African Peer Review Mechanism

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Thematic Paper

EMERGING GOVERNANCE ISSUES IN AFRICA:

PERSPECTIVES FROM THE APRM PROCESS

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This Paper has been prepared by the African Peer Review Mechanism Secretariat in collaboration with the NEPAD Secretariat

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Note:

This thematic paper is final version of the Draft circulated previously as approved by the 36th Meeting of the NEPAD Steering Committee held in Addis Ababa, Ethiopia, on 15 November 2008 in order to ensure that as much as possible, the presentation and discussion are kept at the generic level. It is this version that will be used in the thematic debate at the 11th Africa Partner Forum on 17 and 18 November 2008.

ACRONYMS AND ABBREVIATIONS

AIDs	Acquired Immune Deficiency Syndrome
APR	African Peer Review
APRM	African Peer Review Mechanism
AU	African Union
AUCPCC	African Union Convention on Preventing and Combating Corruption
CRM	Country Review Mission
CRR	Country Review Report
CSM	Country Support Mission
DBSA	Development Bank of Southern Africa
EDPRS	Economic Development and Poverty reduction Strategy
GDP	Gross Domestic Product
HIV	Human Immunodeficiency Virus
IMF	International Monetary Fund
JSE	Johannesburg Securities Exchange
MDGs	Millennium Development Goals
MTEF	Medium Term Expenditure Framework
MOU	Memorandum of Understanding
NC/NGC	National Commission/National Governing Council
NDS	National Development Strategy
NEPAD	New Partnership for Africa's Development
NGC	National Governing Council
NGO	Non-Governmental Organisation
NPOA	National Programme of Action
OAU	Organisation of African Unity
POA	Programme of Action
PRSPs	Poverty Reduction Strategy Papers
RECs	Regional Economic Communities
SARS	South Africa Revenue Service
SMEs	Small and Medium Enterprises
UNCC	United Nations Convention against Corruption
UNECA	United Nations Economic Commission for Africa
UNDP	United Nations Development Programme

1. Introduction

There is something decidedly new about Africa. After stagnating for much of the past 45 years, the continent is experiencing its strongest growth acceleration, with GDP growth rates gradually surpassing the global average and inflation below two-digit level – its lowest point in about 30 years. Many countries are witnessing improved macro-economic management, increased inflows of investment and aid, debt relief, and better governance.

Recent projections from the IMF indicate that, in spite of the global financial turmoil and an economic slowdown, which has seen some developed economies already tipping into recession, Africa, is still set to grow at 6.0 percent in 2008 and 2009. This is slightly down from a forecast of about 6.5 percent in 2007.

On the political front, there are visible improvements on Africa's governance landscape. Constitutionalism, the rule of law and multiparty elections, however fraught with challenges, are increasingly enjoying wider acceptance than ever before in many African countries. The media are freer and livelier today than in the past. Significantly, conflicts are receding in many parts of the continent, with post-conflict reconstruction accorded the top priority by African Leaders and institutions.

Despite these encouraging developments, governance remains, undoubtedly, critical to Africa's renewal as desired by its leaders and people. At the turn of the 21st Century, African leaders acknowledged the urgent need to place their countries, individually and collectively, on a path of sustained economic growth and development, and simultaneously benefit from globalisation. The transformation of the Organisation of African Unity (OAU) into the African Union (AU) and adoption of the New Partnership for Africa's Development (NEPAD), as Africa's development programme and strategic framework, were crystallized as institutional drivers of change, offering a joint platform to promote peace and security, democratic and political, economic and corporate good governance, as well as new social order, in Africa.

Furthermore, in recognition of the imperatives of good governance for human security and political stability, high economic growth, sustainable development, and accelerated sub-regional and continental economic integration, the Heads of State and Government of the AU in 2002, adopted the *Declaration on Democracy, Political, Economic and Corporate Governance*. The declaration encapsulates African strategies and programmes on democracy, human rights and good governance as substantive prerequisite for the success of NEPAD. Subsequently, the African Peer Review Mechanism (APRM), the governance component of NEPAD,

was launched in March 2003 to promote adherence to and fulfillment of the commitment contained in this Declaration.

The APRM, widely heralded as the jewel in NEPAD's crown and as an innovative initiative on governance in Africa, is an instrument voluntarily acceded to by member states of the African Union (AU) for self-evaluation. It has been described as 'Africa's Innovative Thinking on Governance'. The initiative is the first of its kind in Africa, and indeed the world, that takes a comprehensive view of all aspects of a country's governance system.

Assessment under the APRM is conducted within the framework of agreed values, codes and standards as contained in the Declaration on Democracy, Political, Economic and Corporate Governance. The mechanism has at its epicentre the deepening of democratic practices, the strengthening of achievements, dissemination of best practices and the rectification of underlying deficiencies in governance and socio-economic development processes among AU member states. This is aimed at encouraging and building transformative leadership through a self-assessment process, constructive peer dialogue and the sharing of information and common experiences, in order to reinforce successful and exemplary practices among African countries. It is organized on a dual process of governance self–assessment by the participating countries and of external evaluation by the APR Panel of Eminent Persons, culminating in a peer-review by the leaders of those countries.

