Implementing the New Partnership for Africa’s Development (Nepad): Whither the African Peer Review Mechanism?

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ABSTRACT

This paper makes an assessment of NEPAD’s legal and institutional framework with a view of finding out its viability in achieving its objectives. In more particular times, the paper seeks to determine the place of the African Peer Review Mechanism (APRM) in implementing the objectives of NEPAD. As such, Part 1 of this paper traces the origin of NEPAD to the idea that using political strategies rather than economic approach would facilitate the recovery of Africa from the crisis it has been in. In addition to highlighting the objectives of NEPAD and its leadership structure, this part makes a discussion of its programme of action in three major themes: peace and security, democracy and political governance, and economic and corporate governance.

In the second phase, I evaluate the participating countries’ performance under the NEPAD initiative. In this regard, I assess the APRM being the instrument voluntary acceded to by member states of the African Union as an African self monitoring mechanism. This discussion includes a look into APRM’s principle, participation in the process and its mechanism-leadership and management structure. The periodicity, types and stages of peer review is also addressed under this phase. Notably, the APR process consists of five stages which culminate in an APRM Report which is considered by the Heads of State and Government of the participating member countries and, ultimately, formally and publicly tabled in key regional and sub-regional structures.

The third part of this paper looks into the Standards, Criteria, and Indicators for the APRM. Using this scheme with Democracy and Political Governance as an identified area, I attempt a brief but incisive outline of the objectives, standards, criteria and indicators employed by the APRM in assessing the situation in a country.

The final and indeed the heart of the paper is Part 4 which assesses the

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adequacy of and challenges to the APRM. First, given the differences of historical context and stages of development, African states are not peers. Considering, for example, Gross Domestic Product or democracy and political governance as a Possible Peer Index, leads to the conclusion that “to set up a mechanism based on peer inference cannot only be fallacious, but also misleading” because the disparities among African States on these issues are wide. Again, the principle of non-intervention whose mainstay is that the process is voluntary and that a participating state may terminate its participation may undermine the process.

Secondly, the process is designed in such a way that the team’s draft report is first discussed with the Government concerned. Therefore, one cannot rule out the possibility of political manipulation by the political elite of a reviewed country over the APR Team so as to give a favourable report of a country. Thirdly, the, the fact that in-country costs are to be borne by the country under review is of itself a potential ground for a country frustrating the review process. Speaking of financial matters, I have suggested that the financial institutions established under the AU Constitutive Act should take the form of the IMF and the World Bank. Consequently, countries in need of financial assistance from the institutions should by extension submit to APRM’s assessments of their economic policies.

In addition, though the APRM Base Document empowers the participating Heads of State and Government to take appropriate measures against non-compliance of a country, it does not define what these “appropriate measures” are. And even if recourse is made to the Constitutive Act of the AU for this definition, it is unclear whether the outcome of an APRM Report may form a basis of imposition of sanctions or suspension from the union. Furthermore, though APRM Base Document identifies the African Charter on Human and Peoples’ Rights as an indicative criterion, it fails to capture how the APR Panel may liaise with the Commission established under the Charter. In the same vein, the APRM system lacks enforcement mechanism similar to those in the United Nations Charter though it identifies this document as one of the APRM indicative criterion.

In conclusion, I have noted that given the wide picture of development in Africa and the dearth of updated sources on this topic, this paper is limited in its scope and reach. However, it is an essential step towards concerted and systematic study in this area.
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1.0. PREFATORY

NEPAD is a pledge by African leaders, based on a common vision and a firm and shared conviction, that they (African leaders) have a pressing duty to eradicate poverty and to place their countries, on a path of sustainable growth and development, and at the same time to participate actively in the world economy and body politic. It is anchored on the determination of Africans to extricate themselves and the continent from the malaise of underdevelopment and exclusion in a globalizing world.

NEPAD was aimed at presenting to the people of Africa, the Governments of the technically advanced countries and the multilateral mediator organizations such as the IMF, the World Bank and the WTO, a new set of objectives, goals and expectations for international trade, debt-reduction, access to technical and financial aid, support for conflict-resolution initiatives, material and political support for implementation of strategies to curb infectious diseases and support for nation-building efforts. This has come in the realization that accession to the institutions of the international community, the credit and aid binomial has underlined the logic of African development. Credit has led to the debt dead lock, which from installments to rescheduling, has existed and thus hindered the growth of African countries.

Unfortunately for Africa, all their efforts to break off from the yoke of underdevelopment were opposed, undermined and jettisoned by the Breton woods institutions thereby denying Africans the right to make decisions about their future. Thus Africans were instead forced into pursuing the implementation of exogenous agenda because of the operation of Development Merchant System under which foreign crafted economic reform policies turned into a new kind of special goods, largely and quickly financed by the said DMS (Development merchant system) regardless of the negative impact of such policies on African economies and policies. Consequently, there has been manifest poverty and backwardness of Africa, which stood in stark contrast to the prosperity of the developing world.

To many, the continued marginalisation of Africa from the globalisation process and the social exclusion of the vast majority of its people constitute a serious threat to global stability.

It is this abnormal situation that the new partnership for Africa’s Development calls for reversal by changing the relationship that underpins it.
1.1. Whence Came Nepad?

The New Partnership for Africa’s Development NEPAD, is a pan-African initiative developed under the auspices of the OAU, currently operating under the rubric of the AU. NEPAD is a mandated initiative of the AU approved at the highest level of the OAU as the development blue print for the AU.

As a starting point, it is important to note that much of the effort aimed at setting Africa on a development path under NEPAD initiative is, firstly, attributable to individual efforts by leaders of specific African countries. For instance, President Thabo Mbeki of South Africa in his African Renaissance project, introduced the relatively new idea that using political strategies rather than economic approach would facilitate the recovery of Africa from the crisis it has been in. Other Africans driven by the same spirit brought into this idea of placing a higher premium on getting the policies of good governance right rather than focusing on achieving only the right economic mixes.

In general, the resurrection of the thinking of Africa’s development is traceable to three African leaders. They include President Mbeki, of South Africa (Chairman of the non-aligned movement), Olusegun Obasanjo of Nigeria (Chairman of the G27) and Bouteflika of Algeria (chairman OAU). The process was also supported by the UN Millennium Association, which declared the intention of the world community to help African development, and to ensure that democracy and political stability become well grounded in the continent.

Critical in setting the center stage for the NEPAD initiative are the initial moves made by the Millenium Partnership for African Recovery Programme (MAP) headed by President Mbeki and the OMEGA plan for Africa led by President Wade of Senegal.

At the OAU Summit of July 12, 2001 held in Zambia both MAP and OMEGA were fused into one and renamed NAI (New African Initiative). Thus, an implementation committee was set up with President Obasanjo as Chairman, with Mbeki and Wade to serve as members. Subsequently, the inaugural meeting of the implementation committee was held in Abuja on October 23, 2001. At that meeting a new document was provided embodying the philosophy priorities and implementation modalities of the initiative. It was also agreed at the meeting that NAI be placed with a new name, NEPAD.
1.2. Objectives Of Nepad

- It is clear that NEPAD developed out of two different efforts (MAP\textsuperscript{11} and plan OMEGA\textsuperscript{12}) though both shared the same vision – to help Africans to extricate themselves from the yoke of underdevelopment and put them on a path of sustainable development. The program itself was to contain a vision, a perspective and the outlines of a plan for the redevelopment of Africa.\textsuperscript{13}

- NEPAD therefore represented a broader perspective on which Africa’s development was to be based. The main objective of NEPAD is to place African countries individually and collectively on a path of sustainable growth and development and by so doing put a stop to the escalating marginalisation of the continent.\textsuperscript{14}

Besides the above, NEPAD also set goals to record and sustain an average gross domestic product (GDP) growth rate of 7% per annum for the next 15 years. It also aimed at bringing Africa in consonance with international Development Goals (IDGs), especially in the areas of productivity.

NEPAD also set goals for, among others, education for all children of school age, environmental recovery system as well as Reproductive Health Services by the year 2015.\textsuperscript{15}

What is clear from the foregoing is that NEPAD saw partnership with the developed world as essential to its success, but however, focused on increased investment in viable infrastructure and business opportunities instead of increased development aid.\textsuperscript{16} In so doing, the NEPAD initiative recognized that Africa itself held the key to its own development.

