African Peer Review Mechanism and Crisis of Good Governance in Africa

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Abstract

The transformation of the Organisation of African Unity (OAU) into the African Union (AU) in July 2002 at the Heads of State Summit in Durban, South Africa increased hopes for the African continent as it grappled with a broad range of challenges. These hopes were further bolstered with the adoption of the New Partnership for Africa's Development (NEPAD) as the AU's framework for development. NEPAD recognises governance, peace and security as central precondition for development. The African Peer Review Mechanism (APRM) by which African countries are judged on their compliance with stated norms of governance is a remarkable innovation designed to facilitate the delivery not only of good governance but also peace and security. Moreover, security within the context of a new African Union has taken on a broader meaning since the end of the cold war from a traditional state-centric and ideologically- inspired concept to encompassing a human security approach. From this holistic perspective, the threats to human security in Africa remain a challenge for the AU and NEPAD. Similarly, failure to manage Africa's diverse peoples and resources has resulted in devastating conflicts across the continent. While governance and security are not the only challenges in Africa, it seems clear that the process towards the continent's renewal would need to proceed on a sound governance and security base. Moreover, as the dominantinstitutions and programmers representing the collective vision of the continent, success in dealing with Africa's security and governance issue will largely depend on the AU/NEPAD and its programmes that is, APRM.

Keywords: NEPAD, peer review mechanism,good governance

1.Introduction

The New Partnership for Africa's Development has been enthusiastically pushed by a select number of countries in Africa as well as by the G8 as a means to stimulate what has been termed the 'African Renaissance.'[1]The New Partnership for Africa's Development (NEPAD) set up in 2001 as an integral part of the African Union (AU) has been the subject of much scrutiny since its conception particularly, perhaps because it is sometimes viewed as 'one last hope for Africa to reverse its slide into irrelevance.'[2] In the forty years prior   to the adoption of NEPAD and the African Union, the major development strategy body had been the Organisation of African Unity (OAU) which aimed at eradicating colonialism on the continent in all its forms and attempted to remain neutral in global affairs in order to prevent outside influence from dominating African politics particularly, in the context of the cold war.[3] Largely however, the OAU was ineffective at planning and implementing development strategy for Africa, perhaps due to internal fractures between different African Nations. NEPAD is the latest attempt to create an effective development strategy for the continent as a whole and has faced both praises and criticism for its efforts during the last ten years.The main motif of this paper is to examine the success of NEPAD in the area of African Peer Review Mechanism.

NEPAD constitutes the most important advance in African development policy during the last four decades. It represents a real attempt by multiple African Nations to work together in creating an effective development programme in promoting peace and stability, democracy, sound economic development and people-centric development.[4] It has also helped to cement ideas of the link between good governance and sustainable development. The two processes becoming inseparable as Zack-Williams notes: 'no democracy, no development.'[5] In the four decades prior to the adoption of NEPAD, development strategy and policy has been the domain of the organisation of African Unity created in 1963 to improve the situations of all African, aiming at eradicating poverty and raise living standards for all. The Organisation of African Unity was an important step

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[1] www.uneca.org/nepad/nepad.pdf

[2] Hope K. Sr, 'From Crisis to Renewal: Towards a Successful Implementation of the New Partnership for Africa's Development (African Affairs, Vol. 101, . (2002) pp. 387-402.

[3] Page M, 'Organisation of African Unity' Colonialism: An International Social, Cultural and Political Encyclopedia' (ABC-CLIO Ltd, 2003), p.443

[4]Biswa A, 'NEPAD: Forum for Growth and Unity' (Economic and Political Weekly Vol.39, No.8, February, 2004), pp.793-796

[5] Hope K. Sr, 'Toward Good Governance and Sustainable Development: The African Peer Review Mechanism' (Governance: An International Journal of Policy, Administration and Institution Vol.18, No.2, April 20050, pp.283-311.

in shaping thinking about African development policy and could be seen as the first real link between democracy and development as it pursued the end of colonialism on the continent in all forms.[1] Ultimately, the Organisation of African Unity failed in its goals due to number of reasons including 'non-interference in a member's internal affairs… differences over the major political issues confronting Africa and the ideological division between the so-called Casablanca and Monrovia groups over the pace and objects of regional cooperation.'[2] The formation of African Union and the adoption of NEPAD was at least in part, a continuation of principles set out by the OAU and therefore to a certain extent, the New Partnership for Africa's Development is certainly not radically new, although that does not necessarily contradict Hope's belief that NEPAD is the 'most important advance in African development policy' if it can help to provide more effective implementation of those principles. De waal argues that this is actually one of the NEPAD's main strengths, writing that 'Africa does not need grand new paradigms; what it needs is a proper application of lesson learnt and a replication and broader application of existing best practices.'[3]

To some advocates of NEPAD, the New Partnership is also at the forefront of the idea of an African Renaissance which originated largely with the end of apartheid in South Africa and particularly perhaps with Thabo Mbeki's appointment as President in 1996 with his 'I am an African Speech', in which he evokes a shared African identity with a shared suffering and desire to end it by reaffirming Africa's rise from the ashes.'[4] The idea of the African Renaissance became associated with five 'areas of engagement: the encouragement of cultural exchange, the emancipation of African woman from patriarchy, themobilisation of youth, the broadening, deepening and sustenance of democracy and the initiation of sustainable economic development.'[5] These areas of engagement are certainly evident in the framework of NEPAD as its own roots to the Millennium Africa Renaissance Programme (MAP) proposed by Thabo Mbeki to the World Economic Forum in 2001, providing first draft of what would become the 'New Partnership for Africa's Development.'[6] The basis of the New Partnership for Africa's Development is strong as it draws on existing principles and practices with the aim of improving their effectiveness, example of which is the African Peer Review Mechanism (APRM).

