

**An African Peer Review Mechanism:  
a panacea for Africa's governance challenges?**

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# The African Peer Review Mechanism

## Introduction

Is the African Peer Review Mechanism (APRM) a panacea for Africa's governance problems? The APRM provides for a process of peer review and assessments by acceding states to the APRM protocol in the economic, political and governance areas. A positive aspect of the APRM is that it recognises that governance problems have been key determinants of Africa's development challenges. Those states supporting the APRM now recognise that in order for Africa to approach the 21st century with confidence, they will have to rebuild the continent, change its image and accelerate performance through better democratic rule and democratic governance.

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For many years African states relied on the outside world - notably other wealthy nation states outside the continent - to solve their governance problems. Now African leaders are apparently taking it upon themselves to squarely face these challenges and deal with their own problems. African leaders have begun to realise that political order and progress on the continent will not be possible without the formation of partnerships amongst themselves. The New Partnership for Africa's Development (NEPAD) was drawn up on the basis of this new thinking to drive Africa to recovery. NEPAD's architects perceive the APRM as a positive attempt to encourage states' commitment to 'good governance'.<sup>1</sup> But not everybody shares this optimism around NEPAD and the APRM: many critics charge that they advance a Western-led agenda and will, therefore, fail to meet the needs of Africans.

This paper explores both the strengths and weaknesses of the APRM, and the prospects of it impacting positively on Africa's governance challenges.

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### What is peer review?

Peer review has been described as 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.<sup>2</sup> There is an ultimate goal of helping the reviewed state improve its policy-making capacities, adopt best practices, and comply with established standards and principles. A peer examination is typically conducted on a non-adversarial basis, and relies heavily on mutual trust among the states involved in the review, as well as their shared confidence in the process.<sup>3</sup> Peer review processes are therefore often characterised by dialogue and interactive investigation, but can admittedly take the questionnaire route, which usually involves no formal reporting by the examined state.<sup>4</sup>

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Independent bodies and designated institutions, such as commissions of experts, will carry out on-site fact-finding missions to investigate specific events or establish facts. It will also go beyond fact-finding to include an assessment of the performance of the state. This review process is a copied practice from wealthy countries that have accepted intrusive regular peer reviews for many years under the auspices of the Organisation for Economic Cooperation and Development (OECD), but these have primarily been economic.

### NEPAD's APRM

The APRM, a new weapon in Africa's arsenal, is regarded in part as an attempt to inspire under-performing states to improve their governance programmes. But the process will be voluntary; it suggests that, as sovereign entities, African states will not be duty-bound to follow any prescribed ruling by any other state.

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Also, the acceptance of APRM recommendations will be up to the states being reviewed.

The peer review process has never been attempted in Africa before and unlike judicial proceedings, the final outcome of a review is not legally binding, so the impact from this process will probably be limited. In practice the peer review process may, in part, play the role of a dispute settlement mechanism by encouraging the kind of dialogue among states that helps to clarify their positions and interests.

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Peer review under NEPAD focuses primarily on the state of democracy, political, economic and corporate governance, and the spelling out of criteria based on governance norms and democratisation goals to which African leaders have committed themselves. There will be several systems in place whereby states will also conduct a country review, assisted by independent institutions such as UNECA and ADB. These institutions will prepare reports of findings of the peer review and discuss a draft of each report with the government concerned before submitting to the Independent Panel of Eminent Persons (IPEP). The IPEP will then analyse a country report and submit it to the Heads of State and Government Implementation Committee (HSGIC). The HSGIC takes ownership of peer review reports submitted by the IPEP.

However, at the time of acceding to the APRM protocol, each state must clearly define a time-bound Programme of Action for implementing NEPAD and the AU's declarations on democracy, political, economic and corporate governance, as endorsed by the inaugural summit of the AU in Durban, South Africa, in July 2002. This Programme of Action must include periodic reviews.