Five (5) years on, the APRM has demonstrated its mettle and real potential of playing a decisive role in "collective self-governance", thereby unleashing the continent's economic and political energies. It has, no doubt, exceeded stakeholders' expectations, while garnering global acclaim. However, daunting challenges remain. Apart from the slow pace, which is presently receiving urgent attention, the task of moving beyond general affirmations of the importance of governance to pragmatic action, remains formidable in some countries that are already implementing the resultant National Programme of Action (NPOA). There is, thus, an urgent need to implement the NPOAs through up-scaling efforts by all stakeholders.

Findings from the APRM review processes have also brought to the fore specific governance challenges, which are recurrent to Africa and must be addressed 'head on'. The continent is already doing much to address these emerging issues on its own. Recently, African Leaders deliberated on four of the recurrent issues-Managing diversity in nation building; Corruption; Resource control and management: Land; and Elections at a specially convened Extraordinary Summit of the African Peer Review Forum from 25 to26 October 2008 in Cotonou, Benin

Republic.

This paper presents emerging governance issues in Africa from the perspective of the APRM process. It appraises two key dimensions of the emerging governance challenge in Africa: implementing the National Programmes of Action and addressing the crosscutting issues emanating from the APRM review process. The paper concludes by giving recommendations intended to drive the APRM process forward.

2. **Update on APRM Review Process**

The APRM has, indeed, come a long way since March 2003 when 10 pioneer countries decided to embark on this un-chartered course. Togo's accession in June 2008 brought to 29[1] the total number of AU member countries that have voluntarily acceded to the APRM. The current APRM membership by regional grouping is presented in Table 1. However, Mauritania ceases to be a member following its suspension on 25 October 2008 for unconstitutional change of government following the 6 August 2008 coup that ousted its democratically elected President, Sidi Ould Cheikh Abdallah.

Table 1: Countries that have joined the APRM between March 2003 and June 2008

Country	Region
Central Africa (5)	Cameroon, Gabon, Republic of Congo, Rwanda and São Tomé and Principe
East Africa (5)	Djibouti, Ethiopia, Kenya, Tanzania, Uganda
North Africa (3)	Algeria, Egypt, Sudan
Southern Africa (7)	Angola, Lesotho, Malawi, Mauritius, Mozambique, South Africa, Zambia
West Africa (8)9	Benin, Burkina Faso, Ghana, Mauritania, Mali, Nigeria, Senegal, Sierra Leone and Togo

Source: APRM Secretariat, September 2008.

As indicated in Figure I, APRM member countries represent approximately 76 per cent of the African population.

Figure 1: APRM Geographical Coverage

Orange – Participating Countries

Grey – Non-Participating Countries
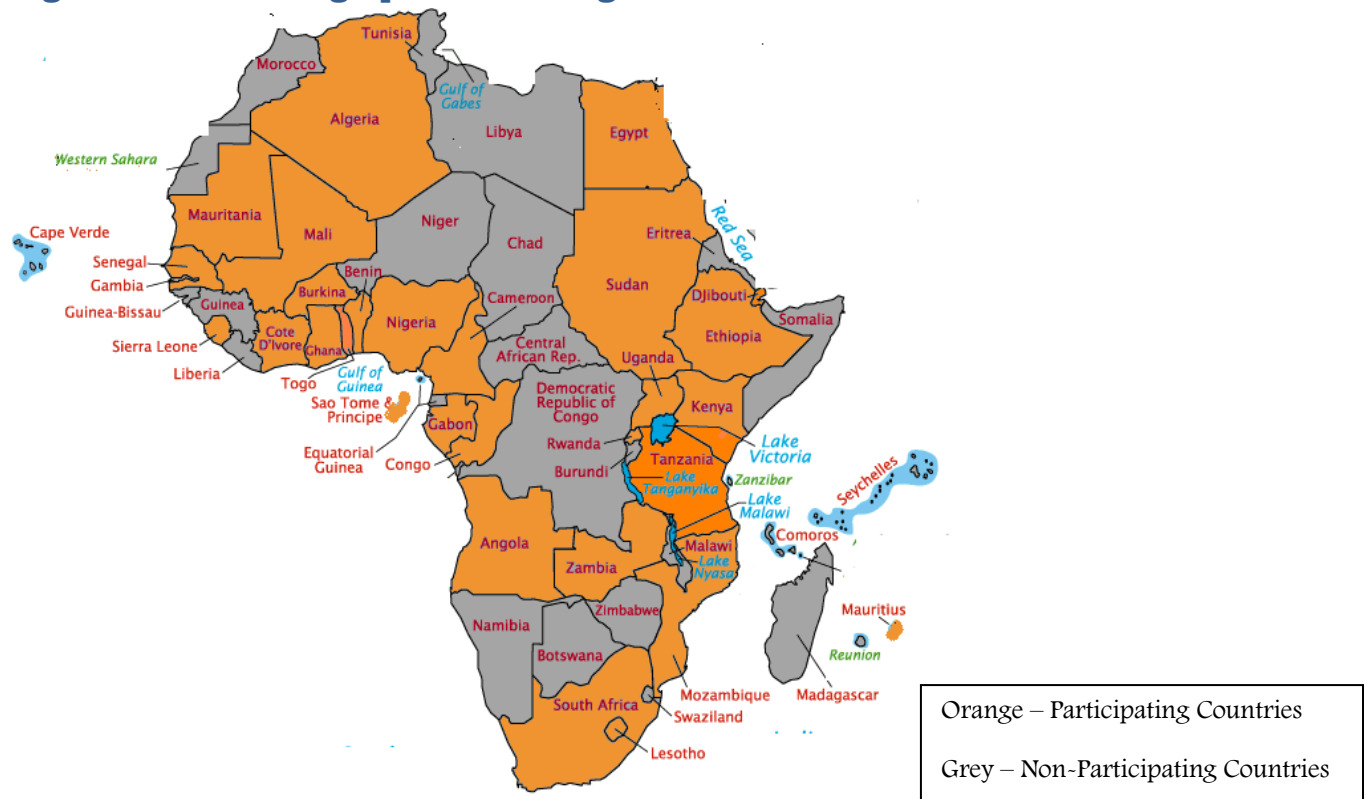
Source: APRM Secretariat, September 2008. (Adapted from WorldAtlas.com)

