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CONTINENTAL OVERSIGHT STRUCTURES OF THE APRM:
THE PAN-AFRICAN PARLIAMENT, THE ECONOMIC, SOCIAL & CULTURAL
COUNCIL& THE AFRICAN COMMISSION ON HUMAN & PEOPLES’ RIGHTS

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“The [African] Parliaments have the responsibility to mobilize support for the implementation of APRM at the national level and, will be required through the oversight function, to facilitate the conducive environment for successful operations of APRM teams with the individual African countries.... If the APRM is to achieve the stated objectives and have sufficient impact...we African parliamentarians must take the driver’s seat and help to define the shape of the APRM and also device frameworks and mechanisms for popularizing it among the citizens of our respective countries.”

[Edward K. Sekandi, Speaker Parliament of Uganda, 2003:55-56]

1. The continental context of institutional design for democratic governance

How do we account for the establishment of such African continental oversight structures as the Pan-African Parliament (PAP), the Economic, Social and Cultural Council (ECOSOCC), and the African Commission on Human and Peoples’ Rights (ACHPR) in recent years? What does their establishment illustrate about the significance and relevance of the African Peer Review Mechanism (APRM) to their objectives and the principles informing the objectives? What challenges face them, and what opportunities and prospects do they offer for democracy and development in Africa, in the specific case of the African Peer Review Mechanism?

I have framed the questions in this way to enable me situate my conjectures about the oversight roles of the PAP, ECOSOCC and the ACHPR over the APRM process within the broader context of Africa’s recent engagement with democratic transitions and contemporary globalization. For it seems to me that, viewed from the historic engagement of Pan Africanism with the antinomies of democracy, development and globalization in its various manifestations in Africa, since colonial times, the emergence and establishment of these oversight structures, must be viewed as confronting the need for institutional design to create capable states in Africa on the basis of a coordinated African continental response to the antinomies.

Designing such continental structures (i.e. institutions) with the consequential faithful pursuit of processes and policies to drive them requires a new political will and a political culture, grounded in public spiritedness, by African stakeholders in state and society to confront and overcome the antinomies.

What accounts for the oversight structures?

The establishment of the Pan-African Parliament, ECOSOCC and ACHPR can be traced to a resurgent Pan Africanism, characterized by new but radical and home-grown thinking about, reflecting developments in African politics, in African international relations and in global politics over the past several years. This resurgence can be linked to the popular pressures for what amounted to Africa’s social independence, or second wave of independence, in the form of the popular struggles of African peoples against not only various forms of authoritarian and kleptocratic rule but also externally imposed and anti-people structural adjustment policies, both of which represented a betrayal of the high hopes for democracy and development raised by the anticolonial movement and political independence

This new thinking about modes of governance, whose antecedents in African politics can be traced to the political writings of Cabral, Fanon, and to some extent, Nyerere, is elaborated in a number of doctrinal formulations of the principles informing this resurgent Pan-Africanism, which are now notably condensed in the composite and more recent Declaration on Democracy, Political, Economic and Corporate Governance [AU, 2002a], and the Charter on Democracy, Elections and Governance, [AU, 2007]. This thinking is anchored on people-centered democratic principles, which redefine politics as a public interest project. It requires political practice and processes to be anchored on competitive electoral politics, ethics, accountability and transparency in public life, rule of law, separation of powers, promotion and protection of human rights, cultural and social pluralism, political inclusiveness, and political decentralization.

As I have argued elsewhere, in respect of the APRM, “the broad aim [of this new thinking] is to redefine and reconfigure the nexus connecting politics and public policy, and that connecting citizenship to the state, on a more viable, public interest-oriented democratic basis, in order to build and strengthen human and resource capacity, so vital to the emergence of the capable state in Africa, and to indigenize the African development process.” [Jinadu, 2008:4] While underscoring individual civil and political rights, the redefinition goes beyond them to include social, cultural and economic rights, as the material conditions so essential not only to enjoying those traditional or conventional rights in liberal democratic theory but also to providing access to the state and participation in politics to hitherto excluded and marginalized groups.

