institutional change resulting from deliberate cooperation. Cooperation at the country and continental levels are central to changing the rather unproductive institutional cultures on the continent. Cooperation is influenced by leadership, management style, organisational style, monitoring and evaluations, and carefully calculated trade-offs between action and effect. The peer review process offers a formula for encouraging cooperation that recognises the importance of overcoming the dilemmas of collective

action on the continent. How then have the African countries fared on this process?

Studies of organisational reform and policy implementation have demonstrated the ways in which process dynamics slow or reverse institutional change.<sup>5</sup> Evidence also abounds that comprehensive intentional changes only occur when advocates marshal strong organisational and political capabilities to focus attention, mobilise resources and cope with resistance. The aim of democratic account management advocated by the APRM is not to secure plebiscitary support for the desired actions but to assure the existence of interpretive communities within which mutually understood, consensually authored and generally comprehensive policy can emerge (Habermas 1992a:449). However, the changes required to propel African development are likely to result in vulnerability and can be disastrous for some constituencies (beneficiaries of patronage in particular) such that political expediency often ends up dictating the pace of change.

It is very clear that organisations (governments included) and institutions change over time, but two questions that DiMaggio and Powell (1983) posed remain largely unanswered: Where does the impetus for change come from? How might these organisations respond to pressures for change? If the impetus for change is internally driven, then cooperation towards implementation of review activities and the resulting recommendations would be accelerated. However, if it is externally driven, then there would be numerous pockets of resistance and at worst, an indifferent attitude that is characterised by hesitancy towards the whole process. The APRM compels and cajoles governments

to open up for scrutiny. This makes it essential to study how governments respond to what they could see as a violation and intrusion on ingrained institutional norms.

Huntington (1965; 1968) stipulated four dimensions that can be used to judge the level of institutionalisation of any structure: *autonomy, adaptability, complexity and coherence*. Autonomy refers to the capacity institutions have to make and implement their own decisions. Adaptability is about the capacity to adjust to environmental changes, importing requisite resources to support the adaptation if necessary. Complexity demonstrates the capacity of an institution to construct internal structures to fulfill its goals and to cope with the environment. Coherence is about an institution's capacity to manage its own workload and to develop procedures to process tasks in a timely and reasonable manner. These dimensions are applied to different types of institutional arrangements and they

Cooperation at the country and continental levels are central to changing the rather unproductive institutional cultures on the continent

provide an avenue for understanding and guiding the transformation that structures must make in order to survive and to be able to influence their members and the environment (Peters 2000). This framework is applied to the assessment of the APRM process across the member countries.

### **The APRM - Another Pan African process?**

That collective action is the only likely means by which to achieve sustainable economic and political development in Africa has never been lost on African leaders. Evidence abounds in the many other pan-African efforts. It was with this in mind that the first meeting of the NEPAD Heads of State and Government and Implementation Committee (HSGIC), operationalised this collective ideal through the APRM on 1 October 2001, in Abuja, Nigeria. African leaders had earlier reaffirmed their commitment to the promotion of democracy and good political governance through the Declaration on Democracy, Political, Economic and Corporate Governance at the July 2001 Organisation of African Unity<sup>6</sup> (OAU) summit. These commitments are to be monitored through the APRM,<sup>7</sup> an instrument designed for self-monitoring at the national and continental levels, hence the fundamental documents of the mechanism were approved by NEPAD - the HSGIC. The OAU Durban summit endorsed them in July 2002.

The main aim of the APRM is to encourage the adherence to adopted policies, principles and proposed practices that enhance economic growth and facilitate transitions to democracy by identifying capacity gaps and proposing alternative courses of action. Even though the APRM is about taking collective responsibility for the development of Africa, each country still has to shoulder some considerable responsibility for directing the course of the nation's development. The reviews focus and track progress on four thematic areas: democracy and good governance; economic governance and management; corporate governance; and socio-economic development.

The process is democratic in that each country formats its own review process even though standardised questions on democratic procedures are asked across the countries. The review process passes through five main stages, and for each stage, a key APRM institution assists and monitors progress. The APRM Secretariat, the institutions' technical wing, prepares the background situational report that provides guidance for the country review team, as well as assisting in technical preliminary activities for the reviews. The second stage is the in-country consultations by country teams that will produce a Country Self Assessment Report (CSAR). In the third stage, the Panel of Eminent

Persons reviews the in-country report and prepares its own country draft report. Governments have a chance of responding to this report before it goes to the final review stage - the APRM Forum. Here the Heads of States review the country reports and the Programmes of Action (POAs).<sup>8</sup> Finally, each country has to disseminate the report widely, thereby building trust and creating opportunities for more dialogue and refinement of the initial findings.

### **Whither APRM (2003 to 2007)?**

Though 27 countries have now signed up for membership since 2003, the process seems to be losing momentum as the majority of the member countries are yet to start the review process (see table 1) and four years on, only one country, Ghana, has completed all the stages, whilst Kenya and Rwanda are yet to embark on widespread dissemination of the reports. It would be safe to conclude that deliberation, dialogue and democracy are well on the way to becoming part of Ghana's political culture.

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The country status groups in table 1 indicate that the main problem is in getting organised for the reviews, and this clearly indicates the technical capacity problems African countries grapple with in preparing blueprints for development. The capacity to gather relevant and reliable information has always been a major shortcoming for many African countries and the review's demands can be overwhelming for capacity-starved entities. The initial take-off stage is often the most difficult phase in any project as it involves a comprehensive laying-out of all the processes as well as resource mobilisation. It is therefore understandable that countries get stuck

at this stage until they are able to clear the path and articulate some vision of how they intend to achieve their aim.

