

MAKING THE MECHANISM WORK

A view from the African Union

JINMI ADISA

Introduction

The New Partnership for Africa's Development (NEPAD) is an African Union (AU) mandated programme. The African Peer Review Mechanism (APRM) is at the heart of the AU's drive for a broad vision of African rejuvenation and renewal that encompasses peace, security, governance issues, socio-economic development and regional co-operation and reconstruction. This mission impresses upon us the need to put our house in order as a basis for auto-centered development and as a framework for productive engagement with the rest of the international community. The two objectives are intertwined.

The APRM has a critical role to play in this context and the goal of the AU as the parent assembly is to ensure not just that we do it but that we do it properly, so that we can get things right.

The continent has embraced several programmes in the past that were stifled in the process of implementation either because the approach or planning process was ill-conceived or because we could not mobilise general support behind them. This is a mistake that must not be repeated. It is thus imperative that we learn from the experiences of the past. The key lesson of experience is that our good intentions have not always translated into results. We must

therefore harness efforts to intentions and the character of such efforts must be informed by the need to work together in an atmosphere of mutual respect. We must also act with transparency in a manner that acknowledges our mutual sensitivities so that our efforts will converge. The process of peer review must begin with our own initial efforts.

It is in this broad spirit that the AU proposes to discuss the structure, concept and processes of the APRM and its strategies of implementation. The AU believes that if we adopt this approach the continent will fare better than it has done in the past and that the sum of our collective efforts will turn out to be greater than its parts. As part of this process, the AU would like to put on record certain broad considerations and concerns that should guide the development of the APRM and its process of implementation.

Salient considerations

First, the AU would like to stress the need to relate structure and processes. The determination of these elements are critical and they will play a significant role in developing the character and form of the APRM and ensuring its success. However, process has to take its cue from structure,

which relates to the constitutive and regulative rules to allow for congruence. Structural issues would therefore impact critically on the operations and regulative rules of the APRM and vice versa.

Where is the APRM to be located and how would it function?

An important discussion in relation to this question took place at the last meeting of the NEPAD Heads of State Implementation Committee (HSIC). Unfortunately, we have scant records of the discussion and there is some confusion about how it was resolved. It is thus essential that we seek clarification from our political principals on how they would wish us to proceed on this matter. In particular, there is the need for clarification of the mandate given by the Durban meeting on:

- who should have responsibility for housing or location of the APRM Secretariat? Should it be located within or outside the AU?
- role demarcation, responsibility and the functions and relations of the different institutions involved in the process—AU, ECA, ADB, etc. Who will manage it and who should provide the professional expertise and whether or not the two should be combined.

The clarification of these issues would allow for a symbiotic relationship between structure and processes and would enable the APRM to develop on a solid foundation. Significantly also, it has crucial implications for the development of the AU's Work Programme in this crucial period of transition.

Second and related to this, is the need to align processes, where required, to avoid duplication of efforts and to promote cost effectiveness. The Abuja meeting of the HSIC on 26 March 2002 drew attention to this fact and directed that the NEPAD Secretariat and the then OAU Secretariat should discuss further the matter of how to align the Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) and NEPAD. To date, not much, if anything, has been done in this regard and the AU believes that the implementation of

this directive would be critical for effective implementation of the APRM.

Similarly, stage one of processes of the peer review in the APRM involves a baseline study of political, economic and corporate governance based principally on up-to-date background documentation prepared by the APRM Secretariat and material provided by the national, subnational, regional and international institutions.

How would this be related to the ongoing attempts to build an effective early warning capacity in the AU and to interlink the same with the facilities at the level of the RECs? This is one of the priority focus areas of NEPAD's peace and security programme and it might be useful to interlock efforts to promote harmony and congruence.

Third, is the need for inclusive planning procedures. The invitation extended to the AU and other bodies to attend the Experts' Workshop on Indicators, Benchmarks and Processes for the APRM held in Cape Town earlier this year has this design in view. Much more could, however, be done to promote synergy in our collective efforts. For example, discussion papers could be circulated well ahead to allow for more constructive inputs by all parties.

