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The African Peer Review Mechanism (APRM) as a tool to improve governance?

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Experience in Ghana

Final report of the Country Working Group Ghana

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Preface

Weak governance has been identified as one of the obstacles for development, particularly in African states. Western development partners, but increasingly also African institutions, are searching for ways to support positive governance practice and aspire to highlight good practice in governance in Africa. Ghana is usually regarded as a ‘good performer’ both in economic and – not less so – in political terms. The country cultivates a self-perception of being “*the frontrunner*” in Africa: the first to have won independence, the first to have re-emerged from prolonged authoritarian and military rule with a successful transition to democratic rule. And, since January 2009, the first to have seen two peaceful and democratic changes in government in a row. In brief, Ghana appears to be amongst the first to look at when one wants to see ‘good news’ from Africa. The country also seized an opportunity to be the first with the NEPAD (New Partnership for Africa’s Development) initiative of an African Peer Review Mechanism (APRM). This study looks into Ghana’s experience with the process and its follow-up in the West African country.

This study is the result of research carried out in the framework of the German Development Institute’s Training Programme for young professionals. Research was conducted in 2006 and 2007, with empirical research in Ghana undertaken between February and April 2007. The project was carried out in close cooperation with the Center for Democratic Development (CDD-Ghana) in Accra and with the South African Institute for Security Studies (ISS). The authors’ colleagues Daniel Armah-Attah of CDD-Ghana and Prince Mashele of ISS both had in-depth knowledge about the APRM. They were of invaluable help in conceptual discussions and logistical matters as well as great fun to work with. The team expresses its particular gratitude to both these counterparts.

Our thanks also goes to our interviewees in Ghana, who took their valuable time to share their opinions and experiences with us, not least so to the members of Ghana’s National Governing Council and their always busy yet approachable Secretary-General, Francis Appiah. Furthermore, the Accra office of the Hanns-Seidel-Foundation provided invaluable logistical support as well as the willingness to share insight into the APRM process from the perspective of a political foundation. Therefore, we are thankful to Elmar Frank and his team, Katharina Patzelt and Esther Kouassi!

We very much appreciate that some of our Ghanaian interviewees took additional time and effort to participate in our validation workshop in Accra in April 2007. For some, this meant cumbersome travels from the North and the Centre of Ghana to the coastal capital. We are grateful for their insights and comments. Our colleague Michael Brüntrup at the DIE in Bonn was particularly helpful during research design and when pulling everything together for our conclusions. Jörn Grävingholt and Susanne Neubert also contributed with their expertise to finalising this study. Last, but not least, Fatia Elsermann undertook the technical realisation.

Many thanks to everyone for their contributions!

Bonn, April 2009

Sven Grimm

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Abbreviations

AESC	Architectural and Engineering Services Corporation
APR	African Peer Review
APRM	African Peer Review Mechanism
ASDR	African Security Dialogue and Research
AU	African Union
BMZ	German Federal Ministry for Economic Cooperation and Development
CDD	Ghana Centre for Democratic Governance
CEPA	Centre for Policy Analysis
CFAA	Country Financial Accountability Assessment
CIM	Centrum für Internationale Migration und Entwicklung (German Center for International Migration and Development)
CHRAJ	Commission for Human Rights and Administrative Justice
CoG	Constitution of the Republic of Ghana
CPI	Corruption Perception Index
CRM	Country Review Mission
CPP	Convention People's Party
CSAR	Ghanaian Country Self Assessment Report
CSO	Civil Society Organisation
DAC	Development Assistance Committee
DANIDA	Danisch International Development Agency
DIE	Deutsches Institut für Entwicklungspolitik (German Development Institute)
EC	European Commission
EDF	European Development Fund
EEC	European Economic Community
ETC	Entity Tender Committee
EU	European Union
GACC	Ghana Anti-Corruption Coalition
GC	Governing Council
GDP	Gross Domestic Product

GGEA	Ghana German Economic Association
GII	Ghana Integrity Initiative
GNCC	Ghana National Construction Corporation
GNI	Gross National Income
GNPA	Ghana National Procurement Agency
GOG	Government of Ghana
GPRS	Ghana Poverty Reduction Strategy
GSC	Ghana Supply Commission
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
HIPC	Heavily Indebted Poor Countries
IDA	International Development Association
IDEG	Institute for Democratic Governance
IMF	International Monetary Fund
Int.	International
IRS	Internal Revenue Service
ISS	Institute for Security Studies
ISSER	Institute for Statistical, Social and Economic Research
JAS	Joint Assistance Strategy
KfW	KfW Development Bank
MAP	Millennium Partnership for African Recovery Programme
MDAs	Ministries, Departments and Agencies
MDGs	Millennium Development Goals
MOFEP	Ministry of Finance and Education Planning
MoU	Memorandum of Understanding
MP	Member of Parliament
NAPRM-GC	National African Peer Review Mechanism Governing Council
NCCE	National Commission for Civic Education
NDC	National Democratic Congress
NEPAD	New Partnership for Africa's Development
NGO	Non-Governmental Organisation
NPP	New Patriotic Party
OAU	Organisation of African Unity

OECD	Organisation for Economic Cooperation and Development
PEF	Private Enterprise Foundation
PNC	People's National Convention
PoA	Programme of Action
PPA	Public Procurement Act
PPME	Public Procurement Model of Excellence
PRGF	Poverty Reduction and Growth Facility
PRSP	Poverty Reduction Strategy Papers
PUFMARP	Public Financial Management Reform Programme
SAIIA	South African Institute of International Affairs
SFO	Serious Fraud Office
SPAI-SA	Support to Pan-African Institutions with Headquarter in South Africa
TI	Transparency International
TNC	Transnational Corporation
TT	Technical Team
UEMOA	Union Economique et Monétaire Ouest-Africaine
UN	United Nations
UNCITRAL	United Nations Commission on Internal Trade Law
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCAP	UN Economic and Social Commission for Asia and the Pacific
UN HABITAT	United Nations Human Settlement Programme
UNODC	United Nations Office for Drug Control and Crime Prevention
USA	United States of America
WTO	World Trade Organisation
WSSD	World Summit on Sustainable Development

Executive Summary

Governance has been an important issue in international development discussion since the end of the Cold War. African governments have come on board this discussion only relatively late. One key issue being discussed in Africa is NEPAD, the New Partnership for Africa's Development, which has preceded the African Union (AU) and was later announced as an AU programme. The African Peer Review Mechanism (APRM) was declared a key tool for the improvement of governance in Africa, being 'at the heart of NEPAD'. It is a voluntary mechanism, to be acceded by signing a Memorandum of Understanding on the conduct of the process. The idea of the APRM is to mutually evaluate the quality of governance on a voluntary, but standardised basis in four areas: (i) democratic and political governance, (ii) economic governance and management, (iii) corporate governance, and (iv) socio-economic development. For each area, there are guiding objectives, standards, criteria and indicators for the assessment which link back to AU norms.

Basic guidelines for the process were formulated and (continental) institutions established. These institutions are

- the APR Forum (of Heads of State and Government),
- a Panel of Eminent Persons (in order to increase credibility),
- a supporting APR Secretariat (based in Midrand, South Africa),
- a Country Review Mission per country under scrutiny (lead by one of the Eminent Persons per country, and assembled only for this purpose),
- and APRM partner institutions, such as the UN Economic Commission for Africa (UNECA) and the African Development Bank.

The process of a peer review is done with the involvement of the above mentioned institutions and undergoes five phases. (I) In a preparatory phase, national institutions are established for the conduct of the self-assessment in-country. The self-assessment in Ghana was supervised by an independent, small and efficient governing council with support by expert groups in so-called technical teams. The latter collected and presented evidence on governance situation in all four areas under scrutiny. (II) The report coming from this self-assessment is used as the basis for a country review mission, consisting of continental reviewers and headed by one of the 'eminent persons' at

the continental level. The country mission was relatively short (around two weeks), but could indeed alter some emphasis in the report. In Ghana, this control-function in some cases has indeed worked and issues like chieftaincy, for instance, were attributed some more attention. The third phase is the compilation of the APR (African Peer Review) country report proper (III), including recommendations by the panel of eminent persons and a draft programme of action to suggest necessary reforms in areas under scrutiny. Only then, in phase four, do we see a peer review proper (IV), i. e. the discussion of the country report amongst heads of state at the fringes of an African Union summit. This peer review is conducted behind closed doors and no report was published before. Only after the peer review – latest 6 months after it – the APR country report is published, which represents the fifth and final stage of the APRM (V). While the self-assessment in Ghana involved civil society to a high degree and in an exemplary manner, the subsequent phases happen without participation of civil society. This long delay between concluding the self-assessment and having the final report published is unfortunate, as it contributes to rumours about the content of the report and to a feeling of lack of transparency in the process. It also leads to a severe bottleneck in numbers of reports that can be published, as only four ordinary peer reviews were scheduled by year. By the end 2008, six reports were published (Ghana, Rwanda, Kenya, South Africa, Algeria, Benin) and a few others (Nigeria, Burkina Faso, Uganda) await their actual peer review or the publication of their APRM report. The cycle of a peer review is expected start again after three to four years, in order to scrutinize areas of progress and provide for peer learning of well-functioning structures and policies.

The process and its incentive structure is predominantly based on the peer element, where a “*club mentality*” prevails and pressure is preferably exercised behind closed doors. Yet, in all cases thus far, the continental structures have taken influence to varying degree. In the case of Ghana, innovations in institutions were established at the country level. Both a small and civil society driven national Governing Council were established and professional expertise by so-called technical teams were sought (from outside government; double-checked by anonymous academic reviewers). The process in Ghana was thus organised in an open and credible way, offering opportunities for civil society and keeping a very low profile for government in the process.

The review aspires to be a comprehensive exercise regarding the content, yet

some topics are not sufficiently covered, such as agriculture or the informal sector, despite their importance for large parts of the populace. This appears to be a structural negligence, due to the template questionnaire established at continental level. Issues concerning politically sensitive areas or minority groups have, indeed, been put on the agenda by (a) advocacy institutions in Ghana, and (b) by the continental structures, e. g. after the country review mission headed by the South African Chris Stals in the case of Ghana. Ghana's report is indeed comprehensive (with some caveats) and it addresses critical issues on a range of political levels, not shying away from criticising important pillars of the political system and also addressing issues of relevance in the area of human rights. The politically sensitive issue of corruption is given adequate attention at various levels, including detailed recommendations.