1.3. Nepad Programme Of Action

The New Partnership for Africa’s Development is envisaged as a long-term vision of an African-owned and African led development programme. It differs in its approach and strategy from all previous plans and initiatives in support of Africa’s development, although the problems to be addressed remain largely the same.\textsuperscript{17} The action programme of NEPAD includes the top priorities structured in the same way as the strategy outline, which priorities may be revised from time to time by the Heads of state implementation committee.\textsuperscript{18} The programme covers what needs to be done in the short term, though on a wide scope.
Therefore, the NEPAD document has a structure made up of three sections setting out the top priorities, which the member states commit themselves to observe in giving effect to the NEPAD development strategy.

Each of these themes in these sections has a clearly articulated road map for implementation. An example is in respect of peace, security, democracy and political governance and Economic and Corporate Governance Initiatives where the following actions have been proposed:-

1.3.1. **Peace and Security Initiative**

Peace and security are important conditions for sustainable development. Experiences of Africa leadership however, negatively attest to these very important conditions. By the middle of 1990s for instance threats to peace, security and the preservation of human rights posed by armed conflicts in Africa became a source of concern for African leaders and the broader international community.\(^9\) The widespread armed conflicts in Africa made it clear to Africa leaders that it would be difficult to achieve any meaningful development within the continent. The most immediate one was the 1991 Treaty Establishing the African Economic Community (the Abuja Treaty), which was intended to set the stage for greater economic co-operation amongst African states.\(^20\) This objective could not be realised amidst widespread-armed conflicts in Africa.

Despite any normative and institutional developments that the regime of the mechanism and which any other arrangement may have brought, Africa and the mechanisms has been notoriously criticised and blamed for failing to halt the genocide in Rwanda, stop civil war in Liberia, mitigate the crisis in Burundi or put an end to the conflict in the Democratic Republic of Congo (DRC).\(^21\)

1.3.2. **Democracy and Political Governance Initiative**

- It is generally acknowledged that development is impossible in the absence of true democracy, respect for human rights, peace and good governance. Though democracy remain an elusive concept, there are certain accepted global standards of democracy, which core components include political pluralism, allowing for the existence of several political parties and workers unions, fair, open, free and democratic elections periodically organized to enable the populace choose their leaders freely. The purpose
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of the Democracy and Governance initiative is to contribute to strengthening the political and administrative framework of participating countries, in line with the principles of democracy, transparency, accountability, integrity, respect for human rights and promotion of the rule of law. It is fortified by and buttresses the Economic Governance Initiative, with which it shares key features, and taken together will contribute to harnessing the energies of the continent towards development and poverty reduction (eradication).\textsuperscript{22}

To this end, the New Partnership for Africa’s Development states are bound to undertake a series of commitments towards meeting basic standards of good governance and democratic behaviour while, at the same time, giving support to each other. In this endeavour necessary support will be afforded participating states where required, within six months of institutionalisation, the New partnership for Africa’s Development Leadership undertook to identify recommendations on appropriate diagnostic and assessment tools, in support of compliance with the shared goals of good governance, as well as to identify institutional weaknesses and to seek resources and expertise for addressing the weaknesses.\textsuperscript{23}

1.3.3. Economic and Corporate Governance

States have a major role to play in promoting economic growth and development and in the implementation of poverty reduction programmes. However, the reality is that many governments lack the capacity to fulfil this role. As a consequence, many countries lack the necessary policy and regulatory frameworks for private sector-led growth. They also lack the funding to implement programmes even when funding is available.

For this reason therefore any targeted capacity building should be given a high priority. Programmes in every area must be preceded by an assessment of capacity followed by the provision of appropriate support.

- In acknowledging the importance of accountable and responsible corporate governance in achieving sustainable development, the participating countries did undertake to promote amongst themselves a set of concrete and time bound programmes aimed at enhancing the quality of economic and public financial management as well as corporate governance.\textsuperscript{24}
1.4. Nepad Initiative’s Leadership Structure

The institutional framework for the follow-up and the implementation of NEPAD is three-tiered. Comprising firstly, the leading initiative at the political level, the Heads of State and Government Implementation Committee (HoSGIC). This committee was constituted in consultation with the OAU and is comprised of 15 Heads of State representing the five regions of the OAU. To this committee, the AU Assembly delegated the mandate of ensuring a continuous follow-up on the NEPAD initiative, particularly the establishment of the relevant management institutions. Thus, the main purpose of the committee is to provide dedicated political leadership and to set the policy and programme to be pursued. The HoSGIC has to report to the AU Assembly, which also provides guidance as to how the NEPAD process should progress.

The second tier of the management in support of the HoSGIC is that of the steering committee (SC) is composed of the personal representatives of the 5 initiating presidents – Nigeria, South Africa, Algeria, Senegal and Egypt. The last and the third level is the secretariat. The secretariat comprises a small team of full-time staff tasked with the functions of liaison and coordination, administration and logistics. The Secretariat is located in Midrand, South Africa.

The NEPAD secretariat liaises with the Regional Economic Communities (RECs) as they are regarded as key agents for achieving programme implementation and integration in Africa.

2. EVALUATING PARTICIPATING COUNTRY’S PERFORMANCE UNDER THE NEPAD INITIATIVE

2.1. The African Peer Review Mechanism (Aprm)

The African Peer Review Mechanism (“the APRM”) base document defines the mechanism as:

“An instrument voluntarily acceded to by member states of the African Union as an African self monitoring mechanism”.

and its primary purpose is:

“To foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development
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and accelerated sub regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs of capacity building”.  

With this broad vision, the African Peer Review Mechanism (APRM) is mandated to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, political, Economic and Corporate Governance.

2.1.1. Principle of the African Peer Review Mechanism (APRM)

As a core guiding principle to the African self-monitoring process, the African Peer Review Mechanism is committed to ensuring that every review exercise carried out under the authority of the mechanism must be technically competent, credible and free of political manipulation.

To ensure that the primary purpose is realised, the participating states on their part committed to adopting appropriate laws, policies and standards, as well as building the necessary human and institutional capacity. They also committed themselves to adopting specific objectives, standards, criteria and indicators for assessing and monitoring progress in key areas on a regular basis in accordance with the African Peer Review Mechanism base document and Declaration on Democracy, Political, Economic and Corporate Governance.

2.1.2. Participation in the African Peer Review Process (APRM)

The African Peer Review Mechanism process is designed to be open and participatory. All member states of the African Union are free to participate in the African Peer Review Mechanism Process. After adoption of the Declaration on Democracy, political, Economic and Corporate Governance by the African Union, countries wishing to participate in the APRM are required to notify the chairman of the NEPAD Heads of State and Government implementation Committee (HoSGIC). Through a participatory process, the African Peer Review Mechanism (APRM) will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increasing the transparency of the decision making processes, and build trust in pursuit of the national development goals.
This will entail an undertaking to submit to periodic peer reviews, as well as to facilitate such reviews, and be guided by agreed parameters for good political governance and good economic and corporate governance.\(^3\)

2.2. AFRICAN PEER REVIEW MECHANISM-LEADERSHIP AND MANAGEMENT STRUCTURE: ORGANISATION AND PROCESSES

The African Peer Review Mechanism base document \([AHG/235(XXXVIII) Annex2]\), approved by the NEPAD Heads of State and government and Implementation Committee (“implementation committee”) and endorsed by the African Union (AU) Summit in Durban, South Africa in July, 2002,\(^4\) envisages the following four distinct organisational components of the African Peer Review Mechanism (“the APRM”).

2.2.1. The Committee of participating Heads of State and Government (The APR Heads of State Forum (APR Forum), which is the highest decision making authority in the APRM).

The overall responsibility of the APRM is vested with a committee of participating Heads of State and Government of the Member States of the African Union who have voluntarily chosen to accede the APRM (APR Forum). Therefore, the APR Forum has ultimate responsibility for oversight of the APRM organization and process for mutual learning and capacity building, and for exercising constructive peer dialogue and persuasion required to make the APRM effective, credible and acceptable.\(^5\)

2.2.2. The Panel of Eminent Persons (APR Panel)

It is proposed that the APRM be directed and managed by a panel of between 5 and 7 eminent persons. The Eminent persons must be Africans who has distinguished themselves in careers that are relevant to the work of the APRM. Besides, members of the panel must be persons of high moral stature and demonstrated commitment to the ideals of Pan Africanism.\(^6\)

One of the members of the panel is appointed chairman by the Heads of State and Government of the participating countries. The Chairperson of the APR panel will serve for a period of up to 5 years, while the other eminent persons will each serve for a period of up to 4 years.\(^7\)
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2.2.3. The APRM Secretariat (APR secretariat)

The APR secretariat will provide the secretarial, technical, coordinating and administrative support services for the APRM. The secretariat has both the technical and administrative capacity to undertake and manage the analytical work that underpins the peer review process and also conforms to the principles of the APRM.

