

Project for Streamlining and Fast Tracking the Implementation of the African Peer Review Mechanism

Submission by AfriMAP

April 2010

AfriMAP, the Africa Governance Monitoring and Advocacy Project of the Open Society Institute, makes this submission to the APRM Secretariat in response to the call for submissions to the *Project for Streamlining and Fast Tracking the Implementation of the African Peer Review Mechanism*. It is partially based on a submission made by AfriMAP in December 2007,¹ following the workshop hosted by the Secretariat in Algiers in November 2007 at which it was announced that the APRM questionnaire and other documents would be reviewed by the Secretariat and other stakeholders.²

The call for submissions notes that ‘the project entails seven inter-related components’:

Assignment A : Revision of the APRM Methodology and Processes

Assignment B: Revision of the APRM Assessment Questionnaire (split into 4 sub-parts, corresponding with the divisions of the questionnaire)

Assignment C: Development of an NPOA Monitoring and Evaluation Framework

Assignment D: Elaboration of Modalities for Enhancing the Participation of Civil Society in the African Peer Review Mechanism

This submission is based on AfriMAP’s engagement with the APRM in the countries in which it has been implemented so far; and in particular on the reviews of the APRM processes that AfriMAP has published on Benin, Burkina Faso, Ghana, Kenya, Mauritius, Nigeria, and Rwanda, and additional reports in the pipeline on the process in Algeria, Mali, Mozambique, South Africa and Uganda. These reviews are or will be available (in English and French) on the AfriMAP website.³

AfriMAP believes that the APRM is, despite some challenges and set-backs, the most important effort yet by African leaders to improve governance on the continent and is strongly supportive of the initiative. However, recent developments have also led us to question this position. In particular we are concerned at the long delays in appointing new members of the panel of eminent persons, and the continued failure to appoint an executive secretary for the APRM secretariat. We also have suggestions on improvements that could be made to the APRM process under all the headings above. We believe that confidence in the process can be revived and the APRM live up to its initial promise if the *Project for Streamlining and Fast Tracking the Implementation of the African Peer Review Mechanism* is itself effectively implemented.

Assignment A: Revision of the APRM Methodology and Processes

The Eminent Persons Panel

A great strength of the APRM process has been the role of the eminent persons, whose competence and credibility and willingness to criticise states undergoing review has been of critical importance in establishing the usefulness and legitimacy of the process to a wider audience than only heads of state. From our experience, the eminent persons have made the most significant contribution

¹ AfriMAP’s 2007 submission is available here: <http://www.afriMAP.org/researchDetail.php?id=36>.

² The workshop brought together those involved in APRM assessments at national level, the members of the eminent persons panel, and representatives of the APRM Secretariat and technical partners. The aim of the meeting was to carry forward the recommendations of the AGF-VI held in Kigali, May 2006, with a view to presenting revisions to the questionnaire and other documents for adoption by the APR Forum at the January 2008 AU summit. See, ‘APRM Secretariat gears up for major implementation workshop in Algiers’, *NEPAD Dialogue No.200*, 19 October 2007.

³ See: <http://www.afriMAP.org/report.php>.

to the process where they have complemented their technical command of the governance issues of the APRM with a strong sense of political stewardship which the process requests of them. The eminent persons have not been afraid to speak out when they have believed that national self-assessment processes have been insufficiently participatory or lacking in content.

AfriMAP was therefore particularly concerned throughout 2008 and 2009 at the failure to replace promptly the original APRM eminent persons as they retired from their positions on the panel. Thus we welcome the APR Forum's appointment in January 2010 of four new members of the panel, bringing the membership back up to the approved total of seven.⁴ However, we remain disturbed by the lack of publicly available criteria for the appointment of the eminent persons, in line with the position for other African Union posts; and at the lack of transparency about the way in which the particular eminent persons came to be selected or the chairperson appointed, or the term limits applied to panel members.

- *Recommendation:* The criteria for nomination and tenure of the eminent persons, and of the chair of the panel, and the term limits applied, should be published and opened for comment, circulated among national focal points with requests for their inputs in particular, and finalised by the APRF at the next meeting.
- *Recommendation:* the APRM core documents should provide for a transparent mechanism ensuring the panel's accountability to the process beyond just the APRF, including to the national focal points and national governing councils.
- *Recommendation:* The country assignments of new Panel members should be clarified as soon as possible, considering the pending reports of several countries, particularly Kenya and Ethiopia. For Kenya in particular, the APRM follow-up review has the potential to make an important contribution to the electoral, governance and democratic reforms to be undertaken prior to elections in a year's time.