However, implementing the recommendations of the APRM remains a critical point. The experience in Ghana illustrates that civil society groups are limited in their watchdog function lacking both information and capacity. Even though stakeholders acknowledge the positive role of the Ghanaian peer review for the country, little evidence was found in early 2007 that the report was actually used as a tool for advocacy by civil society or a reference for government. In July 2008 parliament had just decided that it would regularly present APRM progress reports for general debates in its plenary sessions. Thus, there are some encouraging signs, but – generally speaking – few and those have come quite late.

When regarding the roles of stakeholders in the process and in its follow up, a key question is how external actors should engage with it. A crucial element in the APRM and its appeal to political actors in Africa is its African nature. The APRM therefore – if made use of strategically – can be a vehicle to further foster African ownership of the governance agenda. However, potential free-riders on the reputation of APRM participants continue to be a problem and require pertinent political will not to water down the process and content of the Peer Review. External actors can only support the process carefully. Direct funding to APRM institutions, for instance, could potentially undermine the political ownership and have unintended effects on the peer review's legitimacy. A possible level of external engagement would be funding for the implementation of APRM action plans. This would support the idea of the process as a credit rating exercise, and thereby increase the incentives for

African states to participate. However, it also raises questions. First, the quality of these plans will vary from country to country, depending on the national capacity. Secondly, the relation of APRM programmes of action to other existing documents (in particular Poverty Reduction Strategy Papers - PRSPs) is not clear and would have to be looked into. And thirdly, implementation plans should not be regarded as technocratic routes to development. Yet, support to meaningful plans would create incentives to conduct the process properly and might support political discussions within partner countries. For weaker countries, less elaborate or less ambitious plans might have to be supported by donors in order to enable capacity building and maintain incentives for participation.

From a donor perspective, more importantly, the documents can – and should – feed into the high-level political dialogue and sector-policy dialogues with developing countries. The APRM can already be politically supported without fundamentally readjusting support. Donors, while supporting government and civil society, can indirectly support the APRM by making reference to them when engaging with countries that have conducted a peer review.

This report sees the APRM as a contribution to improving governance in Ghana. Yet, it was not – and was probably not meant to be – the ‘silver bullet’ to solve all problems. The report formulated recommendations to various levels of stakeholders as lessons learnt from the process in Ghana:

1. What the continental level should do:

- *Insist on the commitment of participating states in order to tackle the problem of free-riders.* One cure could be providing a minimum time limit after which a country has to conduct its review once it has acceded the APRM. Another issue to consider might be different levels of participation, e. g. who has full voice at the table of heads of states and who listens in?
- *Include national APR Commissions in the basic guidelines:* Ghana has introduced a national APR Governing Council. This institution has been included by the APRM Headquarters (Midrand) in some charts and presentations. They should be included in the base document for the APRM.
- *Think about basic principles for the setup of the APR Commission at the country level:* The composition and size of the governing council ap-

pears to be crucial for the effectiveness and efficiency of the process. It might be useful to define an absolute maximum number and probably some fundamental guidelines for the composition of that body, i. e. a minimum representation of civil society.

- *Have civil society organisation lead the self-assessment:* it will be crucial to stick to African expertise beyond government so as (a) maintain credibility and (b) not to undermine the ownership, while (c) building up capacity in Africa. Furthermore, with regard to the methodology, the double-checking of information provided by the technical teams was successful in Ghana and should be retained as standard in other assessments.
- *Strengthen the Country Review Missions:* There is a specific responsibility of the Panel of Eminent Persons (and the Country Review Mission – CRM) in safeguarding the standards. The CRM was a crucial external check for legitimacy even in the good practice case of Ghana; it is of high importance to marginalised groups in society, as it can act as an external advocate. A strengthening could take the form of extending the period of time envisaged for this stage of the external investigation.
- *Revise the timeline for the peer review:* Several observers felt that there was not enough time for the country self-assessment; we would also argue that the CRM was too short. Time can and should be saved, however, at the end of the peer discussion: the APR Forum only meets every six months and thus creates a bottleneck.
- *Improve the continental questionnaire:* Topics such as agriculture and the informal sector need further elaboration; they are very important to large parts of the Ghanaian population – and more broadly, Africa – and their coverage in the APRM to date is too weak. Furthermore, the APRM is currently a stocktaking exercise, which could also look at prospective challenges.

2. What the national level in Ghana should do:

- *Start preparing the second, regular peer review in Ghana:* four years after completing the base survey, the next peer review would be due according to the declared intentions of the APRM.
- *Consider staffing and funding of the APRM:* structures need to be strengthened if the exercise is meant seriously.

- *Focus on core tasks:* Prioritising is a key issue for the national APRM Secretariat. Don't stretch capacity too far, i. e. apply the right level of subsidiarity. It might be more crucial for the national APRM Secretariat to actually monitor (and lobby) national government and to train / sensitise staff in the regions than to conduct regional workshops itself.
- *Build on existing structures for dissemination:* And do not stretch them too far. Linked to the plans to engage National Commission for Civic Education (NCCE) more in dissemination, it seems to be advisable to concentrate on pilot districts, in order to learn from experiences made there rather than spreading resources thin across the country.
- *Focus on the value-added of the APRM to key groups:* It is hard to imagine that a majority of the (literate) population would read the comprehensive and technical APR report from A to Z. It might better to provide more comprehensible information by providing shorter versions with a sector-focus rather than a 20-page report on overall governance in Ghana. This concise document could also enhance monitoring the implementation, as civil society organisations would be better informed to fulfil their watchdog role.
- *Print more copies of the report in English:* The strategy sketched above would also make translations of the overall report into local languages a secondary task, as the target audience of the entire report is the literate elite throughout the country that was trained in English.
- *For the next recruitment, treat a media officer as priority:* Recruiting a permanent media officer could improve communication within APR structures.

3. What civil society should do

- *Use the APRM documents as reference in advocacy work:* Government has committed itself to implementing recommendations. This comprehensive report offers a lot of information and recommendations.
- *Consider shadow implementation reports:* This would meet the watchdog function civil society also has in its respective areas of work. This requires funding of activities, of course. If development partners are serious about their interest in the APRM, they should be one potential source of funding for Non-Governmental Organisation (NGO) monitoring exercises.

4. What development partners should do

Development partners in a context of high donor-dependency like in many African countries have a particular interest in and responsibility for governance in African states.

- *Consider greater flexibility of the respective structures in-country:* This concerns particularly engaging with parastatal actors like the national APRM structure. It needs to be applied carefully, though, as direct funding of the APR structures could potentially undermine the process. The APRM could appear as a ‘donor-driven’ project.
- *Use the APRM report and its programme of action:* Reference to the APRM in work in the partner country would strengthen the soft-law process in the country. A strategy of supporting the APRM could also be applied in cases where special technical engagement (capacity building or the like) is necessary.
- *Develop a dialogue with African governments on sequencing:* Key issue for this dialogue should be possibly better sequencing exercises like the elaboration of PRSPs and APRM. Both ultimately remain a task for African governments. Both exercises might complement each other. Their elaboration, however, involves much energy, capacity and funds from a range of local actors and thus the respective focus should be clear.

Capacity constraints appear to be dominant in Ghana, despite overall leadership in the APRM process. This can be expected to be the case in other African countries – to the same degree or even more so. It is via processes that actors can develop capacities. In its non-conflictual form, it might actually be suitable to engage in a constructive discussion if the national policy framework is not fundamentally averse to engaging with civil society. In this regard, the APRM – though not the panacea to Africa’s development – can contribute to improve governance in Africa.

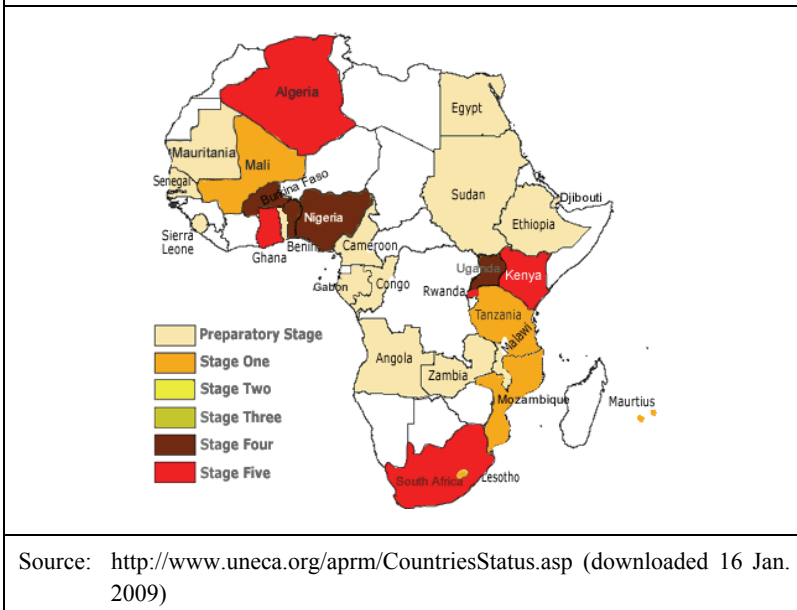
1 Introduction

A good record in governance is broadly regarded as key to economic success and sustainable development. Both African and international actors from civil society highlight governance as key to social, political, and economic success. And also African governments have started to come on board of this consensus. Yet, governance is often seen as critically weak in African states. In the past, African governments have recalled the strict Organisation of African Unity (OAU) principle of non-interference in order not to be held accountable for bad governance by their peers. Bad governance was thus not addressed and was allowed to stifle the continents' economic prospects. In 2001, some 'like-minded' heads of state joined forces and launched the New Partnership for Africa's Development (NEPAD). NEPAD is based on common norms for good governance and democracy. After the foundation of the African Union (AU) in 2002, NEPAD became its socio-economic programme and thus expanding from the group of 'like-minded' to the entire continent. NEPAD is admittedly not the first development initiative elaborated by African leaders, but it is the first that – in its basic documents – shares widespread Northern perceptions of Africa's own responsibility for its development and the hereby concerned role of governance. Consequently, it attracts much attention and creates high expectations of the international community. NEPAD's key objective is to support the continent's development by fostering good governance. The African Peer Review Mechanism (APRM) is a programme within NEPAD, often claimed to be 'at the heart of it'. The APRM is a voluntary process with 29 country members at present. This was a noticeable 'first' in Africa, which had previously been prone to consensus moves.

