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WITHER THOU THE AFRICAN PEER REVIEW MECHANISM PROCESS?

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Innovation through diversity



WITHER THOU THE AFRICAN PEER REVIEW MECHANISM PROCESS?

Inaugural lecture

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1. INTRODUCTION

The emergence of African states as independent by 1970 had brought hope and expectations to nationals that the winds of change were to be equated with good life and freedom. Yet, no sooner had political freedom been gained than expectations turned elusive. The causes were bad political governance that soon burdened many states, military interventions of one-party states, abuse of rule of law, mass corruption and nations disintegrating. Also, the quest for freedom and dignity was not helped by a continental union that focused solely on political liberation of Africa and prevented any concerted effort towards integration and promotion of socio-economic lives of people.

Tenets of a developed, democratic state involve the existence of a system with freedom of speech, association and assembly, as is the right to stand for office, a free press and a secret ballot. Further, these tenets are strengthened by the presence of a credible opposition, pluralism based on a strong civil society, a strong economy, and a distinction between the State and the ruling party (Thomson, 2000:216-218). Achieving these tenets in developing states is a function of public service reform, which is the reason for the establishment of the African Peer Review Mechanism (APRM). Yet, almost a decade after its inception, Graca Machel, a prominent member of the APRM, laments the "worrisome trend of coups d'etat and post-election conflicts in Africa" (Machel 2009:10). These, together with issues such as limited membership, tend to prompt the question: The APRM process – quo vadis? It is argued that the APRM is Africa's trump card for public service reform, yet, its effectiveness varies positively with restructure in membership and of the APRM itself.

2. THE CONCEPT OF PUBLIC SERVICE REFORM

Public service reform as a concept may be seen as "a change in the direction of greater economic or political equality, a broadening of participation in society and policy", and as "the devolution of responsibilities away from centralized bureaucracy" (Huttington, *in* Kuye, 2006:291). A common theme in these definitions is that a process of public service reform has as its objective the involvement of civil society in the art of government, and the enhancement of

service delivery through devolution and decentralization. Such is the summary of the mission of the APRM. Broken into nicer pieces, the concept *public service reform* would involve the following functions, amongst others (Mutahaba 2006:274):

- Restructuring and rationalization of government operations.
- Control of employment and size of the public service.
- Good governance.
- Decentralization and local government.
- Privatization and private sector development.
- Legal/judicial service reform.
- Reforms related to improving performance of specific sectors.

3. THE PRINCIPLE OF NON-INTERFERENCE

A striking feature of the charter of the erstwhile Organization of African Unity (OAU) was the absence of provisions that would enable the organization to impose its decisions on its membership (Cervenka, 1977:12). So conscious were African leaders about the guardianship of their newly won independence that the tendency filtered unreservedly into the principles of the OAU Charter. Among the seven principles were the following (Cervenka 1977:14):

- The sovereign equality of all member states.
- Non-interference in the internal affairs of states.
- Respect for the sovereign and territorial integrity of each State and for its inalienable right to independent existence.
- Unreserved condemnation, in all its forms, of political assassination and subversive activities on the part of neighbouring states or any other State.

The quest for non-interference in cross-territorial affairs by then African leaders was not by accident. First, only by May 1963, some African states had gained their independence from colonization and were wary of ceding any aspect of their newly, hard-won sovereignty to another organization and were more inclined to

consolidate their leadership (Uwechue, 1977:ix). More significantly, a number of ideological differences hampered the successful forging of unity in Africa. This was primarily because African independence occurred in the midst of the Cold War, a period during which the world system was seen to revolve around a bipolar axis, the conflict between the liberal West and the communist East (Dumor, 1991:3).

The steepness of the ideological divide in Africa took on a triumvirate character. At the beginning of 1963, the African states could be divided into three ideological blocs. The first was the largely pro-Communist "Casablanca Group" of Egypt, Ghana, Guinea, Mali, Morocco and Algeria. The objective was "to promote the triumph of liberty all over Africa and to achieve its unity" (Sohn, 1971:42). Opposed to the group was the larger liberal "Monrovia Group", which included Ethiopia, Cameroon, Nigeria, Senegal, Ivory Coast, Togo, Tunisia and Liberia. The pro-West Group desired, amongst other objectives, an absolute equality and sovereignty of African states; voluntary union of one State with another; non-interference in the affairs of other African states; and a rejection of an African State attempting to annex another African State (Sohn 1971:55). The third ideological leaning was the "Brazzaville Group". Consisting mainly of former French colonies, the group was strongly opposed to any kind of communist presence in Africa, and resolved to maintain a strong association or union with former colonist, France. The political explosion amongst African leaders in 1963 was closely linked to the political policy of the first president of Ghana, Dr Nkrumah.

