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democratic governance in Southern  
Africa and beyond**

**AN ANALYSIS OF THE  
IMPLEMENTATION OF THE AFRICAN  
PEER REVIEW MECHANISM IN  
GHANA, KENYA AND MAURITIUS**

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### **Introduction**

This paper examines the implementation of African Peer Review Mechanism (APRM) in Ghana, Kenya and Mauritius. First to voluntarily submit to review by the APRM, all three countries have devised different working models at the national level in order to facilitate the peer review process. This paper examines the background to the emergence of the New Partnership for Africa's Development (NEPAD) and the unique role that the APRM has played as a vital part of NEPAD's delivery system since its inception in 2002. It goes on to examine the working models of the selected case studies, and a comparative analysis of their various structures and working methods is discussed. The paper concludes with a summary of the mechanism's progress to date and discusses what lies ahead for the APRM.

### **Background**

At the start of the 21<sup>st</sup> Century, Africa's economic development continued to lag well behind global averages, and African economic and social development looked certain to remain a marginalised issue in the global development discourse. Despite a sizeable population of nearly 800 million people, spread amongst 53 states (the most on any single continent), Africa contributed less than 2% of the global trade balance in 2001. If one excluded South Africa, Africa's largest economy by a sizeable margin from the equation, then this figure would drop to just a little over 1% of the global trade total<sup>1</sup>. This poor economic performance is at odds with the sizeable loans and aid packages which have been pumped into African economies by various donor bodies and private banks since the end of the colonial period, and at the turn of the century Africa continued to receive more financial assistance from the

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<sup>1</sup> P Collier & J W Gunning. Why has Africa grown so slowly? *Journal of Economic Perspectives* 13(3), 1999. pp. 41-66.

donor community than any other region in the world.

In attempting to understand the paradox between the vast amounts of aid being given to African economies and their equally poor economic performances, the importance of good governance has become prominent in the African development discourse. The term 'governance' has been used to describe variously the state of a country's political, economic, corporate and technical/bureaucratic institutions<sup>2</sup>. This growing emphasis on good governance practices and policies coincided with the conception of the New Partnership for Africa's Development (NEPAD), an economic development initiative seen by some as a deliberate attempt to formalise and regularise the relationship between the donor community and African governments<sup>3</sup>. NEPAD seeks to promote African development on African terms, through governance reforms and increased transparency and accountability, both to the donor community and more particularly other African leaders. The APRM is part and parcel of this vision.

The APRM is a voluntary body of African governments who have agreed to hold each other accountable to various standards of good governance prescribed in the mechanism's Declaration on Democracy, Political, Economic and Corporate Governance<sup>4</sup>. The mechanism, conceived as an integral part of NEPAD, has been the topic of a vigorous debate since its initial conception in 2001. Based on the concept of peer review pioneered by the Organisation for Economic Co-operation and Development (OECD), the APRM is intended to bring together a

number of like-minded states committed to the principles of good political, economic and corporate governance, and subject them to periodic performance reviews by their peers<sup>5</sup>.

Arguably the most unique and original aspect of the NEPAD initiative, the APRM is largely responsible for thrusting African development into the international development spotlight at a time of chronic global donor fatigue and a slump in the global economy. The NEPAD/APRM framework, the brainchild of South African President Thabo Mbeki, incorporating aspects of Nigerian and Senegalese development initiatives such as the New Africa Initiative (NAI) and the Millennium Action Plan (MAP) departs to a degree from the dependency theories of the Lagos Plan of Action and subsequent multilateral initiatives in Africa as it acknowledges the need for African nations to work in partnership with the G7/8 nations and other donors in order to facilitate economic renewal on the continent. Mbeki, Obasanjo of Nigeria and Wade of Senegal argue that in order to address the multitude of social, political and economic problems in Africa, African economies need to reverse the trend of economic stagnation and target economic development as the key to African renewal. As such, the NEPAD framework ostensibly offers a two-pronged strategy for economic development on the African continent, namely to work in partnership with the donor nations of the developed world and other partners in development, whilst beginning to address some of Africa's political and economic problems "in house", through African multilateral and bilateral institutions. It is this second objective that has generated interest in the APRM.

The APRM's central philosophy of African states taking responsibility for their own development and compliance has been greeted enthusiastically by the donor community. In fact, the APRM is unique in the landscape of African development initiatives for precisely this

<sup>2</sup> P Mosely, J Harrigan & J Toye. The World Bank's move towards policy-based lending. *Aid and Power: The World Bank and Policy-based Lending. Analysis and Policy Based Proposals*. Routledge, London. 1991. pp. 27-61.

<sup>3</sup> R Alence. *Notes on the International Relations of the New Partnership for Africa's Development (NEPAD)*. Department of International Relations, University of the Witwatersrand. Johannesburg, South Africa. Paper presented at Africa Talks in Accra, Ghana. 2002.

<sup>4</sup> The African Union. *The Declaration on Democracy, Political, Economic and Corporate Governance*. Official Document. 2001. <<http://www.nepad.org/en.html>>

<sup>5</sup> The New Partnership for Africa's Development. *The African Peer Review Mechanism (APRM)*. Official Document. <<http://www.nepad.org/en.html>>

reason, and has become the focus of a vigorous debate in the continent's development discourse<sup>6</sup>. Increasingly, the donor community is tying aid concessions and debt forgiveness to the APRM, putting external pressure on states to accede, and the less tangible but ever present forces of peer pressure exerted internally continue to discourage African leaders from remaining apart from the mechanism. Significantly, the APRM has become the benchmark by which the donor community will judge African leaders' commitments to implementing governance reforms and maintaining accountable standards and development practices, and is likely to impact on the donor communities approach towards African development in the future.

### The APRM: A Critique

In response to the international interest that has been generated by the APRM, 23 African states have voluntarily acceded to a governance review from their peers. This number has grown from an original group of 16 states who initially volunteered for the process<sup>7</sup>. This means that less than half of Africa's 53 states have acceded to the mechanism on a voluntary basis. Some critics see this as a sign that peer review has failed to attract appropriate levels of support amongst African governments<sup>8</sup>. This interpretation ignores some of the fundamental concepts upon which the APRM is based.