However, the reasons for delayed take-off vary across the countries and in some, a clear lack of political will can be easily discerned. A good example is Zambia where technical capacity for planning the review is still in its infancy and political will has been rather wanting. Initial plans had located the key institution in the Ministry of Foreign Affairs, signalling that the exercise was indeed viewed as a foreign induced activity. Locating it in foreign affairs would be thus ideal for making input into the country's foreign policy especially where the heart of NEPAD was- the new era of partnership between Africa and the west (read donors).

Logistical constraints have been another contributing factor to the delays in the APRM process. Uganda,

**Table 1: Where is the APRM stalling?**

2003

→ 2007

Pre take-off stage	Stage 1 Background situational report- Self assessment	Stage 2 In-country Consultations by Review team	Stage 3 Panel of Eminent Persons [prepares draft report]/govt responds	Stage 4 Heads of State/ Govt [APRM Forum reviews country report and POA]	Stage 5 Widespread dissemination of report
Congo	Tanzania	Uganda	Mauritius	Algeria	Ghana
Ethiopia	Mozambique	Lesotho	Benin	South Africa	Kenya
Cameroon	Zambia	Nigeria			Rwanda
Gabon	Malawi				
Mali	Bukina Faso				
Egypt	Senegal				
Angola					
Sierra Leone					
Sudan					
Sao Tome					
Principe					
Djibouti					

Source: Compiled from country reports

NB: Pre-take off stage includes those that have expressed interest and are yet to sign up

which is seven months behind schedule, finally started off the process with a huge deficit - the total estimated cost is 4,6 million dollars and only 1,7 million dollars has been collected so far. The country created an APRM fund in October 2006 from the following contributions: UNDP 1,5 million dollars; DFID 500 000 dollars and Danida 400 000 dollars. At the start of the fieldwork, government owed the APRM secretariat more than 600 000 dollars in arrears after failing to meet its annual contribution of 400 000 dollars. Part of the problem has been attributed to bureaucratic power wrangles between two key officials, the Permanent Secretary to the Treasury, who is responsible for releasing the funds to the responsible department, and the Finance Minister, who would operationalise the president's orders. The shortage of funds will undoubtedly affect the quality of the review since there was no funding either to educate the public on the purpose of the APRM or for review staff salaries.

The probability that there will be a locational (urban and semi-urban) bias is also high in the public consultations in Uganda's case. Another disturbing issue in this case is the absence of a mechanism for dealing with regions experiencing civil wars/strife. Whereas government salaries can be routed to personnel seconded to the APRM, the exclusion of marginals who have already made a case for inclusion through the use of violence – as with the Lord's Resistance Army – will tarnish the country's self-review. Dialogue may at times be difficult in

such situations, but some form of mediation could be recommended by the HSGIC and built into the APRM guidelines. Religious interlocutors, identified by the APRM Forum, could step in and find a way to trigger the debate and include the marginalised groups' views in the review findings.

Earlier commitments to other initiatives pose a problem for some countries that find themselves torn between fulfilling earlier obligations with NEPAD and APRM requirements. The case of Cameroon shows that the country considers itself to be already addressing most of the APRM concerns through its National Governance Programmes since May 2001.<sup>9</sup> The prerequisites for qualifying for the Highly Indebted Poor Countries Initiative that was drafted for the International Monetary Fund were incorporated into the country's 2003 Poverty Reduction Strategy. The focus was on the holistic transformation of institutions in order to foster a culture of good governance. The process started after the 1995 Harare Declaration that required reforms in election management, respecting human rights, upholding the rule of law, assuring independence of the judiciary and decentralisation.<sup>10</sup> The Commonwealth committed itself to funding these reforms. However, assessors are not very upbeat about the progress in implementing these reforms. Though the country team was not yet set up by the beginning of 2006, Cameroon is also one of the countries patiently waiting for the overstretched APRM secretariat support mission that would help to





get the process started. Whilst queuing for the vital secretarial support, it is thus likely that countries in the pre-take off stage will continue to prioritise other obligations that are more rewarding in the short term.

The case of Senegal's quick take-off shows good enthusiasm on the one hand, but on the other, it also demonstrates frustration with the pace at which organising for change takes place in Africa. The Ministry of Planning went ahead and produced a self assessment report that did not conform to the continental APRM guidelines<sup>11</sup> (Mbodj & Seck:2006). This resulted in wastage as the responsibility for APRM was shifted to the new Ministry of NEPAD, African Economic Integration and Good Governance Policy in 2005.<sup>12</sup> Since then, the process seems to have lost momentum and progress has been slow.

Contestation on what is meant by public participation and 'inclusive participatory process' has also added to the confusion, especially where fear of scrutiny exists. These issues show one of the weaknesses of the APRM process - the absence of some binding obligation on governments to both adhere to the review and to implementing the recommendations. The absence of such a mechanism leaves far too much room for deviant or non-compliant behaviour. The whole exercise is in danger of becoming an end in itself. In any case, the decision to be part of the APRM group of countries should, ideally, be subject to a referendum so that public views can determine the course of governance in a country, rather than the incumbent regimes whose interests often tend to be short lived (Lemarchand 1988).