The secretariat may engage, with the approval of the panel, the services of African experts and institutions that it considers competent and appropriate to act as its agents in the peer review process.

2.2.4. APR Teams

The APR Teams are constituted only for the period of the country review visit. The composition of the APR team is to be carefully designed to enable an integrated, balanced, technically competent and professional assessment of the country under review and must be approved by the APR panel. The APR panel is to approve the composition of the APR Team and its terms of reference for each country review visit. The secretariat is mandated to produce guidelines for the conduct of the country review visits and a code of conduct for the APR Teams for approval by the APR panel and the APR Forum.

1.2. Periodicity And Types Of Peer Review

The APR process will entail periodic review of the policies and practices of participating states to ascertain progress being made towards achieving the mutually agreed goals and compliance with adopted political, economic and corporate governance values, and the socio-economic development codes and standards as outlined in the declaration Democracy, political, Economic and Corporate Governance.

The peer review process is intended to spur countries to consider seriously the impact of domestic policies, not only on internal political stability and economic growth, but also on neighbouring countries. It will also promote mutual accountability, as well as compliance with best practice.

Bearing in mind that African countries are at different levels of development, the Document provides that, on joining the mechanism, a country will be assessed (the base review) and a time table (programme of Action) for effecting progress towards achieving the agreed standards and goals must
be drawn up by the state in question, taking into account the particular circumstances of the state concerned.

2.4. Stages Of The Peer Review Process

The APR process will be conducted under the leadership of the APR panel and the technical support of the APR Secretariat. The APRM base document identifies the process as consisting of five stages in the APR process. However, allowance has been made in the base document for a preliminary phase known as country Support Mission, with a view to assisting countries to be better prepared to participate in the peer review process.\(^47\)

Once a country has acceded to the APRM, the APR Secretariat will arrange a mission to the country with a view to negotiate the exact terms of the Memorandum of Understanding (MOU) on Technical Assessment and country review visit using the outline provided.\(^48\) The country support missions will be planned in consultation with the participating countries and will be scheduled in response to the indications of the countries of the most convenient timing for them.

2.5. Country Reviews

2.5.1. Stage One

Stage one involves the preparatory process both at the level of the APR Secretariat, and at the national level.

(i) At continental level, stage one will involve a study of the political, economic and corporate governance and development environment in the country to be reviewed, based principally on up-to-date background documentation prepared by the APR Secretariat and material provided by national, sub-regional and international institutions.\(^49\)

Stage one ends when the country to be reviewed has provided sufficient information on the country, including the draft country programme of Action, to the APR secretariat and the secretariat has prepared a background document and issues paper on the country including the proposal on the APR team to the APR panel.
2.5.2. Stage Two

It constitutes visits by the country Review Team (CRT) under the leadership of the APR Panel. The country under review is mainly in a facilitating role, ensuring that the APR Team is enabled to carry out its review smoothly and with full access to all sources of information and stakeholders. The priority of order of business of the country Review Team (CRT) at this point will be to carry out the widest possible range of consultations with the Government officials, parliamentarians, representatives of political parties, the business community, representatives of the civil society (including media, academia, trade unions, non-governmental organizations (NGOs), Community based organizations (CBOs), rural communities and representatives of international organizations.50

2.5.3. Stage Three

This stage involves the preparation of the APR Team’s report. The report is based on the Background document and the issues paper prepared by the secretariat, and the information provided in country by official and unofficial sources during the wide-ranging consultations and interactions with stakeholders. The report must be a clear summary of all the findings concisely and analyse the implications of the findings for the country’s governance and socio-economic development. It must take into account the applicable political, economic and corporate governance and socio-economic development commitments made in the preliminary programme of Action, identify any remaining weaknesses, and recommend on further actions that should be included in the final programme of Action.51

2.5.4. Stage Four

Stage four of the review process begins when the APR secretariat and panel submits the APR Team’s report and the final programme of Action to the APR Forum of participating Heads of State and Government for consideration and formulation of actions deemed necessary in accordance with the mandate of the APR Forum.52

2.5.5. The fifth stage

This is the final stage of the APRM process. It involves making public the APRM Report and action on the country review. Six months after the report has been considered by the Heads of State and Government of the participating member countries, the report is formally and publicly tabled in
key regional and sub-regional structures such as the Summit of the African Union, the Pan-African Parliament, the African Commission on Human and People’s Rights, the peace and Security Council and the Economic, Social and Cultural Council (ECOSOC) of the African Union as well as the Regional Economic Community of the region to which the country belongs. This stage completes the first cycle of the APR process for any particular country.

However, it is projected that the time line for these processes will vary considerably from country to country depending on country specificity. But the estimated duration of each peer review from the start of stage one and the end of stage four should be between 6 and 9 months.\[53\]

It is important to note that the participating countries must agree on goals and objectives to be achieved in respect of each of the areas covered by the APRM and about information to be shared. The agreement will also cover time frames of achieving the goals and objectives for each country or category of countries taking into account the situation at the time when the base review is conducted.

The sharing of information on the other hand, focuses on mutual learning in areas of high priority in NEPAD, such as strengthening institutions of democracy and human rights, improving budgeting and financial management, fighting corruption, increasing access to social services such as education, health, water and energy. High priority areas also include improvement in agriculture and diversification of production and exports, increased trade and investment among the participating countries, increased cooperation in mobilising and attracting both domestic and foreign investment.

Sharing of information is aimed at resulting in increased adoption of best practices and standards and also accelerating the integration of the economies of participating countries. Higher levels of trust will also increase opportunities for intra – country trade and investment, physical infrastructure, production systems and structures as well as fostering common African positions for negotiating with other regions.\[54\]

3. **STANDARDS, CRITERIA, AND INDICATORS FOR THE APRM**

First, the key objectives that have been prioritised in the NEPAD framework document and Declaration are defined as specifically as possible; they include inter alia, the establishment of conditions for sustainable Development by
ensuring peace and security, democracy and good, political, economic and corporate governance, regional cooperation and integration.\textsuperscript{55}

Based on these key priorities and objectives, there have been certain codes and standards that are referenced in the Declaration agreed to by the African Union (AU) with regard to the area and key objectives of democracy and political governance and those that are internationally recognised with regard to other areas and key objectives of governance and socio-economic development. Many of these codes or standards include detailed tools, templates and methodologies for self-assessment of compliance of countries. The APR Forum is to review these codes and standards periodically.

The criteria are whether the government has taken the necessary steps to achieve the objective and attain the standards and the effects or results of these actions. The criteria have been articulated in terms of questions about these matters and are easily seen as issues to be addressed and reference points for targets to be established.

Indicators are, however, used as the means by which it is determined whether the criteria have been met.\textsuperscript{56}

This scheme is deemed as providing a framework for the operationalisation of the assessments to be undertaken in the participating countries in the context of the APRM. The more specific the elements of the scheme become, the more important it becomes that the specifics of the country be taken into account in defining them.\textsuperscript{57}

Suffice it to say that the guideline – NEPAD/HSGIC – 03 – 2003/APRM/Guideline/OSCI of 9th March 2003 is a detailed and comprehensive document that it may not be easy to highlight all the four areas identified in the Declaration in this work. Thus using one of the four identified areas, I will attempt a brief, but incisive outline of the objectives, standards, criteria and indicators employed by the APRM in assessing the situation in a country.

3.1. Democracy And Political Governance

NEPAD Framework Document and the Declaration identity among others, democracy and good political governance as preconditions and foundation for sustainable governance as preconditions and foundation sustainable development and eradication of poverty. This concern arose out of the realization that successive summits of the organization of African Unity
(OAU)/African Union, have over the years, taken decisions aimed at ensuring democracy and good political governance.  