NEPAD arose from the mandate granted to five African heads of state and government (Algeria, Egypt, Nigeria, Senegal and South Africa) by the then Organisation of African Unity (OAU) to work out a development programme to spearhead Africa's renewal.[7]

NEPAD has succeeded in placing the question of Africa's development onto the international table and has managed to obtain a fairly high profile and awareness. In doing this, NEPAD has claimed to be a political and economic programme aimed at promoting democracy, stability, good governance, human rights and economic development on the continent. NEPAD has been essentially sold as a bargain: African countries will set up and police standards of good government across the continent whilst respecting human rights and advancing democracy in return for increased aid flows, private investment and a lowering of obstacles to trade by the West. An extra inflow of $64 billion from the developed world has been touted as the reward for following approved policies on governance and economics.[8]

Really, NEPAD is a project that places at the heart of the continent's renewal Africa's presidents. Indeed, paragraph one of NEPAD opens with the stamen that 'This New Partnership for Africa's Development is a pledge by African leaders, based on a common vision and a firm and shared conviction that they have a pressing duty to eradicate poverty and to place their countries, both collectively and individually on a path of sustainable growth and development. Paragraph six follows with the assertion that:'what is required… is bold and imaginative leadership that is genuinely committed to sustained human development effort and poverty eradication.'

It is worthy noted that many African countries have been independent for over forty years and perhaps seeking to pre-empt the question as to why is it only that the elites seemingly recognise that they have duties to their constituents. Paragraph forty-two declares that 'there is today, a new set of circumstances' which make NEPAD

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[1] Kufuor K, 'The Collapse of the Organisation of African Unity" Lesson from Economics and History' (Journal of African Law, Vol.49, No. 2 2005), pp132-144.

[2] De Waal A, 'What's new in the New Partnership for Africa's Development'?' (International Affairs, Vol. 78, No.3v2002), pp 463-475.

[3] Mbeki T, 'I am an African' (Soweto.co.zahttp://www.soweto.co.za/html/i_iamafrica.htm accessed on 20 April 2011.

[4] Vale P and Maseko S. 'South Africa and the African Renaissance' (International Affairs Vol.74 No.2 1998), pp272-287.

[5] Melber H, 'The New Partnership for Africa's Development (NEPAD): African Perspectives (The Nordic African Institute, 2002).

[6] Herbert R, 'African Peer Review-An Overview' (South Africa Institute of International Affairs) http://saiia.org.za/aprmtoolkit/docs/APRM_basic/atkt_herbert-apr_overview_2007_en.pdf accessed on 12 April 2012.

[7] Taylor I, 'Can NEPAD Succeed Without Prior Political Reform? (Danish Institute for International Studies, Copenhagen, Demark 2005), p1.

[8] Ibid

and responsible leadership possible. This new set of circumstances is stated in paragraph Forty-four where it is claimed that 'the numbers of democratically elected leaders are on increase. Through their actions, such elites have declared that the hopes of African peoples for a better life can no longer rest on the magnanimity of others.' Paragraph forty-five makes the assertion that 'backed by the African Union (AU) which has shown a new resolve to deal with conflicts and censure deviation from the norm' African leaders have turned the corner.

A great deal of expectations have been raised about the possibilities opened up by NEPAD, particularly with regard to the promise to develop a credible peer review process to advance democracy and good government in Africa. Much of this would be argued, is unrealistic, the logic and modus operandi of neo-patrimonial rule and the dominance and nature of extractive economies in Africa and their relationship with the international system means that NEPAD's strictures on good governance and democracy cannot be implemented without eroding the very nature of the post-colonial African states and undermining the positions of incumbent elites, an unlikely possibility. Such realities could be said to have already derailed NEPAD's African Peer Review Mechanism (APRM), the cornerstone of the whole project in many observers' eyes and the key ingredients of NEPAD as it was sold to ostensible partners.

During its first ten years of existence, NEPAD has had some very significant success. Notably, the adoption of the African Peer Review Mechanism (APRM) which is designed to 'candidly assess the country's biggest problems, identify needed actions and secure commitments from the country under review for fixing those problems.'[1]The African peer Review Mechanism (APRM) identifies the biggest issues and possible solutions and categorised them into four focus areas: Democracy and Good Political Governance, Economic Governance and Management, Corporate Governance and Socio-Economic Development.[2] Ghana was one of the first countries to sign up to the APRM in 2003 and its first review was completed in 2005, devising a National Programme of Action (NPOA) to act on the recommendations made by the APRM which is monitored and itself reviewed annually. The 2007 Annual Progress Report makes note of several achievements in all sectors including the ratification of the African Charter on Human and Peoples' Rights on the Rights of Woman; a reform of Ghanaian tax administration, a reduction of both the corporate and the withholding taxes which has allowed the improvementinthe operational incomes of companies and improvement in access to key social services such as education and health services.[3] Ghana is a particularly good example as it has recently submitted an application for its second review. However, it is not the only country that has benefitted from the APRM. Following Kenya's first review, the country has made significant progress, perhaps most importantly in its response to inter- and intra- state conflicts and the promotion of civil and human rights with the intention of improving democracy and good governance.[4] The progress report for both Ghana and Kenya provide evidence that the APRM can help improve the infrastructure of a country and 'accelerate their progress towards adopting and implementing the priorities and programmes of the New Partnership for Africa's development.'[5]

2.The African Peer Review Mechanism (APRM)

The African Peer Review (APR) is a process by which designated institutions periodically review the progress of states in matters of governance. This is achieved by assessing the adherence of states to certain principles of governance set out by both NEPAD and the AU. The review process is done under the auspices of AU. The key processes are to ensure the compliance of African states with certain standard practices of governance agreed upon by the African Union Summit in July, 2002 and to assist states to improve upon their policies and policy making and thereby maximise the attainment of their commitment to acceptable codes of conduct.[6]The key benchmarks of good governance include democracy, the respect for human rights and the adoption of sound economic policies.[7]

The APR represents a radical departure from previous practices because it shows commitments to good governance. It is a signatory to multilateral agreements as was the case with the African Charter on Human and Peoples' Rights (1981), the African Charter for Popular Participation in Development (1990), the African

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[1] 'Country Review Report on the Republic of Ghana' (African Peer Review Mechanism, June, 2005).

[2] 'Republic of Ghana- 2007 Annual Progress Report: Progress in Implementation of the National Programme of Action' (National African Peer review Mechanism Governing Council, December 2007).

[3]' Kenya Progress Report on the Implementation of the African Peer Review Mechanism (APRM National Programme of Action' (African Peer Review Mechanism July, 2006-January 2007)

[4]'Country Self-Assessment for African Peer Review Mechanism' (African Peer Review Mechanism 2005)

[5] NEPAD e- School Initiative' (The New Partnership for Africa's Development http://www.nepad.org/video-galery/nepad-e-school-initiative accessed on 21 April 2012.