The APRM is unprecedented both in scope and mandate. It assesses a country's performance in four substantive thematic areas:

- Democracy and Political Governance;
- Economic Governance and Management;
- Corporate Governance; and
- Socio-Economic Development.

Accession to the mechanism entails a country undertaking to submit to periodic peer reviews and facilitating such reviews. It also includes committing to the implementation of the National Programme of Action (NPOA) arising from the review and the operationalisation of the agreed parameters for good governance across the four thematic areas.

Since inception in 2003, the APRM has initiated reviews in 15 countries (by order of launch) as shown in Table 2. Reviews have been finalised for nine countries and the Country Review Reports (CRR) have been peer-reviewed by Heads of State and Government. The review process itself began in 2005, with review missions fielded to three countries namely, Ghana (April 2005), Rwanda (April 2005), and Kenya

(October 2005). Ghana was the first country to be peer reviewed in January 2006. Rwanda and Kenya followed in June 2006.

Table 2: Date of Launch/ Official Commencement of the Country Self-Assessment Process in APRM Member Countries

Ghana	May 2004
Rwanda	June 2004 '
Mauritius	June 2004
Kenya	July 2004
Uganda	February 2005
Nigeria	March 2005
Algeria	July 2005
South Africa	November 2005
Benin-	November 2005
Tanzania	May 2006
Burkina Faso	June 2006
Mozambique	August 2006
Lesotho	December 2006
Mali	June 2007
Ethiopia	June 2008

Source: APRM Secretariat

The peer review of Algeria and South Africa, the first two of the five initiating members of NEPAD to reach this stage, was conducted at the Seventh APR Forum Summit Meeting, held in Accra, Ghana, in July 2007. Benin had its country review mission in July 2007 and was peer reviewed at the APR Forum Summit held in Addis Ababa in January 2008.

The pace of implementation of the mechanism, which has hitherto been very slow, is gradually improving, as more countries and key stakeholders understand its *raison d'être* and value. Critical to this is the understanding that the APRM is not a punitive measure but an instrument for advancing good governance and people-centred socio-economic development.

Commendably, the Uganda, Nigeria and Benin Country Review Missions (CRM) took place in the first quarter of 2008. Uganda was peer reviewed in June 2008 at

the 9th Summit of the Forum, held in Sharm-el-Sheik, Egypt, in June 2008, while that of Nigeria commenced but it could not be completed due to time constraint. The peer review of Nigeria was eventually concluded, together with that of Burkina Faso, at the First Extraordinary Summit of the Forum that took place in Cotonou, Republic of Benin, in October 2008.

Mozambique indicated its readiness to receive a Country Review Mission in July/August 2008 but this has been deferred to the first quarter of 2009 due to ongoing reorganisation of the APRM and the forthcoming mayoral elections in the country, scheduled for November 2008. The Panel of Eminent Persons is also striving to accommodate the country review missions of Ethiopia, Mali and Lesotho and they will hopefully take place in the first half of 2009.

It is noteworthy that four countries have been peer reviewed this year alone. By any standard, this is indeed a record achievement. As the Chairperson of the Panel noted in his Progress Report to the Forum in Cotonou, Benin, in October 2008[2], if this momentum is sustained, the APRM should be in a position to have peer reviewed almost all the present 28 member countries by 2013 or 2014.

3. Cross Cutting Issues

The APRM Country Review Reports also highlight what is referred in the APRM parlance as "cross-cutting and overarching Issues". Without being selective or attempting to define priorities, these are areas of deficiency that are of a recurring or crosscutting nature and have been identified in more than one thematic area. They require a holistic approach in the search for solutions because of the wider impact they have on the quality of governance in all its dimensions. They are also issues that require immediate and utmost attention.

Table 3 presents the crosscutting issues underscored in the review process so far. As indicated in the table, most peer-reviewed countries have challenges in managing diversity, unemployment, corruption, capacity constraints and poor service delivery, among others.[3]

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[2] See Progress Report of Professor, Adebayo Adedeji, Chairperson of the APR Panel of Eminent Persons to the First Extraordinary Summit of the APR Forum, 20 to 26 October 2008, Cotonou, Benin.