The secretariat

During 2009, the APRM secretariat finally signed a headquarters agreement with the South African government, enabling, in principle, long-standing problems with staff contracts and other issues to be resolved. Despite this, the APRF did not appoint a new executive secretary in January 2010, and the position has been empty for almost two years, with one of the programme officers acting in that role. It is impossible for the APRM to function effectively without a full-time executive secretary in place. There is an urgent need to undertake an appointment process, after an open and transparent search.

More generally, given the level of ambition of the APRM, the secretariat must be adequately staffed in order to meet its mandate. Like most other AU institutions, the APRM is woefully understaffed and appears to exist from one country review and APR summit to the next.

In addition, if the APRM is to be a credible governance assessment tool, its structures must obey basic rules of financial accountability. Yet the latest audit report of the secretariat's accounts has not been published. As a result of concerns over a lack of respect for accounting rules, development partners gave no money to the APRM Secretariat centrally during 2009. While the APRM should be properly funded by member states that have signed up for the reviews, the fact that donors do not feel able to provide further funding because they lack confidence in the APRM's financial management is very worrisome.

⁴ The seven members are now: Adebayo Adedeji (Nigeria, chair since 2007); Mohamed Babes (Algeria, also reappointed); Amos Sawyer (Liberia, former president); Julienne Ondziel (Congo-B, former member of ACmHPR); Siteke Mwale (Zambia, former envoy to Great Lakes); Akere Muna (Cameroon; also chair of ECOSOCC); Domitilia Mukantanzwa (Rwanda, head of gacaca courts).

- *Recommendation:* An executive secretary should urgently be appointed; the job description and criteria for selection should follow the guidelines for all AU appointments and should be made public. Additional programme staff should be recruited as soon as financial resources allow.
- *Recommendation:* The audit report of the secretariat for 2009 should be made public and distributed to national governing councils and national focal points. Future audit reports should be promptly carried out and published, to assure all those who contribute to the APRM of the proper use of its funds. Proper financial management systems should be put in place.

National focal points

AfriMAP believes that the national APRM focal points have a critical role to play in ensuring the effective implementation of the APRM. We were concerned by the reports in January 2010 that national focal points were not consulted or involved in the process of deciding on the appointment of new members of the panel of eminent persons. With their experience in the detail of managing the major process of APRM self-assessments, the participation of national focal points is essential to the true ownership of the APRM process by the member states, as called for in all the APRM founding documents. Their expertise is also necessary to ensure that the APRM core documents themselves are as comprehensive and good quality as possible.

Specifically, we believe that the national focal points should have been involved in January 2010 in the discussion of the latest audit report of the APRM secretariat, the restructuring of the APRM secretariat, and criteria and decisions relating to the appointment of an executive secretary and new panel members. The retroactive involvement of the focal points in approving criteria for appointment of new panel members is not sufficient: they should have been consulted before the recent new panel members were appointed.

- *Recommendation:* The APRM core documents should explicitly provide for the role and mandate of the national focal points in the continental discussions relating to the APRM, as well as each national process. The practice of holding a national focal point meeting the day before each APRM meeting should be established by those core documents, and the agenda for the meetings should be open to suggestions by all focal points for items for discussion. The chair of the meetings should be elected by the national focal points themselves, rather than being the chair of the APRM eminent persons *ex officio*, as has been the case so far.

National governing councils

At national level, the establishment of an independent national governing council (NGC) outside the control of the executive to govern the APRM process and validate the self-assessment reports has also been of key importance – though not implemented in every case. The number of members of national governing councils has varied significantly from country to country: in Ghana there were seven members; in Nigeria 250. There are arguments in favour of different sizes; however, the Nigerian option does seem too large to be effective. In some cases, eminent persons assigned to particular countries have had to play positive roles in helping to shape the composition and ensure the independence of the NGCs. The role of the NGCs in relation to the finalisation of the self-assessment reports has also varied, with some signing off on the text, and others effectively left out of the process, which has been handled by government. Representatives of national governing councils have to date been invited on an ad hoc basis to continental meetings of the APRM, but have no clear role in the continental structures and discussions around APRM implementation – even less than national focal points. In some cases, the NGCs have been dissolved immediately following the completion of the self-assessment report; in others, more positively, there has been an ongoing role for the NGC in monitoring implementation and follow up for the APRM process.