In other words, the PAP, ECOSOCC and APRM are continental institutions, which have been designed on the basis of this redefinition of citizenship and citizenship rights, which are so well articulated in the African Charter on Human and Peoples’ Rights.

The Pan African response

The principles and expectations, which framed the design architecture and which informed the establishment of the PAP, ECOSOCC, the ACHPR, and the APRM throw up another dimension of the Pan-African response to the antinomies of democracy and globalization in Africa and their resultant deficits in state capacity. This is the Pan African policy prescription for a coordinated African continental response, transcending state boundaries, and requiring some diminution of state sovereignty to impel collective intergovernmental or supranational cooperation, or economic and political integration or union among African countries, in the form of the regional economic communities, the Organization of African Unity, the New Partnership for Africa’s Development, and the African Union, in collaboration with strategic partners like the Economic Commission for Africa and the African Development Bank. The expectation is that African regional and continental cooperation pursued on the basis of shared or disaggregated sovereignty will help build and strengthen state capacity in Africa, the more to consolidate democracy and withstand the negative economic and political effects of globalization on African development.

The pursuit of such a coordinated African continental response derives from what has been described in the following terms, as a “Pan-African ‘common interest’ perspective” to state capacity in Africa:

(a) Owing to the “increasing wave of globalization, and the emergence of strong regional, economic and trading blocs in other continents, the challenges of over dependence and under-exploitation of its potentials have increased the marginalization of the continent in world affairs,”

(b) “The goal in pursuing development through a common interest perspective is to bring about human progress in Africa; restore human dignity to the African people...promote progressive African social and political values and defend the African personality;”

(c) There is need to develop the human potentials of Africa and include the people in the development process,” so as to

(d) “Build [Africa’s] collective capability and capacity to act as stakeholder and not an outside in world affairs, and to fully participate in shaping international norms and agendas.” [African Union: 2006:8]

The highpoint of the attempts to forge this kind of supranational African collaboration, through disaggregated sovereignty is the on-going debate within the African Union to reform it, principally through the establishment of the African Union Government, with executive and legislative competences in a number of “strategic” policy areas, as a transitional step towards the United States of Africa.

It is against the background of this Pan African response to governance in Africa as a shared responsibility across national boundaries that the APRM must be viewed as a radical and refreshing design innovation. To place such African oversight structures (institutions) in clearer perspective in the specific case of the APRM, it is apposite to give an overview of the core principles of the APRM and the prospects and challenges it poses for democracy and development.

APRM core principles

The APRM, like the PAP, ECOSOCC, and ACHPR, is anchored on the same core principles or theory of governance outlined notably in the Declaration on Democracy, Political, Economic and Corporate Governance [AU, 2002a], and in the African Charter on Democracy, Elections and Governance. [AU, 2007]

The principles aim to propel public policy and the practice of governance in Africa towards new people-centered or popular, and people-empowered democratic directions. In the case of the APRM, these principles take on a new dimension in redefining African politics in terms of a partnership or social contract between critical stakeholders on the basis of their collective or intersecting social responsibility to protect and advance the public interest.

The principles, in effect, provide a framework for what is concretely required of public policy, beyond formal constitutional provisions of citizenship, to ensure equal access to

the state, and enhanced participation in governance, by the individual and by collective groups, especially the historically disadvantaged or marginalized ones. This is the radical, and progressive implication of the APRM, if faithfully implemented, in transforming liberal democracy along social or populist democratic lines.

The notion of ownership, which anchors the APRM, well expresses this all inclusive formulation of what the relationship between citizenship, the state and public policy should be like, with the consequential collective social responsibility, which means that government should be everybody's business, conducted on the basis of a grand and open, all-inclusive national dialogue. This is the new dimension, which the APRM has added to recent Pan African thinking about democracy and development in Africa. It represents, in the light of Africa's postcolonial history, especially the descent into authoritarian and personal rule in many countries, a radical departure from the view that government is nobody's business, or only that of the political class or its hegemonic fractions.