[3] Other identified cross-cutting issues are Poverty and Inequality; Violence against Women & Gender Inequality; Violence against Children; External Dependency; Crime and Xenophobia; Transformative Leadership; Constitutionalism and Chieftaincy. In addition, Political Pluralism and Competition for Ideas; Reform & Modernization of Government and Spatial Inequality & Environmental Degradation

Table 3: Cross-Cutting Issues Underscored in the First Five Peer- Reviewed Countries

Cross - cutting issue	Ghana	Rwanda	Kenya	South Africa	Algeria
Managing diversity		✓	✓	✓	✓
Unemployment	✓		✓	✓	✓
Capacity constraints and poor service delivery	✓	✓	✓	✓	
Poverty and inequality			✓	✓	
Land reform	✓	✓	✓	✓	
Violence against women/ gender inequality	✓		✓	✓	
Violence against children				✓	
Hiv/Aids pandemic				✓	
Corruption	✓		✓	✓	✓
External dependency	✓	✓			
Crime				✓	
Xenophobia and racism				✓	
Transformative leadership			✓		
Constitutionalism			✓		
Chieftaincy	✓				
Decentralisation	✓				
Gacaca Court system		✓			
Political pluralism and competition for ideas		✓			
Reform and modernization of the government					✓
Spatial inequality and environmental degradation					✓

Source: APRM Secretariat

It is noteworthy that African Heads of States are already considering these issues. To begin the dialogue on the various crosscutting issues, which have emanated from the peer reviews, an Extraordinary Summit of the Forum was convened in Cotonou, Benin Republic from 25 to 26 October 2008 focusing on the following four issues:

- Managing Diversity and Xenophobia;
- Elections in Africa;
- Resource Control and Management: Land; and,
- Corruption.

In what follows, we present highlights of these issues.

3.1. The Prioritised Cross-cutting Issues

■ **Managing Diversity**

African societies are characterized by various forms of diversity or differences manifest in ethnic, tribal, cultural, linguistic and religious terms, among others. Added to these aspects are the imported colonial political cultures, political ideologies and life styles.

Diversity is a double-edged sword. On the hand, it constitutes a huge reservoir of talents, traditions, skills, enterprise and experience that could serve as important productive forces or building blocks for new societies, if appropriately managed. It can, therefore, enhance the cultural enrichment of a country, strengthen the economic dynamism of various actors and provide opportunities for experimentation in governance. Diversity enriches human society and enables human beings to reach higher levels of creativity and productivity.

On the other hand, diversity is potentially destructive. If the potentials for productive and creative forces are not identified, understood, acknowledged and appropriately managed, or if they are manipulated in support of sectoral or personal interests, diversity can provide the ingredients for the creation of insecurity, destruction of lives and property and retardation of development. Good leadership is, therefore, critical to managing diversity.

Two main approaches have been experimented by African governments and leaders as solutions to the management of diversity. The first one was the need for a strong centralized unitary state that would allow diverse and disparate social groups to develop a common civic identity and a sense of solidarity and cooperation with one another. It was hoped that this would promote national unity and political stability, which are crucial for social economic and political development.

"Federalism" was the other political arrangement favoured by some African leaders and governments. It was argued that the federal system would allow for the decentralization of powers and resources. It was equally argued that the federal system would promote affirmative action just as it would enhance political stability and opportunities for local initiatives in the critical areas of governance.

In addition to the internal diversity to be managed, unreasonable fear of other nationalities has perpetrated **xenophobia** in some African countries. In general,

xenophobia is referred to as the fear of foreigners or people significantly different from oneself. In this regard, xenophobia is based on national origins, while racism is solely focused on race. A population group established within a society but not considered part of that society can be an object of phobia. Often, targets of xenophobia are recent immigrants, but xenophobia may be directed against a group, which has been established for centuries. This form of fear can facilitate violent reactions such as mass expulsion of immigrants, or genocide in extreme cases.

With the exception of few countries, which have succeeded, diversity has not always been seen as a reservoir of talents, traditions, skills, enterprise and experience that could be creative and productive forces. The management of diversity in many countries lacks entrenchments of provisions in the Constitution and a comprehensive policy framework for nation building. Too often, political arrangements consisting of micro measures taken in an *ad hoc* manner fail in the long-run. This poor management of diversity has widespread implications, including war and other human atrocities across the continent.

■ **Resource Control and management: Land**

Land is pivotal for Africa's development. Its importance is unquestionable and multifaceted, taking economic, political, and socio-cultural dimensions. Economically, land is a factor of production contributing considerably to Gross Domestic Product (GDP), income and employment in many countries. It is, therefore, is key to the attainment of economic growth, poverty reduction and wealth redistribution. Politically, land dictates migration and demographic patterns. It is also a critical factor in the empowerment of historically marginalised groups and achievement of gender equity. Socio-culturally, land forms the backbone of cultural identity for Africans and is the basis for citizenship, self identification, inheritance and succession. In most countries, it was the basis upon which the struggle for independence was waged and has traditionally dictated the pulse of nationhood.

Despite its centrality, several African countries have not articulated a comprehensive land policy; taken the impact of land into account when crafting their development and poverty reduction strategies; or allocated sufficient resources for land development and management. The consequences of poor planning, management and land use continue to manifest in land degradation, abject poverty, food insecurity, war and famine. This has contributed to the stagnation in Africa's development.