[6]Akokpari J. K, 'The AU, NEPAD and Promotion of Good Governance in Africa.'(Nordic Journal of African Studies, University of Cape Town, South Africa. 13(3): 2004) 243-263<http/webcache.googleuserscontent.com/search?oe=utf&rls=org> accessed on 09 March, 2011.

[7] Ibid

Charter on the Rights and Welfare of the Child (1990) and the Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999) signed in Grand Bay, Mauritius.[1] In contrast, the APR represents the very first attempt by African states to subject their regimes to a monitoring process administer by fellow African states. In this regard, APR resents fresh opportunities for strengthening democracy to ensure that the basis of governance transcends the narrow confines of personal rule, patron-client relations or ethno-religious politics. APR provides for the establishment of an Independent Panel of Eminent Persons (IPEP) to be responsible for the review and assessment process. For representative and balance, the IPEP consists of between five and seven members with at least one member from AU's major sub-regions- central, Eastern, Northern, Southern and Western Africa.[2] All members of the IPEP including the chairperson and vice-chairpersonare appointed by the fifteen-member of Heads of State and Government Implementation Committee (HSGIC).[3]

A critical question however, is whether the APR system is indeed a new innovation. It is instructive to recall that the insistence on good governance in Africa is not new. Beside the numerous African Conventions and Protocols to which states have subscribed, Africa's creditors and International NGOs have, at various stages used an array of mechanisms, including SAP, aid, investments and in some cases direct condemnation[4] as instrument of reforms.

It is instructive to note that APR is a voluntary scheme that completely depends on the good will of African states. States can either sign up or stay out. Even those who initially joined the project can withdraw if it proves irksome. The challenge therefore, is how a regime persisting in human rights violations, for example, can be made to reform if it withdraws from the APR or simply refuses to sign up. Worse yet, the APR lacks any definite elements of compulsion; the process has no clearly defined ways of obligating deviant states to reform. This rather loose set up with seemingly no internal coercive mechanisms has failed to compel African countries into the APR. It is little wonder therefore that by the mid-2004 and with the recent subscription by the initially skeptical Mauritius and Angola, membership in the APR has risen only to 28 out of the AU's membership of 53.[5]

Therefore, a centre piece of the NEPAD good governance initiative is the African Peer Review Mechanism (APRM), which is a self-monitoring tool voluntarily, acceded to by member states of the African Union with the objective of fostering the adoption of policies, sustainable development and accelerated regional and economic integration. A lot of goodwill and buy-in result from the understanding that the APRM provides an African voice for African problems. If implemented effectively, the APRM has the potential to unleash Africa's economic and other energies. For this reason, the mechanism is recognised as the most innovative aspect and widely heralded as the jewel of the NEPAD crown.[6]

Assessment of governance and development performance under the APRM is based on the codes, standards and objectives that are referenced in the Declaration on Democracy, Political, Economic and Corporate Governance that was adopted at the 6th Summit of the NEPAD Heads of State and Government Implementation Committee held in Abuja, Nigeria on 9th March, 2003.[7] APRM reviews are conducted under the leadership of the African Peer Review (APR) Panel and consist of five interrelated stages that are defined in the APRM Base Document (Guidelines for Countries to Prepare for and Participate in the APRM). The APRM is open to all member states of the African Union. Thus far, 28 African countries have voluntarily acceded. Of the 28 member countries, six countries, that is, Ghana, Rwanda, Kenya, South Africa, Algeria and Benin have been peer-reviewed and are currently implementing their National Programmes of Action (NPoA).[8] Nigeria received a Country Review Mission (CRM) and was peer- reviewed in 2008.[9]

The African Peer Review Mechanism (APRM), a flagship programme of the New Partnership for Africa's Development, is an assessment system voluntarily and mutually adopted by Member States of the African Union for assessing their performance. It is a systematic self-monitoring instrument for enthroning and deepening good governance because governance crisis is at the core of Africa's problems of poverty and underdevelopment. It is open to every African country but non-membership neither attracts punitive measures nor sanctions. Its primary mandate is to encourage member countries to adopt policies and practices that promote good governance by

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[1] Ibid.

[2] See United Nations Information Department, 2003 24.

[3] UNECA, 2002 9-10.

[4] As was the cases against the Democratic Republic of Congo (DCR), then the Zaire under Mobutu Seseko, Kenya under Daniel ArapMoi and Nigeria under duplicable Generals Ibrahim Babangida and SanniAbacha.

[5] These are Algeria, Angola, Burkina Faso, Cameroon, Republic of Congo, Ethiopia, Gabon, Ghana, Kenya, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa and Uganda.

[6] Ibid.

[7] Ibid.

[8]Cilliers J, 'NEPAD's Peer Review Mechanism**,** (ISS Paper 64 , November 2002).

[9] Ibid.

ensuring that these policies and practices conform to the agreed political, economic and corporate governance values, codes and standard as well as lead to human security and political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration.[1]

It is a systematic examination and assessment of the performance of a State by other states (peers) or designated institutions or by a combination of both states and institutions (UNECA, 2002).[2] In a peer review process, states or organs of institutions agreed with some standard criteria and procedures and submitted their programmes for scrutiny by selected states or institutions which after the exercise, will publish their observations and make recommendations for improvement. It may be argued that the practice is not generally unknown to Africa because for some time, some countries in Africa have been allowing elections to be supervised or monitored by observer missions to ensure free and fair elections.[3]

The inauguration of the APRM has been argued to be undeniably represents a demonstration of African leaders' collective aspiration for good governance.[4] The overreaching goal of the APRM is for all participating countries to accelerate their progress towards adopting and implementing the NEPAD priorities and programmes and achieving the mutually agreed objectives and compliance with the successful best practices in respect of each of the four thematic areas of governance and development namely: Democracy and Political Governance; Economic Governance and Management; Corporate Governance; and Socio-economic Development. It requires that each acceding country should carefully assess its own society and governance status through a broad-based participatory process led by the government, culminating into the development of a National Programme of Action (NPOA). The NPOA is developed as solutions and policy options to fill-in the governance gaps, institutional weaknesses and strengthen the areas of successful best practices as identified. It also has time-bound objectives to guide all stakeholders in the action required from government, the private sector, and the civil society to actualise the country's improved governance vision.[5]