For these key objectives, several standards, indicative criteria and Examples of indicators are proposed.

They include, among others;

### 3.2. Standards

- Cairo Declaration on the Establishment, within the OAU of the mechanism for conflict prevention, management and Resolution (1993); or the protocol relating to the Establishment of the peace and Security Council of the African Union (2002) when operational.
- Charter of the United Nations (1945)
- UN Universal Declaration on Human Rights (1948)

### 3.2.1. Indicative criteria

- Has the country ratified or acceded to all relevant African and International instruments aimed at preventing, managing and resolving conflicts?
- What has the country done to implement the various African and international instruments aimed at preventing, managing and resolving conflicts?
- Does the country have domestic institutions, mechanisms and processes to support prevention, management and resolution of intra-country conflicts with appropriate capacity and resources?
- Are the provisions of the constitution for democracy, human rights, the rule of law and the supremacy of the constitution clear and firm with adequate provisions for enforcement?
- What is being done to create an enabling environment for
meaningful popular participation in all forms and level of
governance?
• Has the country acceded to and ratifies all the relevant African and
international instruments?

3.2.2. Examples of Indicators

• Level of ratification and accession to relevant African and
international instruments for conflict prevention, management
and resolution.
• Existence and effectiveness of early warning systems capacity.
• Adequacy of express provisions in the constitution.
• Adequacy of legal framework for free association and formation
of non-governmental Organisations and unions.
• Effectiveness of institutions and processes for implementation,
supervision and public awareness of human rights principle and the
country’s obligations therein.
• Adequacy of budgetary provisions and effectiveness of inter
departmental committees to give effect to the country’s
international obligations.
• Regularity and quality of country reporting to treaty bodies
• The overall state of these rights in the country.

4. ASSESSING ADEQUACY OF AND CHALLENGES TO THE
APRM

The overarching goal of the APRM is for all participating countries to
accelerate their progress towards adopting and implementing the priority
and programmes of the New Partnership for Africa’s Development (NEPAD),
achieving the mutually agreed objectives and compliance with best practice
in respect of each of the areas of governance and development. This however
can only be achieved through the sustained efforts of the country itself,
involving all stakeholders. It requires that each country carefully develops
a programme of Action with time bound objectives and linked to national
budgets to guide all stakeholders in the actions required by all-government,
private sector, civil society to achieve the country’s vision.

However, given the differences of historical context and stages of
development, countries are to start from different baselines and will not be
expected to reach their highest level of performance at the same time. The
rate of progress will also depend critically on the level of commitment and
political will of each country to take deliberate steps to realise its vision.
Participating countries are to encourage and support each other and exercise constructive peer dialogue and persuasion where necessary to ensure that all countries achieve full compliance by a mutually agreed date.\textsuperscript{59}

It is true that the NEPAD document recognizes the differences in development in countries based on historical contexts. This however is not to say that the mechanism is devoid of any challenges. It is these challenges that this part now analyses.

4.1. The Peer Inference

The term ‘peer’ refers to “persons’ equal in rank or merit,” In the context of NEPAD, it has the implication that the participating countries are of equal rank or merit, hence the term African peer review mechanism. The question that one then needs to ask is who are the peers’, peers in what aspects – technological advancement, political development or in terms of the general gross domestic product in the participating states?

4.1.1. Gross Domestic Product as a Possible Peer Index

NEPAD is traceable to five initiating countries (president) Nigeria, South Africa, Algeria, Senegal and Egypt. Granted, these countries are at different stages of development, whether politically, technologically and general productivity. For instance, world GDP today is roughly and 30 trillion US dollars. America’s GDP is around 10 trillion. The GDP of the 25 EU Countries is another 10 trillion. Japan’s GDP is a little above 4 trillion.\textsuperscript{60} Simply, these three economic powerhouses generate 24 trillion, or 80 percent of world GDP. Further, the number excludes China, Canada, Mexico, India, Brazil, Korea and Australia – all countries which the GDP” top 15”, ranging from $400 billion (Australia) to $1.7 trillion (China).\textsuperscript{61}

Sub-Saharan Africa’s GDP is around $300 billion (one percent) of the World’s), equal to 16\textsuperscript{th} placed Russia. South Africa one of the Key initiating countries of NEPAD and possibly a major contributor accounts for roughly half of the sub-Saharan Africa’s GDP of ($150 billion), Nigeria also a key player accounts for another $45 billion and Kenya – the third largest economy in sub-Saharan Africa accounts for $12 billion or roughly 0.04 per cent of world GDP.\textsuperscript{62} Therefore to set up a mechanism based on peer inference cannot only be fallacious, but also misleading.

This conclusion is not a misplaced one. The reason is that the panel of Eminent African personalities are not shelved in any way from using
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standards in what might be called regional powerhouses in Africa to gauge other African countries who in my own words, can be best said to be in economic crutches. The inevitable consequence is that adverse inferences may be made against those countries with a possibility of exclusion from participating in the NEPAD initiative to sanctions.

Worse still, the recommendation of the APRM (APR Team’s Report) may be used by the APR Forum to influence assistance from other world’s development partners, and this may have very far reaching implications for a country that is deemed as non-compliant under the NEPAD initiative.

4.1.2. Democracy and Political Governance as a possible peer index

Democracy and good political governance are true preconditions and foundation of sustainable development and the eradication of poverty. As a concept, democracy and political governance have often remained elusive. The mention of the term democracy is often met with different reactions. Africa as a continent has always been characterised by political turbulence. The barrel of the gun of death, it is believed, must just drive majority of African leaders, from their political seats. Peaceful political transition is a rare occurrence in Africa. However, latest developments point to the contrary. Examples of peaceful political transition are now not news in Africa – there is South Africa where the first democratically elected president led by Nelson Mandela peacefully handed over to the serving President Thabo Mbeki, in Tanzania where the late Nyerere handed over power peacefully to retired president Mwinyi and now Benjamin Mkapa. The latest such occurrence was witnessed in Kenya, where contrary to popular belief and to the consternation of many retired president Moi after serving for a record of 24 years peaceful stepped aside for President Mwai Kibaki.

Despite these novel examples of slowly emerging democracy, Africa is still termed as a dark continent when it comes to political leadership. Majority of African leaders are still reluctant to yield to political pluralism and would rather wait and die while serving or be removed unceremoniously using guns. Despotic leadership still characterise the continent. To them, mention of democracy, as a practice of political pluralism is an unwelcome idea. The question then one needs to ask is – How can such diametrically opposed ideologies be peers? What would be the benchmark?

The above questions seem to pose real challenge to the so-called African
Peer Review Mechanism since, by all standards one cannot for instance seek to apply similar standards in gauging democratic standards and political leadership of say South Africa, Kenya, and Tanzania to Democratic Republic of Congo, Sudan, Somali among others. They are simply not peers!

Again, there is the principle of non-intervention. The Memorandum of Understanding of the African Peer Review Mechanism provides that:-

African Peer Review Mechanism is a mutually agreed instrument voluntarily acceded to by the Member States of the African Unions as African self-monitoring mechanism; and further that;

A participating state may terminate its participation in African Peer Review Mechanism by giving written notice to this effect to the NEPAD secretariat, which in turn will inform the participating states in writing.

The above provisions have their basis in the African Union Constitutive Act, which outlines the principles upon which the union shall function as inter alia,

(a) Sovereign equality and interdependence among member states of the union;
(b) Respect of borders existing on achievement of independence;

The serious implication of these provisions is that notwithstanding a participating country’s record in terms of democracy and political governance, the participating member states of the NEPAD initiative may not intervene in its affairs and the reviewed country may, if dissatisfied with the manner in which the African peer Review Mechanism is conducted, just opt to give notice to the participating states of its intention to terminating participation in the Peer Review Mechanism (process), and shall after 6 months of the notification cease to participate in the review mechanism.

4.2. Enforcement

The APR process is designed in such a way that the team’s draft report is first discussed with the Government concerned (under review). The discussion is “meant to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the Team’s findings and to put forward its own views on how the identified short comings may be assessed”. The responses of the Government will be appended to the Team’s Report.
Clearly, therefore one cannot rule out the possibility of political manipulation by the political elite of a reviewed country over the APR Team so as to give a favourable report of a country, which may in turn help that country improve its standing in the international arena, with a probable consequence of reaching out well to other world’s development partners.