The founding idea of the APRM is to mutually evaluate the quality of governance on a *voluntary, but standardised* basis in four areas: (i) democratic and political governance, (ii) economic governance and management, (iii) corporate governance, and (iv) socio-economic development. The aspirations of the APRM are thus broad – much broader than, for instance, specific peer reviews conducted in the framework of the Organisation for Economic Cooperation and Development (OECD) in areas like education or development cooperation. The African peer review mechanism – like any peer mechanism – is intended to foster peer learning and, if necessary, create political peer pressure between African heads of state and government. Beyond this, however, it also – and possibly more so – provides an opportunity for civil society

to make its voice heard. By early 2009 six countries have completed the APRM: Ghana, Rwanda, Kenya, South Africa, Algeria, and Benin, with an additional three almost finished at the time of writing, namely: Burkina Faso, Nigeria and Uganda (see Diagram 1 below).

Diagram 1: APRM participating states and status of their respective review



This study examines the case of Ghana, the pioneer in the process. Ghana was the first country to undergo the process and to publish the findings. The country declared its willingness to accede to the APRM in October 2002, at a time, when the framework for the review had not yet been established. In February 2004, the Heads of State and Government Forum in Kigali announced that Ghana, Kenya, Rwanda and Mauritius would be the first four countries to be reviewed (UNECA 2005a, 9).¹ Indeed, Ghana welcomed the country review mission in April 2005 and was the first country to be re-

1 The process in Mauritius derailed and the APRM process in the country was stalled. It has been overtaken by others in the process, as Diagram 1 illustrates.

viewed at the Forum of Heads of State and Government in January 2006. Ghana is often perceived as not only chronologically leading in the process but also in terms of quality (cf. Busia 2006; Weyel 2006). With this example, Ghana has also had an impact on the shaping and refining of core documents, national institutions and gained first experiences with the process in Africa. The aim is to provide information about the APR process and its impact on the national level in Ghana and its potential beyond this West African state.

The APR process – and thus the period covered by this study – formally started in 2003 by the Ghanaian government’s adoption of the relevant documents and was officially finalised in 2006 by the presentation given by Ghana’s then President Kufuor to his peer and the subsequent publication of the country report and programme of action (PoA).

The conduct of the peer review process itself is one dimension for its success. Process, however important, is yet only one dimension. The APRM cannot be assessed without its outcome. This study thus examines the process dimension, the specific policy recommendations of the report, and first steps to implementation. Even if the empirical research in country took place at a relatively early stage – between February and May 2007 – indications were sought on how stakeholders engage with implementation. What happened during and after the compilation of the Ghana peer review report? By answering the question of how meaningful the review was, we can make a qualified statement about the value of the APRM as a tool to improve governance in Ghana.

1.1 Why is the APRM relevant to development cooperation?

The term governance embraces different aspects and can be subdivided at least into political, economic, and administrative governance. The importance of governance concerning development relies on the formation of institutional structures (cf. North 1993). These structures offer a framework for interaction of stakeholders; they define the *rules of the game* (cf. Giddens 1984). The basic assumption is that if these structures are designed for providing accountability, transparency and responsiveness, the potential for economic and social development will be enhanced.

With the end of the Cold War, the context for development cooperation changed profoundly. Cooperation policies adapted to the changing context

among other things by highlighting the significance of governance as key to economic success and sustainable development. This frame of reference – governance regarded as key element – was taken over by the international development agenda and found its specification in a range of new instruments like the Poverty Reduction Strategic Papers (PRSPs) or the Millennium Development Goals (MDGs). A World Bank study of 1989 on Sub-Sahara Africa (*From Crisis to Sustainable Growth*) became the starting point of an international discussion about the role of institutions, transparency and accountability (World Bank 1989); the latter have become accepted as principles of *good governance* (see below, section 2.1.1). Since these impulses, concepts have evolved from an exclusive orientation on economic or technical constraints of development to a broader concept that includes the political aspects related to economic and social development (cf. Adam 2000; Mkandawire 2004; UNECA / OECD / DAC 2005). Discussion about the importance of governance in development has further gained momentum with the adoption of the Millennium Development Declaration of the United Nations in the year 2000. Based on this declaration, signed by 189 member states, eight *Millennium Development Goals* (MDGs) were established. The Millennium Declaration included a commitment to good governance, development and poverty reduction from both donor countries and developing countries. This consensual international development agenda emphasises the key ideas of responsibility of the developed as well as the developing countries, the need for national ownership and accountability between all stakeholders. These principles are regarded as essential to reach the agreed MDGs (cf. BMZ 2006; Loewe 2005; UNDP 2003).

Moreover, in cooperation policies, the orientation towards national development strategies and budget support is seen as an important way to enhance aid effectiveness, as formulated by the Paris Declaration in 2005 and reaffirmed in Accra in September 2008. This is explained by the fact that it builds up responsibility of the development partners (in aligning to and supporting national strategies) as well as of the partner countries, which are responsible for their own national strategies. Budget support and other forms of programme-based approaches became central in the discussion about development cooperation; these new modes of development cooperation came with implications (and conditions) for the governance of partner countries: The programmes as well as the coordination and alignment of development partners' engagement within the programmes are planned, managed and run by the partner countries (cf. Klingebiel / Leiderer / Schmidt 2005, 73 ff.). In general,

good governance or concrete measures to strengthen governance on the partner side are seen as a basic requirement for budget support. There are still some important issues and challenges that need to be further debated in international discussion such as conditionality or weaknesses in public management in a number of partner countries.

In reaction to NEPAD, the G8 adopted an Africa Action Plan in June 2002 in which they expressed their political intention to support NEPAD's implementation. Much hope was put on the APRM, which, it was hoped, would lead to a revitalisation of African policy-making with a view to reforms in order to improve the socio-economic performance. Within the Africa Action Plan, the G8 states also declared support for the African Peer Review Process (cf. G8 2002). To underline the importance of the APRM, the G8 stated that acceding to the peer review process was a pre-condition for *preferred* partnerships. Preferred partners, it was promised, would benefit from enhanced development support, intense political exchange, additional debt relief, etc.

The APR process has attracted much international awareness, but the question remains if it is a meaningful approach to improve governance. In contrast to the great international attention and support, evidence on practice and the situation on-site has not been examined. Can the process fulfil the international expectations and can it shoulder the mentioned advance in trust? Do international actors engage adequately with it?

1.2 Research question and structure of the report

The aim of this study is to examine the APRM in Ghana in the light of its aspirations to serve as a tool to improve governance. The study applies qualitative research. The central aim of qualitative social research in general is to document, to reconstruct analytically, and to comprehend the process of constitution of reality (cf. Lamnek 1993). Thus, in addition to literature, this study is mainly based on semi-structured interviews conducted in Ghana from February to April 2007.²

Fundamental precondition for the improvement of governance performance – respect for key democratic principles such as freedom of expression and regular elections – can be regarded as given in Ghana. The study aims to

2 More details on methodology can be found in the annex to this study.

identify good practice in the conduct of the peer review in Ghana, aspiring to find good practice that could be a point of reference for other APRM processes. This research will provide an analysis of different stakeholders' role in the process with a focus on the extent to which stakeholders were able to play a meaningful part. Moreover, it analyses the coverage of critical issues identified by the APRM and to what extent stakeholders were able to bring forward their respective issues of interest. Furthermore, this study aims at deriving conclusions about stakeholders' role in the follow-up and about the institutionalisation of the process.

To investigate the potential and significance of the APRM concerning the improvement of governance, some general conditions have to be met. Consequently, the Ghanaian process has to be tested against the fulfilment of these conditions. First, *the APR reference documents need to be meaningful*. The APR process needs to ensure minimum standards and be soundly value-based, but still needs to be open enough to allow for assessing largely varying realities in Africa and thus enable mutual learning. Second, *the process must be open to all key actors*. The mostly non-adversary peer component of the review mechanism (across country) is important to build ownership. Yet, the opportunity for vertical accountability (within country) is apparently also pronounced and crucial for the entire endeavour. Third, *the right issues need to be covered*. In order to be meaningful, the APR report will have to address the right and urgent issues of society. Only then can it be expected to be useful for and used by stakeholders for the discussion on governance. And fourth, *a strong focus needs to be given to implementation*. The APRM is meant to be a tool for initiating and supporting reform endeavours, as is argued. It therefore would not live up to all its potential if it stopped at the level of discussions about governance without further actions.

These conditions have formed the structure of this report and are examined for the case of Ghana. The study begins with outlining a conceptual framework (Chapter 2), which explains the basic principles of good governance. Furthermore, it gives an overview of the international governance discussion and the African debate on governance. Additionally, Chapter 2 will explore the concept of peer reviews and explain the basics of the African Peer Review Mechanism as can be found in fundamental African documents, thereby assessing the meaningfulness of the framework documents. Chapter 3 examines how the Ghanaian APRM unfolded. It explores the role of different stakeholders such as state actors, civil society and the media and their ability

to get involved. This allows assessing the value of the process to fostering good governance. Has it provided an open procedure with opportunities to engage for civil society, i. e. offered an occasion to improve vertical accountability? A second echelon of accountability – horizontal accountability – should have happened at the international level of continental APRM structures. The role of development partners is also considered. The study turns to the content of the report in Chapter 4. It is looked into the coverage of topics in Ghana's APRM, drawing some conclusion on whether the process addressed the right issues. It analyses how the report approached certain issues, both in the main body of the APR report and in the subsequent programme of action (PoA). It puts the identified issues in the context of evidence and stakeholders' perceptions (as provided for by interviews). Chapter 5 concentrates on the impact of the APRM. It regards the follow-up of the process and the role of stakeholders in implementing development measures to improve critical findings. In this context it also takes into consideration the capacity of stakeholders to participate in implementation. The study concludes with policy recommendations to various groups of stakeholders in the Ghana APRM and at the continental level.