The salient land issues in Africa may be summarised as:

a) Customary and traditional land holding arrangements that are in conflict with modern requirements in terms of security of title and tenure. This often results in disputes and conflicts between states and communities, and between communities and individuals. Further, the insecurity in title and land possession poses challenges in the exploitation of land and is seen an impediment to the use of land as collateral to secure credit and other investment;

b) Undefined land policies and incoherent and incompatible land law regimes. In many countries, there is no defined policy for land ownership, use and development. Additionally, there is a multiplicity of legislation governing access to and use of land, which further complicates the land management and administration system. Related to this is the lack of or limited registration of land and poor, costly and over-centralised registration systems that continue to deter ownership and access to land for development;

c) Highly unequal land distribution both in terms of land quality and ownership. The inequity in land distribution stirs violence by communities against the landed few. Sometimes such conflict takes racial or ethnic dimensions, especially where fertile land is owned by either racial minorities or certain communities. Other problems associated with unequal land distribution include squatting, landlessness and urban squalor;

d) Challenges associated with undertaking land reform to equalise distribution of land, define tenure and improve land use patterns;

e) Land degradation due to population density and poor land use practices, including overcrowding, overgrazing and deforestation. This is compounded by natural and climactic factors such as severe droughts and desertification all of which contribute to poor yield from land;

f) Failure to cater for marginalised and/or vulnerable groups such as women, youth and orphans. Many traditional land holding practices perpetuate social injustices by denying access of land to such groups;

g) Lack of land for territorial development and conflict in communities due to socio-economic factors such as the exercise of mining rights; and,

h) Poor investment and abandonment of agricultural land leading to low productivity levels as well as high unemployment.

Due to historical, geographical and socio-economic experiences, some of the above issues are more pronounced in some countries. Against this background, issues of ownership of land, access to land, arrangements for the transfer and registration of land and the protection of land ownership have emerged in all the APRM reviews undertaken to date.

The above-mentioned land challenges, as illustrated by the findings in the CRRs, have no doubt contributed to socio-economic stagnation in Africa, which is mainly reliant on rain-fed agriculture and other land-based resources. There is, therefore, urgent need for African countries to engage pro-actively on the land problem.

■ **Elections in Africa**

Africa has been undergoing political liberalisation since the late 1980s and early 1990s, as part of the global wave of democratisation. With very few exceptions, almost all the 53 African Union (AU) member states have embraced multi-party democracy which has triggered a momentum towards competitive and multiparty regular elections, even though elections have always been an integral part of post-independence African politics.

Between 1989 and 2007, more than 100 competitive presidential elections were held in Africa, the majority of which were "founding" elections, typically marking a transition from a long period of authoritarian, one-party rule to fledgling democratic governments. Over the same period, about 56 legislative elections involving at least two political elections were held. By mid-2000, 38 Sub-Sahara African countries had subsequently gone through a second election cycle, 20 had completed 3 uninterrupted cycles, and 7 had held four or more consecutive elections in a row (Lindberg, 2006[4]).

While holding regular elections is an important precept of liberal democracy,, ensuring that such elections are of high quality and credible with a legitimate outcome is quite another. The focus of multiparty elections is gradually shifting from quantity to quality, with emphasis on their credibility and legitimacy. In successful elections, the outcome is accepted by majority of key contestants and voters. Disputes, if any, are peacefully resolved through recognised mechanisms of dispute resolution.

However, while competitive elections are no longer the exception, but rather the norm, the results of many elections have been disputed. In fact, some recent

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[4]. See Democracy and Elections in Africa by Staffan I. Lindberg, Baltimore, MD: Johns Hopkins University Press, 2006.

elections have been plagued with serious irregularities, thus failing the true test of democracy: peaceful regime change in free and fair elections. With the exception of few notable countries, both the structure and process of elections, the former being the organisational infrastructure for managing elections, and the latter the precepts and procedures of elections are deficient. An emerging trend is also the qualitative decline in the conduct of successive multiparty coupled with the low and declining level of participation.

Overall, however, Africa has done fairly well in area of elections in since the late 1980s when the continent bowed to the winds of democratic change. Though Africa's record on free and fair elections is mixed, at present, many countries have embraced multi-party elections as an indispensable mechanism for governance. Between now and the end of 2009, 29 African countries will go to the polls to contest various elections, including 12 presidential elections. The most recent elections include the parliamentary elections held in Angola (which last held elections in 1992) and Rwanda both in September 2008, and a presidential bye-election in Zambia held on 30 October, 2008. All these elections were generally accepted.