Initial interest in the APRM was based on a sketchy and incomplete outline of the APRM's design. Numerous actors across Africa and amongst the international community were eager to support the initiative, but concrete information about the mechanics of the mechanism remained scarce. In a sense, the interest generated by the APRM seems to have been unanticipated by its architects, who were unprepared for the overwhelming demand for more concrete information. As a result, information regarding the APRM's

function was initially slow in coming, and afforded the opportunity for broad speculation as to its final make-up. In the process, various hypothetical models were put forward and suggestions made that were based on incomplete information about the APRM's function and design.

This speculation became more of a hindrance than a help for those governments and actors seeking concrete information regarding the APRM. In this regard, comments made by the APRM's architects, Mbeki, Obasanjo and Wade, were often contradictory and served to create further confusion rather than clarity on the APRM's design and purpose. Considering that the APRM was by no means a finished product at the time and was still evolving in the midst of increased African and international scrutiny, this is understandable. However, Mbeki *et al* did their cause no good as a result of contradictory statements and remarks. This caused some critics to accuse Mbeki *et al* of renegeing on their commitments by watering down the concept in order to make it more palatable to Africa's leaders at the expense of the mechanism's central philosophy<sup>9</sup>. Although a degree of confusion and contradiction existed which appeared to justify this viewpoint, it is unlikely that the APRM was ever intended to be a prescriptive body as had been suggested, thus invalidating this critique.

The APRM's original conception as part of NEPAD, was as a stand-alone initiative with a budget provided primarily from the mechanism's signatories and the donor community. The APRM, although co-ordinated by a separate secretariat, was linked with the NEPAD framework as a key catalyst towards NEPAD's objectives. This arrangement was initially extremely attractive to the donor community, as grave doubts existed over the political commitment to the process in the continent's various collective bodies, in particular the Organisation for African

<sup>6</sup> A Baah. *History of African Development Initiatives*. African Labour Research Network Workshop. Johannesburg. 2003.

<sup>7</sup> See Table 1 for a list of these countries.

<sup>8</sup> M Nduru. *A Challenging Road ahead for the Peer Review Mechanism*. All Africa Inter Press Service. Johannesburg. 7 January 2005. <<http://www.nepad.org/en.html>>

<sup>9</sup> R Kanbur. *The African Peer Review Mechanism: An Assessment of Concept and Design*. Cornell University, 2004. <<http://www.people.cornell.edu/pages/sk145.html>> & I Taylor. *The Failure of the New Partnership for Africa's Development*. *Contemporary Review*, 2003. <<http://www.findarticles.com>>

Unity (OAU). As an independent, autonomous initiative, NEPAD initially attracted an enormous amount of goodwill and interest from the donor community, to the extent that both Canadian Prime Minister Jean Chrétien and British Prime Minister Tony Blair made public statements of support for the initiative<sup>10</sup>. However, in 2002, NEPAD and the APRM were incorporated into the newly inaugurated African Union (AU), the successor to the defunct OAU. This move generated concerns amongst NEPAD's supporters in the donor community, and to the sceptics seemed to signal the retraction of the lofty aims and ideals that had become the rhetoric of the APRM<sup>11</sup>.

Other commentators challenge this viewpoint, citing to the OECD's model of peer review as a working model on which to base the APRM<sup>12</sup>. Given that the APRM is based at least in part on the concept pioneered by the OECD's peer review system, this is a particularly salient point. According to Fabrizio Pagani<sup>13</sup>, peer review in the OECD is characterized (amongst other things) as:

1. A systematic examination of the performance of a state by other states, with the ultimate goal of helping that state improve its policy making and adopt best practices;
2. Non-adversarial, relying on mutual trust between the states involved in the review, as well as their shared commitment to the process;
3. A reciprocal evaluation process, creating a system of mutual trust and accountability.

This model stresses, in particular, the non-adversarial approach, and the words "trust" and "mutual accountability" occur frequently in Pagani's assessment of the OECD model. When one considers that the APRM has been criticised for its lack

of "teeth"<sup>14</sup>, and the lack of defined punitive measures for non-compliance, the OECD model would suggest that this type of criticism is largely missing the point.

The purpose of peer review, according to the OECD model, is to foster accountability, transparency and capacity building through the process of open dialogue between states. The reviews serve as a benchmark against which to measure progress over time rather than a score against which a country is either rewarded or punished accordingly. The review process is also seen as an opportunity for the dissemination of information, policies and best practices between countries at multiple levels, including government, state institutions and civil society. This concept is also explored in the APRM document, where it states that:

*The peer review process will spur countries to consider seriously the impact of domestic policies, not only on internal political stability and economic growth, but also on neighboring countries. It will promote mutual accountability, as well as compliance with best practice*<sup>15</sup>.

The APRM document adopts a "soft approach"<sup>16</sup> to non-compliance in which the concept of promoting cooperation between states with a common objective is given precedence over punitive measures for non-compliant partners. Some analysts have suggested that peer review is only successful in a situation where the various governments involved in the review process are clearly not antagonistic towards one another, and in a situation where this is not the case, the peer review process tends to break down. Despite this, various actors continue to call on the APRM's Heads of State and Government Council (APR Forum) to introduce stricter and more punitive measures for non-compliance<sup>17</sup>.

<sup>10</sup> I Taylor. *Ibid.* 2003.

<sup>11</sup> I Taylor. *Ibid.* 2003. See also R Kanbur. *Op. Cit.* 2004.

<sup>12</sup> F Pagani. The NEPAD African Peer Review Mechanism. *African Security Review*. Vol. 1. 2002.

<sup>13</sup> F Pagani. *Peer Review: A tool for cooperation and change: An analysis of an OECD Working Method*. OECD. 2002.

<sup>14</sup> P Osana. *What is happening in Africa?* All Africa Inter Press Service. Johannesburg. 28 July 2003. <<http://www.allafrica.com>>

<sup>15</sup> NEPAD Official Document. *The African Peer Review Mechanism*. NEPAD. 2002.

<sup>16</sup> I Taylor. *Op. Cit.* 2003.

<sup>17</sup> P Osana. *Op. Cit.* 2003.

In spite of the controversy regarding the APRM's design and process, the mechanism does appear to be exerting a certain amount of peer pressure on African governments in pressuring them to accede to the mechanism. At the APRM's launch at the African Union's Inaugural Summit in 2002, 16 governments indicated their intention to accede to the mechanism. In January 2005, and additional 7 governments had signed the Memorandum of Understanding (MOU) on the APRM, indicating their consent to future peer review. Thus whilst the APRM continues to adopt a non-adversarial approach towards compliance, it is increasingly becoming the fashionable "club" on the African continent, forcing Africa's governments to assess the costs and benefits of remaining apart from the group<sup>18</sup>.