- *Recommendation:* The APRM documents should insist on the need for the national governing council to be autonomous of the executive, with a majority of non-government members, and

chaired by a non-government representative. The NGC secretariat should also be clearly independent of government, under the authority of the NGC itself, even if staffed by seconded civil servants. The NGC should have the clear mandate and authority to sign off on the national self-assessment report. The Project for Streamlining and Fast Tracking the Implementation of the APRM should canvass the opinions of national focal points and others on the optimum size for national governing councils and publish guidelines.

- *Recommendation:* The role of national governing councils and their chairs in the continental structures of the APRM should be strengthened and clarified. For example, they should be invited to the pre-APRF meetings attended by national focal points.
- *Recommendation:* The national governing councils should not be dissolved following the completion of the self-assessment process, but retained (perhaps in reduced size), with the responsibility of monitoring and reporting on implementation of the NPoA, including commenting on the national progress reports prepared by the executive.

Technical research institutes and research methodology

In most countries the main task of research and analysis for the APRM self-assessment has been carried out by ‘technical research institutes’ (TRIs) appointed by the NGC or national focal point to carry out this work for each of the four APRM themes. These TRIs have sometimes been government-controlled bodies, sometimes government-funded but independent, and sometimes fully independent think tanks. There has also been great variation in the research methodologies used, ranging from broad-based statistical research, to focus groups, opinion polls, desk-study, or calls for submissions, with consequent variation in the type of report that each institute has produced. Where government controlled bodies have been employed for this work, there has been concern about the independence of the results; where independent think tanks have been used there have also been concerns, this time related to the way in which using a think tank for such a consultancy may then be seen as sufficient involvement of civil society in the process.

- *Recommendation:* The APRM core documents should include directives to guide the selection of TRIs. This should include the need to ensure a proper balance between the technical soundness of the self assessment and the importance of broad and independent participation in the process. As much as possible, TRIs should be national competent institutions independent of government. Where such structures do not exist, preference should be given to regional or other countries’ TRIs rather than government structures. It should be clear that involvement of independent think tanks in the research does not remove the obligation for broad-based consultation with other civil society structures.
- *Recommendation:* There should also be clearer guidance on the types of research methodology that are suitable for use by the TRIs, and the sort of consultation that should be involved for drafting their thematic reports.

Involvement of other countries’ officials in the peer review

The initial concept of the APRM included the aim of including officials from other governments in the peer review of their counterparts in countries undertaking the APRM process: yet in practice this aspect of peer engagement has not been implemented and the technical advice to the APRM Secretariat has come from the partner agencies like UNDP, UNECA and the African Development Bank. While such technical advice has been positive, we believe that government officials who face similar constraints and work under similar conditions could add unique value to the APRM process.

- *Recommendation:* The Project on APRM implementation should explore the possibility of involvement of national officials of other APRM member states in the expert teams that carry out the country review missions and draft the country review reports.

Assignment B: Revision of the APRM Assessment Questionnaire

The four headings of the APRM questionnaire used to guide country self-assessments and review reports – democracy and good political governance; economic governance and management; corporate governance; and socio-economic development – give it many strengths compared to similar reviews. The questionnaire includes detailed questions based on an unusually wide range of benchmarks related to respect for human rights, good governance, the rule of law, democracy, gender equality and the rights of disadvantaged groups. These allow for governance to be assessed from a human rights perspective that favours pro-poor development models, going beyond the narrower framework of the NEPAD programme itself.

This submission does not question the basic division of the APRM questionnaire into four themes, on the basis that these are established by the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance. For the most part, we believe that the structure is a good one, though there could be different ways of organising the topics. However, there have been many complaints from countries undertaking the APRM that the questionnaire tries to cover too many issues, has a somewhat confusing structure with questions that often overlap with each other, and is unmanageable both for governments and for civil society organisations seeking to respond to it. At the same time, there are questions that could usefully be added to in order to address some important issues that are currently not covered. We recommend that a systematic review of the questionnaire be undertaken by an expert group, focused on addressing these issues.