However, elections are far more than the events on polling day. The electoral process is broader, starting with the formulation of rules for political contestation, the registration of voters and political parties, and ending with the handling of election petitions. Its structure, content and the events on polling day will jointly and severally determine the general acceptability of the outcome.
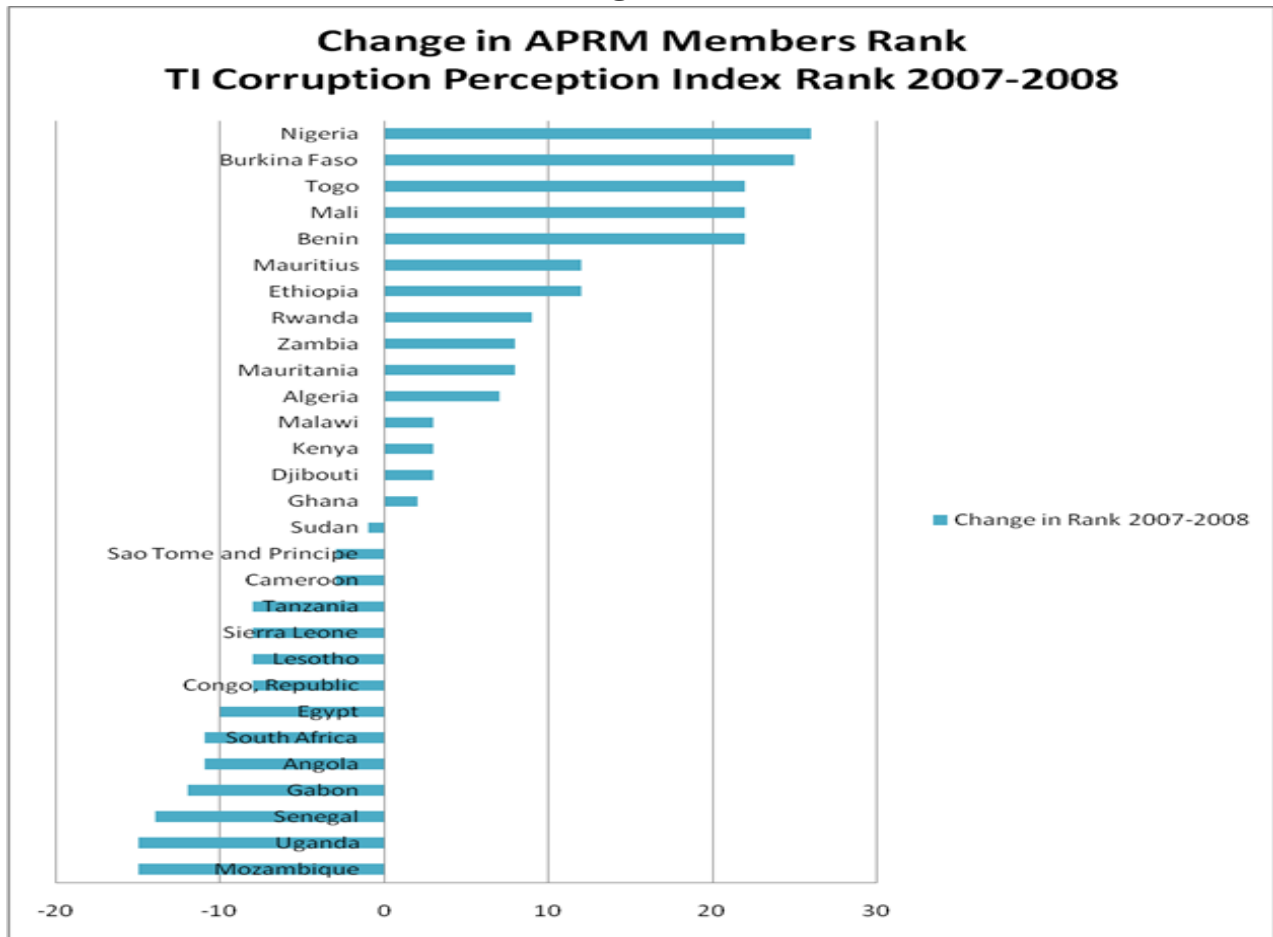
■   **Corruption**

Corruption poses a serious development challenge for Africa. In the political realm, it seriously undermines democracy and good governance. In elections and in legislative bodies, it reduces accountability and representation in policy-making if unchecked; and in the judiciary, it erodes the rule of law. Corruption undermines fair-play, justice and equal opportunities, equity and non-discrimination, which are underlying principles of human rights. In the economic realm, corruption generates economic distortions in the public sector by pulling public investment away from priority sectors and into projects where bribes and kickbacks are more plentiful. Corruption lowers compliance with construction, environmental, or other regulations; reduces the quality of government services; and, increases budgetary pressures on government. In corporate governance, it undermines economic development by increasing the cost of doing business through bribes, the management cost of negotiating with officials, and the risk of breached agreements or detection.

Resources diverted by corrupt acts and resources withheld or deterred due to the existence of corruption are thought to represent as much as 25 percent of Africa's total Gross Domestic Product (GDP). The African Union (AU) estimates that corruption is costing the continent nearly US $150 billion a year. Similarly, the African Development Bank (ADB) indicates that corruption leads to a loss of approximately 50 percent of tax revenue in Africa, which is greater than some countries' total external debt. Moreover, the poor disproportionately feel the adverse impact of corruption. Lower income households spend an average 2-3 percent of their income on bribes, while rich households spend considerably less (an average of 0.9 percent of their income). For these reasons, discourse on corruption has often taken the centre stage of governance and development debates.