Another stage that has the potential of frustrating countries that have demonstrated eagerness in management of the review process is the 4<sup>th</sup> stage, when the Heads of State/Government (APRM Forum) review the country reports and the POA. The countries already lined up for this crucial stage indicate the

pace at which the process will be concluded for each country. Even though different yardsticks may end up being applied, it would be worthwhile for the APRM Forum to divide responsibilities amongst the Heads of State or use a committee system to attend to the backlog of country reports.

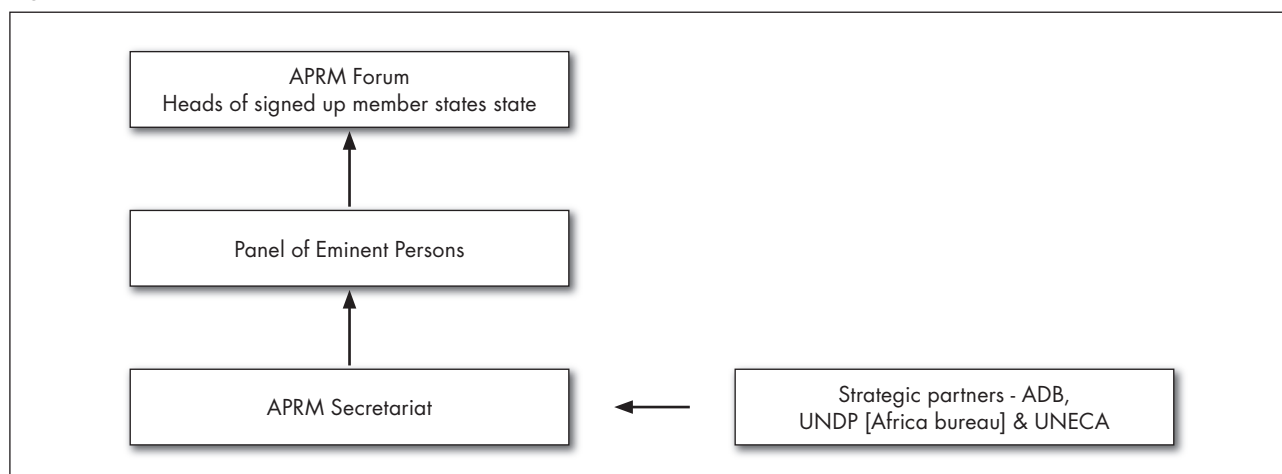
### The structuring of key institutions

This section draws the distinction between the structuring of the APRM itself and the APRM structures that have been set up by member countries. The diagram below shows the continental structure of the APRM and the relationship amongst the units.

The APRM Forum is composed of Heads of State and governments of participating countries. The body is composed of the authorities whose governance styles are under review, and this gives them a vantage point for sharing their best practices whilst reprimanding each other on their excesses - hopefully. Such a key 'decision making body' would benefit from the strategic guidance provided by a *strategic team* composed of experts who would not be part of the process but would monitor from an informed distance and infuse the much needed objectivity in this process at this level.

The Panel of Eminent Persons, which leads the country reviews, also provides guidance on an ad-hoc basis to the country teams, with the result that countries have noticed the variations and different standards in the quality of supervision. This compromises the quality of the reviews. Different Eminent Persons have been accused of giving different advice to the different country process management teams (South Africa Institute for International Affairs (SAIIA) 2006:4). That these are 'Eminent personalities'<sup>13</sup> qualifies them for this high profile public position and the group is acceptable for its balanced professional backgrounds but still, the guidance they give requires some level of standardisation.

**Figure 1: APRM Continental Structure**



Source: Compiled from APRM background papers

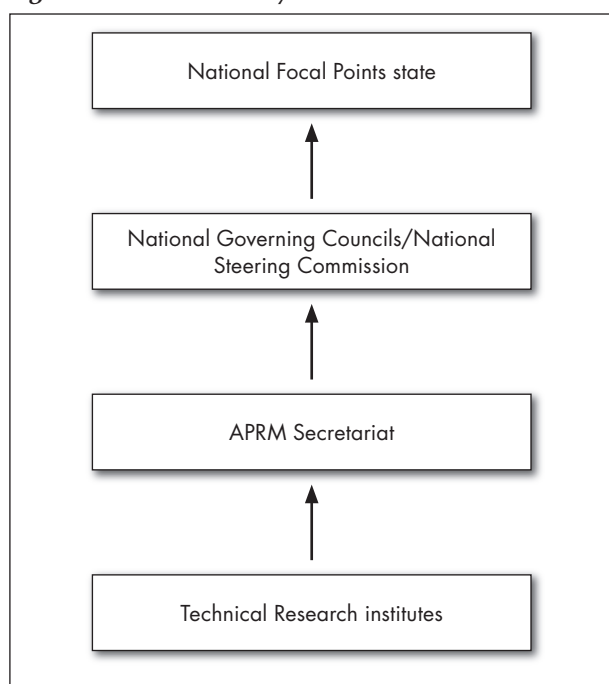
To add to the problem of different advice, research instruments utilised by the countries have differed just as widely, leading again to a difference in the quality of the status of governance across the signed up countries. Some attempted to incorporate public opinion through national surveys and some did the best they could under the circumstances of lack of quality and consistent leadership and attempted to capture the public voice through focus group discussions. Experience across the countries only gets shared at workshops organised by civil society and paid for by donors, and there have been few opportunities of this kind.