4.3. Funding Of The Aprm Process.

The APRM base document states that funding for the mechanism will come from assessed contributions from participating member states. A business plan for all the operations of the APRM over the first five years will be developed and submitted to the APR Forum for consideration. The budget estimates are developed on the assumption that all countries acceding to the process would have to be reviewed during that period.

The in-country costs of the APR for a particular country must however be borne by the country itself.

The NEPAD secretariat is to set up a mechanism to mobilize resources for participating countries from its external partners, if necessary. However, the APRM does not rely on external partners for funding. The fact that in-country costs are to be borne by the country itself is of itself a potential ground for a country frustrating the review process. For instance, where a country has invited the review team and is of the opinion that there have been certain of her practices not in conformity with the universally accepted standards; it may use the issue of funding in-country costs as a way of frustrating the review process.


One of the indicative criteria and standards upon which APRM is to be based is the Constitutive Act of the African Union (2000) among others. The African Union is based on, sovereign equality and interdependence among member states of the union, respect of borders existing on achievement of independence, prohibition of the use of force or threat to use force among member states of the union, non-interference by any member state in the internal affairs of another. The union has as one of its objectives to defend the sovereignty, territorial integrity and independence of its member states.

The APRM Base Document at paragraph 23 seem to give some power to
the participating Heads of State and Government if as regards the report of the APR Team, dialogue proves unavailing, to:

"Put the Government on notice of their collective intention to proceed with appropriate measures within a given time frame."

However, such measures should always be utilised as a last resort.

It is important to note that other than mentioning “appropriate measures” the Base Document does not state what these appropriate measures are. The possible conclusion is that, the participating Heads of State and Government may as an alternative fall back on the measures provided under the APRM’s indicative criteria and standards such as the Constitutive Act of the African Union (2000).

If this be the case, perhaps the important provision under the Act would be that on sanctions. It provides:  

23(1) The Assembly shall determine the appropriate sanctions to be imposed on any member state that delay payment of its contributions to the budget of the union in the meetings, to vote, to present candidates for any position or post within the union or to benefit from any commitments therefrom;

(2) Furthermore, any member state that fails to comply with the decisions and policies of the Union may be subjected to other sanctions, such as the denial of transport and communications links with other member state and other measures of a political and economic nature to be determined by the assembly.

The Act also provides for suspension;

“Government which shall come to power through unconstitutional means shall not be allowed to participate in the activities of the union”.

What is however unclear is whether the outcome of the APRM Team’s Report may also form a basis of imposition of sanctions or suspension from the union. Over to the union and the Assembly!

4.5. The African Charter On Human And People’s Rights

The African Charter on Human and People’s Rights is a pledge solemnly made by African member states of the organization of African Unity (now African Union) to, among others, eradicate all forms of colonialism from Africa, to co-ordinate and intensify their co-operation and efforts to achieve a
better life for the peoples of Africa and to promote international co-operation having due regard to the charter of the United Nations and the Universal Declaration of Human Rights.\textsuperscript{82}

The charter outlines the duties of the member states of the Organisation of African Union to:
\textquotedblleft \ldots \ldots \ldots \text{recognize the rights, duties and freedoms enshrined in this charter and shall undertake to adopt legislative or other measures to give effect to them}\textsuperscript{.83}

The NEPAD Peer Review Mechanism Base Document identifies the African Charter on Human and People’s Rights as one of the indicative criteria against which a state’s assessment is to be based. The indicative criteria take the question of form. For instance, has the country acceded to and ratified all the relevant African and international instruments. Does the country have the relevant institutions such as the human rights commission and public protector, with appropriate capacity and resources?

The charter establishes a measure of safeguard: The African commission on Human and People’s Rights.\textsuperscript{84} The commission is to promote human and people’s rights and ensure their protection in Africa.\textsuperscript{85} The commission consist of eleven members chosen from amongst African personalities of the highest reputation, known for their high morality, integrity, impartiality and competence in matters of human and people’s rights; particular consideration being given to persons with legal experience.\textsuperscript{86} The members of the commission serve in their personal capacity.\textsuperscript{87} Election of the members of the commission is done by secret ballot by the Assembly of Heads of state and Government, from a list of persons nominated by the states parties to the charter.\textsuperscript{88}

The commission has a wide mandate to;\textsuperscript{89}

1. Promote Human and People’s Rights and in particular;
   (a) To collect documents, undertake studies and research on African problems in the field of human and people’s rights, organise seminars, symposia and conferences, disseminate information, encourage national and local institutions concerned with human and people’s rights and should the case arise, give its views or make recommendations to Governments;
   (b) To formulate and lay down, principles and rules aimed at solving legal problems relating to human and people’s rights and fundamental freedoms upon which African Governments may base their legislation;
(c) Co-operate with other African and International Institutions concerned with the promotion and protection of human and people’s rights.

2. Ensure the protection of human and people’s rights under conditions laid down by the present charter.

3. Interpret all the provisions of the present charter at the request of a state party, an institution of the Organisation of African Unity or an African Organisation recognised by the Organisation of African Unity.

4. Perform any other tasks, which may be entrusted to it by the Assembly of Heads of State and Government.

Therefore, in view of the above functions the APR panel may in assessing the country’s performance in the field of democracy and political governance liaise with the commission on Human and People’s Rights established under the charter to ensure that the information contained in the report is of utmost accuracy. This, however, is not expressly stated in the APRM Base Document and it remains for conjecture how the charter is to be used as an effective indicative criteria in country’s assessment.

4.6. The Financial Institutions

The Constitutive Act of the African Union provides that the Union shall have the following financial institutions with rules and regulations to be defined relating thereto:-

(a) The African Central Bank;

(b) The African Monetary Fund;

(c) The African Investment Bank.

The anticipated features of these financial institutions include a strategy of strengthen the financial systems of member countries. They should invariably take the form of the IMF and the World Bank. The IMF for instance is responsible for preserving the stability of the international monetary system. An important purpose of the Fund, as set out in the Fund’s Articles of Agreement, is “to promote exchange stability, to maintain, orderly exchange arrangements among members and to avoid competitive exchange depreciation”.

Simply put, the central role of the fund is the resolution of balance of payment crises. The fund seeks to fulfil this role primarily by providing financial assistance to member countries experiencing balance of payments difficulties.
When it provides financing to a member in these circumstances, the fund seeks to involve the member and the international community in the resolution of the members’ balance of payment problems. The fund only provides financial assistance to a member experiencing a balance of payments crisis if the member is prepared to implement the policies necessary to improve its external position. Thus, fund financial assistance is normally provided in support of an economic reform program that is formulated by the member in consultation with the fund. In this matter, Fund Financial Support provides a “seal of approval” of the members economic policies that encourages other members of the international community (in this case the African Union) – international financial institutions, official creditors, commercial banks and other private lenders – to provide additional financial assistance to the member. Fund financial assistance therefore plays a central and catalytic role.

Therefore with the proposed financial institutions under the African Union on the horizon, the Africa’s leading economies should take a Centre stage in ensuring that the institutions are operationalized other than remaining proposals. The benefits to the member states of the African Union should also be made real other than perceived. This is possible with the leading African economies, such as South Africa, Nigeria, Botswana, Senegal, Egypt who are also the leading initiators of the NEPAD initiative constituting in the first instance, major contributors to the establishment of the fund. As a corollary, these countries should also be the major policy determiners of the financial institutions perhaps capable of vetoing the decisions of the institutions. If this is done, then the countries in need of financial assistance from the fund to resolve balance of payments crises would, by extension submit to APRM’s assessments of their economic policies, thereby ensuring compliance.

4.7. The Charter Of The United Nations

The APRM Base Document also adopts the charter of the United Nations as one of the standards as well as an indicative criterion upon which the APRM’s assessment of a country is to be based. The charter outlines as one of the purposes of the United Nations, “1. To maintain international peace and security and to that end; to take effective collective measures for the prevention and removal of threats to the people, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and inconformity with the principles of justice and international
law, adjustment or settlement of international dispute or situations which might lead to a breach of the peace”;

To ensure prompt and effective action by the United Nations, the charter provides that the members of the UN confer on the Security Council the primary responsibility for the maintenance of international peace and security and agree that in carrying out its duties under the responsibility the Security Council acts on behalf of the members.