If this is the theory of the APRM, what needs to be underscored is that, given Africa's current conjunctures, the APR country processes must be viewed as providing points of departure, namely a new terrain, challenging opportunities, and principled justification, for advancing the struggle for widening and enlarging public spaces for the nurture and consolidation of popular democracy and good governance in the member states.

In line with this perspective, the APRM provides the following four intersecting, and generally overlapping thematic areas for framing, improving and assessing the content and conduct of politics as a public interest-centered project in its member states, namely (a) democracy and political governance; (b) economic governance and management; (c) corporate governance; and (d) socioeconomic development.

Against the background of the principles and objectives outlined in these four thematic areas, the APRM aims to rehabilitate politics as a public project, and to reconceptualize citizenship in a more inclusive and populist manner, which questions the exclusivist hegemony of privileged sociological majorities, who had tended to deny citizenship rights and equal access to the state in concrete material terms to sociological minorities.

APRM stakeholders

This rehabilitation presupposes that governance or politics is a public trust, involving the following tripartite partnership between state and non-state stakeholders: (a) government and the people, including the civil society and other subsidiary associations in society; (b) government, the people, and the private sector; and (c) government, the people, the private sector, and the African and international community.

This means that there are four broad categories of fiduciary stakeholders in the project, with each category complex, marked usually by deep contradictions within it and with other categories. As the specificities of the APRM country process dictate, each stakeholder group can disaggregated into various, even competing or conflicting sub-categories, as is indicative from the following partial listing:

- (a) Government: the executive, legislature, and judiciary, at all levels, especially in a federal or decentralized system;
- (b) Civil Society/The people: individual citizens and non-nationals, members of subsidiary associations (civil society or non-governmental organizations, professional organizations, academia, community-based groups, minorities or marginalized groups);
- (c) The private sector: formal and informal, organized and unorganized; and
- (d) The African and international community

What is remarkable and original about the APRM in this respect is its interposition of a continental African fiduciary interest and mechanism into the domestic politics of its Member States. It does so by providing for a formal institutional process, which, in practice, can serve, through its peer review process, as an early warning or preventive mechanism to avert economic and political crisis in the participating states from degenerating into intra- and inter-state conflict.

In the words of paragraph 14 of the APRM Base Document [AU, 2002b], “Early signs of impending political and economic crisis in a member country would also be sufficient cause for instituting a review. Such review can be called for by participating Heads of State and Government in a spirit of helpfulness to the Government concerned.”

It is also within this context that the APRM stresses the responsibility of national governments and other stakeholders, including “participating Heads of State and Government,” to ensure and monitor the domestication and faithful adherence to, and implementation of African and international codes, standards and conventions in the four thematic areas, to which the member states have acceded.

The interposition of a collective African fiduciary interest in the domestic politics of Member States by the APRM is, indeed, an imaginative applied policy expression of the “Pan African ‘common interest’ perspective” to building state capacity in Africa, to which reference was made earlier in this paper.

1- PAP, ECOSOCC and ACHPR as drivers of change

It is instructive from this “Pan African ‘common interest’ perspective” to view PAP, ECOSOCC and the ACHPR as critical institutional drivers and accelerators of change within the African Union, alongside other organs of the Union. Their oversight role in respect of the APRM, therefore, derives from the powers and functions conferred on them by protocols establishing the PAP and the ACHPR, and the statutes creating ECOSOCC, and those which can be inferred from the objectives and principles of the Constitutive Charter of the African Union.

As the following summaries will show, the PAP, ECOSOCC and ACHPR are African continental institutions whose mandates are, in a mutually reinforcing and complementary manner, designed to improve, advance and consolidate democratic governance in ways, which will ensure not only accountability, transparency, participation, inclusion and respect for human rights in public political life, but also that institutional processes and policies are pursued and implemented to that end. It is in this

sense that it can be said that these continental institutions have an implied oversight role in the APRM process, which is in itself equally designed to advance democracy and development in Africa.