In crafting the APRM, the Heads of State and Government took cognizance of the bane that corruption has had on Africa's development and the moral fabric of society. Consequently, the African leaders, at Paragraph 8 of the Declaration on Democracy, Political, Economic and Corporate Governance undertook to promote honest, transparent, accountable and participatory government and probity in public life and to combat and eradicate corruption. Additionally, the HSG approved several standards and codes that have the potential to: promote market efficiency, control wasteful spending, consolidate democracy and encourage private financial flows-all of which are critical in the quest to alleviate poverty and promote sustainable development. Specific to corruption, the approved codes include; the United Nations Convention against Corruption (UNCC) and the African Union Convention on Preventing and Combating Corruption (AUCPCC). AU members are encouraged to strive within their within their capacity capabilities to implement these codes which have been developed by African countries or through consultative processes that involve active participation and endorsement by African countries.

**Change in APRM Members Rank
TI Corruption Perception Index Rank 2007-2008**

- **The UN Convention against Corruption**

The United Nations Convention against Corruption (UNCAC) was signed on 9 December 2003 in Merida, Mexico, and entered into force on 14 December 2005. It is unique as compared to other conventions, not only in its global coverage, but also in the extensiveness and detail of its provisions. The Convention is now the global instrument for combating corruption. It deals with a number of issues, including preventive measures, criminalisation and law enforcement, international cooperation, asset recovery and technical assistance.

As at March 2007, 24 of the 53 AU member states had ratified UNCAC (Algeria, Angola, Benin, Burundi, Cameroon, Congo, Egypt, Djibouti, Kenya, Lesotho, Liberia, Libya, Madagascar, Mauritius, Namibia, Nigeria, Sao Tome and Principe, Senegal, the Seychelles, Sierra Leone, South Africa, Togo, Uganda and Zimbabwe).

- **The African Union Convention on Preventing and Combating Corruption and Related Offences (AU Convention)**

African Heads of State adopted the AU Convention in July 2003. It entered into force on 5 August 2006, when the requirement of 15 ratifying countries was finally met. Though overlapping with the UNCAC in some areas, the AU Convention is particular in containing binding provisions on private-to-private corruption and political party funding. In addition, it obliges state parties to incorporate laws on asset declaration by public officials and restrictions on immunity of public officials.

As at September 2008 , a total of 42 member countries have signed the AU Convention, while 27 have ratified it (Algeria, Benin, Burkina Faso, Burundi, the Comoros, Congo, Ethiopia, Ghana, Kenya, Lesotho, Libya, Liberia, Madagascar, Mali, Malawi, Mozambique, Namibia, Nigeria, Niger, Rwanda, Senegal, South Africa, Seychelles, Tanzania, Uganda, Zambia and Zimbabwe).

However, it should be noted that a number of African countries have ratified the Convention without creating the conditions for active implementation. Ratification entails adapting national legislation and enacting effective implementing regulations (full compliance). A common feature in most countries is the absence of comprehensive national strategies to combat corruption, as well as a lack of real political will to implement reforms.

While great strides have been made in improving governance and entrenching democracy over the past five years, the fight against corruption and economic mismanagement is yet to be won. Profound technical and political challenges hinder the efforts of countries to combat the scourge of corruption, notably, inadequate policy and institutional frameworks; capacity constraints in investigative and prosecutorial abilities of competent agencies to tackle corruption; lack of credible data and information; a poor institutional framework; and, weak media and civil society institutions.

4. Implementing the National Programme of Action

The National Programme of Action (NPOA) or simply the Programme of Action (POA) is central to the APRM. It is a major output of the review process, which, in itself, brings out the value-added elements of the APRM process in a country.

As indicted in the Guidelines for Countries to prepare for and to participate in the African Peer Review Mechanism (APRM):

> "The primary purpose of the National Programme of Action is to guide and mobilize the country's efforts in implementing the necessary changes to

improve its state of governance and socio-economic development. In addition, the National Programme of Action is the key input delivered by the country into the peer review, and it, therefore, serves to present and clarify the country's priorities. The activities undertaken to prepare and participate in the APRM; the nature of the national consultations; as well as to explicitly explain the responsibilities of various stakeholders in government; civil society and the private sector in implementing the Programme".

(NEPAD/APRM/Panel3/guidelines/11-2003/Doc8 P10.)

Inter alia, the NPOA is expected to present, among others, the following:

- Clear, time-bound commitments on key governance and socio-economic development priorities over the next three years, including the identification of key stakeholders for implementation, and the estimated budgetary implications and allocations;

- Description of the national consultations that have taken place in undertaking the self- assessment and development of the National Programme of Action;

- Outline the feedback mechanism established to keep local stakeholders involved in the process, including efforts to disseminate information in an easily accessible and understandable manner;

- Description of the capacity building and resource mobilization requirements for undertaking the Programme of Action; and,

- Outline the implementation, monitoring and evaluation mechanisms for the Programme of Action.

Every reviewed country is also statutorily obliged to submit bi-annual and annual progress reports on implementation of their NPOA to the APR Panel and Forum respectively. Ghana, being the first country to undergo the peer review process, has fulfilled this requirement by submitting two annual progress reports. Rwanda and Kenya have also submitted one annual progress report, each, while those of South Africa and Algeria aredue for submission. These documents will constitute the January 2009 Meeting of the Forum in Addis Ababa, Ethiopia.