The Secretariat provides the technical analytical work on which the APR processes hinge. Whilst this coordinated function is essential for the success of the activity, the whole process still falls short of clear strategic guidance that links the Secretariat's work with the Forum's, the Eminent Persons and the strategic partners. The strategic partner institutions assist the different structures with technical capacity especially at the country level. Evidence suggests that the strategic technical partners, especially UNDP, have demonstrated more capacity than the APRM Secretariat in assisting countries to prepare for the reviews.

In the country hierarchy, below each head of state is the National Focal Point (NFP) composed of high level official/s who serve as the communication link between the head of state and the other APRM institutions.

Each country is also required to establish a National Coordinating Mechanism in which key stakeholder groups (government, civil society and private sector) are represented. This has taken place in the form of

**Figure 2: APRM Country structures**



Source: Compiled from country reports and APRM reports

National Governing Councils in most countries. The country Secretariats take various forms with some opting for them to be part of the NFP and others setting up separate structures.

The Technical Research Institutions, tasked with data collection, validate the findings of the review process (at a scientific level) and give assurance on the quality of the country reports. The selection of these institutions is paramount, as non-objective or partisan institutions can be accused of furthering their own agenda. This implies a monitoring role for all stakeholders to ensure that research is conducted in the most inclusive and objective way possible.

### Actors in the APRM

The plethora of institutions involved at the national level complicate the process, and if it is not managed cautiously, Africa risks ending up with its traditional problem, the proliferation of institutions that often duplicate each other's functions. The major issue to be wary of is that the APRM does not become a one-off event as mentioned earlier. Sustenance can be a problem judging by the way many countries have structured and positioned their key institutions.

Motives for joining the APRM are different but many leaders have spoken out loudly about the significance of the reviews for sustaining development and the consolidation of Africa's fragile democracies. A statement by a key official involved in the process sums it all up,

'The truth is that a large number of countries got into NEPAD and the APRM because there was a promise of support and resources, and the APRM stood as a very good process to improve governance...' (SAIIA 2006:20).

Each country has the latitude to decide where to locate the Focal Point and the final location points appear to reflect each country's concerns and priorities. The NFP is the institution that determines the pace and the success of the APRM process. With Focal Points manned by presidential appointees, these institutions can be gatekeepers who stand between the review process and the public at large by blocking access to the presidency and vice versa. This thwarts the attempt to change the process of agenda-setting on the continent. Composition of the NFP is crucial for the process and the outcome because the unit reports directly to the head of the state and interacts with the APRM Panel and all other stakeholders. The key people appointed in each country are thus quite influential in setting the tone for the process and the debate on the APRM.

The Ghanaian model, which is a departure from the rest in many ways, probably explains the speed at which the country was able to complete its internal



**Table 2: Location of Focal Points (in select countries)**

Cameroon	Prime Minister's Office (MINPLAPDAT)
Kenya	Ministry of Planning
Tanzania	Ministry of Planning, Economy and Empowerment
Uganda	National Planning Authority (new dept)
Ghana	Ministry for Regional Cooperation (new dept)
South Africa	Ministry of Public Services
Gabon	Min of Trade and Industrial Development- Commissioner General
Mauritius	National Economic and Social Council
Rwanda	Minister of Finance and National Planning
Senegal	Ministry of NEPAD, African Economic Integration and Good Governance Policy
Mali	Secretariat of the National Commission For African Integration
Zambia	Ministry of Justice
Benin	Ministry of Foreign Affairs

Source: Compiled from APRM country reports

country reviews. Rather than have multiple institutions, Ghana has one NGC, which is also the NFP with just one Secretariat. This detached structure has a significant amount of autonomy and also has access directly to the president. Some countries have come up with very bureaucratic structures such that these units have to follow the usual protocols of applying to see the president and conveying information/communication through the long winding channels of government corridors. Kenya and Rwanda have such models.

Some countries have National Steering Committees whose composition varies. In some it is composed of cabinet ministers and in others, permanent secretaries. These arrangements raise questions. Does the composition imply something about the importance attached to the APRM by the government? Ministers have better access to the president but they come and go very frequently in Africa. However, they are in a better position to publicise the process even though there is the danger of politicising the reviews. On the other hand, permanent secretaries are technical staff members appointed by the president. They therefore have a higher probability of being retained in the event of government changeovers and can retain institutional memories of the APRM just like the many other civil servants seconded to render technical support to the Focal points.

### Is representivity equal to inclusiveness?

Responsibility for composition of the key institutions lies solely with governments. The key issue for all APRM countries is to constitute credible entities that instill confidence in the public. Delegated stakeholder groups have in some countries taken over this task, and in others, the government has directly appointed the key persons. Countries have come up with different formulae for avoiding the exclusion of minorities in particular.

Inclusivity means different things to different regimes. It can thus be constructed in a way that might seem exclusive to other players. In reality, governments do have the leeway to influence the constitution of the NGCs and to set the boundaries on who gets to be included in the process. Governments have to become 'learning organisations'<sup>14</sup> and continue to engage in 'organisational learning'<sup>15</sup>. Governments must also be willing to share the stage with other stakeholders.