3.1 Role of Nkrumah

21 September 2009 marked the centenary anniversary of Dr Kwame Nkrumah, the first president of Ghana. It is appropriate to reconstruct the pivotal and yet controversial role of this illustrious leader of African liberation towards the formation of African unity. In 1958, Nkrumah convened the first All African Peoples Conference in Accra, Ghana, an event that served as catalyst for the demand for independence by other states, and which was a forerunner to the formation of African unity.

Perhaps Nkrumah's vision in Addis Ababa nurtured contemporary leaders into formulating Africa's blueprint for economic development, the New Partnership for Africa's Development (NEPAD). On 24 May 1963, as a spokesperson of the Casablanca Group, Nkrumah outlined his vision of African unity as follows (Cervenka, 1969:3; 1977:6):

- Setting up a Union Government of Africa.
- An African civil service.
- An African High Command.
- A court of justice.
- African common market, an African currency, an African monetary zone and a central bank.
- A common foreign policy and diplomacy

Brilliant as Nkrumah's ideas were, African leaders rejected the notion of a federal African state and everything Nkrumah stood for. The contemptuous stand emerged from sentiments and suspicions that Nkrumah was responsible for the political assassination of President Olympio of Togo and assassination attempts on leaders of Liberia, Nigeria and the Ivory Coast (Cervenka 1977:4). These animosities led to the triumph of emotions over the public interest and formed the bedrock that filtered into the OAU Charter of non-interference. By the year 2000, the principle of non-interference in domestic affairs of member states had led to a woeful political and economic record. Nearly half of the states on the continent suffered setbacks in political development and integration because of civil wars, military intervention, *alias* coups d'etat, corruption in high places and generally poor governance. At a summit of the African Union (AU), Libyan leader Muammar Gaddafi (2005:32) described the effect of the principle of non-interference as follows: "Our proposals since 1963 contain one voice for Africa, a single currency ... a continental communication system. These are the words of Nkrumah in 1963. His words were brushed aside, and Africa paid the price. The average African has paid a price in the form of subjugation to disease, exploitation, backwardness and blackmail" The position of Gaddafi will be seen later as contradictory to his rhetoric.

Four decades later, the African Union (AU), as successor to the OAU, has recognized the imperative need to engage Africa in constructive territorial interference. To that effect, the vision and mission of Nkrumah have been realized, namely AU structures involving a Pan African Parliament, a Court of Justice, a Peace and Security Council, and an African Central Bank(www.africanunion.org).Furthermore significant is the resolution by the AU to create the African Peer Review Mechanism (APRM) as an institution to engage member states constructively in pursuit of good governance.

4. THE AFRICAN PEER REVIEW MECHANISM

Peer review refers to the systematic examination and assessment of the performance of a State by other states (peers), by designated institutions, or by a combination of states and designated institutions. Thus, a number of intergovernmental and international organizations such as the European Union, UN bodies and the IMF use peer review to monitor and assess national policies and performance in several sectors (Hope, 2005:290). In academia, peer review is undertaken when an editor of academic repute makes an initial assessment of the suitability of a paper for a journal and then sends it to a number of referees to adjudicate suitability for publication (Kanbur, 2004:158). The peer review process of Africa, however, is largely political in that it covers the entire fabric of the functioning of governments.

The African Peer Review Mechanism (APRM) is an African-led innovation that represents a bold approach to reform for building capable states with enduring good governance and sustainable development. The APRM is designed to monitor and assess progress made by African countries in meeting their commitment toward achieving good governance, social reforms and sustainable development (Hope, 2005:289). It is an instrument voluntarily acceded to by member states of the African Union as an African self-monitoring mechanism (though the voluntary membership notion is a weakness of the process). The mandate of the APRM 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 a Declaration on Democracy, Political, Economic and Corporate Governance (Hope, 2005:289).

4.1 Structural Functioning of the APRM

The overall responsibility for the APRM is vested in the Committee of Participating Heads of State and Government of the Member States of the APRM, titled the APR Forum. The mandates of the APR Forum are, amongst others (www.nepad.org),

- appointing the APR Panel of Eminent Persons, considering the country review reports, making appropriate recommendations to the reviewed countries and exercising constructive peer dialogue and persuasion;
- ensuring that the APR process is fully funded; and
- persuading development partners to provide technical and financial assistance to support the implementation of the programme of action of the reviewed countries.

A further constructive process of engaging Africa involves the composition of the review panel. A Panel of Eminent Persons (APR Panel) depicting regional and gender diversity is appointed by the heads of state to oversee the APRM process and ensure its integrity. The APR Panel is assisted by the APR Secretariat, which provides the secretarial, technical, co-ordinating and administrative support services for the APRM. The APRM Secretariat is currently established in the NEPAD Secretariat in Midrand, South Africa. The APR Panel is composed as follows (www.nepad.org):

- Prof Adebayo Adedeji (West Africa) – Chairperson.
- Dr Dorothy Njeuma (Central Africa) – Vice Chairperson..
- Ambassador Bethuel Kiplagat (East Africa).
- Dr Graca Machel (Southern Africa).
- Prof Mohammed Seghir Babes (Northern Africa).
- Dr Chris Stals (Southern Africa).
- Ms Marie-Angelique Savane (West Africa).