#### APRM Organisation and Process

The APRM is organised in a hierarchical manner with the Participating Heads of State and Government (APR Forum) as the ultimate authority in the APRM chain of command. The APR Forum is responsible for appointing a seven-member panel (APR Panel) of "eminent persons", namely African who are both easily identifiable and held in high regard on the continent, to oversee the peer review process<sup>19</sup>. The APR Panel is tasked with overseeing the process of individual country reviews, by appointing an APR country review team (APR Team)<sup>20</sup>. This team, which is headed by one of the members of the APR Panel, is supposed to comprise at least one person with extensive experience and expertise in each of the four areas of the peer review, namely: democratic, economic, political and corporate governance. At least one person on the team should also have a background and experience in law, particularly constitutional and state law.

<sup>18</sup> For a more in depth discussion on this point, see G Masterson. *Governance Quality and Government Commitment to the NEPAD African Peer Review Mechanism*. EISA Research Report No. 5, 2004.

<sup>19</sup> NEPAD Official Document. *African Peer Review Mechanism: Organisation and Process*. NEPAD, 2002. <<http://www.nepad.org/en.html>>

<sup>20</sup> NEPAD Official Document. *Ibid.* 2002.

The APR Panel is assisted in appointing and coordinating the Country Review Team missions, as well as carrying out its other duties by a secretariat based in Midrand, South Africa (APR Secretariat)<sup>21</sup>. This secretariat is responsible for assisting the Panel in all technical and administrative matters, as well as dissemination of relevant information on the APRM generally. The secretariat is also a contact point for the media and civil society.

**Table 1**

No.	Country	Date of Signature of MOU
1	Algeria	9 March 2003
2	Angola	8 July 2004
3	Benin	31 March 2004
4	Burkina Faso	9 March 2003
5	Cameroon	3 April 2003
6	Egypt	9 March 2004
7	Ethiopia	9 March 2003
8	Gabon	14 April 2003
9	Ghana	9 March 2003
10	Kenya	9 March 2003
11	Lesotho	8 July 2004
12	Malawi	8 July 2004
13	Mali	28 May 2003
14	Mauritius	9 March 2004
15	Mozambique	9 March 2004
16	Nigeria	9 March 2004
17	Republic of Congo	9 March 2003
18	Rwanda	9 March 2004
19	Senegal	9 March 2004
20	Sierra Leone	8 July 2004
21	South Africa	9 March 2004
22	Tanzania	8 July 2004
23	Uganda	9 March 2004 <sup>22</sup> .

Once a country has acceded to the APRM, by signing the APRM's Memorandum of Understanding<sup>23</sup>, it is officially considered to have joined the APRM. The country is placed in a rotation which ensures that it will be subject to review at least once every four years. On acceding to the APRM, a government is informed of the date of their next peer review mission, and is asked to prepare accordingly. Although there is nothing preventing a country from doing so sooner, the MOU calls for the country to begin drafting a preliminary review report 9 months before the country review team is due to visit. This report is based on a questionnaire which the government is responsible for

<sup>21</sup> NEPAD Official Document. *Ibid.* 2002.

<sup>22</sup> Table taken from

<<http://www.nepad.org/en.html>>. 18 January 2005.

<sup>23</sup> NEPAD Official Document. *African Peer Review Mechanism: Memorandum of Understanding*. 2002. <<http://www.nepad.org/en.html>>

disseminating to a broad and representative base of state institutions, media and civil society. This report is to be presented to the country review team on arrival in the country for the review mission. The National government is also responsible for appointing a Country Focal Point, which is either a ministry or national organisation which is tasked with the job of coordinating the country's review process. The government is responsible for ensuring that the Country Focal Point is appropriately enabled in conducting its responsibilities in terms of resources, expertise and manpower<sup>24</sup>.

The Country Focal Point is responsible for being the direct link between the national government and the country review team. It is responsible for compiling and editing the preliminary report on the state of the country's governance, and ensuring that the country review team is given access to the necessary information and assistance required. The focal point is also responsible for preparing the national structures that are necessary in order to conduct the peer review and enable extensive input from a broad spectrum of the country's people, institutions and organisations. These structures have no prescribed format, and as such each country is likely to adopt slightly different strategies and structures in implementing and conducting the aspects of the review<sup>25</sup>.

The peer review process is described in five stages:

1. The country under review, with the assistance of the APR Secretariat, prepares an up-to-date background document on the democratic, political, economic, corporate and social conditions in the country.
2. The country is visited by the APR Team, and is responsible for ensuring that the APR Team is enabled to carry out a review smoothly and with full access to all sources of information