A good example is Benin where the APRM (*Mechanisme Africaine Evaluation le Pair*) team organised a long and expensive sensitisation programme (from 2006) that owed its success to the broad membership of the institution. All levels were involved: 3 representatives from each of the 22 government ministries, 1 representative from each of the 12 departments [provinces] and 267 members from the communes [districts]. The private sector had a smaller representation with just 10 persons. In all, 355 officials were involved in the sensitisation process and a total of 534 persons are credited with making the review exercise fruitful. This includes staff from the four technical institutions that attended to each of the four themes. Each ministry kept its own records of what the public said about its performance and this was a way of allowing the institutions to make in-depth analysis of the review's findings.

Where political tensions are high and trust is low in key political institutions<sup>16</sup>, it cannot be expected that the public will buy into the review process easily. This lack of buy-in can lead to contestation of both the process and the findings. The APRM is a process in learning tolerance and acknowledging the value that each person can contribute from their unique position. Where cleavages are more pronounced, it made sense to account for the diversity by taking geographical aspects into consideration in institutional design and the composition of stakeholder groups. Kenya, where

**Table 3: Comparing APRM institutions and processes in 3 countries**

	Ghana	Rwanda	Kenya
Focal point	Minister of NEPAD and Regional Integration	Minister of Finance and National Planning	Ministry of National Planning
NGC	7 civil society members –presidential appointees	50 members chaired by Min of Planning: CSO, private sector and govt	33 members from CSO, govt depts.
Methodology	4 technical research institutions Desk research Expert panel Household survey	Volunteer thematic groups National commission sent out questionnaires	4 technical research institutions Desk research Expert Panel Household surveys Focus group discussions
	National validation exercise		External expert review National validation

Source: Africa Governance Forum. 2006. 'Implementing the APRM – Challenges and Opportunities' Report of the Sixth Africa Governance Forum (AGF-IV), 9-11 May, Kigali, Rwanda p14

politics is torn by ethnic tensions, and Rwanda, which has risen above the ethnic discrimination that triggered the 1994 genocide, both had NGCs that reflected this ethnic diversity.

In all countries, there have been criticisms of over dominance of the government through the NGCs (Table 4). Civic groups felt marginalised as there was never a proper framework establishing the parameters for their participation. It was very much up to each government to decide the format for the consultative process. In some countries, like Kenya, civil society participated at both levels - the NGC (8 representatives) and in the technical agencies (2 representatives) - but still their influence was minimal due to resource constraints. As a result, they did not make much contribution to the process.

**Table 4: National governing councils**

Ghana	Independent body with 7 members
Burkina Faso	21 members
Kenya	33 members –government and civil society nominated members
Rwanda	50- all government chosen
Uganda	Independent National APRM Commission 17 members
Tanzania	15 members chaired by Minister for APRM
Senegal	60
Nigeria	50
Benin	97 Independent body
South Africa	29 -15 +4 appointed by minister, 10 civil society

Source: Compiled from APRM country reports

## Public participation

The major variations in the way the key APRM institutions were constituted in various countries reflects the amount of space carved out for public input. The absence of clear guidelines on the constitution of these

bodies is largely to blame, and this responsibility lies with the crafters of the APRM. Whilst flexibility allows for adjusting the review mechanism to country contexts, specific guidelines that would have encouraged more inclusive approaches could have been built into the technical processes. It is a fact that all countries have distinct stratifying variables and each country could have been made to provide these to the Panel of Eminent Persons for verification.

Constitution of the NGC is one way of including the public in this process. Though it can be a taxing process, Kenya managed to come up with an acceptable list of persons for inclusion into the NGC. 600 members of civil society compiled the list that the minister chose the NGC members from. A point raised by some is that it is difficult to mesh scientific tools (APRM technocrats) with activism (civil society) on the same platform (SAIIA 2006:23). This does not necessarily mean there has to be a rift between the two as dialogue is born out of bargaining, persuasion and compromising, and this is precisely how the APRM can work - by applying knowledge to societal problems.

The causes of contestation, disputes and delays lie in the resting of all authority for the reviews with the government. Defining public participation has been problematic and contested in many countries. For example, Mauritius reported only a few organisations participating in the process. In other countries, umbrella organisations have become the focal point for organising civil society input and this does not always augur well for some groups. Mistrust of government intentions and the fear of incorporation by government also worsen the tension between government and civil society. Many have not yet forgotten the corporatist strategies of the one party socialist regimes of the early decades of independence.

The meaning of citizenship<sup>17</sup> needs explanation for African citizens, especially those belonging to civil society groupings. The Kenyan civil society



representatives' demands and expectations to be paid seating allowances for what should be noble civic duty casts doubts on the financial sustainability of the reviews as well as the understandings of the meaning of citizenship. Planning for the process in Kenya turned into a nightmare as the process became a money making scheme. The more meetings held, the more money people stood to make. Worse still was the fact that the first leadership of the NGC held the whole country to ransom by inflating the budget and trying to defraud the government.

Issues meriting attention in Africa have been identified by many external reviews and large gaps are quite evident in the APRM questionnaire.<sup>18</sup> Civil society can position itself to seize these opportunities and institute sectoral reviews that can feed into either the base review or the subsequent reviews. Once public dialoguing becomes instituted in this manner, expertise can be identified locally for managing and sustaining future national reviews. One initiative has been the Kenyan Judiciary Review implemented in June 2007. The government set up a committee to conduct nationwide consultations on the status of the judiciary in the country after it became clear in the main review that the public has no confidence in the system, with unethical conduct by judges being a particular concern.

Another programme meriting attention is the review of the crime and criminal justice system in select countries that is being conducted by the Institute for Security Studies' Africa Human Security Initiative based in Nairobi. To date, reviews that use the APRM methodology have been conducted in Zambia and Tanzania and preparations for similar reviews have been planned for Benin and Mozambique later this year.