2 The conceptual framework – can the APRM be meaningful?

The APRM is an embedded, but voluntary feature of NEPAD. One year after NEPAD's official launch, the newly established AU officially adopted the initiative as its development programme in 2002. In July 2002, the AU Summit agreed on a protocol establishing the APRM. The aim of the peer review is to mutually assess the quality of governance in each participating country in order to accelerate the progress of member countries in implementing the priorities and programmes of NEPAD. The exercise is based upon a continental framework of several reference documents that were printed in March 2003. Among the core documents are protocols, guidelines by the continental APRM Secretariat and a template questionnaire for the country self-assessment.

The analysis of the APRM's framework is conducted under the main assumption that reference documents need to be sufficiently value-based to allow for basic common standards. Otherwise, it is hardly imaginable that it can both offer enough flexibility to allow for variety of starting points and, at the same time, foster mutual learning across the continent, without becoming a haphazard exercise in window-dressing. In other words: key topics in national, academic and international discussion need to be targeted by the assessment. And the governance of the APR process itself has to be sufficiently institutionalised and could be adapted to national experiences according to standardised procedures. Looking especially at the APR continental standard questionnaire, the major assumption is that it needs to strike a balance between norms and practice in order to be meaningful. The corresponding indicators would be: First, values are stated in a clear and general form and linkage is made explicit between questions and underlying norms. Second, questions are always asked about *adhering* to standards (not just signing them), i. e. norms *and* practice, and third, the internal organisation of the topics is pertinent and transparent.

At first this chapter explores the concept and the elements of good governance and shortly explains how the APRM could potentially be linked to the improvement of the quality of governance. Secondly, it gives background information about the African debate on governance. Thirdly, the chapter analysis the core principles and objectives of the APRM as well as the scope and meaning of the peer element in the APRM. Furthermore, it describes the exact guidelines for the process are described by presenting the relevant APR institutions, stages and roles of major stakeholders within the process. Finally, the chapter concludes by examining if the APR conceptual framework is meaningful.

2.1 The APRM in context: NEPAD and good governance

Assessments of governance are a critical issue on the African continent. The concept of good governance does not have a universally agreed definition, but key aspects can be identified that reoccur across various definitions (see Box 1). According to numerous surveys and studies, many African countries are captured in a vicious circle of bad political and economic performance due to insufficient institutional setups; the bad performance in return is a constraint to the improvement of institutional capacity. The result of this vicious circle often is social crises, conflict and long term under-development

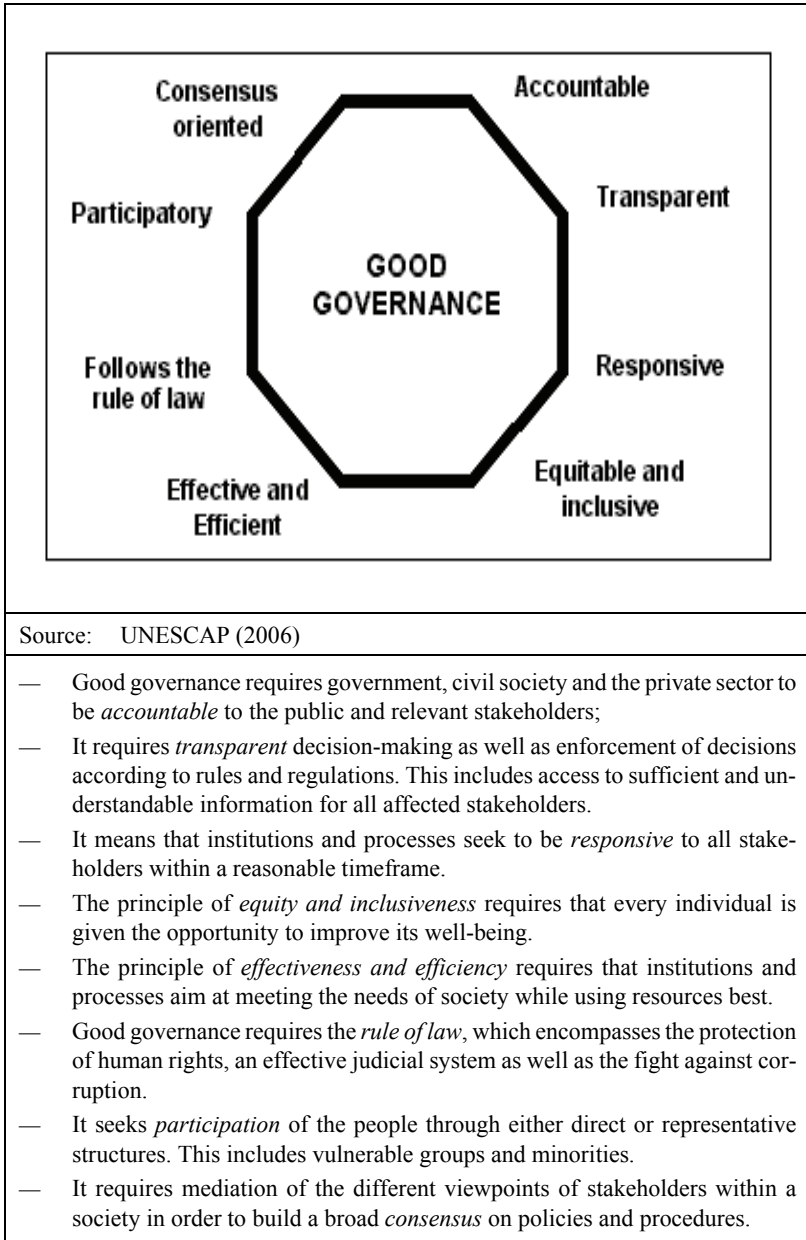
(cf. Gelb 2001). The situation was shaped and sustained by many different factors such as the colonial legacy and Africa's strategic position in the Cold War. Bad and corrupt governance, however, are also – and arguably first and foremost – the African political elites' responsibility.

Box 1: In want of a definition – key elements of good governance

Governance in general refers to the exercise of power through public institutions like rules and routines, formal laws, and informal norms. According to the World Bank researcher Girishankar, governance comprises three key dimensions:

“(a) the process by which governments are selected, held accountable, monitored, and replaced; (b) the capacity of governments to manage resources efficiently and to formulate, implement, and enforce sound policies and regulations; and (c) respect for institutions that govern economic and social interactions” (Girishankar et al. 2002, 271).

Good governance, therefore, is the positive practice of governance. Even though *good governance* has become acknowledged as a prerequisite for sustainable development and economic prosperity, the concept lacks a universally agreed definition. Different organisations developed their own interpretation according to their analytical or practical background. Yet, most authors operate with some basic principles that characterise good governance, like, for instance, UNDP's eight principles (cf. UNDP 1997; UNESCAP 2006; Torres 2001):



It is obvious that the described concept of good governance is normative in nature and that its ideal is hard to achieve in its totality. The eight principles are interconnected and often reinforce each other. For example, putting into practise the idea of accountability is directly linked to transparency, responsiveness or the rule of law. However, trade-offs between the realisation of some principles can occur and also need to be considered. For example, an excessive level of participation or accountability could have an impact on effectiveness or efficiency. Thus, a balance has thus to be struck when applying the principles in practice – and the difficult debate is that no absolute measures exist. Practice was and is often contested.

African leaders have traditionally been reluctant to discuss their respective country's governance with each other or even with actors beyond Africa (cf. Herbert / Gruzd 2008; Grimm / Mashele 2006). NEPAD and its foundation in 2001 marked a change in political debate as it is based on the analysis that home-grown governance deficits hinder Africa from developing. NEPAD therefore focuses not only on socio-economic issues, but also on political governance. In general, NEPAD aims at political stability, poverty reduction, sustainable development and an increasing capacity to defend and advance Africa's interest in the global arena. These objectives shall be reached by a holistic and integrated strategy, which includes economic, social, political and ecological dimensions. After the foundation of the AU, the new organisation embraced NEPAD as its socio-economic programme. Since the turn of the century, therefore, the AU and its member states have politically committed themselves to respecting and fostering the objectives and principles of good governance. Considering the evolution of the AU from the OAU and the latter's core principle of non-interference, it becomes clear that the step to accept a mutual assessment with other states constitutes a fundamental change in the politics of Africa (cf. Asante 2006, 49; Grimm / Mashele 2006).

NEPAD is based on the vision of an African renaissance, rested on the ideas of South African President Mbeki, and discussed with the presidents of Algeria, Nigeria, and Senegal. The programme was originally called the Millennium Partnership for African Recovery Programme (MAP) and was presented at the G8 summit in 2001. MAP merged with the so-called *Plan Omega* of Senegalese President Wade after his election in 2002. The NEPAD Declaration on Democracy, Political, Economic and Corporate Governance underlines the importance of the concept: "*We believe in just, honest, transparent, accountable and participatory government and probity in public life*"

(AU / NEPAD 2005, 4). Moreover, in July 2002 at the AU summit in South Africa the member states supported good governance by agreeing to

- *“adopt clear codes, standards and indicators of good governance at the national, sub-regional and continental levels;*
- *accountable, efficient and effective civil service;*
- *ensure the effective functioning of parliaments and other accountability institutions [...]; and*
- *ensure the independence of the judicial system that will be able to prevent abuse of power and corruption”* (AU / NEPAD 2003a, 5).

Within this NEPAD framework, the APRM is a key feature. The APRM aims to accelerate the progress of member countries in adopting and implementing the priorities and programmes of NEPAD and the values, codes and standards defined in the corresponding Declaration on Democracy, Political, Economic and Corporate Governance (cf. Asante 2006, 49). Member states of the AU can voluntarily join the mechanism by signing a Memorandum of Understanding (MoU); joining the APRM, is thus not an explicit requirement of NEPAD.

By acceding to the APRM the country is obliged to improve its governance in line with the objectives and to move towards the agreed standards. It must open itself up for internal policy dialogue as well as with other participating states (cf. Cilliers 2002; AU / NEPAD 2003b). Accession entails periodic reviews including a country self-assessment and country review visit, full funding of the APRM, development of a national PoA and involvement of all stakeholders in the process (cf. AU / NEPAD 2003c, 9 f.). Thus far, 27 members of the AU have signed the MoU and joined the APRM.³

While the APRM is usually described as one peer review, actually the process provides for four different types of reviews, in which internal and external reviews interact (UNECA 2005a, 5).