To take the example of the PAP: Its implied oversight powers derived partly from the Preamble to the PAP Protocol but more significantly from its broad oversight powers in Article 11(1) of the Protocol, which mandates the PAP to “examine, discuss and express an opinion on any matter...and make any recommendations it may deem fit relating to, inter alia, matters pertaining to respect for human rights, consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law,.” as well as Article 11(9), which empowers it to “perform such other functions as it deems appropriate to achieve the objectives set out in Article 3 of this Protocol.”

Their oversight role is implied also in the sense that the doctrinaire and other APRM documents make scant provision for them in the continental APRM structures, other than the requirement in paragraph 25 of the APRM Base Document [AU, 2002b] that Six months after the report [of the Country Review Team] 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.”

Objectives, functions and powers of PAP.

The objectives of the PAP, as stated in Article 3 of the protocol establishing it, include facilitating “effective implementation of policies and objectives of the OAU/AEC and ultimately the African Union;” promoting “the principles of human rights and democracy in Africa,” encouraging “good governance, transparency and accountability in Member States;” and strengthening “Continental solidarity and build a sense of common destiny among the peoples of Africa.” Its functions and powers, as provided for under Article 11, are, for the time being, “advisory and consultative,” and include

- (a) Examining, discussing or expressing “an opinion on any matter, either on its own initiative or at the request of the Assembly or other policy organs and make any recommendations it may deem fit relating to, inter alia, matters pertaining to respect of human rights, the consolidation of democratic institutions and the culture of democracy, as well as the promotion of good governance and the rule of law”;
- (b) Making “recommendations aimed at contributing to the attainment of the objectives of the OAU/EAC and draw attention to the challenges facing the integration process in Africa as well as the strategies for dealing with them”;
- (c) Performing “such other functions as it deems appropriate to achieve the objectives set out in Article 3 of [the] Protocol,” establishing it.

Mandates of ECOSOCC

ECOSOCC Statutes provide, among other mandates, that it should

- (a) Promote dialogue between all segments of African people on issues concerning the Continent and its future;
- (b) Forge strong partnerships between governments and all segments of civil society, in particular, women, the youth, children, the Diaspora, organized labour, the private sector, and professional groups;
- (c) Promote and defend a culture of good governance, democratic principles and institutions, popular participation, human rights and social justice.

Functions of the ACHPR

Established by virtue of Article 30 of the African Charter on Human and Peoples' Rights, the ACHPR is empowered to

- (a) Consider reports from State Parties to the African Charter on measures they have taken to give effect to the rights and freedoms recognized and guaranteed by the Charter; and
- (b) Receive reports on human rights situations in different African countries.

2 - PAP, ECOSOCC, ACHPR: Prospects and Challenges of the APRM

To go back to some of the questions that frame this paper: What does the establishment of the PAP, ECOSOCC, and the ACHPR illustrate about the significance and relevance of the African Peer Review Mechanism (APRM) to their objectives and the principles informing the objectives, as summarized above? What challenges face them, and what opportunities and prospects do they offer for democracy and development in Africa, as they undertake their respective oversight roles, in the specific case of the African Peer Review Mechanism?

Relevance of APRM to PAP, ECOSOCC and ACHPR

Like PAP, ECOSOCC and the ACHPR, the APRM, as has been illustrated earlier in this paper, is designed on the same defining principles and objectives, which informed and led to their establishment. The relevance and significance of the APRM to them, as indeed of their own relevance and significance to the APRM, is to push for, and create the conditions, which are conducive to faithful commitment at the continental and national APR processes to the APRM defining principles, through the pursuit and implementation of public policies geared towards the achievement of their objectives and the consolidation of the gains of such policies.

The oversight roles of the PAP, ECOSOCC, and ACHPR can, therefore, be located at two levels: at (a) the continental level, through their statutory as well as implied powers and (b) the national level, either through their national liaison offices, where they exist, or through their respective analogously functional equivalents (national parliaments, civil society organizations, and national human rights commissions). What follows in the next section is a focus on the PAP to illustrate the challenges of the APRM for the PAP, ECOSOCC, and ACHPR

PAP: political context of the challenges of APRM for PAP

PAP has shown interest in the APRM, right from the establishment of the APRM. In September 2004, Professor Wiseman Nkuhlu of the NEPAD Secretariat made a presentation on NEPAD and the APRM before the PAP. Since then it does not seem that APRM issues have focused as priority engagement of the PAP. This is, perhaps, part of a broader problem of the limited impact of the PAP

In its PAP-Rec 002/04, PAP made the following recommendations on the APRM:

- (a) National parliaments, which have not done so should accede to the APRM, as a domestication of their commitment to good governance in Africa; and
- (b) All peer review reports should be tabled in PAP for debate, observations and recommendations.