### **Foretelling programmes of action?**

A major challenge that arises in the reviews is formulating relevant POAs and implementing them timeously, efficiently and effectively. The POAs should reflect national concerns and priorities. In order not to lose out on development work already in progress, the POAs have to be related to other development plans. For instance, Kenya has mapped out an Economic Recovery and Strategy for Wealth and Employment Creation plan that consolidates the Poverty Reduction Strategy Paper (2001), the Post Election Plan (2002), the governing National Alliance Rainbow Coalition's manifesto and all the valid development plans. Whilst this is noble and ensures efficient use of resources, caution must be exercised as governments can simply opt for incremental changes in the way they have been managing reforms. It is quite possible that some issues

may require a total overhaul in processes and these linkages may deter such requisite actions.

Uganda has already linked its POA to the National Development Programmes [Proposed Vision 2035, 10 year National Development Plan and the 5 year National development plan]. And its Poverty Eradication Action Plan is linked to the realisation of the Millennium Development Goals under the fledgling National Planning Authority (NPA) established to manage the APRM in 2002. The NPA was appointed the National Focal Point because NEPAD and APRM activities have to fall into step with the national planning process. The NPA is expected to incorporate the review outcomes into the National Development Plans. These linkages, though noble, imply that the country is already halfway to formulating a POA prior to the reviews that would indicate the citizens' priorities. This conservative approach prevents a review outcome that would call for radical changes.

Success of the implementation of POAs will only be determined by a monitoring and evaluation plan that will be effected by all relevant stakeholders especially government agencies.

**A major challenge that arises in the reviews is formulating relevant POAs and implementing them timeously, efficiently and effectively**

### **Constraints**

APRM countries lament the lack of resources since there is very little donor financing. But self-funding of the exercise is about exercising responsibility for the country's development. The self-discipline inherent in mobilising resources for this activity is evidence of commitment to the process and a chance to demonstrate capacity and ability to address the ailing democratic and economic environment in their countries. Funding shortages experienced

by some countries that have gone through the process mirror the deficits experienced in national budgeting processes where, in many instances, information on which to base estimates is very often lacking such that it is difficult to make forecasts. Another weakness is that traditional government budgets in Africa often fail to link the funds to the actor and to the activity. The budget breakdowns rarely connect all these issues and though this allows for flexibility, the net result is a complete reallocation of funds as demanded by the situation, hence shortfalls become inevitable.

Hesitancy on the part of donors partly explains the holding back of financial assistance for the APRM process. With many other parallel initiatives going on to stimulate and accelerate development in Africa, some fatigue has inevitably set in as even bi-lateral and multi-lateral support has largely been held back. The biggest concern is likely to be this: What are the benefits of APRM? Nonetheless, African countries have

demonstrated commitment to ownership by contributing 73 percent of the current total funds available.

Basket funding arrangements have been made in some cases under the UNDP (Uganda is one example) and in others some governments have shouldered the full financial responsibility (as in Ghana). Having the UNDP in charge of resource mobilisation has unfortunately left the agency in a better position to influence the process and this is a move governments are bound to frown on. A good example is the case of Zambia where the government was alarmed at the extent to which UNDP had mobilised civil society to

**Table 5: Financial Support to APRM Trust Fund**

Country	Amount in US dollars
South Africa	6 800 000
Algeria	1 500 000
Egypt	1 100 000
Nigeria	1 250 000
Other African countries	3 650 000
Canada	570 000
UNDP	2 700 000
DFID (UK govt)	2 000 000

*Source: UNDP 2006 Sixth Africa Governance Forum, UNDP Consultancy Report, Kigali, Rwanda, May 9-11*

be part of the process, without involving government in the mobilisation. This had the negative effect of delaying the preliminary review processes.

A point that also needs to be clarified is that funds raised for APRM are clearly for the review process and not for institutional support in the form of salaries, as these are expected to be shouldered by governments who second most of the staff.

In East Africa, a lack of financial resources and technical competence has affected the initial regional attempts at creating awareness of the APRM. The regional network, Regional Integration Civil Society Network, that was mandated with educating East Africans on NEPAD and the APRM, made a significant contribution by facilitating a preliminary report on Kenya, but beyond that, its mandate is yet to be fulfilled.

Colonial legacies have also affected the APRM pace. The Francophone culture of rooting all national processes in a legal framework has meant that presidential decrees are required to get the process started. This delays the process as the presidential decrees can take a long and winding legal route. On the other hand, the Anglophone practice legitimises the APRM through cabinet. Even so, delays have occurred as there are no legal boundaries demarcating where executive dominance and interference must stop. In the case of Tanzania, even a deviation from the Anglophone practice resulted in a stalled process as the country

waited for enactment of a law that would legalise the review process.

The flexibility of the APRM process can be an obstacle to some countries. For instance, Gabon reports being confused by the longevity and sustainability of the entire process. One of its excuses for delayed action is that it requires clarification on whether it should establish permanent country APRM structures (Rekangalt & Ikoghon-Mensah 2006). Another constraint is the lack of proper guidelines on capturing public input that can lead to disputes. Oral contributions made by civic groups (as in Kenya and Mauritius) could lead to disputes over interpretation since there is no documentary evidence to substantiate review findings.