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The APRM process spells out four types of reviews:

- The base review will be carried out within eighteen months of a country becoming a member of the APRM process
- A periodic review will take place every two to four years
- A member country can for its own reasons ask for a review that is not part of the periodically mandated reviews
- Early signs of impending political or economic crisis in a member country would also be sufficient cause for instituting a review.<sup>5</sup> Participating Heads of State and Government can call for such a review in a spirit of helpfulness to a participating government.

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### **What is unique about the peer review mechanism for Africa?**

Many argue that work being done around NEPAD is often unclear and confusing, and question the relationship between the peer review process of the Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) that is under the auspices of the AU, and the APRM under NEPAD. Although there is convergence and complementarity between the objectives of the CSSDCA and NEPAD in the context of the AU, there are particular areas of overlap and possible duplication that need to be addressed.

The CSSDCA/AU peer review does differ from the NEPAD peer review. As a body of the AU, CSSDCA enjoys the support of almost all 53 African states that are members of the AU (except Morocco; Madagascar's membership was suspended but is in the process of being restored). The CSSDCA benchmarks are specific

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time-bound requirements that leave little room for avoidance or ambiguity. Thus, the peer review under the CSSDCA is likely to gain extensive support across the continent, as leaders believe that it is an African-owned programme. It is not dependent on any external support or mandates in order to progress.

NEPAD, on the other hand, is seen as a substructure of the AU.<sup>6</sup> NEPAD is the basis for a proposed new relationship between African states and the international community, aimed at moving Africa forward in terms of development.<sup>7</sup> It is a political and economic programme aimed at promoting democracy, stability, good governance, human rights, and economic development on the continent.

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Unlike the CSSDCA, many worry that the APRM under the auspices of NEPAD might not be an African-owned programme. Numerous African leaders are opposed to NEPAD's APRM because the resources for its evolution depend heavily on wealthy nations outside the continent. Critics claim that leaders who are considered friendly to the West are promoting NEPAD. They also argue that it is based on political and economic principles championed by donor countries and multilateral institutions; this is why NEPAD has generated such a high level of sustained attention from the donor community, they add.<sup>8</sup>

The United States, Britain and other G8 countries, including Russia, have pledged support for NEPAD; this is just some of the evidence used by African leaders who see the peer review under NEPAD as an un-African artefact. They are wary that those who pledge and provide support to NEPAD will insist on attaching conditionalities for providing these resources. In essence, they fear that this could result in a donor dictated agenda - rather than an African negotiated agenda - driving NEPAD.

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Some critics have also expressed fears that external actors could attempt to use the APRM to sanction leaders selectively, as has occurred with Zimbabwe. The EU imposed sanctions on Zimbabwe in February 2002, and a month later Zimbabwe was suspended from the Commonwealth body. Critics also suspect that the peer review mechanism could become a means through which donors impose collective penalties on Africa in cases where African leaders fail to sanction African peers who are declared pariahs by external actors.<sup>9</sup>

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The APRM has been widely criticised by civil society groups and leaders who perceive it as elitist and exclusionary. They argue that it is being driven by the continent's leadership and has completely bypassed African civil society. While the supporters of NEPAD's peer review mechanism argue that it is a good idea in principle, uncertainty remains over exactly how it will operate in practice.

The APRM as currently conceived comprises of a series of best practices culled from international institutions, many of which would require substantive state resources to implement. Many suspicions are also cropping up, suggesting that the support President Mbeki and other leaders sought from the G8 might be a lasso around the APRM; it might turn the APRM into a puppet instrument of wealthy nations. If such conditions are attached and adhered to, NEPAD and the APRM will cease to be African-owned and independent. It will no longer serve the interests and expectations of Africa. The effect of the APRM in practice will, therefore, be conditional and minimal, and African states might find themselves back in colonial conditions of dependence on external support. They may also lose the independence to deal with their own problems.