Cross cutting themes

An Extraordinary Summit of the APR Forum was convened in Cotonou, Benin, from 25 to 26 October 2008 focusing on priority cross-cutting issues identified in the first APRM country review reports: managing diversity and xenophobia, elections, resource control and management, land, and corruption. A number of other cross-cutting issues have also been identified: including poverty and inequality, violence against women and gender inequality, violence against children, external dependency, crime and xenophobia, transformative leadership, constitutionalism, chieftaincy, political pluralism and competition for ideas, reform and modernization of government, spatial inequality and environmental degradation, unemployment, capacity constraints and poor service delivery. The original APRM questionnaire also identified cross-cutting issues, which, however, are slightly different: poverty eradication, gender balance, decentralisation, country capacities to participate in the APRM, access to and dissemination of information, corruption, broad-based participation, and sustainability in financial, social and environmental issues.

- *Recommendation:* A review of the questionnaire should prioritise and integrate more effectively the cross-cutting issues identified as of greatest importance within the existing APRM reports, and provide clearer guidance to countries on how they should provide the greater attention requested to these themes across their reports.

Assignment B1: Democracy and good political governance

The questionnaire opens with the section on democracy and good political governance. The first issue to be noticed is that the opening list of ‘standards and codes’ to which states are invited to indicate their adherence is strangely random. Conventions are mixed up with declarations and other non-binding standards, and many important documents are omitted at both UN and African level. Among the missing documents of relevance to human rights and good governance adopted at the African level (some of them since the questionnaire was finalised) are:

Treaties

- African Convention on the Conservation of Nature and Natural Resources (1968);

- Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (1991);
- AU Convention on the Prevention and Combatting of Terrorism (1999);
- African Union Non-Aggression and Common Defence Pact (2005);
- African Youth Charter (2006);
- African Charter on Democracy Elections and Governance (2007);
- Protocol to the AU Constitutive Act on the Statute of the African Court of Justice and Human Rights (2008);
- African Charter on Statistics (2009);
- Convention for the Protection and Assistance of Internally Displaced Persons in Africa (Kampala Convention) (2009).

Other standards

- Charter for the Public Service in Africa (2001);
- Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa (2001);
- Declaration of Principles on Freedom of Expression in Africa (2002);
- the Robben Island Guidelines and Measures for the Prohibition and Prevention of Torture, Cruel, Inhuman or Degrading Treatment or Punishment in Africa (2002);
- Ouagadougou Declaration and Plan of Action on Accelerating Prison and Penal Reform in Africa (2003);
- Solemn Declaration on Gender Equality in Africa (2004);
- Advisory Opinion of the African Commission on Human and Peoples' Rights on the United Nations Declaration on the Rights of Indigenous Peoples (2007).

The Memorandum of Understanding on the African Peer Review Mechanism (2003) is also missing, but the fact that a country is completing the questionnaire means that it has signed.

Sub-regional standards from the RECs are also absent: in particular, both the Southern African Development Community (SADC) and the Economic Community of West African States (ECOWAS) have many standards relevant to issues of governance, democracy and human rights that would be important to apply to the countries in their regions. There are also many relevant UN documents that could be listed here. The absence of these documents is not just an omission from the list, but also appears to be reflected in a failure to address some of the issues they consider in the questions that follow.

The questionnaire does not ask about cooperation with the monitoring mechanisms for these treaties, in particular the submission of state reports to the African Commission on Human and Peoples' Rights and the African Committee of Experts on the Rights and Welfare of the Child and compliance with the decisions of these bodies on individual complaints; as well as with the relevant UN bodies. This should be remedied.

Objective three, question 1 in the democracy and good political governance section is a 'catch all' question on 'what measures have been put in place to promote and protect economic, social, cultural, civil and political rights?' The breadth of this question is not helpful in prompting a clear response, especially since other questions also touch on some of these concerns; moreover, it is not specific enough in relation to a range of critical questions, including freedom of expression, assembly and association. This question includes the only mention in the entire questionnaire of freedom of speech, as one in a list of six rights whose recognition by law is to be described (the others are employment, education, health, housing, and freedom of religion).

Also missing from this section are questions related to discrimination and equal citizenship⁵ (apart from discrimination against women) and access to information. The questions on have little detail on election management and do not draw on the existing best practices (SADC in particular, and its Parliamentary Forum, has guidelines here that could be drawn on, as well as the African Charter on Democracy Elections and Governance).