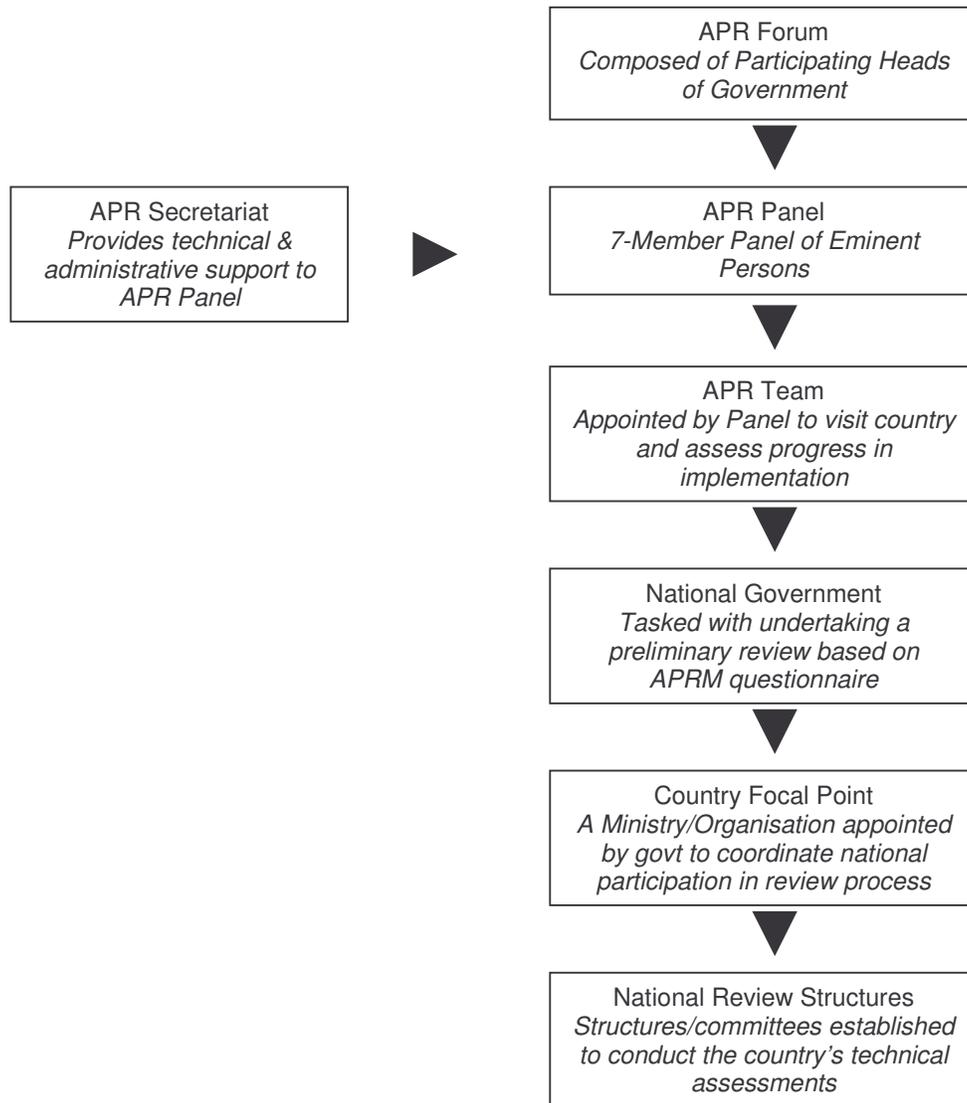
and stakeholders as are deemed necessary by the APR Team.

3. The APR Team prepares and drafts a country report, based on the findings of the APR Secretariat (Stage 1) and the country visit (Stage 2). This report should summarise the findings concisely and analyse their implications for the country's governance and socio-economic development.
4. The APR Team submits the report to the APR Panel, who are then responsible for reviewing the report in accordance with its mandate. Once this has been done, the APR Panel submits its recommendations, along with the report to the APR Forum. The APR Forum then considers both the report and the recommendations submitted, and decides what further action to take according to its mandate.
5. The country report is made accessible to the public, as well as those recommendations of the APR Panel that have been deemed appropriate by the APR Forum. The report is tabled formally and publicly at all regional and continental organisations, such as the Pan-African Parliament (PAP), the African Commission on Human and People's Rights (ACHPR), the Peace and Security Council (PSC) and the Economic and Social Council (ECOSOC) of the African Union and the Regional Economic Community of the region in which the country is a member.

<sup>24</sup> NEPAD Official Document. *Ibid.* 2002.

<sup>25</sup> W Masai. *Kenyan African Peer Review Mechanism National Process*. Draft Report for discussion at RECINET Forum on African Peer Review Mechanism. African Centre for Economic Growth. Pan Africa Hotel, Nairobi. 5 November 2004.

Illustration 1 – APRM Organisation<sup>26</sup>



<sup>26</sup> NEPAD Official Document. *Guidelines to prepare for and participate in the APRM*. NEPAD. 2004. <<http://www.nepad.org/en.html>>

This completes the APRM cycle, although a follow-up process is provided for in the APRM document. This follow-up process includes the monitoring of the country's progress on the Programme of Action suggested by the APR Forum in its final report, as well as additional assistance from the APR Secretariat on issues which are deemed significant which were not included in any country reports, particularly capacity building and resource mobilisation. Additional workshops and ad hoc conferences are provided for in the process<sup>27</sup>.

### Ghana: An Overview

Although both Mauritius and Kenya claim that they were the first country to submit to peer review in the APRM, this honour as such in fact belongs to Ghana. The West African state formally acceded to the APRM on 9 March 2003, and became the first country to welcome an APR support mission into the country on 24 May 2004. The mission, headed by Dr Chris Stals, a former South African Governor of the Reserve Bank, and now a member of the APR Panel of Eminent Persons, conducted a fact-finding and sensitisation visit from 24-29 May 2004. During this time, the mission examined the processes and mechanisms in place to conduct the country's self-assessment and prepare a preliminary Programme of Action. During the mission, the team paid a courtesy call to Ghana's President John Kufour. Furthermore, the mission attended a national stakeholders' forum and interacted with the various technical committees which have been set up to undertake the peer review in Ghana.

The mission noted the good degree of preparation and commitment to the peer review process which is evident in Ghana. It commended the Ghanaian government for being one of the first countries to set up a permanent ministry to deal with NEPAD/APRM related matters. During the national stakeholders' forum, Dr K.K Apraku, Minister for Regional Cooperation and NEPAD, and Dr. Stals

signed a Memorandum of Understanding on the Technical Assessment Missions and the Country Review Visit of the APRM. This memorandum established the basis on which the APR Team would visit once the preliminary report had been compiled. On the conclusion of the mission, Dr. Stals commended Ghana's President, Government and National Governing Council for the openness and transparency which was evident throughout the support mission.

### Ghana's National APR Structure

In 2003, in response to Ghana's accession to the APRM, President Kufour created the Ministry of Regional Cooperation and NEPAD. Headed up by the Honourable Dr. K.K Apraku, the Ministry was mandated with the task of taking the necessary steps to ensure that Ghana was ready for peer review. In this regard, the Ministry appointed an independent National APRM Governing Council (NAPRM-GC), to act as Ghana's National Focal Point in relation to the APRM. This NAPRM-GC is comprised of various stakeholders from civil society, and is headed up by Prof. S. K. Adjepong. To assist the NAPRM-GC, a National APR Secretariat was created by the Government to assist the NAPRM-GC in carrying out its mandate. The NAPRM-GC was delegated the task of appointing four separate Lead Technical Institutions, one for each of the four key areas under review, namely:

1. The Centre for Democratic Development – Democracy & Political Governance;
2. The Centre for Policy Economic Analysis – Economic Governance;
3. Private Enterprise Foundation – Corporate Governance; and
4. The Institute for Statistical, Social & Economic Research – Socio-Economic Development. These Lead Technical Institutions were tasked with the responsibility of preparing the preliminary Country Report in their respective areas of expertise<sup>28</sup>. This

<sup>27</sup>African Peer Review Mechanism: Memorandum of Understanding. *Op. Cit.* 2002. Para. 7.19.