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### Peer pressure

The effectiveness of a peer review relies on the influence and persuasion exercised by the peers over each other during the process. The heads of state who are participating in the APRM accept that peer pressure will be exercised in order to encourage improvements in countries' practices and policies in compliance with agreed international best practices. But peer pressure does not take the form of legally binding acts backed up by sanctions or other punitive measures; it also lacks enforcement mechanisms. Instead, it is a means of soft persuasion, which can become an important driving force to stimulate a state to change, achieve goals and meet standards.

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But there is still scepticism about how far African leaders are prepared to go to put pressure on their peers. The number of states that are reluctant to participate in the APRM testifies to this. The effectiveness of peer review processes is also dependent on self-discipline to maintain the standards set by the APRM. There is still a great deal of work to be done by African governments to develop a culture that will conform to the standards on good governance, and political and economic cooperation that they have set for themselves. Peer countries that are conducting a peer review can negatively affect the process if they can allow a peer country under review to interfere with the results of the findings.

For those countries prepared to accept changes, peer review processes can result in a mix of formal recommendations and informal dialogue between countries, public scrutiny, comparisons, and, in some cases, ranking among countries - all of which could have positive outcomes. There could also be an impact on domestic public opinion, national administrations and

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policy-makers in general. The impact will be greatest when the outcome of the peer review is made available to the public of the country under review, as is usually the case with the OECD processes. This is important in promoting a free society, as such approaches provide opportunities for the public to lobby against any government irregularities. When the press actively engages with the story, peer pressure is most effective - intense public scrutiny often arises from the media involvement. Peer pressure is particularly effective when it is possible to provide both qualitative and quantitative assessments of performance. The quantitative assessment might take the form of a ranking of countries according to their performance, and drawing of real scoreboards reflecting such rankings (eg listing countries that abuse human and people's rights and listing those worse corrupt governments). Despite this positive aspect, caution should be exercised in the ranking of countries lest standards are set so high from the outset that others are reluctant to join the APRM for fear of being exposed because of an anticipated low ranking. So it might be advisable to begin with countries that are likely to achieve a middle or lower ranking rather than with countries such as South Africa, which are likely to set the democracy bar very high from the outset and possibly discourage doubters from participating in the review process.

A further caution concerns the potential for the peer review exercises to generate into an 'old boys club' type situation where countries have an unspoken accord to exchange good reports, regardless of the real situation on the ground. Such a situation should be avoided: one sure way of achieving this is to actively involve civil society organisations in each country, in the review. Civil society should both be part of the review team, as well as one of the chief constituencies consulted during the course of the

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review. In this way civil society can act as a bulwark against this potential situation. Moreover, such a situation will help shield civil society from the excesses of government if a government has certainty that its civil society organisations will be part of the team that will pass judgment over it. But care should also be taken in identifying which organisations and individuals should represent civil society in such instances: asking governments being reviewed to recommend participants from the sector will not be advisable.

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### Starting the process

The APRM was scheduled to kick off in 2003 with two or three pilot reviews. Standards and principles to guide this process were ready at the time of writing. In January 2003, the heads of signatory states to the APRM committed themselves to the principles and commitments enshrined in the accord on a framework to guide the design and implementation of the assessments of democracy, political, economic and corporate governance. The guide includes the objectives, standards, criteria and indicators of the APRM. At the time of writing, 15 states had signed the accession document to the mechanism agreeing to submit voluntarily to a review of their adherence to codes of good political and economic governance. The countries that volunteered were Algeria, Burkina Faso, Cameroon, Democratic Republic of Congo, Ethiopia, Gabon, Ghana, Kenya, Mali, Mozambique, Nigeria, Rwanda, Senegal, South Africa and Uganda.<sup>10</sup> Two of these countries, Ghana and Uganda, have volunteered to be reviewed first.