Validation processes of the CSAR differ too across countries. Certain questions arise: What determines the quality of a credible validation process? Is it having a large audience (as in SA with 1 700) for a short period, or does the Ghana case – where 200 participants spent 3 days deliberating produce a better result? And could Benin's formula present the much sought for panacea? In Benin, the validation process took 3 days and involved 60 selected NGO representatives and researchers, all of whom had spent a few days reviewing the report prior to the meeting. After this, the CSAR report was taken back to the public again.

## Conclusion

Trying to find the locus of the impetus for changes triggered by the APRM forces us to make a distinction between technical and political triggers. From the progress in the process discussed in this paper, it makes logical sense to conclude that, at the country level, the technical impetus for change is externally driven for most of the countries. An agency that has contributed significantly to this is the UNDP. However, political impetus is internally driven, both in those countries that have made significant progress in their reviews and in those where the process is stalling. The difference in the political impetus appears to be about a cost-benefit analysis of what leaders fear to lose and encounter (such as increased political contestation) and not necessarily about the gains from speeding up the process.

What NEPAD and the APRM hope to achieve is not insurmountable but the challenge is in tackling all the problems simultaneously: conflict resolution and prevention, embracing and practicing democracy as well as good governance, eradicating poverty and hastening development and finally, working towards a rise in savings and, in the process, attracting and boosting foreign investment. So, how can the Africans achieve all this?

First it is important to remember that all countries that are signatories to the APRM have the task of



institutionalising peer reviews as a culture. The noble idea of voluntarism in this process aims to develop and inculcate a culture of good governance. Once the publics get to have a say in how they are governed, the expectation is that they will inevitably develop into a body of critical citizens who will demand to be included in decisions that affect them. Ignoring an informed and expectant citizenry is detrimental for any leader, hence, governance styles that are exclusionary and have a marginalising effect would be compelled to change to accommodate citizen demands.

Secondly, 'learning by doing' will undoubtedly result in the generation of political/governance capabilities that are in demand in most African countries. Through consultations, governments are learning to dialogue and locate themselves in the wider society. Participation in the generation of relevant knowledge creates new spheres of competencies for governments and this is likely to encourage the repetition of behaviour that will yield rewards to be reaped from engaging in that activity. The Kenyan judiciary review mentioned earlier is an excellent example.

Thirdly, the experiences of the countries that have undergone the process provide valuable information for perfecting the APRM process. Whilst the uniqueness of the countries must be preserved, more guidelines on issues that have plagued Africa since time immemorial - boundaries of inclusion and exclusion - must be put in place in order to give the process more legitimacy and broader acceptance. However, the main problem still remains that of trying to achieve a convergence in values at the continental level when this is yet to be realised at the country level in most cases. Nonetheless, positive steps have been made as the dimensions identified by Huntington (1965; 1968) - *autonomy, adaptability, complexity and coherence* - are fulfilled by different countries in different ways. However, the challenge still remains for most of the countries to address these issues.

Lastly, the APRM rises above just being another pan-African process. It is proving to be a positive experience in democratic institution building that will yield benefits in stimulating change in the governance and political culture on the continent.

## Notes

- 1 Other institutions are external, e.g., the G8's 2002 Africa Action Plan in which the G8 partners with African institutions to spearhead development.
- 2 Regional integration blocs on the continent are a good illustration.
- 3 In this paper, there is no need for the dominance of one institutional theory as the paper deals with diverse versions of governments.
- 4 Concept was coined by Charles Lindblom in 1959 in the article, *The Science of Muddling Through* in *Public*

*Administration Review*, vol. 19. no 2, Spring (1959) pp79-88. Concept refers to a policy making approach in which there is no consideration of competing alternatives. Instead, incremental adjustments are made to solve public problems.

- 5 Studies on the displacement of goals have documented the ways in which change triggers subsequent changes that alter the course of the original movement. See March, JG and Olsen, JP (1995) *Democratic Governance*. The Free Press.
- 6 Now the African Union.
- 7 The APRM draws technical, human and financial support from key strategic partners- the African Development Bank (ADB), United Nations Development Programme (UNDP) and the United Nations Economic Commission for Africa (UNECA).
- 8 POAs outline the governments' plans and measures for remedying the identified problems.
- 9 At the Sixth Africa Governance Forum in Kigali in 2006, many other countries that have not started on the review process presented country reports that demonstrated work in progress towards achieving good governance.
- 10 See the Sixth Africa Governance Forum 2006. Implementation of the African Peer Review Mechanism (APRM) in Cameroon: Prevailing Situation and Prospects. Kigali, Rwanda.
- 11 APRM base documents include The Guidelines on Technical Assessment and Country Review.
- 12 See Senegal's report to the Sixth Africa Governance Forum in Kigali Rwanda.
- 13 These 7 members are representative of the continent's regions. Ghana later used this model to constitute its non-state 7 member council.
- 14 The concept of the 'learning organization' refers to organizational success derived from continuous adaptation and learning that is a result of responding to environmental changes.
- 15 Organizational learning is a characteristic of adaptive organizations: those that are able to sense changes by interpreting signals from both the internal and the external environment and adapt accordingly.
- 16 Nigeria is a good case of low trust in the presidency. The 2004 Afrobarometer survey revealed that trust margins fell by over 50 percent in a two year period.
- 17 Citizenship is a strategic concept that is central in the analysis of identity, participation, empowerment, human rights and public interest. Its analytic value, is further enhanced by Will Kymlicka's argument that 'most liberal theorists have recognized that citizenship is not just a legal status, defined by a set of rights and responsibilities, but also an identity, an expression of one's membership in a political community'.
- 18 The Africa Commission produced a report that highlights issues of concern on the continent. World Bank Reports and UNDP governance reports are also a source of information for focus areas on the continent.