3 Cf. <http://www.nepad.org/aprm> (accessed 21 May 2007). The countries are: Cameroon, Gabon, Republic of Angola, Republic of Congo, Sao Tome and Principe, Ethiopia, Kenya, Mauritius, Rwanda, Sudan, Tanzania, Uganda, Algeria, Egypt, Angola, Lesotho, Malawi, Mozambique, South Africa, Zambia, Benin, Burkina Faso, Ghana, Mali, Nigeria, Senegal, Sierra Leone. For the individual stages of implementation cf. Annex A2.

- The most prominent is the *base review*, which is supposed to be carried out within eighteen months after the country became a member of the APRM process. This review produces a national country report, which discusses the problems faced in the reviewed state.
- In addition to this base review, it is intended that participating countries undergo *periodic reviews* every two to four years.
- Besides these scheduled reviews, each member country may request an *additional review*, which is referred to as *review on demand*.
- The fourth type of review - the *impending crises review* - could be carried out if the Heads of State and Government call for it, because of signs of impending political or economic crisis in the member country.

Thus far, only the base review has taken place in some of the member countries of the AU. Consequently, this study focuses on this base review.

2.2 Why a *peer review*? – Scope and meaning of the peer element

The APRM is one example within a multitude of peer reviews in international and regional organisations. For example, peer reviews exist within the EU, UNEP, IMF or the West African Economic and Monetary Union (UEMOA). Probably the best-known example of state peer reviews is the country review mechanism of the OECD, particularly its development assistance committee (DAC). Within the OECD the idea of peer review is very prominent as “*dialogue, consensus, peer review and pressure, are at the heart of OECD*” (Kanbur 2004, 6). Reviews within the OECD are theme-based focussing on economic and social issues from macroeconomics, to trade, education, development and science and innovation (cf. OECD 2003).⁴ In contrast to this, the APRM is a very comprehensive exercise; it aims at scrutinizing the overall performance of an entire country.

Peer reviews are mechanisms of mutual assessment. Peers are defined as different actors considered being equals, i. e. interacting at a horizontal level of power. In the context of state peer reviews, they are generally understood as the

4 Cf. <http://www.oecd.org> (accessed 29 Jan. 2007). For a comparison between the APRM and the OECD Aid Review cf. Annex A5.

“systematic examination and assessment of the performance of a state by other states, with the ultimate goal of helping the reviewed state improve its policy making, adopt best practices, and comply with established standards and principles” (Pagani 2002a, 15).⁵

The mutual assessment on a non-adversarial basis thus aspires to reach an agreed standard and to test the performance of the peer in terms of this goal. Four main aspects could be strengthened through the mechanism of peer reviews (cf. Pagani 2002a; Pagani 2002b, 11 f.):

- *Transparency*: As the review addresses national rules, practices and procedures, these features are often not only shared with the peers but are also made public in reports. This enhanced transparency contributes to the effectiveness of the peer review.
- *Policy dialogue*: Dialogue between the peers – participating states – is an integral component of the mechanism.
- *Capacity building*: As the goal is to help the states in improving their policy making, one result of a peer review is the exchange of best practices, i. e. occasions of mutual learning. By doing this, the peer review serves as an important capacity building instrument.
- *Compliance*: By monitoring the policy making of the member state in respect to agreed standards and principles the compliance by the countries with these agreed goals is enhanced. According to the logic that *talking the talk* requires to eventually *walk the walk*, the soft law nature of the peer review can prove better suited to enhance compliance than the appliance of hard law sanctions (cf. Risse / Sikkink 1999; OECD 2003, 5).⁶

5 The concept of peer review could therefore be distinguished from other forms of monitoring as judicial proceedings, fact-finding missions or general data collection.

6 With regard to the possibility of applying sanctions on member states, the APRM emphasises political dialogue but remains vague about possibilities in cases where dialogue does not lead to success or does not even takes place: *“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 by a given date. The interval should concentrate the mind of the Government and provide a further opportunity for addressing the identified shortcomings under a process of constructive dialogue. All considered, such measures should always be utilized as a last resort”* (AU / NEPAD 2003e, paragraph 24).

In sum, these four effects of the reciprocal evaluation tend to create a “*system of mutual accountability*” (Pagani 2002a, 16), which is one of the eight principles of good governance (cf. Box 1 above). In order to make the mechanism of peer review possible and effective, reciprocal trust among the peers, shared confidence, and combined engagement are prerequisites. The success and effectiveness of peer reviews rely on the influence and power of peers exercised during the process of peer review. Such peer pressure, which is important as there are usually neither arrangements of decision-making power nor any possibilities to impose sanctions, usually comes to play after the participating country was reviewed by others and the findings are discussed in the group of peers either behind closed doors or in public. Depending on the individual peer review system, the pressure can occur as formal recommendations or informal dialogues between the peers as well as in the shape of comparisons or rankings of the findings in the review (cf. Heubaum 2005, 1).

The findings of state-to-state peer reviews are often debated in public. If findings of peer reviews are discussed in public, these formal and informal reactions of peers can strengthen or even initiate pressure at another level. Consequently, pressure unfolds not only between the peers – the governments of participating states – but is also used as an opportunity for discussions *within* the reviewed state between stakeholders and government (at vertical level). Findings of the review and possible commitments of the state in reaction to these can be used by different stakeholders in the participating country in order to put pressure on the government. By using the findings of the review, different stakeholders can serve as engines or multiplier of the various forms of peer pressure. Public scrutiny and the usage of comparisons and rankings can have a great impact on the public opinion within and outside the reviewed state. Since the media and civil society serve as sources of information, they do have significant influence on the public opinion. The effects of international reviews on public opinion in general as well as on specific stakeholders can thus also be of great interest for enhancing vertical accountability and improving governance. Consequently, the main idea is that due to the pressure of peers in the form of recommendations or dialogues (horizontal accountability) and due to the internal pressure of stakeholder within the state (vertical accountability), peer pressure “*can become an important driving force to stimulate the State to change, [as well as set and] achieve goals and meet standards*” (Pagani 2002b, 6).

Peer reviews are thus one way to target improvements in the quality of governance. For instance, enhanced transparency and information to different stakeholders within the participating states can reinforce good governance. Particularly the requirement of the APRM process to be open and participatory can also have a positive impact on the quality of governance. The assumption is that effective stakeholder involvement in the country assessment and in the implementation of reforms enhances the participatory dimension of good governance as well as socio-economic development. In addition, other governance dimensions like consensus-orientation, responsiveness or accountability of the decision-making process can also be strengthened by the APRM, e. g. through the sole compilation and publication of existent governance problems (cf. AU / NEPAD 2003c, 12 f.; Opoku 2006, 7 f.).

The APRM aspires to be an evaluating system of governance that encourages the political dialogue between governments of other participating states – the peers – but also among the various stakeholders at the national level. In the context of the APRM, observers emphasise that the purpose is *mutual learning* and *not blaming* a government for possible nonconformities. As the Ghanaian scholar Asante stated the objectives of the APRM should be reached through sharing of experiences, the reinforcement of best practices and the identifying of deficiencies (cf. Asante 2006, 50 f.). According to the above mentioned concept of peer pressure, the rationale and the leading principles of the APRM are thus intended to be rather *peer learning* than *peer pressure* (cf. Appiah 2004). This emphasis of the common goal of peer learning is so important since it is assumed to increase the acceptance of the mechanism by the Heads of State and Government. It is this design that enables countries at different levels of development to join since they are not “*judged against a hard pass-fail system*” (Herbert 2006, 3). Nevertheless, the instruments of peer pressure are also envisaged in the APRM as will be seen especially in the form of Heads of the State summits.

2.3 Principles and objectives of the APRM

The APRM was adopted in July 2002 and further fleshed out in March 2003 at the sixth summit of the NEPAD Heads of State and Government Implementation Committee (HSGIC) held in Abuja. At this meeting, a Memorandum of Understanding (MoU) on the APRM was endorsed, alongside the before mentioned Declaration on Democracy, Political, Economic and Corporate Governance (cf. AU / NEPAD 2003a, f). The NEPAD leaders also

adopted four more documents that outline the main provisions of the peer review as a self-monitoring instrument: (i) The APRM base document, (ii) the organisation and processes document, (iii) the document on objectives, standards, criteria and indicators for the APRM, and (iv) the outline on technical assessments and the country review (cf. AU / NEPAD 2003b/d/e/g). Later, in November 2003, guidelines for countries to prepare and participate in the APRM were issued giving more details about the process in general; also a standard questionnaire for the assessment was developed (cf. AU / NEPAD 2003c; AU / NEPAD 2005). Guideline documents were not always dated or published; they were often clarifying, but at times also contradicting previous documents (cf. Herbert / Gruzd 2008, 23–30).

The APRM evaluates the quality of governance on a voluntary basis in four areas: (i) democratic and political governance, (ii) economic governance and management, (iii) corporate governance and (iv) socio-economic development. The primary purpose of the APRM is

“to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development 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 for capacity building” (AU / NEPAD 2003e, paragraph 3).

The process is voluntary, but once they sign, participants commit to common standards; the APRM is explicitly normative. For each area, there are guiding objectives, standards, criteria and indicators for the assessment (cf. AU / NEPAD 2003b). For example, the sphere of democratic and political governance is guided by the overall objective 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 realised to ensure sustainable development and a peaceful stable society” (AU / NEPAD 2003b, 5).

More specifically, nine key objectives are drawn from this: Conflict-prevention; constitutional democracy including periodic political competition and rule of law; human rights; separation of powers; accountable civil service; fighting corruption; protection of womens’ rights; children’s rights and of the rights of vulnerable groups.

Accordingly, the assessment in the area of economic governance and management is guided by refined objectives. In this area, there are five objectives: promotion of macroeconomic policies that support sustainable development; implementation of transparent, predictable and credible government economic policies; promotion of sound public finance management; fighting corruption and money laundering; and acceleration of regional integration. The area of corporate governance sets the aim “*to align as nearly as possible the interests of individuals, corporations and society within a framework of sound governance and common good*” (AU / NEPAD 2003b, 20) by setting five specific objectives like corporate citizenship or codes of good business ethics. The area of socio-economic development specifies six objectives like affordable access to water or gender equality.

The APRM is thus more than a stock-taking and should have a fundamentally political role. Aspirations are aiming high: the process should provide a platform for reform policies or rather become a rallying point for governance improvements in a broad range of topics.