<sup>28</sup> NEPAD Official Document. *The African Peer Review Mechanism Self-Assessment Questionnaire*. NEPAD. 2004. <<http://www.nepad.org/en.html>>

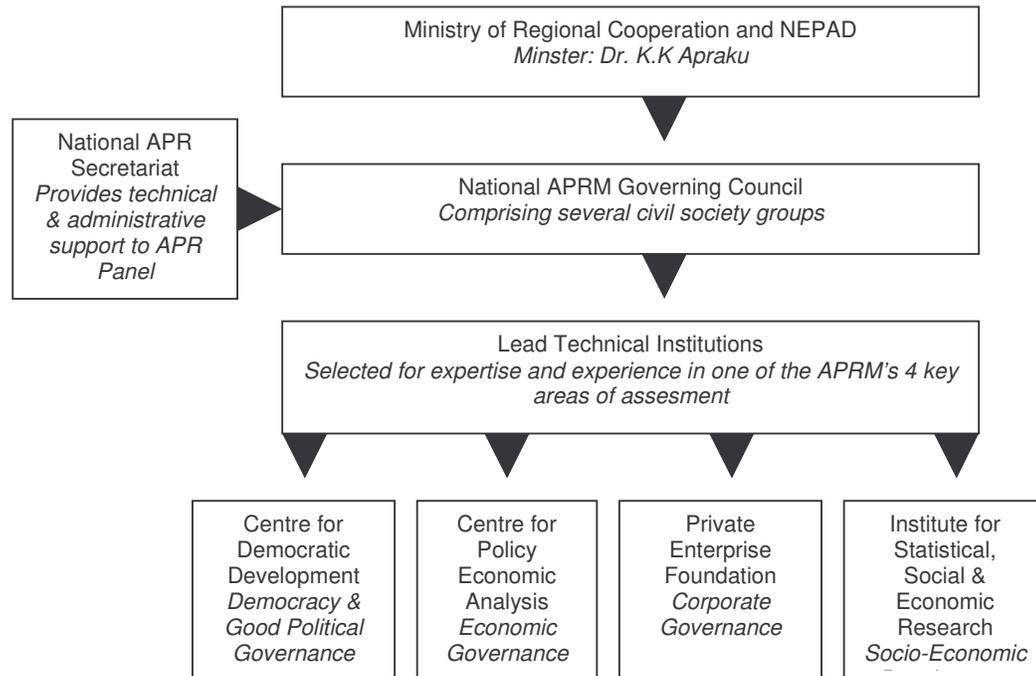
would be done based on the format outlined in the APRM Self-Assessment Questionnaire<sup>29</sup>. In order to do this, these institutions are likely to draw on the assistance and input of various other institutions and civil society organisations (CSO's) in order to fulfil their mandate. Once these institutions have compiled their reports, the NAPRM-GC is responsible for editing and condensing them into one report. In Ghana, this NAPRM-GC has decided to embark on a national tour of the country, in order to conduct sensitisation workshops and ascertain a broad-based consensus on the state of the country's governance from diverse sources.

Ghana's preliminary Country Report is expected to be completed in March 2005, at which time the APR Team will be in a position to conduct their first country review, and the APRM will have officially kicked off. After the review, the process of revising and summarising the reports is expected to take between three and six months. Ghana is unlikely to receive any scathing criticism from the review team, considering the improving environment which the current Kufour administration is developing. The preliminary country report will be a more interesting revelation, as the country continues to grapple with the problem of high levels of unemployment, and this may reflect a negative sentiment in the report. In all likelihood, however, Ghana is likely to receive more positive than negative feedback from the review process, and is not expected to test the resolve of the APR Forum's commitment to good governance once their report and Program of Action have been tabled.

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<sup>29</sup> The APRM Self-Assessment Questionnaire provided by the APR Secretariat is divided into four sections, one for each aspect of governance under review. Therefore, the institution responsible for corporate governance would therefore take the lead in answering this part of the self-assessment questionnaire.

**Illustration 2 – Ghana’s National APRM Structures**



**Kenya: An Overview**

Kenya formally acceded to the APRM on 9 March 2003, marking a significant shift in policies between the present government under President Mwai Kibaki and the regime of former President Daniel arap Moi. Under Moi’s leadership of nearly two decades, the country had witnessed a steady decline in living standards and economic growth, as well as mounting population and equally corrupt state institutions. The present regime swept to power in December 2002 on the back of the promise of sweeping and widespread economic and constitutional reforms, promising to overhaul the constitution in 100 days. Although this particular campaign promise has yet to materialise, the present government has made huge progress in improving governance standards in the East African state. Seen as crucial to delivering on the campaign promises made during the National Rainbow Coalition’s (NARC) campaign, the APRM is seen as a vital aspect of the governments drive to reform the institutional vice that became common under Moi’s Kenyan African National Union (KANU) party.

**Kenya’s National APR Structure**

Unlike the centralised structure that has been established in Ghana, the Kenyan approach to establishing a national APRM structure has been to engage civil society even in its design and structure. In January 2004, President Kibaki appointed the Ministry of Planning and National Development as the country’s focal point for the APRM. The Ministry’s first task once appointed was to organise a high level task force comprising government and non-state actors to provide interim coordination and set modalities in place for the creation of a National Governing Council (NGC). This Interim Task force in turn was responsible for the appointment of a permanent NGC. This model was adopted in order to ensure that civil society in Kenya was given a voice throughout the process, even at the highest level. This was facilitated through the organisation of various national stakeholder conferences, held to invite public participation in the design of the National APRM structure, as well as other observations and comments on the APRM process in general.

These conferences also afforded civil society groups an opportunity to add their input to the national strategy “roadmap” on how to proceed with the peer review process. At the end of the second stake holders’ conference, this manifested itself in the nomination and election of several thematic groups, open-ended consultative bodies which are supposed to ensure broad-based public participation in the review process. A representative from each thematic group sits on the NGC, ensuring another avenue for input from civil society at the highest levels of the process. The thematic groups were also intended to provide expertise on various issues pertaining to the APRM process, and have been deliberately structured to allow a fluid exchange of personnel and expertise when the need arises. The convenors of the thematic groups met to convene the NGC for the first time in October 2004, and consisted of 27 representatives, many of whom were elected directly from civil society. The NGC, in addition to overseeing the review process in Kenya was also tasked with ensuring the alignment between the stakeholder and technical committee objectives.