- *Recommendation:* The list of standards and codes should be thoroughly reviewed and updated, especially in relation to relevant human rights standards at UN and African level.
- *Recommendation:* The questionnaire should be significantly strengthened in its treatment of (a) freedom of expression and information, including freedom of the press and broadcast media⁶ and the right to access public information; (b) freedom of assembly and association, (c) discrimination and equality before the law; (d) elections, in line with African and UN standards on these issues.

Assignment B2: economic governance and management

There is a lack of clarity on the division between the issues addressed in this section of the questionnaire and that on socio-economic development. We suggest that this section concentrate, as its title suggests, on the more process-oriented issues of financial and economic management, whereas the section on socio-economic development take into account the broader frameworks for national development policy.

The section of the questionnaire dealing with economic governance and management is notable for not mentioning the process of drafting poverty reduction strategy papers (PRSPs) that (however problematically in practice) have been the principal tool for ensuring that the national economic policies move towards a fairer distribution of national wealth and also involve participation of a wider set of actors in their development than simply government officials and aid agencies.

The questions in the chapter are – as has been widely noted by civil society commentators – quite focused on macroeconomic orthodoxy with little if any attention to distributive issues and economic justice. Objective one, question 1, asks ‘To what extent is your country’s macroeconomic policy framework sound and supportive of sustainable development?’, yet there is no definition of ‘sustainable development’ nor does the guidance on how to answer refer to issues of how models for development are chosen, and the environmental constraints that must be considered in national economic planning processes. However, these issues may more appropriately be considered under the fourth section of the questionnaire on socio-economic development.

Subsequent questions refer to public financial management, yet do not address the well known challenges of management of primary resource revenues (especially from oil) that afflict many African states: the Extractive Industries Transparency Initiative would be an important source of best practices in this area. Nor does the question address management of development assistance to the country, which forms a large part of the revenue of a number of African countries: the Paris Declaration on Aid Effectiveness and the Accra Agenda for Action would be important source documents on these issues.

⁵ See the work of AfriMAP and the Open Society Justice Initiative on nationality law in Africa, *Struggles for Citizenship in Africa*, Zed Books, 2009 and *Citizenship Law in Africa: A comparative study*, Open Society Institute, 2009, both available in full text at <http://www.afriMAP.org>.

⁶ Although the APRM questionnaire does not refer to it, the reference in the NEPAD Declaration to ‘responsible’ free expression is also unfortunate in this regard: the international standards relating to freedom of expression contain no requirement that the use of the freedom should be ‘responsible’. The Declaration of Principles on Freedom of Expression in Africa, adopted by the African Commission on Human and Peoples’ Rights in 2002, provides definitive guidance in this area.

- *Recommendation:* A review of the questionnaire should attempt to clarify the divisions between sections 2 and 4.
- *Recommendation:* The standards and codes listed in the introduction to this section should be reviewed and updated.
- *Recommendation:* Section 2 of the questionnaire should include questions about the main systems of national planning, including PRSPs where relevant, as well as parliamentary and public participation in and oversight of economic decision-making
- *Recommendation:* Questions related to the management of primary resource revenues and development assistance should be added to this section of the questionnaire.

Assignment B3: corporate governance

The inclusion of the third section, on corporate governance, is an important and unusual recognition of the importance of holding powerful private sector institutions to account. However, the opening list again omits many relevant standards and codes, including the rapidly increasing number of (largely voluntary) standards that apply to the operations of multinational corporations operating in African countries, especially those in the extractive industries, which could be drawn on even if not specifically addressed to African governments: for example, the OECD Guidelines for Multinational Enterprises. These omissions are reflected in a lack of detail and preciseness in the questions that follow.

- *Recommendation:* The standards and codes listed in the introduction to this section should be reviewed and updated.
- *Recommendation:* Drawing on these standards, the questions should be sharpened, including by making distinctions between small and medium national enterprises and large international corporations.

Assignment B4: socio-economic development

It is in the fourth section of the questionnaire, on socio-economic development, that questions are asked about outcomes in social and economic rights, especially health, education and other indicators of relevance to the millennium development goals (MDGs), including in relation to vulnerable groups. This aspect of the APRM questionnaire thus makes an important contribution to ensuring accountability in achieving these goals, in a way that is often not integrated into ‘governance’ assessments (even though they may be the subject of separate reviews). Questions of national development priorities may perhaps be more usefully addressed here rather than in section 2 of the questionnaire.