The council has a wide mandate in solving disputes arising under the charter of the UN, which may include inter alia, negotiation (mediation), reconciliation, use of force and imposition of sanctions among others.

The charter also establishes “The Economic and Social Council” which may, among others, make or initiate studies and reports with respect to international economic social, cultural, education, health and related matters.

Clearly therefore, the charter of the United Nations is a comprehensive document in terms of enforcement mechanisms of the decisions or policies adopted by the UN which the NEPAD initiative does not seem to have; it may, perhaps suffice to suggest that in identifying the charter as one of the indicative criteria in APRM’s assessment, the NEPAD through the committee of Heads of State and Government of the participating states put in place mechanisms such as those outlined under the charter of the United Nations.

5. CONCLUSION

Given the immense area which needs to be covered if one wants to have a comprehensive overview of the NEPAD initiative as an African endeavour to sustainable development and in particular the African peer Review Mechanism (APRM) as a mode of assessing compliance- both its positive and negative aspects, the limited objectives of this paper in this grey area should be obvious. The paper merely reflects in summary form the general outlay of NEPAD initiative as a tool of sustainable development, the general efficacy of APRM as a way of assessing compliance, and in certain cases contains merely the authors views on the topic.

To give a true reflection of the wider picture as far as development in Africa is concerned and its measure thereof would be a task of immense proportions, not least because it is difficult to find updated or any sources (primary or
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secondary) on the topic. However, it is essential that this task is undertaken, in what should henceforth, from a systematic manner in this area.

Endnotes

1 The New Partnership for Africa’s Development (NEPAD) Abuja, Nigeria October 2001; Also Moyo Theresa; The Resource Mobilisation Strategy (RMS) of The New Partnership For Africa’s Development (NEPAD) (Unpublished paper). Professor Adebayo Adebeji in his paper entitled; ‘From the Lagos Plan of Action To the New Partnership For African Development and from the Final Act of Lagos To the Constitutive Act; Whither Africa’, identifies landmark strategies hitherto undertaken by African Leaders as;

• The African Charter for popular participation for Development (1990)
• The UN New Agenda for the Development of Africa in the 1990’s (UN-NADAF, 1991).

2 NEPAD October, 2001 (supra note 1) – In Africa, 340 million people or half the population, live on less than US$1 per day. The mortality rate of children under 5 years of age is 140 per 1000, and life expectancy at birth is only 54 years. Only 58 percent of the populations have access to safe water. The rate of illiteracy for people over 15 is 41 per cent. There are only 18 mainline telephones per 1000 persons in Africa, compared with 146 for the world as a whole and 567 for high – income countries. 

3 Ibid

4 Professor Adebayo Adebeji supra note 1 in outlining the five strategies.

5 Ibid


7 The crisis in Africa has for long centered around famine, food aid, prices of exports, especially oil, debt peonage, environmental degradation, HIV/AIDS pandemic, arms sale, under development and democracy – see generally prince J.A. Adeluyi, OFR, MNI on his paper ‘The New Partnership for Africa’s Development (NEPAD)’ presented at The International Bar Association African Regional Conference on Wednesday April 7th 2004 at The Le Meridien Eko Hotel, Lagos.

8 Adelusi op.cit

9 MAP was a detailed project for the economic and social revival of Africa involving a constructive partnership between Africa and the developed world. It was based on the desire of Africans to extricate
themselves and the continent from the yoke of underdevelopment and exclusion in today’s rapidly globalizing world. To this end, MAP tried to commit African leaders into a pledge based on a firm and shared conviction that they have a pressing duty to eradicate poverty and to place their countries, both individually and collectively, on a path of sustainable growth and development. MAP was therefore seen as a declaration of intent and a firm commitment by African leaders to take ownership and responsibility for the sustainable economic development of the continent, while at the same time recognizing the important role to be played by the donor community. A critical reassessment of African performance since its independence in the 1960s featured in this stage.

While this was underway, President Abdoulaye Wade of Senegal also announced his OMEGA plan for Africa. The OMEGA plan identified the need to develop physical and human capital as the key pre-requisites for sustained and balanced growth. The OMEGA plan had the same vision and objectives as the MAP and both were inspired by the need to launch Africa on a path of sustained growth and development in this new century and both were based on the promise that Africa must assume the primary responsibility for that effort. President Wade on his part presented the OMEGA plan to France African Summit in January 2001 and it was formally launched in June 2001 at the International Conference of Economists on the OMEGA plan. One thing is therefore clear from this initiative; each of these efforts was at first an all individual effort with consultation left for later stages – it proves Mbeki did his coordinating with Foreign leaders before even speaking with Senegal.

MAP for instance had priority areas, which included:

- Creating peace, security and stability including democratic governance, without which it is impossible to engage in meaningful economic activity;
- Investing in Africa’s people through a comprehensive human resource strategy;
- Harnessing and developing Africa’s Strategic and “Comparative advantages” in the resource based sectors to lead the development of an industrial strategy;
- The diversification of Africa’s production and exports;
- Increasing investments in the information and communication, technology sector, in order to bridge the digital divide;
- The development of infrastructure including transport and energy; and
- Developing financing mechanisms.

The OMEGA plan had the same vision and objectives as the MAP. In particular, the OMEGA plan identified the need to develop physical and human capital as the key prerequisites for sustained and balanced growth.

The Abuja meeting of October 23rd, 2001 saw the replacement of NAI
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with a new name NEPAD.

With this broad objective, NEPAD seeks to provide an answer and has earmarked five objectives including the following:-

• That Africans have to set up, own and manage development plans for Africa’s renewal with a call from the international community to complement their efforts.

• That the development plans that must be based on national, sub-regional and regional priorities and through participatory process involving the people.

• To develop the capacity to sustain growth at all levels aimed at achieving poverty reduction and sustainable growth and development thereby halting the marginalization of Africa in the globalization process.

• To promote the role of women in all activities.

• To enable the continent catch up with the rest of the world.

Therefore, NEPAD constitutes a framework on the basis of which Africa as a continent intended to interact with the rest of the world, particularly the industrialized countries and the multilateral global institutions such as the World Bank, the International Monetary Fund and the United Nations. As the African Union’s Socio-economic programme it provides a holistic, comprehensive integrated strategic framework for the socio-economic development of Africa.

Nabudere op.cit

The Marshall plan for instance, was a joint endeavour between the war torn European countries (recipients) and the US (donor) for a four to five year period. The NEPAD on the other hand is Africa initiated and Africa led.

They are inter alia,  
These are identified as follows:-

• Peace, Security, Democracy and Political Governance initiative.

• Economic and Corporate Governance initiative; and

• Sub-regional and Regional Development Initiative

2. Sectoral priorities.

• Binding the infrastructure gap: energy, transport, water and sanitation, etc

• Human Resource Development; poverty reduction, health, brain drain, etc

• Agriculture

• Environment

• Culture

• Science and Technology platforms

3. Mobilizing Resources.

• Capital flows Initiative: Debt Relief, ODA, Private Capital Flows.

Market Access Initiative; Diversification of Production, Mining, Manufacturing, Tourism, Exports, Removal of non-tariff barriers, promoting the private sector.
The concern was reflected by the myriad conferences and summits held by the OAU to discuss the issue of conflicts and the array of treaties, protocols, declarations and communiqués that emanated from these meetings. See Kithure Kindiki; ’The normative and institutional framework of the African Union relating to the protection of human rights and the maintenance of international peace and security; A critical Appraisal in African Human Rights Law Journal Vol. 3 No. 1 of 2003 p.98.


NEPAD therefore presents an opportunity for repositioning the African Union (AU) in order to set the African continent as a whole on a firm path to development, peace and the respect for human rights. The peace and security initiative under the NEPAD consists of three elements, viz,

• Promoting long-term conditions for development and security;
• Building the capacity of African institutions for early warning as well as enhancing African institutions capacity to prevent, manage and resolve conflicts;
• Institutionalising commitment to the core values of the new partnership for Africa’s Development through the leadership.

The initiative underscores the fact that any efforts aimed at building Africa’s capacity to manage all aspects of conflict must focus on the means necessary to strengthen existing regional and sub regional institutions and these comprise in four key areas;

• Prevention, management and resolution of conflict;
• Peacemaking, peacekeeping and peace enforcement;
• Post-conflict reconciliation, rehabilitation and reconstruction;
• Combating the illicit proliferation of small arms, light weapons and land mines.