However, given the differences of historical context and stages of development, countries have started from different baselines and are therefore, not expected to reach their highest level of performance at the same time. The rate of progress also depends critically on the level of commitment and political will of each country to take deliberate steps to realise its vision. To this end, acceding countries have committed themselves to encourage and support each other and exercise constructive peer dialogue and persuasion, where necessary, to ensure that all achieve compliance. The peer pressure can come in form of formal and informal dialogue by the peer states, public scrutiny and comparisons and ranking among states.[6]

With regard to objectives, the APRM seeks to foster the adoption of policies, standards and practices that lead to political stability, high economic growth and sustainable development and enhanced regional cooperation and integration through inter-country sharing of experiences and reinforcement of successful best practices. This inevitably, includes identifying deficiencies and assessing the needs for capacity building of participatory countries. Thus, the APRM promotes peer learning and capacity building thereby making the process effective, credible, and acceptable.[7]

The core principles that drive and underpin the review process include: demonstrable commitment at the highest level of political leadership, national ownership and leadership by the in-country stakeholders, openness and popular participation, transparency, inclusiveness and accountability and technical competence credibility and freedom from manipulation.

Regardless of whether NEPAD is seen as a stand-alone programme or as part of an ongoing process of regional policy integration, it should be credited with conceiving the African Peer Review Mechanism which despite criticism and implementation challenges remains an innovative mechanism for building democracy and good governance. The APRM provides a framework and set of process through which civil society of a country can criticise their government's performance and participate in actual policy making. At the same time, it links policy making process of a participating country directly with international agreed norms and standards. On a

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[1] NEPAD Document, Abuja, Nigeria, October, 2001.<http://www.sarpn.org.za/documents/d0000326/NEPADchallenge.pdf> accessed on 13 April 2011.

[2] UN Economic Commission for Africa- UNECA. 2002<http://www.au2002.gov.za/docs/releases/eca03062.htm> accessed on 17 April 2012.

[3] General election in Nigeria, Liberian General Election, Cote d'Ivoire and so on.

[4] Moti U. G, The NEPAD and International Community, What Manner of Partnership? (in Ityavyar, D. and Gundu Z.A. NEPAD and Challenges of Development in Nigeria (INTER- GENDER Monograph Series with Support from CIDA, Jos, Nigeria, 2006.

[5] Ibid.

[6] Pagani L, 'Peer Review as a Tool for Change: An Analysis of the OECD Working Method.'(African Security Review, 2002).

[7] Ibid.

continent where leaders too often have fiercely protected their power and sovereignty and where politics too often has been characterised by blame and denial, this is unprecedented.[1]

There are also concerns about the democratic credentials of some of the appointed Independent Panel of Eminent Persons members because six of the seven members appointed into IPEP in May, 2003 are individuals who at one point in their careers had various ties with the ruling elite in their countries. These include Ms Grace Machel, a Mozambican and wife of former Mozambican President and the current wife of former president Nelson Mandela of South Africa, Professor Adebayo Adedeji, a Nigerian and former executive director of the Economic Community of Africa (ECA) but who also served as a minister under the regime of General Yakub Gowon during the 1970s; Ms Marie-Angelique Savane, a Senegalese and former head of the UN Population Fund's African Bureau, Mr. BethuelKiplagat, a former Kenya diplomat during the reign of Daniel ArapMoi; Ms. Dorothy Njeuma, a Cameroonian and a former minister of education under Paul Biya and Mr. Chris Staals, a former governor of South African Reserve Bank who according to one observer 'was embroiled in several serious governance controversies that should have disqualified him from being a peer to any but the most sour of African dictators.'[2] With such previous connections with governments, there is concern that objectivity could be compromised in the work of the IPEP.

The confusing and often contradictory interpretation of the purpose of the APR idea by African leaders reinforces the truncated ability of the APR to instigate good governance.[3] Given Africa's appalling track record on democracy in general, the dominant assumption is for the APR to serve as a measure to assure international creditors of the continent's resolve to repudiate unacceptable governance practices. The APR idea was welcomed on the genuine belief that it would assuage the chronic practice of misgovernment by chastising culprits. However, statements by some African Presidents tend to suggest the contrary. President Thabo Mbeki, for example, was reported to have claimed that 'there was never ever any suggestion that we have a NEPAD peer review process that would conduct the work of the commission on human rights.'[4] This is highly unlikely to be heeded by the AU especially, South Africa that rejects calls for a tougher stance on Harare.[5] The project which bears the greatest financial burden of the African Union and NEPAD initiatives presumably has disproportionately stronger voices in the running of NEPAD and the APR system. The big financial contributions of countries like South Africa and Nigeria afford them a larger degree of control in the appointment of AU and NEPAD officers. This enhances the ability of those countries to exercise some 'behind the scene' control over these officers and potentially compromise the autonomy, neutrality and objectivity that should ideally characterise their work. It is widely believed that the appointment of Alpha OumarKonare, the former Malian presidentas chairman of the AU Commission instead of Amara Essy, the Ivorian and the then serving Executive Secretary of OAU had involved considerable arm-twisting by the Nigerian and South African leadership.

A related and indeed disconcerting dimension to the appointment of Oumar is the looming possibility of turning the post of Chair and indeed the entire African Union Commission (the body to which the IPEP submits reports) into a 'retirement home' exclusively reserved for former heads of state. Surely, little can be expected from a former heads of state-composed commission that is reviewing the governance credentials of governments.

In further manipulating the concept, the emphasis on good governance by some African leaders has been selective. The NEPAD document originally presented a holistic view of governance to encompass not only the economy and corporate sectors but also the political component as well as peace and security. However, recent interpretation of governance by some leaders seems to confine it to the economic and corporate sectors to the exclusion, especially of its political requirement. Thus, while NEPAD is projected as AU's socio-economic programme and it is being about good governance and democracy, it is paradoxically depicted as excluding political governance. In reality, the three areas of governance identified by NEPAD are not mutually exclusive. Africa's corrupt and wasteful regimes are almost always dictatorial, non-transparent and often create propitious conditions for conflicts by their policies. The reverse sequence is also true. An attempt therefore to dichotomise the governance concept is both uncritical and hypocritical. Broadening the governance concept to include it political credentials, is certain to expose the double-standard postures of many African states. The exclusion of

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[1] Herbert R. and Steven G, 'The African Peer Review Mechanism: Lesson from the Pioneers.'(Johannesburg, South African Institute of International Affairs, South Africa 2008).