While not directly or consciously linked to the APRM continental and national processes, but informed by the same consideration for, and principles of good governance in APRM doctrinaire statements and the 4 APRM thematic areas, the PAP passed in its early years the following resolutions and recommendations in 2004, which presaged how it would face the challenges of the APRM:

- (a) PAP-Res. 004/04: Resolution on Oversight, requiring that the PAP's Committee on Rules, Privileges and Discipline hold further discussions with a view to making specific recommendations on how PAP should exercise its oversight function to ensure progress on its objectives as outlined in the Protocol establishing it.
- (b) PAP-Res 005/04: Protocol on Corruption
- (c) PAP-Res 006/04: Resolution on Ratification of Protocol on Women's Rights in Africa
- (d) PAP-Rec 003/04 Recommendation on Peace and Security in Africa.
- (e) PAP-Rec 005/04: Recommendation on the role of PAP, with specific reference to at paragraph 5 to need for respect for doctrine of mutual cooperative governance, separation of powers and mutual oversight roles, and at paragraph 6 to need for skills development and knowledge enhancement through continuing education and capacity building in partnership with African intellectuals and experts and civil society in order to strengthen the work of PAP and to contribute to the principle of involving African peoples in the affairs of the African Union.

Earlier in December 2003, participants, "including a cross-section parliamentarians from twelve African countries that have acceded to the African Peer Review Mechanism, at a meeting on African Parliamentarians and the African Peer Review Mechanism, with their main focus on APRM country processes, "underscored the need for parliamentarians to take their legislative and oversight role seriously, as they would be required to bring this to bear on the APRM process...and maintained that it would be incumbent on parliamentarians to provide forum for national debate on NEPAD/APRM." [Aderinwale, 2004:21]

To this end, the participants at the meeting suggested that the following action would be required at the national level by parliamentarians [Aderinwale, 2004:21-22]

- (a) The Parliament should create a liaison for dealing with the APRM.
- (b) A network for monitoring the APRM should be created and such network should be used to propagate the peer review mechanism among the people.
- (c) Creation of direct link between the [continental] APRM Secretariat and the various national Parliaments and Parliamentarians.
- (d) The national working group on the peer review or whatever name it is given in a country's national process, should include members of the parliament.
- (e) Members of Parliament should be included in the preparatory stage, country visit and technical visits of the APRM.
- (f) There should be standing committees in the parliament dealing with the NEPAD/APRM, and these committees should interact with other relevant committees.
- (g) On returning to their countries, participating parliamentarians should immediately demand (i) reports on the NEPAD/APRM activities from the Executive [branch], and (ii) that the relevant structures in the parliament dealing with the NEPAD/APRM be delineated.

But much has happened since the Uganda meeting in 2003. In spite of the suggestions itemized above, the story virtually everywhere is the same: parliaments have tended to play a marginal role in the APR country processes, in the face of a deliberate and calculated executive branch dominance of the processes. This merely reflects the situation in many APRM member states, where national legislatures have been even much less of a dignified branch of government. At the regional level, it is recently that the Parliament, working alongside the ECOWAS Commission, is mobilizing national parliaments to take more than a passing, quiescent interest in the APRM and their APR country processes.

There is little evidence to show that the PAP has prodded national parliaments to be more assertive in carrying out their general legislative and oversight functions or to be more actively engaged in the APR country processes. Perhaps, this is to be expected, given the observation of the AU Audit panel, that "discussions with the Panel revealed that the PAP has had little impact on substantive issues of significance to the continent." Much therefore remains to be done to ensure the sustainability of the APRM by national parliaments and the PAP as critical drivers of the APRM. The APRM is now very much part of the landscape of African politics, with its accession rate moving on progressively and steadily, even if tardily.