In order to provide technical assistance in the implementation of Kenya’s “road map”, and to comply with the model mandated by the APRM structure, the National Governing Council appointed 4 Lead Technical Agencies to carry out the technical reviews of the four specific areas under review during the APRM process. The agencies appointed are:

1. African Centre for Economic Growth – Democracy & Political Governance
2. Kenya Institute of Public Policy Research & Analysis – Economic Governance
3. Centre for Corporate Governance – Corporate Governance
4. Institute for Development Studies – Socio-Economic Development<sup>30</sup>.

The Kenyan national APRM structure has clearly placed a significant emphasis on the total participation of civil society in the APRM structures. The Kenyan

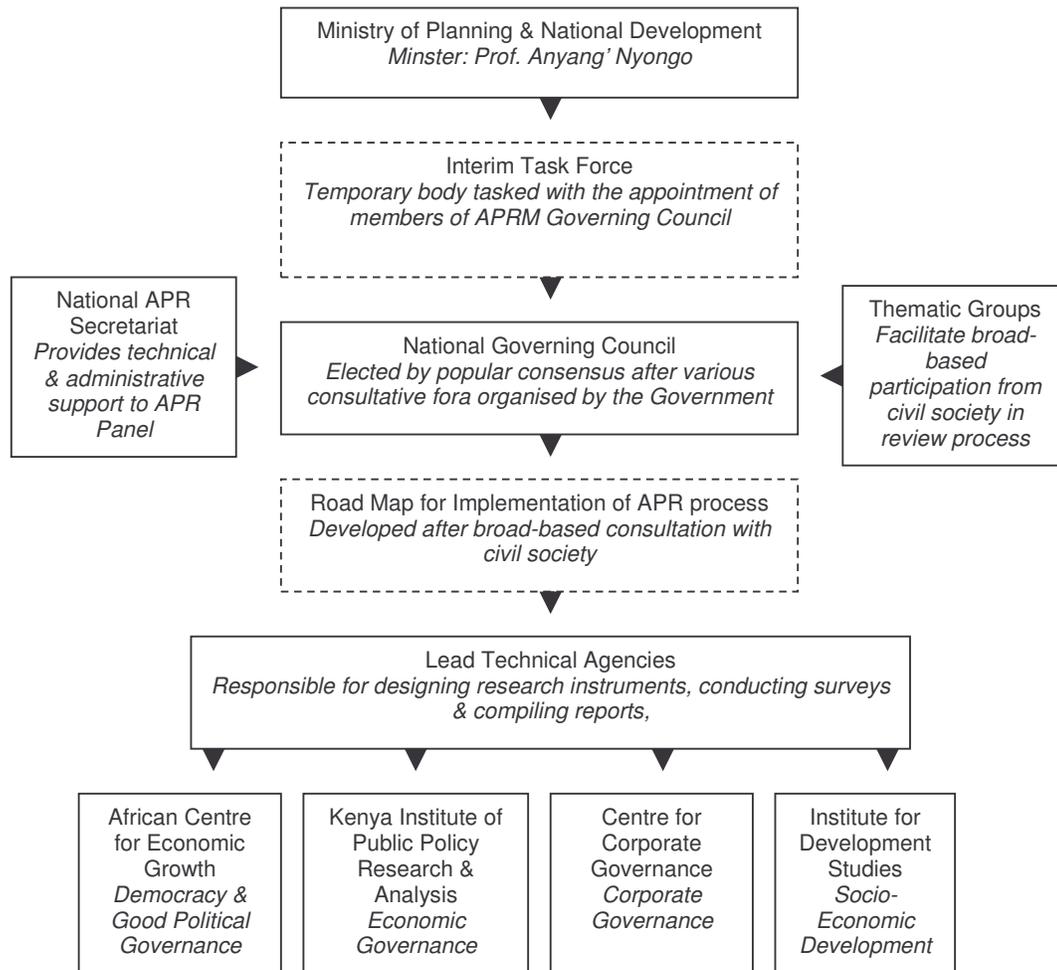
government has limited its role in the design and structure of the National structures, giving greater responsibility to civil society for the peer review process. This approach has clear benefits and disadvantages.

One of the obvious advantages of the Kenyan approach is the increased ownership of the APRM by elements of civil society. With numerous elected representatives on the NGC, and with a clear channel of communication into this important decision-making body through the thematic groups, the Kenyan model has created a far more receptive structure to the input of civil society. Additionally, the nomination and selection process of the convenors of the thematic groups affords a good opportunity to equip the NGC with personnel who have the relevant skills required to perform its duties.

One of the obvious disadvantages of the Kenyan Model is the danger of the NGC falling prey to special interest groups and lobbying from within. Civil society is not a unified entity, and the potential exists for the NGC to fall prey to fractiousness and division, particularly where elements of civil society see an opportunity to advance their cause through the APRM. In this scenario, the input of civil society at the highest levels has the potential to undermine the singular focus of the NGC. In such a scenario, the government would need to adopt a more hands-on approach, probably through the Ministry of Planning & National Development in order to avoid factional interests within the NGC.

<sup>30</sup> W Masai. *Op. Cit.* 2004.

**Illustration 3 – Kenya’s National APRM Structures**



Kenya’s preliminary report is expected to be submitted to the APR panel in March 2005, around the same time as Ghana and Mauritius. The final country review is expected before the end of the year. Like Ghana, Kenya is unlikely to receive any scathing criticism in the final analysis, considering the relatively brief tenure of the current NARC government, as well as the progress made since Kibaki has presided over the country in improving governance standards. However, it is unlikely that the Kenyan review will receive a complete bill of health, as the corruption and vice that became a crippling endemic under the previous administration have yet to be adequately addressed by the present government, and much work remains ahead if the NARC government is to bring Kenya’s

institutional standards into line with the standards articulated by the APRM<sup>31</sup>.