[2] Bond, P., 'Can NEPAD Survive its Proponents, Sponsors, Clients and Peers'? Organisation for Social Research in Eastern and Southern Africa (OSSREA) Newsletter 21 (3) 2003)12-19.

[3] <www.nepad.org/en.html> accessed on 23 July 2009.

[4] Taylor I, 'The Failure of the New Economic Partnership for Africa's Development' (Contemporary Review 282 (1648) May, 2003), pp.281-285.

[5] Hlophe D, 'Zimbabwe Review needed' Sunday Times (Johannesburg , 2003.)

political requirement of governance thus validates the cynical view that APR was included in the NEPAD agenda purposely to placate international creditors and not fundamental to facilitate democracy.[1]

Equally true is the limited capacity of African states to effect internal policy changes in countries about which unfavourable reports would be written. Historically, only the international creditor community, using the threat of aid suspension and the international Non-governmental Organisations (NGOs) using the influence of their home governments have been effective in spawning reversals in the domestic and even the foreign policies of African states.[2] For example, in the mid-1990s, domestic pressure to force President ArapMoi to improve his regime's human rights record yielded no result until the Green Belt Association of Kenya advised the Paris Club to suspend aid to the country.[3] This eventually compelled the Kenyan leadership to improve upon the country's atrocious human rights record.[4] Similarly, it was the threat of losing international aid and not domestic pressures that forced hesitant Kenneth Kaunda of Zambia and Jerry Rawlings of Ghana to accede to multi-party elections in 1991 and 1992 respectively. Since African countries are generally not a source of aid to fellow African states and therefore lacks credible instruments of sanctions, verbal condemnations even if it is made at all will have little, if any, impact on actual policy reversals in a truculent country. Without teeth, the APR may be superfluous. It is colossal to state here that Africa, as a continent, needs some indigenous mechanisms to deal with recalcitrant leaders without making recourse to the international creditor community. A good example of such mechanisms is the suspension of an Africa country that fail to meet minimum standard codes of good governance which include: respect for human rights, transparency, periodic free, open and fair election from sub-regional organisations and regional or continental organisations like ECOWAS and AU. In fact, the suspension of Guinea Bissau from AU because of the military takeover of power from the elected government of the country is a good example.[5]

Countries that have Joined APRM between March, 2003 and May 2013

Regions	Countries
Central Africa	Cameroon, Gabon, Republic of Congo Rwanda
East Africa	Djibouti, Ethiopia, Kenya, Tanzania Uganda
North Africa	Algeria, Egypt, Sudan
Southern Africa	Angola, Lesotho, Malawi, Mauritius, Mozambique, South Africa, Zambia
West Africa	Benin, Burkina Faso, Ghana, Mali, Nigeria, Togo, Mauritania, Sao Tome and Pricipe Senegal, Sierra Leone[6]

The statistics indicates that out of these 28 countries, 4 are from Central Africa, East Africa has 5, North Africa 3, Southern Africa 7 and West Africa 9.Also, out of these 28 member countries, six countries[7] have been peer reviewed and are implementing their National Programme of Action. Nigeria, Burkina Faso and Uganda were peer reviewed in 2008 but yet to commence the implementation of their NPoAs. Lesotho, Mali, Mauritius, Mozambique, Tanzania, and Zambia have received a Country Support Mission (CSM). The remaining 14 countries are yet to formally launch the APRM Process.[8]

3.The African Peer Review Process

The African Peer Review process is divided into three major phases. Phase 1 comprises the preliminaries to be met by an African Union member state aspiring to accede to the African Peer Review Mechanism. These include voluntary adoption of the NEPAD Declaration Document (2002), formal subscription to the APRM, formal accession to the APRM and hosting of the Country Support Mission (CSM).[9] The CSM, usually preceded by an

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[1] In justifying his country's hesitation to sign up into APR, Namibia's deputy foreign minister, DrKaireMbuende, argue that peer review was not originally part of NEPAD programme, which was aimed at economic recovery but was a later imposition by Africa's development partners.<www.nepad/en.html>, accessed on 27 July 2010.

[2] Wangari M, 'Bottlenecks Development' (Paper Presented at Women Conference in Beijing, China 1995).

[3] Ibid.

[4] Ibid..

[5] CNN, 'Guinea Bissau Suspended from AU' 17 April 2012.

[6] African Peer Review Secretariat, May 2008.

[7] Ghana, Rwanda, Kenya, South Africa, Algeria and Benin

[8] See Country Review Report, May, 2008 <www.uneca.org/aprm/countriesstatus.asp> accessed on 17 April 2012.

[9] Ibid.

Advance Mission which is undertaken for the primary purpose of assessing the degree of preparedness and capacity of an acceding country to proceed with the substantive country review process.[1]

Phase 2 runs the stage Country Review Process as spelt out in the APRM core documents.[2]

Stage One basically entails information gathering. This involves a baseline study of the political, economic, corporate governance and socio-economic development environment in the country under review.[3] During this stage, the affected country conducts self-assessment using the APRM Master Questionnaires as a guide and survey instrument and thereafter, produces a Country Self-Assessment Report (CSAR) as well as formulating a preliminary National Programme of Action (NPOA) while the APR Continental Secretariat first develops a background document and later prepares a Country Issues Paper (CIP) setting out the country's governance challenges/gaps, institutional weaknesses and successful best practices.[4]

Stage two concerns the Country Review Mission (CRM). This stage is informed by the analysis already concluded in stage one. The Mission consults extensively with government officials, parliamentarians, representatives of political parties, the business community, representatives of the civil society (including the media, academia, trade unions, non-governmental organisations, community-based organisations, and rural communities) and representatives of the international organisations in the host country.[5]

Stage three involves the preparation of the Mission's Country Review Report (CRR) and mainly concerns the Mission itself. The Country Review Report is based on the findings from the Country Review Mission. The CRR is designed to clearly summarise all the findings and analyse their implications for the country's improved governance. The Mission's draft CRR is first discussed with the government of the reviewed country and its views are appended to it.[6]