This development constitutes a major challenge for PAP, requiring proactive and imaginative strategic response to it. Another major challenge for the PAP is how it maps out its own conception of its role within the African Union, especially its legislative priorities and how it structures itself to carry out its functions and powers, as well as its own relationship with national and regional parliaments and other stakeholders in the

APRM, in the context of current debate on how to accelerate and deepen continental integration through a reconstructed African Union. Although, in terms of Article 3(1) of the PAP Protocol, “members of PAP...have consultative and advisory powers only,” there is room within this constricting provision, and within what I have described as their implied powers, for them to insert themselves more proactively into the APRM continental, regional and country processes than has been the case so far. For example, Articles 12 and 18 of the PAP Protocol provides windows of opportunities for PAP to exercise oversight over the APRM, which have not been fully explored.

This brings to mind the politics of two critical issues raised by this challenge: the first issue is about the legislative competence of the PAP and its implications for other organs of the African Union, while the second is the integration of NEPAD and APRM into the African Union. How these issues are handled and resolved, as part of the high politics of the African Union, will ultimately affect how the PAP, and indeed ECOSOCC and the ACHPR undertake their oversight of the APRM. Transforming the PAP from a consultative and advisory to a conventional legislative competence and functions, with the direct lections of its members, and with direct juristic impact on the citizens, institutions and political processes of its member states remains a sore point of division between the “maximalists” and “gradualists” within the African Union.

Integrating the APRM into the AU, and how this is to be done, whether to subsume it under the AU Commission or create a separate structure for it within the AU, is also going to be a thorny issue, given the reticence of a large number of AU member states in acceding to it. That this is likely to be the case is suggested by the slow progress in implementing the Maputo Declaration of July 2003 [Declaration Assembly/AU/Decl.5 (11), and the Algiers Decisions of the Heads of State and Government Implementation Committee (HSGIC) on the integration of NEPAD into AU structures and processes. In short, much unclarity still remains on how the APRM is to be integrated into the AU.

If the PAP is to be a moral force in exercising its APRM oversight role meaningfully, then its own internal processes must be transparent, above board and serve as a mirror image of the new thinking on democracy and development in Africa. More importantly, under the restructured African Union, and in line with the objective of its being a union of African peoples and not of states and governments, it is imperative that the occasion of the current debate about the future of the African Union should be turned into an opportunity to lift the ad interim suspension of the legislative powers of the PAP, under Article 11 of the PAP Protocol, and to make a strong case, in line with the core principles of the African Charter on Democracy, Elections and Governance and its derivate restatement in the APRM, for the democratization of the mode of elections of the members of the PAP. Direct elections, as the Audit Report of the African Union [AU, n.d: 81] points out, will enhance PAP’s legitimacy and make its oversight role of the APRM more credible.

But beyond these critical issues, another set of considerations looms large as factors with critical bearing on the APRM and other oversight roles of the PAP. These considerations revolve around the self-conception of members of PAP of their role and

the respect they earn more for their diligent and conscientious application to their legislative work, which can be diminished by the perception, right or wrong, but nonetheless important, of outside observers that PAP members have been more concerned with the perks and privileges attaching to their office. It must be part of their self-conception of their oversight role that members of PAP should rise above partisan national or party interests in their oversight assignment, if only because, as Article 2(2) of the PAP Protocol makes clear “the [PAP] Parliamentarians shall represent all the peoples of Africa.” Another factor to consider in looking at the APRM oversight role of the PAP is its weak resource capacity, and the problem it poses for APRM-related and other activities and programmes of the PAP.

This much was pointed out in the suggestion of participants at the 2003 Uganda African Parliamentarians meeting, where the urgency of “the need to examine the capacity of the parliament and parliamentarians to deal with” APRM issues was emphasized. Much the same concern was expressed as recently as 2007, when the leadership of the PAP was reported as having informed the panel that undertook the Audit of the AU that “it was encountering difficulties in executing its mandates and in the management of the affairs of the Organ, including financial resources.” [AU, n.d: 80]

3- APRM challenges for PAP: what is to be done?