Once again, the list of standards and codes is not exhaustive for this section: among others, the right to development⁷ is not mentioned. African and international treaties on protection of the environment are also not mentioned, including the African Convention on the Conservation of Nature and Natural Resources (1968) and the Bamako Convention on the Ban of the Import into Africa and the Control of Transboundary Movement and Management of Hazardous Wastes within Africa (1991).

Objective one, question 1, asks about participation in the design and implementation of national development programmes, which would allow for discussion of the PRSPs and similar initiatives – this should be expressly encouraged either here or in section 2. Objective six, question 1, also asks about mechanisms to ‘encourage broad-based participation in development by stakeholders at all levels’. However, it is unfortunate that this discussion is segregated from the second section of the questionnaire on economic governance and management: these are important additions which should

⁷ See AfriMAP’s submission on the African Peer Review Mechanism and on the OECD-UNECA mutual review of development effectiveness in the context of NEPAD to the UN High Level Task Force on the Implementation of the Right to Development, January 2008, available at <http://www.afriMAP.org/researchDetail.php?id=39>.

be integrated into the questions about economic strategies and not regarded as separate from macroeconomic policy and the other issues dealt with under that heading.

- *Recommendation:* The standards and codes listed in the introduction to this section should be reviewed and updated.
- *Recommendation:* A review of the questionnaire should attempt to clarify the divisions between sections 2 and 4; issues of sustainable development and national development priorities may more appropriately be addressed in section 4; whereas issues about participation are also relevant in section 2. Section 4 should also address issues related to the equal distribution of the benefits of national economic development.

Assignment C: Development of an NPoA Monitoring and Evaluation Framework

Harmonisation with other processes

Many commentators have noted the potential or actual overlap between the APRM process and other governance and development initiatives in Africa: this was recognised also by the AGF-VI discussions on implementation of the APRM.⁸ This integration process will put a premium on the quality and rigour of the APRM documents, so that they become a major source of information for bilateral and multilateral donors who themselves seek to assess governance performance. Consensus on what the key measures of governance and what needs to be done will greatly assist in the agreement of a equitable and effective national development framework.

- *Recommendation:* The NPoAs should be appropriately integrated and harmonised, beyond a simple mention of the process, with other national development plans, including PRSPs, ‘sector wide approaches’ for reform and development assistance, the MDG reporting documents, and the national adaptation programmes of action required under the UN climate change regime. For this purpose, it is likely that national planning ministries are best-placed to take responsibility within the executive for implementation and reporting on the NPoAs.⁹

There is a need for further discussion with the national focal points, NGCs, planning ministries, and other stakeholders, including civil society groups, about the best way to make the NPoAs most effective for national planning purposes. There is an argument that rather than trying to elaborate fully costed proposals for the NPoAs, the APRM consultation process and reports should rather set key national priorities that can then be costed within other planning systems, including the PRSP. On the other hand, the process of costing the NPoAs assists in making them more concrete.

- *Recommendation:* The Project for Streamlining and Fast Tracking the Implementation of the African Peer Review Mechanism should actively solicit inputs specifically on the issue of costing the NPoA from those most closely involved at national level in each country that has undertaken the review.

Monitoring and enforcement of the NPoAs

The voluntary nature of the APRM should not detract from the need to ensure that it is more than a talking shop and that its conclusions have a real impact on national development strategies. At national level, the executive should be responsible for implementing the NPoA, which should therefore, as noted above, be integrated into national planning processes. However, the NGC should remain in place after the completion of the self-assessment report and should be specifically tasked with independent monitoring and reporting of implementation of the APRM priorities. The example

⁸ *Implementing the APRM: Challenges and Opportunities*, Report of the Sixth Africa Governance Forum (AGF-VI), Kigali, Rwanda, May 2006, p.38.

⁹ See also Adotey Bing-Pappoe, *Reviewing Africa’s Peer Review Mechanism: A Seven Country Survey*, Partnership Africa Canada, March 2010.

of the local level APRM committees established in Ghana could – subject to evaluation based on the experience in practice – provide a useful model for participatory monitoring mechanisms. The involvement of national parliaments should be enhanced. The progress reports from the countries that have completed the APRM review process have the potential to make an important contribution, but need more rigour than has so far been applied.