### **Mauritius: An Overview**

The formal accession of Mauritius to the APRM on 9 March 2004 is not the first initiative adopted by the island nation regarding governance reforms. From the late 1980’s, Mauritius implemented necessary and beneficial governance reforms, particularly economic reforms that saw the country reap strong economic benefits in the early 1990’s with increased tourism and international investment. However, events elsewhere in Africa, in particular South Africa, where Apartheid was overturned in 1994, impacted on the

<sup>31</sup> Declaration on Democracy, Political, Economic and Corporate governance. *Op. Cit.*2004.

international community's interest and investment in Mauritius. As international investment was diverted away from Mauritius in the direction of South Africa, the economy began to slow, and unemployment increased dramatically. One of the major challenges facing Mauritius at present is how to increase the country's profile in the minds of the international community, and particularly how to attract new flows of foreign direct investment. As a result, and with a generally favourable track record of good governance, Mauritius sees the APRM as an opportunity to increase its profile in the international spotlight.

### **Mauritius' National APR Structure**

Although Mauritius acceding to the APRM is intended to signal the country's intentions to establish credible governance norms and standards, the country has thus far struggled to establish identifiable structures through which to coordinate the various aspects of the APRM. The National Economic and Social Council (NESC) has been appointed as the country's focal point, and the coordinating structure of the APRM. However, the structures beneath the NESC have either not been clearly identified or enunciated, which has allowed for a degree of confusion in the make-up of the APRM structures in Mauritius. The NESC has hosted a number of stakeholder workshops and sensitization meetings to promote the visibility of the APRM in Mauritius, and explain the country's strategy, but has as yet failed to deliver a tangible organisational structure along the lines of Ghana and Kenya. At the time of writing, the NESC had still not made publicly available the names of any institutions/organisations which had been approached to handle the various aspects of governance to be examined by the APRM. Below the NESC therefore, there is little indication of any structures as yet and although the NESC is believed to have approached certain institutions already to assist in this regard, this could not be confirmed.

This could possibly impact on Mauritius' readiness for further visits from the APR

Panel and technical teams, and may push back the completion of the entire review, unless urgent steps are taken to galvanise the process. However, an assessment of Mauritius current state or preparedness may be premature. There is nothing within the APRM framework that stipulates a specific type of structure or method that a government must adhere to in order to be considered ready for peer review, and the government's failure to articulate a plan of action and organisational structure may in fact be more as a result of poor channels of communication than a lack of structural preparedness. If the current lack of clarity about the various role players persists, then it is almost certain to impact on the country's long-term ability to effectively conduct a sustained evaluation of its performance.

The current lack of clarity in Mauritius highlights one of the challenges facing the APR Panel, who led a support mission to the country on 28-30 June 2004. The mission was led by Mr Mourad Medelci, the APR Panel representative, who was accompanied by representatives of APRM strategic partner institutions such as the African Development Bank (ADB), the United Nations Economic Commission for Africa (UNECA) and the United Nations Development Program (UNDP). The mission, as in Ghana and Kenya, assessed the levels of readiness in Mauritius for the task of undertaking the peer review process, and offered advice and assistance where necessary. The official communiqué of the support mission to Mauritius is far less detailed on the structure and make-up of the APRM National Structure than either Ghana or Kenya and it is evident from the questions posed by various stakeholders during the national stakeholder conference held on 29 June 2004 that the process was not well understood. In such an event, the timing of the APR Panel's support mission may have been premature. It seems that little progress has since been made in clarifying and elaborating the structure in Mauritius, yet the APR Panel has no clear early warning system once it has conducted a support mission to identify whether a state is falling behind in the process. 8 months after the support mission, it is still not

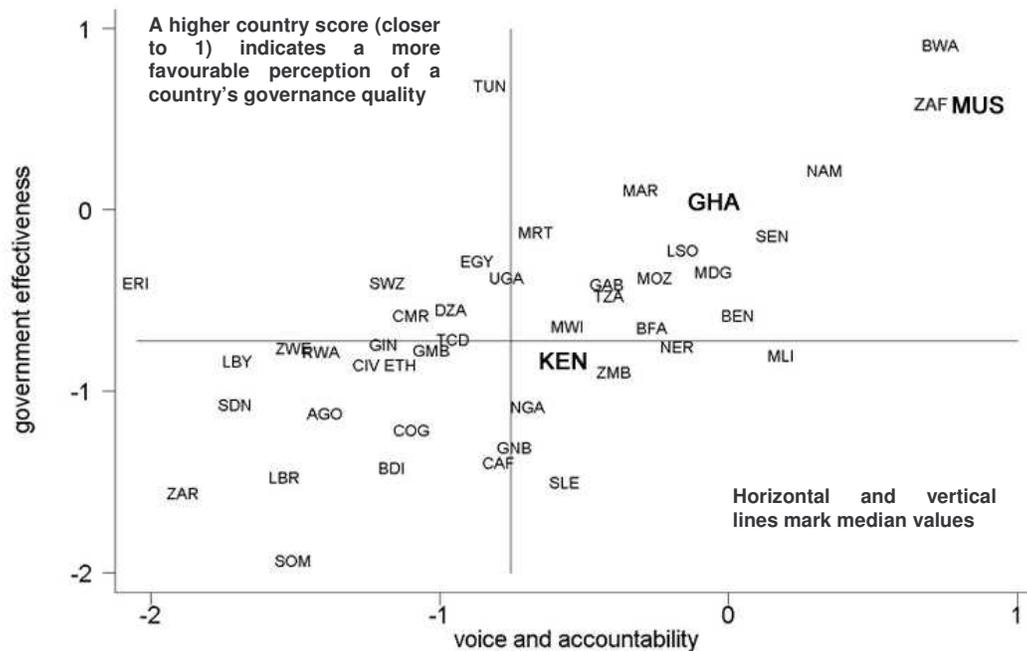
possible to identify a clear structure in Mauritius, which should be a cause for concern.

### Comparative Analysis

Since 2001, the debate generated by the existence of the APRM has been based on the statements and communiqués of the APRM’s architects and key stakeholders. After four years of analysis and debate the process is finally underway, and the conjecture and hypothesis can take a back

seat to substantive analysis of a tangible process. The selection of Ghana, Kenya and Mauritius, along with Rwanda, as the first batch of countries submitting to peer review has allowed for the establishment of certain standards and precedents which other countries will likely consider as they prepare for their own peer review processes. To what extent, however, are the outcomes in these countries likely to reflect things to come in other APRM signatories?

**Illustration 4 – Governance Quality and African States<sup>32</sup>**  
horizontal and vertical lines mark median values



<sup>32</sup> This figure is taken from G Masterson. *Op Cit.* 2004. p. 25.