The candidature of an APR Panel member is dependent on criteria such as Africans who have distinctions in careers. considered relevant to the work of the APRM, namely expertise in the areas of political governance, macro-economic management, public financial management and corporate governance. Further, appointees should be persons of high moral stature and with demonstrated commitment to the ideals of Pan Africanism. Thus, quality in candidature provides a strong basis for the APRM process. Candidates for appointment are nominated by participating countries, short-listed by a Committee of Ministers and appointed by heads of state and governments of participating countries.

The *modus operandi* of the APRM serves as a further strong need of the process. The panel exercises oversight functions over the review process, in particular to ensure the integrity of the process. The APR Charter secures the independence, objectivity and integrity of the panel. The panel is supported by a competent secretariat that has the technical capacity to undertake the analytical work that underpins the peer review process and conforms to the principles of the APRM. The functions of the secretariat include maintenance of 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 (www.nepad.org).

Participation in the APRM is voluntary and open to all member states of the African Union. As pointed out by Mukamunana and Kuye (2005:591), voluntary participation departs from the principle of sovereignty of states and recognizes that a State cannot be compelled to follow any prescribed model of governance. Instead, the APRM seeks to help willing countries improve governance as a precondition for integration and development, and acknowledges that each country is unique in terms of the socio-political, economic and cultural environment and that these self-characteristics should inform recommendations for improvement. What makes engagement by APRM quite constructive is that the mechanism of peer review is a non-adversarial and non-punitive process in which trust among participating countries is crucial for its success.

The argument for voluntary participation is an anomaly. Invariably the decision not to belong to the APRM process is a prerogative of a small elite of political bureaux in states whose agenda is the continued maintenance of policies that oppress the wider mass. It is submitted that states that belong to a common Union must be reviewed under a common denominator. Currently, twenty-nine countries have acceded by signing the Memorandum of Understanding. These are Algeria, Angola, Benin, Burkina Faso, Cameroon, Djibouti, the Republic of the Congo, Egypt, Ethiopia, Gabon, Mali, Mauritania, Mauritius, Senegal, Tanzania, Lesotho, Sierra Leone, Malawi, Ghana, Kenya, Mozambique, Nigeria, Rwanda, Sao Tome & Principe, Togo, South Africa, Sudan, Uganda and Zambia. Thus, as a clear departure from the mood and position of non-interference in 2000, about half of the African states sincerely open their governance systems for constructive territorial review.

4.2 Matrix for Promoting Public Service Reforms

The APRM process involves scientifically worked-out objectives and stages. At the time of 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. To facilitate the process, it has become a norm for reviewing a State to designate or create an institution as focal point for review. Thus, Ghana created a new Ministry of Regional Co-operation and NEPAD, with Minister KK Apraku in charge, and in South Africa, the then President allocated Minister Geraldine Fraser-Moleketi of Public Service and Administration with the co-ordinating responsibility for the APRM process (www.aprm.org.za). In an attempt to facilitate public service reform, the APR process involves four types of reviews (www.nepad.org):

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. Second, a periodic review takes place every two to four years. Third, for its own reasons, a member country can ask for a review that is not part of the periodically mandated reviews. Fourth, early signs of an impending political or economic crisis in a member country would also be sufficient cause for instituting a review. Such a

review can be called by participating heads of state and government "in a spirit of helpfulness" to the government concerned.

The APR process involves specific stages. Stage One entails a study of the political, economic and corporate governance and development environment in the country for review. The study is based on current documentation prepared by the APRM Secretariat and material provided by national and international institutions. In Stage Two, the Review Team visits the country concerned to carry out the widest range of consultation with the government, officials, political parties, parliamentarians and representatives of civil society organizations including the media, academia, trade unions, business and professional bodies. In Stage Three, the team prepares its report, which is based on information from the secretariat and the consultation briefings held. The report is first given to the government for comment, giving it the opportunity to decide how the identified shortcomings may be addressed. Stage Four begins when the APRM Secretariat submits the team's report to the participating heads of state and government. After the fourth stage, participating heads continue to engage the reviewed State by means of assistance in the form of dialogue, technical advice and a collective intention to proceed with appropriate measures by a given date. Six months after the report has been considered by participating heads of state and government, the report is tabled in key regional structures such as the Pan African Parliament and the Peace and Security Council. This constitutes the fifth and final stage of the process.