2.4 Institutions of the APRM

The general outline of the APRM defines different institutions and activities at the continental or multilateral level, described in the APR organisation and processes document (cf. AU / NEPAD 2003d).

2.4.1 Institutions at the continental level

At the continental level, the following institutions are foreseen (for the following, cf. AU / NEPAD 2003d; UNECA 2005a; Zimen 2006; Opoku 2006, 14 ff.; Herbert / Gruzd 2008, 11 f.):

*Committee of Heads of State and Government (APR Forum)*⁷

The Committee of Heads of State and Government is the ultimate authority and oversight body of the APRM. It is at this level that peer learning shall take place. The APR Forum’s mandate includes the selection of personalities for and the appointment of the APR Panel. Ultimately, the APR Forum takes

7 The Committee of Heads of State and Government is also referred to as Heads of State Forum.

the responsibility of country review reports and makes recommendations, which are made public and foster peer dialogue. It is only after the final revision at the APR Forum that country reports may be published. Dialogue with development partners is also part of the APR Forum's mandate.

Panel of Eminent Persons (APR Panel)

The Panel of Eminent Persons consists of seven members who are nominated by the member states and are appointed by the APR Forum. Guidelines demand that the members must be Africans with high moral stature, that they need to be familiar with the APRM and that they should be *strongly committed* to the ideals of Pan-Africanism. The composition of the APR Panel is selected according to aspects of regional balance, gender equity and cultural diversity (see box 2 below). The overall mission of the Panel is to oversee the process and to guarantee its integrity, independence and professionalism. It is the panel's task to develop tools, instruments, codes of conduct and guidelines to govern the country review process. It thus plays a crucial role in the national processes. This panel oversees support missions that may become necessary before the review takes place. For each country review there is one responsible coordinator; for Ghana it was Chris Stals. Furthermore, the panel is responsible for the selection of the country review teams (described below). It makes assessments of and gives recommendations on country review reports and delivers recommendations to the APR Forum. As such the APR Panel serves as a credibility buffer between the country review and the APR Forum (cf. Grimm / Mashele 2006, 3).

<p>Box 2: Members of the Panel of Eminent Persons</p> <p>The Panel of Eminent Persons consist out of seven members:</p> <p>Ms. Marie-Angelique Savané, Senegal: Ms. Marie-Angelique Savané is sociologist and international consultant and Chair of the Foundation in Support of Basis Initiatives. Ms. Savané served as minister in several Senegalese governments.</p> <p>Prof. Adebayo Adedeji, Nigeria: Professor Adebayo Adedeji is Chief Executive of the Africa Centre for Development and Strategic Studies (ACDESS) in Nigeria.</p> <p>Ambassador Bethuel Kiplagat, Kenya: Ambassador Bethuel Kiplagat is independent consultant on peace and conflict resolution, Executive Director of the Africa Peace Forum and Director of Universal Bank in Kenya.</p> <p>Dr. Graça Machel, Mozambique: Ms. Graça Machel is President of the Foundation for Community Development of Mozambique and Chancellor of the University of Cape Town. She is the an eminent person in Mozambican politics, widow of former Mozambican president Samora Machel and wife of Nelson Mandela.</p> <p>Mr. Mohamed-Seghir Babes, Algeria: Mr. Mohamed-Seghir Babes is Lecturer and Research Associate at the Quebec Institute for Advanced International Studies of the Laval University of Quebec.</p> <p>Dr. Dorothy Njeuma, Cameroon: Ms. Dorothy Njeuma is President of the Conference of Rectors of Cameroon State Universities, President of the Federation of University Sports and Vice-President of the Association of African Universities.</p> <p>Dr. Chris Stals, South Africa: Dr. Chris Stals is the current Chancellor of the University of Pretoria and Director of the Standard Bank Group Limited. He was formerly head of South Africa's Central Bank.</p> <p>Source: http://www.saiia.org.za (accessed 17 May 2007)</p>

APR Secretariat in Midrand / South Africa

The secretariat serves as support to the APR Panel as well as to country review teams (see below). It is meant to collide background information and extensive database information on political as well as economic developments in all participating countries. It is responsible for the technical and administrative coordination of the review processes in participating countries. In this context, the secretariat, in cooperation with the APR Panel, develops guiding tools like the template questionnaire (see below) spelling out detailed criteria and indicators for the country assessment. It was often criticised for providing too little practical guidance to national processes, mostly due to severe capacity constraints (cf. Herbert / Gruzd 2008, 24).

The Country Review Team (APR Team)

The country review teams are responsible for inspecting the proceedings of the countries during the reviews as well as to complete the APR reports. The teams are constituted for the period of the country review visit – usually two to three weeks – and they are assembled specifically for one country. The APR Panel arranges the teams. Members usually are selected from partner institutions described below. With regard to the composition, the base documents state that they should “*enable an integrated, balanced, technically competent and professional assessment*” of the reviewed country (AU / NEPAD 2003d, 7).

The APR Partner Institutions

The APRM works with a number of partner institutions that have an expertise in various fields touched upon in the process.⁸ These strategic partners carry out technical assessment in supporting the planning and later implementing the national programme of action (PoA) on countries to be reviewed. African staff from these institutions also participate in the country review teams. APR Partner Institutions might also participate in sessions of the APR Panel or the APR Forum when discussing the country report. The relationship between APR Partner Institutions and the APR Secretariat is based on a memorandum of understanding between both. The potential role of partner institutions is important, given the often low levels of capacities in African states. The general issue of lack of capacity could have serious repercussions on the actual conduct of the APRM in some countries; success of the undertaking would thus to some extent rely on partners’ support.

8 With regard to the different subject areas a number of institutions are chosen: the United Nations Economic Commission for Africa (UNECA) in order to conduct the technical assessment in economic governance and management; the African Development Bank (AfDB) in banking and financial standards as well as several AU organs for matters relating to human rights, democracy and political governance. These institutions will get support from “*appropriate African institutions*” (AU / NEPAD 2003d, 8). In the areas of corporate governance and socio-economic development, “*the APR Panel will also advise the APR Forum as to which African institutions will be invited to conduct the technical assessments*” (AU / NEPAD 2003d, 9). Later, in 2006, the United Nations Development Programme (UNDP) was officially added to the list of strategic partners by the APR Secretariat (cf. UNDP 2006, 13).

2.4.2 Institutions foreseen at the country level

Beyond the continental structure, each participating country needs to build a coordinating structure at the country level in order to participate in the APRM. At the national level, however, there is no exact roadmap for the creation of institutions. The official APR base documents of March 2003 do not mention any provisions for this level, so participating states are largely left to their own devices in defining the national setup of the APRM (cf. AU / NEPAD 2003c; Herbert 2006, 13).

Focal Point

The Focal Point plays a crucial part within the APRM at the country level as a coordinator and interface between various stakeholders. The guidelines for countries to prepare for the APRM (established in November 2003) foresee a focal point as the one national institution and speaks of an individual. It should be at a ministerial level, or a person that reports directly to the Head of State or Government, with technical committees supporting the focal point. It is responsible for coordinating the process on the national level and serves as a link between the APR Forum and the secretariat on the one hand, and the national institutions on the other. The following statement considers the important role of the focal point:

“it is critical that the work of the APR Focal Point is inclusive, integrated and coordinated with existing policy-decision and medium-term planning processes” (AU / NEPAD 2003c, 11).

Thus far, the practice of nominating persons for one focal point differed from country to country. Mostly, government bodies such as ministries or presidential offices were chosen. Apparently, the understanding of the role and independence of the focal point remained a debated issue (cf. Herbert / Gruzd 2008, 28).

National Governing Councils

When the first countries like Ghana, Rwanda or Kenya started to undertake the APRM, they had no template for the establishment of national institutions. Apart from ministers as focal points, they decided to create governing councils or national commissions as principal bodies to manage the peer review. This provided a buffer from the political process, which, in Ghana for instance, was taking place during a time when national elections were con-

ducted. Members of civil society were nominated to serve as members on these councils.⁹ These templates were later picked up by the APR Secretariat, which subsequently suggested a separation of the role of Focal Points and potential national governing councils. The latter institutions were then officially included in a chart on relevant national institutions by the APR Secretariat at the African Governance Forum held in Kigali in May 2006 (cf. Herbert 2006, 14 f.; UNDP 2006, 13 f., 28 f.). Today, these bodies are also presented as part of the national **structures of the APRM** on the official website.¹⁰ Yet, this issue up to now attracts considerable discussion, because it touches the question of the autonomy of national APR structures from government:

“The acceptable level of APRM structures’ autonomy from governments was seen as a challenge that is yet to be resolved in some countries. On the one hand, there was a strong argument for internalising the APRM processes within the government system as a way of securing its legitimacy and access to public resources. On the other hand, some countries argued for the exact opposite: the independence of the governing Councils so as to secure freedom to effectively undertake the APRM reviews” (UNDP 2006, 18).

Other critical issues concerning the governing council concern the option of having a small body of eminent persons vs. the representation of groups in the council. And remuneration of the council members was a much debated point (cf. Herbert / Gruzd 2008, 27–28).

With regard to national structures, it has to be kept in mind that the APRM is an evolving process. In any event, to enhance dynamism and to take into account experiences made with the process in due course, it is foreseen in the base documents that *“the Conference of the participating countries will review the APRM once every five years”* (AU / NEPAD 2003e, paragraph 28). In this regard, Ghana’s experience already had a crucial influence on the further development of some provisions. This will be elaborated more in chapter 3.

9 These bodies consist of different numbers of people, e. g. Benin has 94 members whereas the Governing Council in Ghana only counts of seven members.

10 Cf. <http://www.nepad.org/aprm> (accessed 10 May 2007).

2.5 Guidelines for the process

The APRM is shaped by several provisions that are determined in the base documents. The continental standard questionnaire, the prescribed institutional setup, the general process and timelines in the process provide basic orientation and core principles to actors in participating states. The continental templates, however, are “*considered a guide rather than a gospel*” (Herbert / Gruzd 2008, 37).