Stage four begins when the APR Continental Secretariat submits the Mission's CRR to the APR Forum. The Forum meets to consider the CRR and the APR Panel's recommendations and decides on the appropriate action(s) to take in accordance with its mandate. This stage ends with the Chairperson of the APR Forum communicating the decisions of the Forum to the Head of State and Government of the reviewed country.[7]

Stage five involves making public the adopted Country Review Report. It is tabled formally and publicly in key regional and sub-regional structures such as the Summit of the African Union, Pan-African Parliament, African Commission on Human and Peoples' Rights, Peace and security council and Economic, Social and Cultural Council (ECOSOC) of the African Union as well as the Regional Economic Community of which the reviewed country is a member (in the case of Nigeria, ECOWAS).[8]

4.Legal Framework of the African Peer Review Mechanism

The APRM finds its origins in the New Partnership for Africa's Development (NEPAD). The NEPAD document under the heading 'the Heads of State and Government Implementation Committee' gives us an outline of APRM when it states that the functions of the implementation committee will consist of identifying strategic issues that need to be researched, planned and managed at continental level; setting up mechanisms for reviewing progress in the achievement of mutually agreed targets and compliance with mutually agreed standards; reviewing progress in the implementation of past decisions; and taking appropriate steps to address problems and delays.[9]The APRM is given a legal framework under NEPAD. It has widely accepted that APRM will focus on internationally accepted norms such as corporate governance, political and economic compliance with international standards. The mandate of APRM is to 'encourage participating countries in ensuring that the policies and practices of participating countries conform to agreed political, economic and corporate governance values, codes and standards and achieve mutually agreed objectives in socio-economic development' thus far, only five countries have signed the memorandum of understanding (MOU).[10]

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[1] Ibid.

[2] Ibid <www.nepad.orgwww.aprm-international.org> accessed on 27 July 2010.

[3] Cilliers J, 'Peace and Security through Good Governance: A Guide to NEPAD African Peer Review' <http://www.iss.co.za/pubs/Paper70.html> accessed on 26 June 2009.

[4] Country Review Report, Federal Republic of Nigeria, (May, 2008), p.25 <www.nepad.orgwww.aprm-international.org> accessed on 27 July 2010.

[5] Ibid.

[6] Ibid.

[7] Ibid.

[8]Ukertor G. M. and Gabriel A. G, 'African Peer Review Mechanism: Nigeria's Democracy and Good Governance' (Journal of Research National Development, Vol.7 No. 1, June, 2009) <http://www.transcampus.org./JourINDV7 Jun.2009/Journals/V7No1jU> accessed on 21 May 2011.

[9] NEPAD: Section201 http://www.NEPAD.org/system/files/CHAPTER_3_final(1).pdf accessed on 06 February 2013.

[10] Algeria, Republic of Congo, Ethiopia, Ghana, Kenya, Mozambique, Nigeria, Rwands, South Africa and Uganda.

5. African Peer Review Mechanism and Crisis of Good Governance

Good governance is a relatively new concept having entred the political lexicon in the 1970s and 1990s as a large number of underdeveloped countries were struggling to deal with the political and economic problems which poor political leadership had generated for their countries.[1] It is a controversial concept, especially to the governing elites in Africawho are reluctant to be held accountable. Yet, it is at the heart of the process of conflict prevention. Indeed, conflict prevention through proactive measures has been known to be the best method of resolving conflicts.

Good governance may be defined as the running of the affairs of government in positive and progressive manners beneficial to the governed and which delivers the public goods. It is relatively a term to which there is no consensus but most will agree that it is characterised by democratisation, maintenance of law and order, accountability and transparency, responsiveness on the part of government, due process, the rule of law, competence, separation and devolution of powers, a free press and a virile civil society arena, competition for power and the existence of a credible opposition, the respect for minority rights among other human rights, etc.[2] Good governance helps to diffuse tension and remove problems as they evolve. Decision makers take the right decisions as and when due. In so doing, the rulers gain the support of the citizenry. In many African countries, conflicts are started and government-generated, as a result of the insensitivity and incompetence of the regimes on the continent. One of the consequences of such public actions is that they easily lead to the escalation of major crises because the wrong decisions were taken or decisions are not taken at all. Democracy as opposed to dictatorships is an ideal setting for the practice of good governance. Sadly, in many African states, democracy is mistaken for elective governments, multi-party politics and longevity of regimes. There are many dictatorial democracies in Africa. Such regimes do not promote and practice good governance. These are the conflict generators of the African continent.[3] Good governance refers to a system of government based on good leadership, respect for rule of law and due process, accountability of political leadership to the electorates as well as transparency in the operations of government. Good governance is generally understood as a set of eight major characteristics and they are: Participation, Rule of law, Transparency, Responsiveness, Consensus oriented, Equity and Inclusiveness; Effectiveness and efficiency and Accountability.[4] All these principles of good governance have been prescribed from the perspective of funding agencies for combating corruption.

Good governance is conceptualised as better use of political authority and exercise control over society and the management of its resources for social and economic development. It presupposes functioning state institutions, existence of decision making process, policy formulation, information flows, effectiveness of leadership and transparent relationship between the rulers and the ruled, particularly on the allocation of scarce resources and power to allocate resources in society. Good governance respects the use of institutions to manage society including prevention, management and resolution of conflict particularly violent ones. Where there are failures in governance, violent conflicts are inevitable and peace and stability are absent.[5]

Some people see in Africa's political and economic failing proof that Africans are incapable of ruling themselves. Such people may also believe that the colonial powers opted out of the continent prematurely and that some more years of tutelage might have made a difference. In this liberal age, such views are rarely spokenopenly by either the enemies or friends of Africa. But it would be inexperienced to think that Africa's experience has not raised questions about the eminence of the character of the African. Doubt certainly occupies the thoughts of many Africans as they watch their prostrated countries treated as basket cases.Self doubt has growth with each decade of apparent failure.[6]

Ordinary Africans confused and disappointed by the outcome of self-rule, find little around them to encourage the confidence that as a people, they can manage their own recovery. In some respects, Africans are now more vulnerable to theories of black inferiority than they were during colonialism. Under colonialism, they could dream that with liberation, would come the opportunity to prove their worth. The future was uncompromised by the failures of the present. After more than three decades of misgovernment, many Africans have lost faith. In 1990, a state governor in Imo state in southern Nigeria explained to a public meeting in the capital, Owerri that