To drive the APRM process forward, what is required are short-to medium term strategies to move the APRM forward faithfully towards achieving its objectives. For analytical purposes, there are three intersecting levels of strategic focus by the PAP: national, regional, and continental. As the PAP pursues coordinated public policy along these three intersecting levels, realism requires that it take into account what I referred to above, as the political context of the APRM challenges for the PAP. This term is shorthand for the argument that the APRM is deeply embedded in power relations, and oppositional politics.

As the various experiences of peer-reviewed countries show all too clearly, APR country processes have not only raised sensitive issues of domestic public policy and programmes but also spawned their own public bureaucracies and coalition of stakeholders, with interest in controlling the huge public expenditure on the APR country processes. This is the realpolitik of the APRM, the inevitable logic and consequence of inserting the APRM into domestic politics, and unless there is the political will to steer it successfully through shark infested political waters, we may experience reversals of the enthusiasm it has generated and of limited gains experienced. This is the ultimate challenge for the members of the PAP in their role as representatives of “all the peoples of Africa,” as Article 2(2) of the PAP Protocol characterizes them.

If all hope is not lost, if the routinization of the APRM is but the conduct of politics and of the popular (people-centered) struggle for the expansion of political and related public spaces in Africa by other means and in ways designed to advance and strengthen politics as a public interest project, what can the PAP do to serve that end? Taking action towards that end will require at each of the three levels that the PAP work with all

stakeholders, to create a constituency for, and a coalition of state and non-state stakeholders to push forward the idea of the APRM, mobilizing popular support for it to ensure its irreversibility and consolidation.

Action at national level

Action at this level will require the PAP urging national parliaments to get more involved in APR country process as follows:

- (a) Where a country has not acceded to the APRM, parliament should make a strong case for accession; where a country has acceded to the APRM, Parliament should initiate legislation for an enabling law to ensure its sustainability.
- (b) Parliament should take its membership of the APRM Governing Council seriously.
- (c) Parliament should create a specifically designated APRM Committee of Parliament
- (d) Parliament should require APRM-National Governing Councils to submit annual reports on their activities for consideration by parliament.
- (e) Parliament should take stock of codes and standards, which are yet to be ratified and or domesticated and initiate legislative action to that end.
- (f) As part of efforts to routinize and consolidate the culture of accountability and transparency in public life on which APRM is anchored, parliament should exercise its oversight and investigatory powers to ensure accountability in public life. In this respect, it must act on annual reports of Auditors-General to parliament.
- (g) In peer-reviewed countries, parliaments should subject NPoA to detailed scrutiny before appropriating moneys for it, and design monitoring mechanism to follow-up on its faithful implementation.

Action at regional level

At the regional level, the PAP should work with the regional economic communities (RECS) through their parliaments, where they exist, or through relevant organs of the RECS to pursue the following objectives:

- (a) Integration of the APRM into the structures and organs of the RECS, including particularly the establishment of professionalized and research APRM units.
- (b) Periodic meetings of members of parliament from the region to discuss APR country processes, to share experiences and seek ways of cooperation, and assistance especially in respect of implementation of the NPoAs.
- (c) Encouragement of members of the RECS yet to accede to the APRM to do so.
- (d) Urging national parliaments to domesticate codes and standards entered into by the country, and to seek for subscription to outstanding codes and standards yet to be entered to by the country.
- (e) Given the centrality of electoral processes and elections to promoting and protecting the people's mandate, REC, especially regional parliaments where they exist in the region, should send election-observer/monitoring teams to witness elections in member states and submit report to them on not only the credibility of the elections but

also the prevailing antecedental elections affecting the ex ante indeterminacy of the elections.

(f) The design and implementation of a 3-5 year strategic plan to enhance the oversight, including budgetary role of legislatures in the regions. The objective is to build and enhance the capacity of parliaments, and to thereby strengthen their internal structures and organization, especially through the application of IT and its research and library resources.