In all, the APRM has been empowering countries in ways that were not envisaged when it started. The experience accumulated so far indicates that the APRM is having a positive and beneficial impact in the countries reviewed to date. There is now enhanced understanding of the benefits of the mechanism among the various national stakeholders, in their endeavour to find common solutions to their

development problems. The consultative nature of the APRM has aided the demystification of the policy making process.

The lessons emerging from the implementation of the POAs are as follow:

- There is a demonstrable commitment to the APRM Process among countries that have gone through the review process. All the reviewed countries are enthusiastically implementing the NPOA, in spite of several formidable challenges, some even before they were peer reviewed;

- At the national level, there are daunting challenges, including the establishment of appropriate national structures to monitor the NPOA, proper costing and ensuring that it is not a a wish list (need for prioritization). There is also a need to fully *capture the key findings and conclusions of the peer review processes*;

- There is overlap between the NPOAs and other national initiatives sometimes, resulting in double costing of interventions. While NPOAs are not a substitute to other ongoing national initiatives such as the Poverty Reduction Strategy Programmes (PRSPs) or National Development Strategies (NDS), the comparative value added must be captured and disseminated;

- Some countries do not have the requisite institutional mechanism in place to take forward the post-review process, since the Governing Council was disbanded immediately after the peer review exercise. In others, key stakeholders are not kept informed about the APRM process after the review process;

- The NPOA reporting can be described as fair on balance, albeit, seriously lacking in quantifying its progress vis-à-vis the targets. Although attempts were made to present the report based on the issues that were identified by the NPOA, the reporting has not been systematic. There is selective reporting in some cases and this calls for the need for a uniform reporting template. The APRM secretariat has already taken up this challenge through the design of a reporting template.-;

- The monitoring and evaluation component needs a lot of development. (Country specific); and,

- Perhaps the major challenge is the capacity and resource gaps, which are pervasive; and there is need for additional resources to support the implementation of the NPOA. The NPOAs constitute a critical factor in

promoting good governance in countries reviewed. To this effect, it is fundamental that efforts are made in up scaling their implementation while not jeopardizing the national ownership of the process.

5.   Conclusion and Way Forward

Rightly, African leaders are jealously guarding the ownership of the APRM which is a unique initiative that clearly offers African countries the opportunity to initiate substantial governance reforms. It attempts to get governments and their critics to discuss problems and build consensus around solutions As a result, the APRM is increasingly winning acclaim worldwide. To date, the mechanism has commanded a lot of interest and has been embraced very positively by the international community, and especially by African states that have signed up to it. The credibility of the APRM remains high with regards to the Reports so far delivered and there is great confidence in the members of the APRM's oversight committee, the Panel of Eminent Persons.

In this respect, the APRM represents a remarkably significant change in the thinking of African leaders as they seek to reverse the trend of lack of accountability, political authoritarianism, failures in governance and corruption, to embrace and consolidate democracy as well as to effect sound and transparent economic management. As an initiative created, owned and driven by Africans, it is a ground-breaking tool for introspection. It has generated great expectations for Africa to tackle the governance problems that present obstacles to development.

Five years on, what is emerging out of the APRM implementation process is indeed very encouraging. Participating countries can now benchmark good governance with shared African and international norms and standards. Through the APRM, the countries are able to learn from each other and thus further African solidarity. Capacity is being developed and partnerships are being created, thus facilitating greater advocacy for the APRM and showcasing Africa's innovative thinking in governance. All these developments will begin, sooner rather than later, to demonstrate the seriousness of Africa in tackling the governance challenges that have constituted obstacles to its development.

The unique and novel fact that an African country engages into the widest possible national consultative process with all its stakeholders, and seeks to address together with all stakeholders its shortcomings, through the Programme of Action is unprecedented in the history of this continent and the world.

To forge ahead, support is needed as well as clarity of the various roles the lead actors should play in addressing the emerging issues from the APRM process to ensure the effectiveness and efficiency of the peer review process:

In this respect:

African Governments will:

- Continue to render support for vibrant debate and prompt implementation of the review findings;
- demonstrate continued support and commitment to the APRM by implementing its post-review recommendations; and,
- Further, encourage African countries yet to join to accede to the APRM.

African Institutions (including AU/NEPAD) will also:

- mobilize and augment the capacity to support African countries in implementing the NPOAs;
- distill lessons learned from the review processes to African countries, including those yet to accede, and to RECs and other stakeholders;
- disseminate and popularize best practices and other issues arising from the APRM process to high-level political quarters including at the AU Assembly and NEPAD HSGIC Summit; and,
- NEPAD to draw up a composite post-review programme to assist countries already reviewed in effectively implementing the NPOAs, especially from the socio-economic angle.

Regional Economic Communities (RECs) should:

- Continue to encourage their member states to join the growing ranks of countries that have acceded to the APRM; and,
- further engage stakeholders in their sub-regions on the benefits of peer review.

Development Partners should:

- continue to demonstrate of support for African efforts at promoting good governance on the continent while respecting African ownership;
- provide and/or upscale financial support for the implementation of NPOAs; and,
- Factor-in the findings of the review process in their own governance programmes in African countries.