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[1] Odock C. N, 'Democracy and Good Governance' (National Open University of Nigeria, Calabar 2006) 3. http://www.nou.edu.ng/noun/NOUN.OCL/pdf/pdf2/PCR%20104.pdf> accessed on 25 March 2011.
[2] Shedrack G. B, 'The Methods of Conflict Resolution and Transformation' in University for Peace: *Introduction to Peace and Conflict Studies in West Africa: A Reader* (Spectrum Books Limited, Ibadan 2011) 93-163, 102.
[3] Ibid, 103.
[4] Mamah W 'NEPAD, Good Governance and the Rule of Law.'
http://info.worldbank.org/etools/docs/library/108366/session5.pdf accessed on 09 March 2011.
[5] Millsand
        Serageldine<http://www.eac.int/politicalfederation/index.php?option=comdodman&task=docdownload&gid=52&in temid=125> accessed on 23 April 2011.
[6] TundeObadina, 'Africa's Crisis of Governance'http://www.afbis.com/analysis/crisis.htm.accessed on 06 February 2013.

his cash-strapped government was unable to solve the severe erosion problem devastating the region. After he had spoken, an old man among the audience stood up and said 'Since you and other black leaders have tried your best but have not been able to improve the lives of us ordinary people, why don't we ask the white to come back. When the white man ruled us things were not this bad. Please ask them to come and save us.' The statement spoken with sincerity, met momentarily silence in the audience followed by some laughter and applause.[1]

Directly or indirectly, the whites have been returning. In fact, they never left. Over the past three decades, western governments, aids agencies and multilateral finance institutions have sent experts to African countries to help them to develop. The help increasingly involved attempts to direct the political and economic development of the recipient nations (African countries).

The tragedy of Africa's situation is that as absurd as these proposals by latter day imperialists' sound, there are many Africans who would support some degree of direct governance by external agents to strengthen out their countries. For example, some Liberians called for their war-battered nation to become a trust territory of the United Nations. International football star, George Weah, apparently exasperated by the anarchy and hopeless condition of his homeland, told the New York Times in May, 1996: The United Nations should come in and take over Liberia, not temporarily but for life. To make Liberians believe in democracy, to make us believe in human rights.' For his outspoken, two of Weah's female cousins were raped and his house burnt down by gunmen from one of the warring factions that had or six years turned Liberia into a killing field in a silence war.[2]Weah's comment was naïve but understandable. Blaming Africa's woes on bad leaders has become the tune of many people concerned about the continent's future. A change in government, preferably through genuine democratic means, is considered as the main condition for making fresh start and attracting economic investment. Analysts focus their minds on how inept African leaders can be got rid of.The tendency is to view Africa's woes interms of the excesses of individual dictators and their cronies. The image that comes to mind is of kleptomaniacs and megalomaniacs like Seko and Jean-BedelBokassa. It is easy to draw conclusion that the simple solution to Africa's problem is to change its leaders**.**

The belief that a nation can be redeemed by removing a set of cooked leaders inspired the killing of Nigeria's first post-independence civilian rulers by idealistic army majors. But the coup only succeeded inshifting power to another set of ineffectual leaders. Since independence in 1960, the leadership of Nigeria has changed nine times. There are more changes of governments in Nigeria than it occurrence in most European democracies during the period. Despite the changes of governments, the Nigerian states remained corrupt and ineffective. Throughout Africa, changes in helmsmen has not lessened corruption or quickened the pace of economic development.[3] As a fact of fact, the causes of bad governance are numerous but it may help to streamline them under these two sub-headings:

5.1 Ignorance and Lack of Capacity not the Main Causes
Some people put the persistence of mismanagement down to a lack of capacity for good governance which African countries tried to achieve through the African Peer Review. One result of this view is the explosion of capacity building programmes initiated by donor and multilateral agencies. The aim of the scheme is to help African countries to put in place structures and reforms (APRM) that will strengthen the rule of law, support democracy and promote greater accountability and transparency. Underlying many of these programmes is the notion that poor governance is due largely to incompetence, ignorance and inadequate infrastructure. In effect, the aim is to do now what many feel should have been done by the colonisers before they relinquished power. That is, teach Africans how to govern themselves.[4]

Certainly, African countries suffer from poor administrative, inadequate judicial infrastructure and insufficient number of expertise. But these short-comings cannot explain the abuse and misuse of state power in the continent. For example, Nigeria has a number of highly- trained professional including constitutional lawyers, accountants, Medical doctors and political scientists. Laid down budgetary procedures including provision for checks and balances are adequate. But the fact remains that Nigerian rulers have ignored the provision of the constitution and laid down administrative procedures are irrelevant to the actual workings of government.

Abuse and misuse of power and authority by Nigerian and African rulers in general have not been largely due to any national lack of capacity for good governance. Nigerian leaders have not been ineffective and tyrannical because they are incompetent or ignorant. Neither has the lack of administrative or intellectual expertise to formulate and properly execute growth enhancing policies been the major problem. Quite simply, Nigerian and African leaders have acted in their own selfish interest in total disregard to existing rules and laid-down procedures.The popular image of African rulers as building buffoons is not helpful.Anyone who has observed

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[1] Ibid.
[2] Ibid.
[3] Ibid.
[4] Ibid.

the way in which the military has dominated politics in Nigeria and Africa would see that the generals are not fools.They and their advisers have shown themselves to be quite skillful in the art of retaining political power. Since the early 1990s, they have toyed with the civilian political class.

Similarly,we should not see reactionary economic policies and practices of African governments as stemming mainly from lack of knowledge of economic theory and management. Many of the economic policies and actions that have entrenched African countries in the economic under-development were deliberately carried out to serve the interests of those in power. African ruling elites have benefited enormously from the economic misfortune of their nations. Not surprising, they prefer to maintain the status-quo as chaotic and depressive as it may seem for the majority of Africans and liberal observers from abroad. There is reason in the anarchy.[1]

5.2 Scramble for Wealth and Power

Instead of see African leaders as buffoons, we should consider them and their actions from the perspectives of the interests they serve. The failure of democracy and economic development in Africa are due largely to scramble for wealth by predator elites who have dominated African politics since independence. They see the state as source of personal wealth accumulation. There is high premium on the control of the state which is the biggest and most easily assessable source of wealth accumulation. The people in power and those who seek power use all means to attain their goal. This includes fostering ethnic sectarianism and political repression. Competition for control of the state whether between the military and civilian classes or between civilian parties, is invariably ferocious and generates instability. Many of the apparently senseless civil conflicts in Africa, including Liberia, Cote d'Ivoire, Mali and Somalia are due to the battle for the spoils of power.Fanor eloquently described the character of the class that inherited power from the colonialists.