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## About the African Human Security Initiative 2

The African Human Security Initiative 2 (AHSI 2) is a follow-up to AHSI 1, a regional programme that used the system of peer review to monitor the extent of compliance of eight African countries with their commitments to democracy, good governance and civil society participation.

AHSI 2 uses the peer review concept to complement the formal NEPAD/APRM (New Economic Partnership for Africa's Development / Africa Peer Review Mechanism) process by focusing on the criminal justice system in selected countries identified for APRM review. Through local partnerships, AHSI 2 intends to build the capacity of an expanded membership to undertake research on security issues in order to facilitate the work of the Peace and Security Council of the African Union.

### Specific aims

The aims of AHSI 2 are as follows:

- To complement the work of the APRM in areas not covered by the latter.
- To mimic the formal APRM process in its methodology and in the development of appropriate implementation frameworks to support the implementation of national commitments and obligations.
- To provide governments with empirical evidence on the status of criminal justice and its impact on the political processes in their countries. This involves

working with governments in the development of a set of realistic and informed recommendations to help bridge gaps between national commitment and implementation.

- To identify structural and other inherent weaknesses in the criminal justice systems of participating countries.
- To encourage policy dialogue and public awareness of the broader implications of crime on the consolidation of democracy.
- To build capacity among a core network of partners in an area in which civil society organisations in Africa have traditionally been weak – criminal justice.

### The AHSI partners

The AHSI is composed of organisations that have taken the initiative to focus on human security in Africa. The current AHSI partners are:

- The South African Institute for International Affairs (SAIIA)
- The Institute for Human Rights and Development in Africa (IHRDA)
- The Southern Africa Human Rights Trust (SAHRIT)
- The West African Network for Peace-building (WANEP).
- The African Security Dialogue and Research (ASDR)
- The African Peace Forum (APFO)
- The Institute for Security Studies (ISS)

## A Propos de l'initiative 2 de sécurité humaine en Afrique

L'Initiative 2 de sécurité humaine en Afrique (AHSI 2) est la suite du programme AHSI, conçu comme système de revue des pairs, pour surveiller la conformité de huit pays Africains à leurs propres engagements dans les domaines de la démocratie, la bonne gouvernance et celui de la participation de la société civile.

L'AHSI 2 se sert du concept de revue des pairs, pour appuyer les efforts formels du NEPAD/APRM (Nouveau Partenariat Economique pour le Développement de l'Afrique/Mécanisme Africain de Revue des Pairs). Cet initiative se focalise sur le système de justice criminelle des pays qui ont choisi, de s'impliquer dans l'APRM. L'AHSI 2 se propose de renforcer la capacité d'un partenariat élargi, moyennant les partenariats locaux, permettant d'entreprendre une recherche sur les questions relatives à la sécurité, afin d'aider le Conseil de paix et de Sécurité, de l'Union Africaine

### Objectifs Spécifiques

Voici les objectifs spécifiques de l'AHSI 2

- Emuler le processus formel de l'APRM, dans sa méthodologie et dans le développement des cadres de mise en application appropriés, permettant la réalisation des engagements, et facilitant aux pays concernés de s'acquiescer de leur obligations.
- Donner aux gouvernements concernés les preuves empiriques, sur l'état de la justice criminelle et l'impact sur le processus politique dans leurs pays. Cela implique une collaboration étroite avec les gouvernements concernés, dans le but de développer des recommandations réalistes et

pratiques, permettant de combler les lacunes, dues à la divergence entre la réalité sur le terrain et les engagements des gouvernements Africains.

- Identifier les faiblesses structurelles et autres, dans les systèmes de justice criminelles, des pays impliqués.
- Permettre la création du cadre politique, en vue d'améliorer le dialogue et la sensibilisation du public, sur le rapport entre le crime et la consolidation de la démocratie.
- Renforcer la capacité des réseaux principaux des partenaires, dans un domaine où les organisations de la Société Civile, en Afrique, se sont révélées faibles - la justice criminelle.

### Les partenaires de l'AHSI

L'AHSI est constituée d'organisations qui se sont proposées de promouvoir l'initiative de se focaliser sur la sécurité humaine en Afrique. Actuellement, l'AHSI travaille avec des partenaires tels que:

- L'Institut des Affaires Internationales de l'Afrique du Sud (SAIIA)
- The Institute for Human Rights and Development in Africa (IHRDA)
- L'Institut des Droits de l'Homme et de Développement en Afrique (IHRDA)
- Le Système d'Appui aux Droits de l'Homme de l'Afrique du Sud (SAHRIT)
- Le Réseau d'Edification de Paix de l'Afrique de l'Ouest (WANEP)
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## About this paper

This paper uses an institutional approach in analysing the progress made by the APRM across the currently signed up countries. It argues that the African leadership/government(s) is in the position of gate-keeper in this review exercise, hence, meaningful progress will be difficult to achieve within a reasonable and workable time period. It also points out that democracy and dialoguing both need rules that guide actions and the APRM has left too many loose ends. It discusses the experiences of the countries that have undergone the process and how these provide valuable information for perfecting the APRM process.

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