4.3 Specific Public Service Reforms

In engaging a process of public service reform in Africa, commonalities exist in states. Further, a primary element of good governance that needs reform in Africa is ensuring that citizens have a say in how they are governed (Kuye, 2006:291). Consequently, Mutahaba (2006:274) outlines the following commonalities for reform:

- Re-examination of the role of government, i.e. what government should do and not do.
- Re-examination of the costs of running government business.
- Decentralization and devolution of authority within a government.

- Consideration of more cost-effective ways of service delivery, including privatization or corporatization of activities.
- Partnership between the government and the private sector in providing services.

The specific reforms that mark the peer review agenda follow key objectives in that regard.

The key objective of the APRM process is to identify the extent of development or weaknesses in specific public service functions in the context of the four peer review areas. The key objectives for democracy and political governance, as rightly observed by Maloka (2004:10), draws strongly from the declaration on unconstitutional changes of government. The objectives are (www.aprm.org.za)

- to prevent and reduce conflict within and between countries;
- the consolidation of constitutional democracy that includes periodic political competition, the rule of law and the supremacy of the firm establishment of the constitution
- upholding tenets of separation of powers including the protection of the independence of the judiciary and of an effective parliament;
- ensuring accountable, efficient and effective public office holders and civil servants;
- fighting corruption in the political arena; and
- promotion and protection of the rights of vulnerable groups including women, children, the disabled and displaced persons.

The key objectives for economic governance and management include

- promoting macroeconomic policies that support sustainable development;
- implementing transparent, predictable and credible government economic policies;

- promoting sound public finance management;
- fighting corruption and money laundering; and
- accelerating regional integration by participating in harmonization of monetary, trade and investment policies among participating states.

Equally laudable key objectives are outlined in the key areas of corporate governance and socioeconomic development. Thus far, the matrix has been used to review seven states, namely Ghana, Rwanda, Kenya, South Africa, Algeria, Benin and Uganda (www.aprm-documents)

4.4 Wither Thou The Peer Review Process Then?

Given the international experience with peer reviews, the APRM has the potential to provide a number of benefits to reviewed states (Hope, 2005:295). As African countries seek to improve their governance through public service reforms, the APRM provides the basis for policy changes to meet commitments and to observe the agreed standards and codes. The process facilitates the monitoring of compliance with agreements entered into, and states are much more inclined to comply within oversight functions of the APRM. Given the history and resultant disastrous effects of bad governance in Africa, with a lack of openness and rampant corruption, the review process represents a sea of change in the thinking of African leaders and a major milestone in the political development of the continent. The South African Government adds that the APRM country review will enhance efforts by South Africa to meet challenges of the next decade, help build institutions involved in the promotion of democracy and relationships between these institutions and individuals, help address the challenges raised by the second economy and will help South Africa's efforts in job creation and improved service areas such as health, education, housing and other basic services (www.aprm.org.za). In addition, the peer review process lends credibility to Africa at a time of growing donor fatigue and deep external cynicism. More crucially, the APRM represents the legitimization of a reform process that wards off the external pressure that is usually associated with imposed conditions from external lending institutions (Juma, 2004:178)

Yet, the process does have inhibitive issues that have the potential to limit its effectiveness. Years after its inception, membership comprises a meagre 55 percent of African states. Thus, while good governance is being promoted in participating states, political and economic turmoil are potential in 45 percent of the states. Worse still is that a number of non-member states have authoritarian or totalitarian systems. It is even more ironic that the current chair of the AU, namely Libya, is a non-member, a situation that undermines the legitimacy and credibility of the process. This is an anomaly that suggests that membership of the APRM process can no longer be voluntary.

The process for engagement needs further attention. Currently, engagement by the Forum of Participating Heads of State with a reviewed state occurs only at the fourth stage of the process. Yet, political flashpoints abound in Africa, particularly in non-participating states. There is an imperative need to include in the APRM process a group of elderly statesmen whose function would be timeous engagement with potentially troubled states to ameliorate tensions and incidences of underdevelopment. In Africa, elderly statesmen of such reputable functional diplomatic experience include former UN General Secretary Kofi Annan in Kenya, former South African President Thabo Mbeki in Zimbabwe, former Nigerian President Olusegun Obasanjo in the DRC, and former Mozambican President Joachim Chisano in Madagascar. Kuye and Kakumba (2008:156-168) call them "political ombuds". Therefore, it is submitted that there is an urgent need to restructure the current establishment of the APRM for purposes of promoting proactive political and economic intervention in potentially troubled African states. Such a restructured institution will be the African Peer Review Ombuds (APRO).

5. CONCLUSION

The African Peer Review Mechanism has been welcomed by African states and leaders. The initiative holds much hope for promotion of political stability, economic growth and ultimate improved living standards. It is a worthwhile institution that can help promote and achieve the admonition by US President Barack Obama that "Africa does not need strong men. it needs strong institutions" (Pelser, 2009:2).

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