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### Factors that will influence the APRM's success

Pillars of the APRM include democracy, political, economic, and corporate governance. NEPAD aims to tap massive Western aid for rapid development of the world's poorest continent in return for a commitment by its leaders to adhere to good governance and democracy. NEPAD's APRM envisages setting such good standards for review, that those donor countries will substitute their own monitoring and conditionality processes with it and accept the outcomes of the APRM. The risk is that if African states that engage in the APRM fail to meet the set standards, donors willing to support NEPAD programmes could freeze their support. If that happens, the view that Africans do not own NEPAD will gain currency.

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There are many reservations about whether the APRM will achieve its objectives, as many African states are unlikely to meet the NEPAD standards of democracy and political governance. These are standards of democracy and political governance as measured through the Charter of the United Nations (1945), Constitutive Act of the African Union (2000), and Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000).<sup>11</sup>

Also, even though Zimbabwe was not a participant in the APRM at the time of writing, the ambivalence of African states on the unfolding political crisis in Zimbabwe has cast doubts on the outcomes of the APRM processes. Furthermore, dictators and authoritarian leaders in Africa are likely to perceive the APRM's aims and objectives as dangerous to their continued rule. It is for these reasons, among others, that only 15 of the African Union (AU) states were signatories to the APRM programme at the time of writing. As a result, many doubts persist about whether Africa

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will really come of age in the 21st century and achieve the objectives of NEPAD and the APRM in a situation where several African countries are still under the rule of dictators and authoritarians.

As previously stated, the APRM broadly echoes the OECD peer review mechanism, which is regarded as a successful means of identifying and promoting best practice among partner countries.

Peer review in the OECD is not bound to any conditions from any other continent. Participating states own the programme. The rationale for a peer review mechanism in Africa should be that Africa should move away from donor-imposed conditionalities - a practice that has been found to be ineffective and burdensome. There should, instead, be a move towards mutual accountability among development partners - specifically in the areas of poverty reduction.

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A peer review of political governance is a novel practice, never before tried anywhere in the world. It is the most challenging aspect of review as many African conflicts are the result - in part - of poor governance practices. Political governance peer review requires the resolution of major questions; the Accord on the APRM (January 2003) singles out issues such as electoral democracy, human rights, and an active civil society, that need to be addressed. It also raises questions about what institutions and mechanisms should be established in African countries to realise the APRM's objectives.<sup>12</sup> There has been growing pessimism over the unwillingness of more than 71% of the AU states to subject themselves to peer scrutiny at the time of writing. This clearly poses a threat to NEPAD's objectives and the APRM outcomes.

Another negative aspect about the process is that it is likely that

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states may water-down some ARPM guidelines due to the conditions pertaining in African states and their systems of governance. Many of the states that are to take part have yet to conform to the criteria and indicators stipulated in the APRM Accord. It is still unclear whether the APRM will be able to be implemented effectively in an environment of dictatorship and authoritarianism. Yet because NEPAD is aimed at Africa's reconstruction, it is unlikely to receive resources from outside the continent if it fails to discipline dictators and authoritarian leaders. There is a growing pessimism over what many see as the slow pace of the transition from planning to action.<sup>13</sup>

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Moreover, the effectiveness of the APRM will depend on the states under review. It is likely to be ineffective where a state is repressive, has a weak civil society, and an unorganised private sector. This condition is common to many African states. The fact that the findings and recommendations of the APRM will not be binding, and implementation not obligatory, may result in states not taking seriously the recommendation that flow from the process.

Finally, if the APRM is to be credible and effective, it will need to be transparent and accessible to all components of the state, including civil society. If it is run in a professional (unpartisan) and transparent manner, the APRM can be a major regional instrument for promoting democracy.<sup>14</sup> The African peer review process is likely to dissipate over time if participating states do not conform to the tenets of democracy demanded by the APRM - respect for human rights and the rule of law - in their governance programmes. The G8 has clearly stated that its support for the NEPAD plan will depend on the ability of African leaders to keep their commitments to economic and political reforms. Some

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African leaders, for their part, have stressed that only the speedy provision of tangible benefits promised by the G8 and other donors can ensure the fulfilment of NEPAD's goals by African states.<sup>15</sup>

### Endnotes

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