> It isa sort of little greedy caste, avid and voracious, with the mind of a huckster, only too glad to accept the dividends that the former colonial powers hands out. This get-rich-quick middle class shows it incapable of great ideas or of inventiveness. It remembers what it has read in European textbooks and imperceptibly it becomes not even the replica of Europe, but its caricature.[2]

Fanon said, this class prophetically, is not capable of building industries, it is completely canalised into activities of the intermediary type.

As long as African political rulers and administrators are drawn from this class of predators, no amount of preaching the virtue of good governance or tuition on public administration will fundamentally alter the quality of governance. This is not to say that the constitutional reforms and increasing civil society infrastructure are not important. They are, but they are not the key to solving the problem of bad governance in Africa.

The major cause of many of the manifestations ofbadgovernance including political repression, corruption and sectarianism is the struggle by the ruling classes to be and remain part of global elite despite their nations' poverty. The competition for national resources leads to conflict and repression. It is difficult to see how there can be good governance when the orientation of the elite is to stay in the running and be part of the fifth of the world's population that forms the international consumer class. One can say that with the formation of NEPAD and the inclusion of APRM in its document, African countries can witness good governance.

Bad governance is not mainly the problem of ignorance or lack of infrastructural capacity or even of individual dictators. States in Africa are incapacitated as instruments of development because ruling class, including people in and outside government are motivated by objectives that have little to do with the common good.

Africa's tragedy is not that its nations are poor**.** The tragedy is that, it lacks ruling classes that are committed to overcoming the state of poverty. Real politics in Africa has little or nothing to do with social and economic reconstruction. The observation of the assassinated South African writer, Ruth remained valid till today.

> There has been eloquent**,** inexhaustible talk in Africa about politics, side by side with the gaping poverty of political thought. Down there on the ground Africa, you can smother in the small talk of politics. Mostly, it is about politicking, rarely about policies. Politicians are men who compete with each other for power, not men who use power to confront their countries' problems.[3]

As long as politics is dominated by predator elites in Africa, it is difficult to see how meaningful democracy or economic development can be sustained. The challenges facing those who want better governance is how to make those in power accountable and ultimately rescue the state from them to transform it and its agency for positive change.

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[1]<http://www.afbis.com/analysis/crisis.htm.Causes Bad Governance Africa>accessed 12 May 2012.

[2] Franz Fanon, 'The Wretched of the Earth' *(1961) in TundeObadina*Africa's Crisis of Governance (Africa Economic Analysis 2000)

[3] Ruth First, 'The Barrel of Gun' (1970) *in TundeObadina*Africa's Crisis of Governance (Africa Economic Analysis 2000)

6.0 Mechanism for Ensuring Good governance in Africa

The Heads of State and Government Implementation Committee should have the mandate to impose sanctions where there is failure by any member to fulfill its obligations as contained in APRM. Thus, under the proposed NEPAD Charter by this writer in his Ph,D thesis, titled 'Good Governance, Peace and Security within NEPAD : Need for a Legal Framework' comprehensive methods on how to ensure the observance of the objectives of the NEPAD and the implications of non-observance of the provisions of the Charter were set out. In as much as it is expected that NEPAD member states would comply with the provisions of the NEPAD Charter, some safeguards have been put in place under the APRM to ensure compliance with the provisions of NEPAD. The HSGIC should have the powers to impose sanctions on erring member states as follows:

a.   Where a member state fails to fulfill its obligations to NEPAD/APRM, the Head of State and Government Implementation Committee may decide to impose sanctions on that member state.

b.   These sanctions may include:
- Suspension of foreign aids or new NEPAD loans,
- Suspension of disbursement of on-going NEPAD projects or assistance programmes (e-school projects);
- Exclusion from presenting candidates for statutory and professional posts;
- Suspension of voting rights;
- Denial to contest for chairmanship post of African Union or NEPAD; and
- Suspension from participating in the activities of NEPAD.

Suspension is a common method that international organisations adopt to ensure compliance with their decisions. Many international organisations included these sanctions in their agreements or treaties. For instance, the World Meteorological Organisation denies voting rights to any member state that fails to fulfill its obligations under its convention.[1] Suspension involved the loss of other privileges enjoyed by members of a given organisation.

7.0 Conclusion

Although, the African Peer Review Mechanism lacks instruments to compel errant governments to reform their ways, it is remarkable innovation that sets the African Union/ the New Partnership for Africa's Development governance architecture apart from the previous initiatives.[2]

The APRM was expected to be the mechanism through which the AU would be given 'teeth' to act in such situations. However, the decision to make the APRM a voluntary mechanism without explicit penalties or sanctions is widely regarded to have considerably weakened the initiative. As several Southern African countries have agreed to be peer reviewed and other have indicated that they are considering participation Southern African Development Community (SADC) could play a valuable coordinating role at regional level. Several committees and structures that already exist within SADC and other Regional Economic Communities could feed valuable information into the four core areas of the APRM (political governance and democracy, economic governance, corporate governance and socio-economic development). Since APRM has been widely noted as an all-African initiative, it is envisaged that peer review will be funded primarily through a contribution of $100,000 from such country that accedes to being reviewed but thus far, several countries have failed to meet this obligation due to resource restraints.

Conclusively, this figure will be insufficient to adequately assess the governance situation in the depth that is specified by the APRM's document thereby making the attempt of theAPRM to be a mirage.

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[1] Article 31 of the Convention Establishing the Organisation. (World Meteorological Organisation)

[2] YazeedFakier 'The AU/NEPAD and African Evolving Governance and Security Architecture' (A Policy Advisory Group by the Centre for Conflict Resolution, Cape Town and the Centre for Policy Studies, Johannesburg, 11-12 December 2004)

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