- *Recommendation:* The APRM core documents should clearly establish the continuing role of the NGCs and national parliaments in monitoring the implementation of the NPoAs.
- *Recommendation:* National progress reports should be prepared according to a standard template that includes feedback on all aspects of the NPoA and not only those that are selected by the government for reporting, and should involve the soliciting of public inputs at national level. The NGC should be requested by the APRM Secretariat to prepare and present a public comment on each progress report in advance of its presentation to the APRF, as should the relevant member of the panel of eminent persons.
- *Recommendation:* It should be a requirement that both the APRM self-assessment report and the APRM country review report, as well as the progress reports, are tabled before and debated in the national parliament. National parliaments should assign to a standing committee the role of monitoring and reporting on implementation of the APRM programme of action.

At continental level, the fact that heads of state consider and debate the country review reports and national programmes of action gives them a status and importance across African countries that is not present in any other development assessment process. On the other hand, there is criticism that the fact that the formal debate is only before heads of state – and not, for example, the Pan-African Parliament (PAP) – means that the process is at risk of political capture by individuals with no interest in seriously addressing the issues at stake.

- *Recommendation:* The relevant member of the panel of eminent persons should present each APRM country review report and progress report to the PAP together with a representative of the national focal point; a committee of the PAP should be assigned responsibility for providing written commentary on each report; and the panel of eminent persons and national focal points should be obliged to respond to the comments from the PAP.

The APRM has also not been able to coordinate effectively with the bodies responsible for monitoring compliance with Africa's human rights treaties, in particular the African Commission on Human and Peoples' Rights; at least in part this is also due to capacity limitations from the side of the African Commission. However, the African Commission has a longstanding tradition of good relations with civil society organisations, who would certainly be able to assist in providing input to national self-assessment processes, revision of the APRM questionnaire, and other tasks. The state reports to the African Commission could also provide useful source material for the APRM review reports – and vice versa.

- *Recommendation:* The secretariats for the APRM, African Commission and African Committee of Experts on the Rights and Welfare of the Child should meet to discuss and make recommendations on the best ways for improving interactions between the various monitoring processes.
- *Recommendation:* A copy of each country review report and NPoA should be formally submitted to the secretariat of the African Commission on Human and Peoples' Rights, to assist in the review of the state reports to that body.

Assignment D: Elaboration of Modalities for Enhancing the Participation of Civil Society in the African Peer Review Mechanism

Consultation processes

One of the strengths of the APRM process has been its emphasis on national level participation in the completion of the self-assessment reports. Each one of the review processes so far has had weaknesses in this regard, but, overall, they have generally provided new space for national dialogue that did not previously exist, especially for civil society groups that are not among the leading policy think tanks invited to other meetings. However, systems to report back to civil society on how their inputs have been used have been limited; while there has often been a confusion between ‘consulting civil society’ and ‘hiring civil society groups as consultants’ to implement the self-assessment process, whether as technical research institutes or in another role.

The APRM Secretariat should also insist on the extension of the participatory ideal to the implementation phase, with regular involvement of civil society and parliamentarians in monitoring and evaluation of progress in achieving the programmes of action.

- *Recommendation:* The APRM core documents should clearly establish the stages in the process for independent civil society groups to contribute, the mechanisms by which their inputs can be taken into account, and the report-back systems to civil society and citizens at large on how the final self-assessment report was drafted.
- *Recommendation* The revised APRM questionnaire should be provided in two forms: a version for expert consultants, and a version in language that can be used by non-technical specialists, enhancing citizen participation. This adaptation process could draw on the versions that have already been developed in the course of several of the country processes for use at national level in focus groups and opinion poll surveys. The adapted versions used at national level should also be available on the APRM website.
- *Recommendation:* Draft national progress reports should be published at national level with an invitation to civil society groups to comment on their content in advance of the APRF.

Access to information

Access to and dissemination of information is identified in the APRM master questionnaire as one of the cross-cutting issues that require “systematic attention across all areas of the questionnaire”. Yet gaining access to information about the APRM process itself is extremely difficult: improving access to information would perhaps be the most important means to strengthen civil society engagement with the process at both national and continental levels.

The APRM website is out of date and fails to include many relevant documents, including APR Forum communiqués and several of the core texts (especially the French versions). It is left to the UN Economic Commission for Africa (UNECA) and especially non-governmental organisations like the Institute for Security Studies, South African Institute for International Affairs (SAIIA), Partnership Africa Canada (PAC), the Electoral Institute of Southern Africa (EISA) and AfriMAP to provide useful background information on how the APRM is progressing – but these organisations do not have access to all relevant documents.