There is an urgent need to act fast and in a timely fashion and the NEPAD Secretariat is acting constructively to bring a sense of urgency to the realisation of our mutual objectives. The continent has for long required a sense of this time dimension and such efforts must be commended. However, we must also be guided by the requirements of broad-based consultation and planning. We lose and gain by balancing one need against another: we would gain much more, however, by inclusive planning processes and we do not necessarily have to sacrifice much in the way of speed and dispatch in this effort.

Political governance

The issue also directs attention to the distinction between economic and political governance. The perception that appears to be derived from the concept paper is that the

peer review process should be compartmentalised. This could make the process of analysis easier but it may also be prejudicial to considerations of cause and effect. The experience in Africa is often that it is the distortion in political governance processes that impacts detrimentally on economic governance and vice versa. Analytical prisms and methods should therefore be conceived with this linkage in mind.

In terms of indicators and benchmarks for political governance, it would be useful to examine the CSSDCA Memorandum of Understanding that was approved by African leaders in Durban last July. The indicators and benchmarks are based on the collective decisions of African leaders over a broad range of time and are thus endowed with legitimacy. Even so, they cover practically all areas of activity including elections and corruption. Indeed some of the decisions that have been taken in this regard are remarkable.

The area of political governance is a minefield because it is intrusive and touches on the issue of sovereignty as well as legitimacy and could ultimately pitch the managers of a peer review process against the elected authority of various countries. Where there is evidence of executive malfeasance, the manipulation of elections, unconstitutionalism or legislative misdemeanour, those who have legal authority in any state will seek to protect themselves by asking whether or not their electorate has given any mandate to an unelected body to supervise their activity. They could then whip up negative sentiment that would attract popular support, including elements from law enforcement agencies afraid of scrutiny.

In such situations, a panel of eminent persons may find itself in a situation in which its eminent bodies are bundled to airports and hustled out of the country in circumstances that are less than eminent. It is thus essential that political governance indicators also derive authority from some form of supra-national authority and the bulk of these are resolutions, decisions and

declarations of the AU. This could be subsidised by internationally accepted norms relating to human rights, the treatment of refugees, etc.

Operationalisation of the process

Finally, the concept paper proposes plans for the operationalisation of the APRM with a priority to:

- take steps to encourage countries to accede to the APRM within six months after the adoption of indicators;
- operationalise the APRM through a) the appointment of eminent persons by the HSIC within three months; b) a formal mandate to the Panel of Eminent Persons and the swearing in of chairpersons and members; and c) a formal mandate to the APRM Secretariat.

In relation to this, there may or may not be a need to clarify the current status of the APRM. If there is, are member states of the AU sufficiently apprised of their responsibilities to the extent that the process can become fully operational? Is there a need to involve the Summit of the whole Union as well as the HSIC in this enterprise? This question assumes relevance because the fifth and final stage of the peer review process provides for the report to be formally and publicly tabled in key regional structures including, specifically, the Pan-African Parliament, the Peace and Security Council, and the Economic, Social and Cultural Council—all of which are organs of the AU.

Also, with regard to timelines, is the appointment of the Independent Panel of Eminent Persons, their swearing-in process and formal mandate subsequent to the accession of members to the APRM within six months as envisaged in the concept paper or prior to it? If prior, how does this relate to Section 7 of the APRM dealing with leadership and management structure, which states that:

candidates for appointment to the Panel will be nominated by participating countries, short listed by a Committee of Ministers and

appointed by Heads of States of the participating countries.

If the panel is to be appointed within three months in this context, who does the selection and approves the appointment since no member state as of yet has acceded to the declaration? Is there a crucial quorum in view to ensure that those who sign up can have a sense of inclusiveness?

Conclusion

The responsibility for addressing these technical and political questions devolves on not just the NEPAD Secretariat or Steering Committee but also on the AU Commission and all Africans in general. It also calls for broad based consultation since the wider audience is the AU as a whole, including its leaders and people.