One of the key tools that makes the methodology for the APR process operational is the continental standard questionnaire. It is prepared at the continental level by the APR Panel and APR Secretariat (two institutions described below). The questionnaire is used by all participating countries as a basis for the national self-assessment, i. e. adaptations to national peculiarities are acknowledged. The questionnaire, however, determines the general course of assessment of each review. Such standardisation is crucial, since the APRM

“needs to be grounded in valid information, the imperative of creating credible data bases is paramount so as to avoid conclusions or review judgments that may be wrongly premised” (UNDP 2006, 48).

According to the NEPAD framework, the questionnaire is organised in four sections spelling out detailed criteria for assessment in the respective four governance areas (cf. AU / NEPAD 2005). The internal logic of the questionnaire is organised along the following broad items: (i) definitions and (ii) objectives, followed by components against which country action is assessed: (iii) Standards and codes, (iv) questions and (v) indicators.

The whole document starts first with some definitions of what is considered as good political, economic and corporate governance in light of the NEPAD Declaration, including a definition of socio-economic development. For instance, good governance is normatively defined as

“creating well-functioning and accountable institutions – political, judicial and administrative – which citizens regard as legitimate, in which they can participate in decisions that affect their daily lives and by which they are empowered” (AU / NEPAD 2005, 17).

Second, objectives define the essential elements of the overall goal that must be achieved by a country in each focus area. Third, a list of relevant standards and codes that refer to the objective follows. A country dealing with the questionnaire is hence supposed to give an overview of standards and codes currently in force; and it is subsequently measured against these. Fourth, ques-

tions focus on the actual practise and compliance within a country with regard to the objectives and the codes, how is it done and with what results. Fifth, indicators are named as the type of evidence that is expected in the replies of countries. The indicators serve to highlight certain aspects of the objective, standard or code that are generally recognised as measures of performance (cf. AU / NEPAD 2005).

The questionnaire is thus asking about norms *and* practise. For example, in area one under the objective to uphold the separation of powers, the question “*how would you rate the independence of the legislative body in your country?*” (AU / NEPAD 2005, 34). It is then further broken down to provide evidence of legal provisions and resource allocation establishing the independence of the legislature, and continues to go beyond this by also asking for the description of measures taken to sustain progress towards independence, e. g. training (cf. AU / NEPAD 2005, 34 f.). Other questions in the area of good political governance, target the objective to ensure accountable and efficient civil service and also ask for practise in recent years. One indicator explicitly demands to

“provide evidence of cases of disciplinary sanctions, including dismissal and prosecution of civil servants related to the shortcomings of service delivery” (AU / NEPAD 2005, 36).

The questionnaire states that even though the four governance areas are treated as separate in the self-assessment, they are closely interconnected. Thus, eight cross-cutting issues are identified to encourage holistic and mainstreamed responses by participating countries – which would be a substantial task to developed countries and poses even more of a challenge to developing countries with limited resources. The cross-cutting issues are (cf. AU / NEPAD 2005, 11 f.):

- Poverty eradication,
- gender balance,
- decentralisation,
- country capacities to participate in the APRM,
- access to and dissemination of information,
- corruption,
- broad-based participation, and

— sustainability in both financial, social and environmental issues.

The complete questionnaire has been criticised as too long and repetitive. Separation into four areas make research on the cross-cutting issues particularly difficult (cf. Herbert / Gruzd 2008, 39). Definitely, some topics can be grouped in a different way to avoid duplications or questions about similar issues can be merged to shorten the whole exercise. Critics pointed out that there are tendencies in some questions to ask for too much detail without policy relevance, thus straining scarce resources. As the APRM is a tool aiming to improve governance and is inspired by the sharing of best practises, the questionnaire should also provide space for suggestions for solutions, e. g. particular strengths of institutions in coping with challenges. Structuring it around institutions would be an alternative way of taking research on the issues at the country level forward (Herbert / Gruzd 2008, 40–41). Critics also mentioned that some verbalisations in the questionnaire are value-laden and should have been phrased more neutrally. As an example for the latter approach they cite the question “*how has decentralisation contributed to the quality of governance?*” (AU / NEPAD 2005, 31), which is ignoring that decentralisation could also have negative effects on governance; respondents should be left with a choice to make up their mind about the concept. Likewise, suggestive wording on free trade or regional integration is criticised (cf. Herbert / Gruzd 2008, 42; SAIIA 2006; Team Consultancy 2005). Furthermore, according to South African Institute of International Affairs’ s (SAIIA) analysis, important topics like international humanitarian law, child soldiers or press freedom are missing in the questionnaire and the role of civil society as an important aspect of good governance is not touched upon. It is therefore reasonable to suggested that the questionnaire

“should be reviewed and subsequently revised, taking into account the missing issues that are generic to the governance question in Africa. The APR Secretariat should assume leadership in the provision of guidance on the adoption of country specificities [...]. Civil society should also be assessed. Thus, indicators and benchmarks targeted at this category of actors should be included in the Questionnaire” (UNDP 2006, 24 f.).

This study turns to the content of the country report – determined largely by the questionnaire – in more detail in Chapter 4.

2.6 How to conduct an African peer review? – Stages of the APRM

How is the APRM actually conducted at the country level? According to the base documents, the APR cycle goes through five stages: (i) the preparation of the country self-assessment, (ii) the country review, (iii) the review report preparation, followed by (iv) the actual peer review, which takes place by presenting and discussing the findings of the reviews at summits of the APR Forum and (v) finally the publication of the APR reports. These stages are further described in box 3 below and in the annex A3. The estimated duration of stages one to four is between six and nine months.¹¹ An often neglected quasi-sixth stage is the implementation and follow-up of the process, condensed in the national programme of action (PoA). The PoA, together with the country self-assessment report are the two main documents that the government and civil society in each participating country are requested to deliver. Within these documents problems discovered during the review as well as a guideline of the government towards its priorities and actions with regard to those problems are addressed (cf. AU / NEPAD 2003d).

Box 3: Stages of the APRM

The APRM – in the form of the initial base review looked into here – follows five stages, as outlined in the base documents:

Stage one: Preparatory and Country Self-assessment

Stage one involves the preparatory process at the continental level (APR Secretariat) as well as at the country level. Preparing for the APR process, the country might receive help from partner institutions and other technical experts. The main output of the country review is the preparation of a preliminary PoA. This is done by an extensive, participatory country self-assessment, based on a template questionnaire (provided by the APR Secretariat in Midrand). In some cases, a country support mission visits the country to help it follow the APR guidelines. Thus far, at the first stage all countries were visited by a country support mission (cf. Grimm/Mashele 2006). After self-assessment, the first draft of the national PoA

11 At first, six months were planned. This time period proved to be too short and therefore it was extended to very ambitious six to nine months. Only South Africa was able to keep up the time schedule – with the result that the process was criticised considerably from civil society as being not participatory enough.

includes the main challenges and development issues is presented. This draft and the self-assessment are then submitted to the APR Secretariat at the continental level. Meanwhile the APR Secretariat prepares a background document about the four sectors being reviewed. This is done through desk research and information that is provided by the country in question. On the basis of the preliminary PoA, the self-assessment and the background paper, the APR Secretariat prepares a so-called issues paper. This paper guides the country review process. If the secretariat decides that further investigations are necessary; this is done by partner institutions that conduct technical assessment. After the technical assessment these institutions provide findings and recommendations. The APR Secretariat - under the guidance of the APR Panel - includes these findings and recommendations in this issues paper. Parallel, the country updates its PoA. Finally, the secretariat plans the visit of the APR Team.

Stage two: Country Review Mission (CRM)

Stage two is the country visit by the APR Team. This visit takes place under the leadership of the APR Panel. The aim is to interact with and to consult a great number of stakeholders from the state as well as the non-governmental sector in the country. These consultations serve three purposes: First, to provide information about the APR process, second, to discuss the draft PoA prepared in stage one, and third, to discuss with stakeholders remaining issues and steps that need to be taken. Stage two ends by recommending changes to the PoA draft if held necessary.

Stage three: Review Report

Based on the visit and the prepared documents, the country team prepares a country report focussing on the adaptation of the national PoA. As stated in the APR base document, this report “*must be measured against the applicable political, economic and corporate governance commitments made*” (AU / NEPAD 2003e, paragraph 20). This report as well as recommendations are discussed with the government of the country. This discussion gives the government the possibility to react to the findings of the APR Team. The responses of the government are included in the team’s country report as an annex. The country itself includes the recommendations as well as estimated capacity and resource requirements in the PoA. Stage three ends with the final PoA and the country review report.

Stage four: Peer Review

Both the country report as well as the PoA are sent to the APR Secretariat. The APR Secretariat submits both documents to the APR Panel. At this point, the panel takes over the process, reviews the report and makes recommendations for policy reforms. The report as well as recommendations are then handed on to the APR Forum. The forum discusses the report and then communicates actions deemed

necessary to the institutions at the national level in the reviewed country. If the government is willing to address the identified shortcomings, other participating governments are required to provide support and assistance; a requirement that is not further specified. At the same time development partners are urged to assist the country under review in rectifying remaining problems. If the government is not willing to address challenging issues, peer pressure is meant to be applied.

Stage five: Publication of reports

During the final stage, the APR Country Report as well as the national PoA are publicised and presented to the AU, the Pan-African Parliament, the Regional Economic Commission of the country, the African Commission on Human and People's Rights and other relevant bodies. This publication is envisaged six months after the APR Forum considered the report; it can thus take up to one year after completion of the self-assessment until the final APR report is published. With this publication the first cycle of the APR process is officially completed and implementation of reforms are to start.

Source: AU / NEPAD (2003c); AU / NEPAD (2003d)

Within each stage of the base review, the guidance given is comprehensive but rather general in nature. Chapter 3 examines how the general rules for institutions were fulfilled at the country level in Ghana. Before that, a closer look is taken at the base documents' provision of how to involve stakeholders.

2.7 Roles and responsibilities of major stakeholders

The APRM base documents also assign specific roles to three major stakeholders: (i) the government of the participating country, (ii) civil society and non-state actors within the national society as well as to (iii) development partners.