Aside from the availability of information online, the APRM has made no significant efforts to publish and disseminate material about what it is doing to a wider audience than those who are specifically invited to their meetings. Nor has there been any feedback to date on the inputs received so far. In part, this is no doubt due simply to a question of capacity: more staff are needed to allow an effective communications strategy.

The self-assessment reports are only published at the discretion of the governments of the countries concerned. In practice, though a select few have been able to access these documents, they are not



generally available, meaning that there is no way for civil society to see how individual inputs were reflected in the report submitted to the APRM Secretariat: the excuse often given, that the material is extremely voluminous and publication is not practical, is not a sufficient response to this criticism. The information made available by implementing governments at national level has been highly variable. Websites have varied enormously in quality, and some processes have been quite closed, without easy access to critical documentation. Where websites have been established, they have in some cases – for example in Algeria – been taken down after the self-assessment has been completed, leaving no archive that can be consulted about the national implementation process. Outreach to national media has also varied in quality.

It is problematic that the publication of the country review report and national programme of action (NPoA) is delayed by six months after the APR Forum meeting that adopts it, while the discussions of the report by heads of state at the APR Forum are held in camera and are only fed back to national level in a haphazard way depending on the efforts of independent journalists and the willingness of each head of state to brief them. On the other hand, the more recent practice is for the APRF communiqués to include some information about the presentations and discussions by heads of state, and this is welcome. AfriMAP suggests that the APR Forum should adopt public ‘concluding observations’ on each country review report and programme of action, which do not simply report factually on the presentations made but also express the collective view of the heads of state present on the report and NPoA, and that a press conference should be held after each meeting.

- *Recommendation:* The APRM website should be upgraded as a matter of urgency, with a commitment to better organisation and comprehensive documentation of the APRM process; a regular newsletter on APRM developments at national and continental level should be established, with the option to subscribe via the website and a searchable archive. All documents provided to national focal points and NGCs on implementation of the process should be available on the APRM website, so that civil society groups can monitor the national implementation of the official guidance on the process.
- *Recommendation:* The APRM core documents should provide guidance to national focal points and NGCs on their communications strategy, including the documents that should be made available on a website and in printed format and how they should be distributed.
- *Recommendation:* The APRM core documents should be modified to provide for (a) publication of the APRM self-assessment report by the government of the state concerned, at the time it is submitted; (b) publication of the APRM Country Review Report and NPoA immediately upon approval by the APRF; (c) formal adoption and publication of ‘concluding observations’ by each APRF; (d) holding of a press conference following each APRF attended at minimum by the chair of the APRF and of the panel of eminent persons.



AfriMAP

AfriMAP, the Africa Governance Monitoring and Advocacy Project, was established in 2004 by the Open Society Institute (OSI)'s four Africa foundations — the Open Society Foundation for South Africa and the Open Society Initiatives for Southern, West and East Africa (OSISA, OSIWA and OSIEA) — as a response to the transformation over the previous few years of the Organisation of African Unity into the African Union (AU), and the AU's adoption of new commitments to standards of democracy and governance, in particular the APRM. AfriMAP is based at the offices of OSISA in Johannesburg, South Africa.

AfriMAP's main mandate is to work with the OSI foundations' national partners to produce systematic audits of government performance in three areas — the justice sector, democracy and political participation, and an effective public service — in countries that have signed up for the APRM. To date, AfriMAP has worked in Malawi, Mozambique, South Africa, Ghana and Senegal, and is just beginning its monitoring in Kenya. The reports are written by nationals of the countries concerned working with civil society organisations interested in the issues, and are revised and finalised after discussions that have mobilised a wide range of interested parties, including civil society, academia, government and donors. In addition to this work, which can be seen as complementary to the APRM's own reporting, AfriMAP has commissioned and published reviews of the first APRM processes in Kenya, Mauritius, Rwanda and Ghana, and will be doing so in other countries on an ongoing basis.

The Open Society Institute (OSI), a private operating and grantmaking foundation, aims to shape public policy to promote democratic governance, human rights, and economic, legal and social reform.

For more information about AfriMAP and OSI see www.afriMAP.org and www.soros.org.