(g) Action at continental/PAP level

At the continental level, PAP should take an expansive or liberal view of its mandates and work with other AU organs to further democratize these organs, including the PAP, and related AU processes. Doing this will require the PAP to:

(a) Work with other AU organs to integrate the NEPAD/APRM into AU structures and policy processes.

(b) Establish formal relationship on APRM matters with APRM strategic partners, specifically ECA and AfDB, on how it can enhance its own capacity to undertake its oversight role over the APRM.

(c) Establish a professionalized research unit on the APRM, or identify and engage African-based research institutions or think tanks to advise it and prepare technical papers on the APRM.

(d) Establish a specifically designated NEPAD/APRM committee as one of its standing committees.

(e) Mandate its members from member states to serve as virtual liaison with national parliaments on NEPAD/APRM matters, and to receive and consider reports from them on APRM-related matters.

(f) Work with RECS and regional parliaments to design and implement a 3-5 year strategic plan in each region to enhance the oversight, including budgetary role of national parliaments in each region, as outlined above in (f), under action at regional level.

(g) Take interest in the selection (nomination and election) processes of APRM Panel of Eminent Persons, and to canvass for a consultative and advisory role in the processes.

(h) Devote special sessions to consider Final APRM Reports formally tabled before it at the end of Stage Five of the APR country reviews.

(i) Utilize its participation in extra-African Inter-Parliamentary fora to disseminate trends and progress in the APRM to showcase its uniqueness and lessons, which others can learn from it.

(j) Liaise with the ACHPR to receive its country reports as in-put into its own (i.e. PAP's) consideration of Final APRM Country Reports

4- A concluding note

In engaging the APRM, the various APRM stakeholders must approach it realistically and temper their euphoria or Afro-optimism with moderation. This is because as popular democratic struggles everywhere show, there are no short cuts on the way to democratic consolidation. Its pathways necessarily involve a long, exasperating journey, through difficult, treacherous, winding and in some respects, uncharted or un navigated terrain. Indeed, this is precisely what the APRM is: it transverses an un navigated terrain, it is still unfolding and taking shape, generating contradictions as well as positive results, which may even go beyond the expectations of its designers. Like the Constitution, the APRM Guidelines is a living document.

However, we must persevere on the journey to the future through these uncharted APRM pathways. This is because, as experience and statistical data show, countries where democratic consolidation has deepened are doing much better than others. Yet, as experience also shows, if we must reach it, our political class and political parties must show and demonstrate a firm commitment to the use of public resources, in line with the core people-centered democratic principles of the APRM, to promote public welfare in an ethical, accountable, inclusive, and transparent manner.

Resurgent Africa is now at a critical crossroads—whether to advance and deepen democracy, or to continue with business as usual. The choice is clear, if difficult. The challenge of the APRM for continental oversight structures like the PAP, ECOSOCC, and ACHPR is to become social forces for advancing democratic consolidation in Africa

To conclude, what all this demands is a fundamental shift in the political culture of the African political leadership and the emergence of a public-spirited citizenry. This will particularly require the political will by the leadership and the cultivation by the people of the cultural gestalt so vital to nurturing a people-centered and gendered democratization process, as a condition for developing and enhancing state capacity in Africa, as outlined by the APRM.

As Adedeji [1995:139] has put it, “Africa needs a new generation of men and women who engage in politics and governance on the basis of values shared with the people...The African elite should aspire to become a bourgeoisie—not necessarily a national, but definitely a regional one—committed to developing and transforming the continent. The people and their organizations, for their part must be ready to take part in all aspects of public life, systematically building up their capacities to contribute to the design and implementation of policies as well as vigilantly monitoring those who govern.”

The exhortatory words of Fanon [1968:311] are still as relevant and pressingly urgent today, as they were about 30 years ago:

Come, then, comrades; it would be as well to decide at once to change our ways. We must shake off the heavy darkness in which we are

plunged, and leave it behind.”

Need one say more can be said about how to pursue the mandate of the continental oversight structures of the APRM, and their tryst with history?

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