In comparison with the rest of the continent, Ghana, Kenya and Mauritius are countries which have a reputation for better than average standards of governance<sup>33</sup>. Whilst this allows for a number of positive outcomes, most obviously the creation of a solid and credible precedent which other APRM member states can build on, there are also some inherent questions that remain unanswered. The review process, despite some difficulties in Mauritius, and some minor flaws in Ghana and Kenya, has by and large been fairly well implemented. The APR Panel visits have been generally satisfied with the processes and the subsequent feedback has largely positive. It should be noted therefore, that the neither the APR Panel nor the APR Forum have thus far been seriously tested on their commitment to the promotion of good governance standards, as these countries are not considered among the continents biggest governance offenders. Although at this stage neither the APR Panel nor the APR Forum have made any recommendations (it being too early in the process for this), Ghana, Kenya and Mauritius are highly unlikely to receive scathing reviews. Thus the APRM has benefited from a relatively uncontroversial beginning, but the mechanism's true resolve and fortitude has yet to be adequately tested.

It is also interesting to note the disparities in the approaches between the three countries. Whilst Ghana has adopted a more centralist, and hands-on government approach with regional workshops run by the central authority, Kenya has preferred a more diverse approach which seeks to engage civil society in every possible way. Mauritius has thus far lagged behind in terms of structure, but has been extremely active in attempting to increase the visibility of the mechanism through holding numerous workshops and open forums on the APRM and governance issues. The diversity of the approaches between these various countries has thus far been encouraged by the APR Panel, which has played an important supporting role in the creation of national structures

and processes, without imposing uniformity or unnecessary structure on the national focal points. There is clearly the need for greater administrative and technical support, and in this regard the APR Secretariat needs to be more active and involved in the national processes than is currently the case. In cases like Mauritius, where national structures are not yet clearly defined, the APR Secretariat could play a more influential role in assisting the national focal point in identifying lead technical agencies. This will only become possible however, if greater financial and human resources are allocated to the secretariat. Summarily, therefore, the launch of the peer review process in Ghana, Kenya and Mauritius has been cause for both optimistic and cautionary analysis.

### What Lies Ahead

The subsequent batch of 5 countries scheduled to submit to peer review (Mozambique, Senegal, Mali, South Africa and Algeria) will likely benefit from the initial experience of the first group of countries who have thus far participated in the process. The lessons learnt in Ghana, Kenya, Mauritius and Rwanda will likely stand the APRM in good stead. The APR Support missions should be able to make more practical and technical suggestions during their visits, as well as anticipate some of the problems experienced in the first group of country visits, and the countries themselves can refer to working models and organisational structures in designing their own models and structures. However, the APRM is still a young mechanism, and the second group of countries will continue to pioneer new approaches and continue to confront new challenges in their own peer review processes.

The make-up of the second group of countries means that the APRM is now a truly continental initiative, with the inclusion of Northern and Southern African states included in this group. The heavy central African bias of the first group of countries may have largely confined the exposure of the APRM to African civil society in that region, but

<sup>33</sup> See Illustration 4 – Governance quality and African States.

with South Africa, Mozambique and Algeria submitting to the peer review process, the initiative has widened its coverage of the continent. The inclusion of Senegal and Mali extends the influence of the mechanism into the turbulent West African region, where the experience of Ghana in the peer review process may prove to be a valuable asset. The second group of states submitting to peer review will provide a far more accurate reflection of the political will that exists in the APR Forum and the African Union to tackle corruption and poor governance. South Africa is up for review, and the integrity of NEPAD's architect, President Thabo Mbeki may be at stake. The reviews of Mali and Senegal in the turbulent West African region will continue to test the political resolve of the APRM, and whether the process can have any impact some of the governance challenges facing the region. And in Algeria, the peer review process will likely challenge other North African leaders to join the mechanism and promote greater governance reforms there.

In addition to the second batch of country reviews getting underway, the first country reports are due out this year, and although it appears likely that they may be delayed slightly, especially Mauritius, the international community will be paying close attention to the findings, and the response of the African Union to the recommendations. The actions of the individual governments will also be scrutinised, and the role of the donor community will also be tested once the first batch of country reports comes out. A number of aspects of the reports, such as the accuracy, technical detail, tone and recommendations will have a direct influence on states which have not yet joined the APRM but are considering such a move. If the reports are too "soft", and adopt a lenient stance towards governance quality, the image of the APRM will be immediately tarnished. If the reports are too strict on mismanagement and governance quality, this could potentially discourage some African states from acceding. As such, the country reports will need to strike a precarious balance between these two extremes.

## Conclusion

The African Peer Review Mechanism represents a unique opportunity for African states to promote and encourage the practices of good governance which are believed to lead to greater economic and social development. The process has moved beyond the purely theoretical and is now in the early phases of implementation in various APRM signatory countries. A continental structure has been put in place, and the first signatories are in the initial phases of conducting peer review. The discrepancies, diversity and uniqueness of the various national structures and organisations have been highlighted, as well as possible strengths and weaknesses. For Ghana, Kenya and Mauritius, as well as Rwanda, interest in the process is likely to remain high given the importance attached to the APRM by various continental and international stakeholders. Although the success or failure of the initiative in these countries need not necessarily reflect the fortunes of the APRM as a whole, they will be responsible for setting the standard for other APRM signatories, and as such, warrant careful consideration from all concerned stakeholders. The process is finally underway, and there remains a considerable amount of work prior to the first conclusive APR Forum reports. In the interim, the conjecture and debate is likely to continue unabated, and for the development of good governance in Africa, that must surely be seen as a good sign.

**List of Abbreviations**

ACHPR	African Commission on Human and People's Rights
ADB	African Development Bank
APR Forum	African Peer Review Governing Council
APRM	African Peer Review Mechanism
APR Panel	African Peer Review Panel of Eminent Persons
APR Team	African Peer Review Country Review Team
AU	African Union
CSO	Civil Society Organisation
KANU	Kenyan African National Union Party
LPoA	Lagos Plan of Action
MAP	Millennium Action Plan
MOU	Memorandum of Understanding
NAI	New Africa Initiative
NAPRM-GC	National African Peer Review Mechanism Governing Council of Ghana
NARC	National Rainbow Coalition Party
NEPAD	New Partnership for Africa's Development
NESC	National Economic and Social Council of Mauritius
NGC	National Governing Council of Kenya
OAU	Organisation of African Unity
OECD	Organisation for Economic Cooperation and Development
PAP	Pan-African Parliament
UNDP	United Nations Development Program
UNECA	United Nations Economic Commission for Africa

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