The initiative proposed within the NEPAD consist of the following actions:-

• A series of commitments by participating states/countries to create or consolidate basic governance processes and practices;
• An undertaking by participating countries to take the lead in supporting initiatives that foster good governance;

The institutionalisation of commitments through the New Partnership for Africa’s Development Leadership to ensure that the core values of the initiative are abided by.

However, strengthening political governance and capacity building to meet such commitments required certain institutional reforms, which
focused on;
• Administrative and civil services;
• Strengthening parliament oversight;
• Promoting participatory decision making;
• Adopting effective measures to combat corruption and embezzlement;
• Undertaking judicial reforms.

The Heads of State Forum on the New Partnership for Africa’s Development will serve as a mechanism through which the leadership of the new partnership for Africa’s Development will periodically monitor and assess the progress made by African countries in meeting their commitment towards achieving good governance and social reforms. The Forum was also to provide a platform for countries to share experiences with a view to fostering good governance and democratic practices.

To this end, the NEPAD initiative preferred the following actions.
• Commissioning of a Task force from Ministers of Finance and Central Banks to review economic and corporate governance practices in the various countries and regions, and make recommendations on appropriate standards and codes of good practice for consideration by the Heads of State implementation committee within six months.
• The implementation committee to refer its recommendations to African states for implementation.
• The implementation committee gives high priority to public financial management. Countries will develop a programme for improving public financial management and targets and assessment mechanisms will also be set.

The Heads of State Implementation Committee to mobilize resources for capacity – building to enable all countries to comply with the mutually agreed minimum standards and codes of conduct.


Mandated by the OAU Summit in Lusaka on July 11, 2001.

These states are Algeria, Egypt, Tunisia, Nigeria, Senegal, Mali, Cameroon, Gabon, Republic of Congo, Ethiopia, Mauritius, Rwanda, South Africa, Botswana and Mozambique.

The Committee is tasked with developing the terms of Reference for identified programmes and projects, and with overseeing the work of the secretariat. The SC meets on a regular basis and a number of targeted workshops are lined up to assist in the development of specific programmes and projects in respect of each priority area. These are to be the basis of a comprehensive and coherent integrated development plan.

Due to its small composition, the secretariat out sources much of the detailed work to lead agencies, such as the OAU, the ECA and the ADB, as well as to identified continental experts.
The NEPAD secretariat works with the RECS to ensure that mechanisms are put in place and that the capacity exists to broaden the ownership of and participation of NEPAD attempted an identification of contact persons, priority areas determined in meetings with the RECs to strengthen the energy between NEPAD, the AU and RECs.


Supra note 37

op.cit

ibid

Op.cit

The mandate of the APR Forum include among others, to appoint the APR panel and its chairperson; consider, adopt and take ownership of country review reports submitted by the APR panel, communicate the recommendations of the APR Forum to the Head of State or Government of the reviewed country immediately after the review meeting; exercise construction peer dialogue and persuasion (through offering assistance or applying appropriate measures) to effect changes in country practice where recommended; persuade development partners to support the recommendations approved by the Forum by providing technical and financial assistance. African Peer Review Mechanism Organization and Processes – NEPAD HoSGIC – 3 – 2003/APRM/Guideline/O&P 9 March, 2003.

Moreover, the Heads of State and Government will ensure that the panel has expertise in the areas of political governance, macro-economic management, public financial management and corporate governance. The composition of the panel will also reflect broad regional balance, gender equity and cultural diversity.

The criteria for appointment to the position of the chairperson is the same as for other members of the panel, except that the candidate must be a person with a proven leadership record in one of the following areas: Government, public administration, development and private sector. The APR panel has a very broad but important mandate comprising
in, exercise of oversight of the APR process with a view to ensuring the independence, professionalism, and credibility of the process; overseeing the selection of the APR Teams and appointing them to conduct country reviews; recommending appropriate African institutions or individuals to conduct technical assessments; meeting when required to review and make objective assessments and recommendations on the country review reports submitted to it by the secretariat; consider recommendations contained in the country review reports and make recommendations to the APR Forum; submit to the APR Forum all country review reports with recommendations on measures that could be taken to assist the country in the improvement of its governance and socio-economic development performance; and develop its own rules of procedure, submit these to the APR Forum for approval and approve those of the APR secretariat and the APR teams.

The functions of the secretariat will include; maintaining extensive database and information on the four areas of focus of the APRM and the political and economic developments in all participating countries, preparation of background documents for the peer Review Teams, proposing performance indicators and tracking the performance of each participating countries.


At the point of formally acceding to the Peer Review Process, each state should clearly define a time-bound programme of Action for implementing the Declaration on Democracy, Political, Economic and Corporate Governance including periodic reviews. There will be four types of reviews;

- The first country review which is the base review that is carried out within eighteen months of a country becoming a member of the APRM process;
- Then there is a periodic review that takes place every two to four years;
- In addition to these, a member country can, for its own reasons, ask for a review that is not part of the periodically mandated reviews; and
- Early signs of impending political or economic crisis in a member country would also be sufficient cause for instituting a review. Such a review can be called for by participating Heads of State and Government in a spirit of helpfulness to the Government concerned.

The primary purpose of the country support mission is to:-

(a) Ensure a common understanding of the philosophy, rules and processes of the APRM;

(b) On the basis of the self assessed needs of the participating country, plan and provide support to the participating countries in aspects of national processes where they signal a need for such support.

Country support missions are premised on the anticipation that participating countries might at the outset, upon acceding to the APRM, need support and reinforcement of capacities in certain areas, inter alia,
(i) Orientation to create abroad-based understanding of the overall APRM Processes, especially how the continental processes will relate to the country’s own processes;
(ii) Preparations for participating in the APRM, such as the institutional and organizational arrangements for involving major stakeholders on an ongoing basis and the design of the participatory processes that will provide adequate involvement and feedback to the stakeholders and partners at the country level;
(iii) The development of self-assessments on the basis of the APRM questionnaires and indicators, taking into account the specifics of the country while staying within the parameters of the continental framework and processes;
(iv) Identification of the need for technical assessment on issues where further analysis and expert guidance are required to enable the country to develop critical aspects of its programme of action.
(v) The development of a realistic programme of Action that builds on, incorporates and synergises with the relevant elements of existing programmes, policies and strategies that address the key APRM objectives, e.g. PRSPs, good Governance Programmes, Human Rights, Action Plans, Gender Equity Strategies, National Development plans etc;
(vi) The implementation aspects of the programme of Action that depend on expertise that might not be readily available in the country;
(vii) The Peer Learning Process through exchanges and networking to share and learn from experience and identify best practice to accelerate the rate of progress in all participating countries.

Also see African Union – NEPAD: Guidelines For Countries to Prepare for and participate in the African Peer Review Mechanism (APRM) – NEPAD/APRM/Panel 13/guidelines/11-2003/Doc.8.

Ibid. See Memorandum of Understanding on the African Peer Review Mechanism (“The MOU”) – NEPAD/HSGIC/03-2003/APRM/MOU-09 March 2003. The programme of the country support missions will entail a number of issues, but which will vary on the basis of detailed planning with the country’s APR Focal Point. They are inter alia,

(i) A briefing session with the APR Focal Point on the final programme details;
(ii) A working session with the APR Focal Point, including representatives of all major stakeholders, to review the state of preparedness of the country for the review;
(iii) A technical workshop with technical representatives of all stakeholders focusing on creating a common understanding of the APR processes, documents and the instruments and dealing with the issues the country identifies in relation to these such as data availability and the quality of the indicators, the nature of evidence on qualitative indicators, and the format of the self-assessment report and the Draft Programme of Action;
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(iv) Separate meetings with major stakeholders at their request to explain the APR processes and instruments to them and to respond to any concerns they might have;
(v) Research on the situation in the country gathering available reports and data sets that could be of assistance to the APR secretariat in developing the Background paper;
(vi) Final meeting with the APR Focal Point to reach agreement on the specifics of the country processes in responding to the questionnaire and to firm up the timeline for the country review.

In brief, stage one comprise in the following:-
(ii) Under the direction of the APR Panel, the APR secretariat will send countries to be reviewed a questionnaire of the four areas of the APRM, namely, democracy and political governance, economic governance and management, corporate Governance and Socio-Economic Development;
(iii) The country will develop a self-assessment on the basis of the questionnaire and with the assistance, if necessary, of the APR Secretariat and/or relevant partner institutions.
(iv) A careful analysis of the available information in terms of APRM objectives, standards, criteria and indicators.
(v) Prepare a background document on the situation in the country and share it with the country, the APR Partner institutions and the country knowledge and policy institutions for comments and review;
(vi) On the basis of the background document and the draft country programme of Action, prepare an issues paper setting out the apparent main challenges in the APRM focus areas of review and share it in a similar manner with the country partners and the APR Partner Institutions;

On the basis of the analyses, issues paper and interaction with the country develop a plan for the visit to the APR Team to the country, following the MOU on Technical Assessments and the Country Review visit.

These consultations and briefing meetings are intended to serve a number of purposes. Firstly, they provide an opportunity for the APR Team to interact with the key stakeholders in the country and to brief them on the APRM processes, spirit and guiding principles.
Secondly, the visit is an opportunity for the APR Team to discuss the draft programme of Action that the country has drawn up to improve their governance and social economic development, to provide positive reinforcement for the sound aspects and to address identified weaknesses and shortcomings in the various areas of governance and development.
Thirdly, the consultations will also serve to build consensus with the stakeholders on the remaining issues or challenge areas and the steps that need to be taken to address them. The findings would then form the basis for the team’s recommendations on required improvements in the final draft country programme of Action.
The Team’s draft country review report is first discussed with the
government of the country under review. The discussions must be
designed to ensure the accuracy of the information and to provide the
Government with an opportunity both to react to the Team’s findings
and to put forward its own views on how to address the identified short
comings, including modifying the draft programme of Action. The
responses of the Government will be appended to the APR Team’s
Report.

If, in view of the Forum, the Government of the country in question
shows a demonstrable will to rectify the identified shortcomings, then
it will be incumbent upon participating Governments to provide what
assistance they can, as well as to urge donor Governments and agencies
to also come to the assistance of the country reviewed. However, if the
necessary political will is not forthcoming from the Government, the
participating states should first do everything practicable to engage
it in constructive dialogue, offering in the process technical and
other appropriate assistance. On the other hand, if, dialogue proves
unavailing, the participating Heads of State and Government may
wish to put the Government on notice of their collective intention to
proceed with appropriate measures within a given time frame. The
time interval is meant to concentrate the mind of the Government
and provide a further opportunity for addressing the identified
shortcomings under a process of constructive dialogue. Such measures
should, however, always be utilised as a last resort.

After the first cycle of the APR process for a particular country, there
is to be a follow-up process, which is equally important for sustaining
the efforts to improve governance and socio-economic development
in Africa. During the follow-up process, a number of actions are
envisioned.

(a) The country modifies its programme of Action and continue to
implement it and monitors progress;
(b) The APR secretariat monitors the country’s progress and interacts
with the implementers of the programme to assist where necessary,
especially with capacity building and resource mobilisation;
(c) The APR secretariat organises regional workshops on issues
identified in the review reports and facilitate networking and sharing
of experience and best practice among participating countries, with the
participation of the APR Partner institutions; and
(d) The APR secretariat, partner institutions and, possibly,
Development partners continue to support the country with technical
assistance and capacity building to ensure the effective achievement of
the objectives and targets of its programme of Action.

NEPAD/HSGIC-03-2003/APRM/Guideline/OSCI 9 March 2003
– Objectives, Standards, Criteria and Indicators for the African Peer
Review Mechanism (“The APRM”). To facilitate the measuring of
performance and progress of the countries reviewed, the participating
countries have attempted identification of certain components to be
Implementing The New Partnership For Africa’s Development (Nepad): Whither The African Peer Review Mechanism?

applied by APR Teams, Panel and Forum in each of the four substantive areas of the Declaration (democracy and political governance, economic governance and management, corporate governance and socio-economic development); key objectives, standards, criteria and indicators.

They also include policy reforms and increased investment in the following priority sectors agriculture, Human development with a focus on health, education, science and Technology and skills development, building and improving infrastructure, including information and communication technology (ICT), Energy, Transport, Water and Sanitation, Promoting diversification of production and exports, particularly with respect to agro-industries, manufacturing, mining, mineral benefaction and tourism; accelerating intra-African trade and improving access to markets of developed countries, The environment; (c) Mobilising Resources by – increasing domestic savings and investments, improving management of public revenue and expenditure, improving Africa’s share in global trade, attracting foreign direct investment; and increasing capital flows through further debt reduction and increase ODA flows.

For a comprehensive analysis and appreciation of these aspects refer the full text – NEPAD/HSGI – 03 – 2003/APRM/Guideline/OSCI 9 March 2003 op.cit.

The scheme of concepts – objectives, standards, criteria and indicators – is applied in each of the four areas identified in the Declaration:

(a) Democracy and political Governance
(b) Economic Governance and Management
(c) Corporate Governance
(d) Socio – Economic Development

The purpose is said to be “to provide a clean framework to guide the design and implementation of the assessments in each of these areas”.

The overall objective of this area is to consolidate a constitutional political order in which democracy, respect for human rights, the rule of law, the separation of powers and effective, responsive public service are realized to ensure sustainable development and a peaceful and stable society. From this broad overall objective, arise several other key objectives, viz;

(a) Prevent and reduce intra-and inter – country conflicts.
(b) Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, a bill of Rights and the supremacy of the constitution are firmly established in the constitution.
(c) Promotion and protection of economic, social, cultural, civil and political rights as enshrined in all African and International Human rights instruments.
(d) Uphold the separation of powers including the protection of the independence of the judiciary of effective parliament.
(e) Ensure accountable, efficient and effective public office holders and
(f) Fighting corruption in the political sphere.

(g) Promotion and protection of the rights of women.

(h) Promotion and protection of the rights of the child and young persons.

(i) Promotion and protection of the rights of vulnerable groups, including displaced persons and refugees.


Many conclusions as possible can be drawn from this brief statistical exposition. An easy one however, is that African countries are not, so to speak, peers. Within Africa too therefore are regional powerhouses who can feature on the international stage in all aspects – in terms of political as well as economic development.

NEPAD/HSGIC-APRM/Guideline/OSCI op.cit.

Several cases of armed conflict exist in Africa for instance, in the Democratic Republic of Congo, Rwanda, Burundi, Sudan, Somali and many others though a good number of them have been blamed for being fuelled by the West.

There are such cases for instance in the DR of Congo where late President Mobutu Sese Seko was driven from power by force, latest several coup attempts in Guinea, Central African Republic and many others at least to this.

Article 7.

Adopted on 11th day of July 2000.

Article 4.

Supra note 32 above.

Stage three of the APR process.


This provision raises one important issue; who verifies the accuracy? Who offers the measure of the accuracy? And from whose perspective is the information to be deemed accurate – is it the country by her standards that has to be satisfied as to the accuracy of the information or is it the team based on the universally accepted and set objectives, standards, criteria and indicators that the information is measured?


Ibid.

APR, /Guidelines op.cit paragraph IV.2

Supra note 90.


Article 23.

Article 30.
Implementing The New Partnership For Africa’s Development (Nepad): Whither The African Peer Review Mechanism?

Adopted at the 18th Conference of Heads of State and Government, Nairobi, Kenya on 27 June 1981. Entry into Force 21 October 1986. Only four African Countries are not states parties to the charter; Eritrea, Ethiopia, Morocco and South Africa. Morocco is not a Member of the OAU.

Preamble to the charter.

Article 1 of the charter.

Article 30.

Ibid.

Article 31(1)

Article 31(2).

Article 33.

Article 45.

Article 19 of the Constitutive Act of African Union.


Articles of Agreement of the International Monetary Fund Act 1 (iii) [hereinafter Articles of Agreement]. The fund is also charged with the responsibility of overseeing the International Monetary System in order to ensure its effective operation.

For a discussion of fund financial Assistance, see n.13 above.

(n. 13 above).

As with the IMF and the World Bank where leading world economies, such as Japan, United States of America among others are the major contributors hence major policy determinants of the Fund.


See generally Article 1 on purposes of the United Nations.

Security Council is established under Chapter V of the charter of the United Nations – Article 23.

Article 24(1).

See Chapter VI, VIII and XII of the Charter of the United Nations.

Chapter X, Article 61.

Article 62.