Government

Government is the main actor responsible for the functioning of the national review exercise as "*technically competent, credible and free of political manipulation*" (AU / NEPAD 2003c, 3). It is also reports its process results vis-à-vis to the other Heads of State and Government on the peer level; in other words, the major task of accountability is attributed to it. The undertaking can

only function appropriately if there is an adequate political commitment to the process at high levels of government, including personal engagement and funding. The core responsibilities of the participating countries' governments are further defined in the base documents as follows:

- *“Define, in collaboration with key stakeholders, a roadmap on participation in the APRM, which should be widely publicized and provide information about the national coordinating structures, the stages of the APRM and the roles and responsibilities of stakeholders from government, nongovernmental organizations, private sector and international development partners.*
- *Establish and publicize feedback mechanism between different levels of government and with non-governmental stakeholders.*
- *Ensure participation by relevant stakeholders in the implementation of the programme of action.*
- *Make annual progress reports to the APR Secretariat on the implementation of the programme of action” (AU / NEPAD 2003c, 12).*

When examining the different process stages, the third stage plans that the draft report written by the APR Team is discussed with government officials. As the base documents states, this procedure is implemented to improve the ownership of the outcome and 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 shortcomings may be addressed (AU / NEPAD 2003e, paragraph 21).

After the discussions, the responses of the government are published in the annex of the final country report. When the final country report and PoA are ready, it is within the government's realm to address and rectify the identified shortcomings and to seek assistance from development partners if necessary.

Civil society and non-state actors

The driving principle in implementing the APR process is the active participation of stakeholders. In the base APR documents it is clearly stated that the overarching goals of NEPAD can only be reached through the involvement of all stakeholders and that participating countries must organize a participatory and transparent national APR process (cf. AU / NEPAD 2003b, 2; AU / NEPAD 2003c, 11). In this context trade unions, women, youth, civil

society, private sector, parliamentarians, representatives of political parties, rural communities and professional associations are explicitly mentioned as important groups (cf. AU / NEPAD 2003 f., 5). These stakeholders are also to be consulted by the APR Team during the CRM (cf. AU / NEPAD 2003e, paragraph 19).

There are five possible ways of engagement identified in the guidelines (cf. AU / NEPAD 2003c, 12). Stakeholders could take part in the (i) assessment of country compliance with APR standards, codes and indicators, (ii) identification of national priorities, (iii) drafting of the national PoA, (iv) implementation, and (v) monitoring and evaluation. How this was done in Ghana is further elaborated upon in Chapter 3.

Development partners

Within the APRM, international development partners are not meant to be in the driving seat. Nevertheless, they are assigned a certain role. Whereas participating governments have to guarantee the finances of the national process, development partners, according to the base documents, are welcome to step in on the continental as well as the national level:

“It is [...] foreseen that the participating countries will actively engage international partners in support of their involvement in the peer review process. This may include technical assistance and capacity building. In addition, the NEPAD Secretariat will set up a mechanism to mobilise resources from external partners, if necessary, to help the country improve its performance and achieve the objectives of its National Programme of Action“ (AU / NEPAD 2003c, 16).

It is the role of the national governments of participating countries as well as the APR Forum to interact with development partners if necessary. Chapters 3 and 5 continue to examine the actual scope and character of the involvement of development partners with the APR process in Ghana.

2.8 Conclusion

With regard to the APRM's conceptual framework and the initial question about the meaningfulness of the framework, six conclusions can be drawn from the above analysis:

First, it has to be stated that the APRM is a truly comprehensive exercise. Key topics surrounding governance appear to be covered in the assessment. The assessment might not explicitly refer to all keywords of the international academic discussion – such as the contested term *neopatrimonialism* – but it addresses major topics. Herein included are also issues previously neglected in international political dialogue within Africa, such as corruption. For instance, one can regard the demand for asset declaration of office holders (as included in the APRM) as a key indicator for the acknowledgement of a distinction between public and private funds. The standard questionnaire explicitly asks about the national practise of assets declaration.

Second, this very comprehensiveness is one of the criticisms towards the assessment; it is criticised for being too broad. Despite the considerable administrative and financial burdens this implies, one can also argue that the comprehensiveness is one of the key strengths of the APRM as it provides for one authoritative reference document and there is no excuse to not cover an issue. Politically unpopular topics thus cannot be excluded for the pretext of limited scope of the assessment.

Third, the continental questionnaire asks about the conventions and declarations signed by the country under scrutiny, i. e. it has an inductive approach to norms for each country. Even collating the international norms a country agreed to in one document might be useful and already provides a minimum urge for accountability. The questionnaire, however, commendably also asks about practice of the norms a country has committed itself to.

Fourth, there are no sanctions against countries not fully recognising their gap between norms and applications. There is only speculation possible about the level of *peer pressure* and based on past experience, doubts remain about a high commitment to all norms by all participating countries. However, the very process of the APRM provides for an opportunity to discuss shortcomings in specific countries. The set-up as a peer review has soft law implications: Good practice within the APRM will be the measuring stick for future national APR processes – and that sense of ownership cannot be underestimated. The more people refer to the APRM, the stronger the institution becomes.

Fifth, concerning the question whether governance of the APR process itself is sufficiently institutionalised, it has to be mentioned, that there is a trade-off between objectivity and national flexibility. The base documents of the

APRM are broad and do provide little standards for the national processes, e. g. the official core documents do not prescribe the composition of governing councils as key institution of the APRM at the country level. Another bottleneck appears to be – presumably even more so in the future – the APR Forum. Beyond pertinent questions on capacity of the APR Secretariat in Midrand, questions persist on the workload of the Heads of State and Government in the review process. With 27 countries participating and each of them either being in a peer review or delivering progress reports on implementation, the time constraint at the APR Forum – even if the secretariat in Midrand were to be substantially stocked up in number of staff – appears to be overwhelming.

Sixth, the timeline for the whole process is a tricky issue: The given nine months for the completion of stages one to four may not be enough time to reasonably integrate stakeholders, which, as shown above, is crucial to the whole process. The bottleneck at continental level is even more severe as the APR base documents provide for a delay of six months before the final report is published once the country report was discussed by the members of the APR Forum. As the Heads of State and Government in practise meet at the six-monthly AU summits, there is a further delay, because a country report could be handed in at one meeting, and then discussed at the next. The time delays might negatively impact on trust in the process, if the country self-assessment is indeed done – as required – with great involvement of civil society. A year of official silence over a country report is a long time and can be expected to lead to speculations. Much of the drive of the process – public interest within the reviewed country – will be lost over this time.

3 Ghana's journey through the APRM – an open process

The Ghanaian government politically committed to the APRM initiative, even before the process had a proper timetable or fixed structures (cf. Gruzd 2006c; UNECA 2005b, 9). As a first mover, government had the chance to set standards in designing the APR institutions and proceedings in its country.¹² The Panel of Eminent Persons, for instance, had not yet been established when Ghana claimed to be ready for a peer review in October 2002. A Memorandum of Understanding (MoU) kicked off government's responsibility for the conduct of a peer review in March 2003. As broad participation in the self-assessment is provided for in the base documents, the national APR process holds an opportunity for vertical accountability of government to society. Therefore, both the structures and the process of the APRM in Ghana are looked into in this chapter. At both levels, in fact, some changes to the original common African standard set have occurred in the Ghana case. The key aspect to be explored in this chapter is whether the interpretation and practice of the APRM in Ghana had a positive impact on the governance structure of the country. By being open to all key stakeholders, the process has a potential to foster good political governance.

To explore these issues, this chapter first looks into the national APR institutions, namely the Governing Council, its secretariat and the technical teams (TTs). Their respective composition, specific role, and their approach e. g. in dissemination and to methods applied in the process, as well as their degree of independence from government are subject to this part of the study. In this context, it is important to also look into the methodology of the TTs, in order to assess whether they met academic standards, as referring to external experts also contains the risk of receiving crucial input on a partisan or prejudiced basis.

Secondly, a central interest of this chapter is the commitment of all stakeholders to the process, ranging from government to specialised interest groups. There are concerns that the APRM could be a predominantly a government-driven process. In order to provide for an open process, it would be necessary that all parts of society had the possibility to participate, not least through organised groups that represented their interests. Apart from the

12 For a detailed outline of the Ghanaian process cf. Annex A4.

government and public institutions, such organised groups – and relevant stakeholders – were civil society organisations (CSOs), the parliament, and the media. Views of development partners were also sought. When it comes to fostering good political governance beyond checks and balances within the political system itself, particularly CSOs and the media were identified as the key institutions of vertical accountability in a political system (cf. Schacter 2001, 135; Diamond 1999, 3 f.). It is also important to have a look at the level of participation beyond the metropolitan area of the capital city.

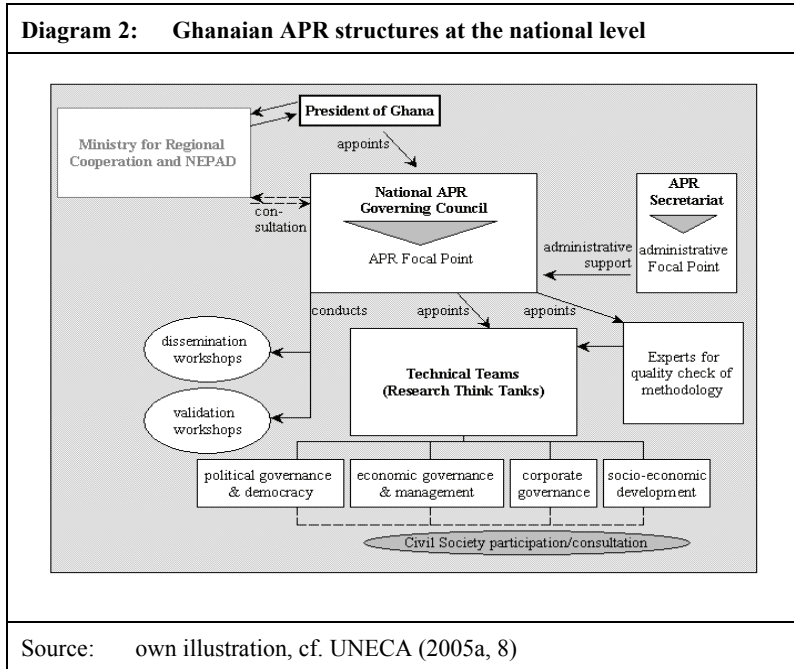
The Ghanaian APR structures and process are outlined below with special attention on changes from or variations of the original framework set at the continental level and explained in Chapter 2.

3.1 The Ghanaian APR institutions

The Ghanaian institutions are at the backbone of the national APR process. The institutional structure was designed to provide for a large degree of autonomy and thereby credibility. Their design, however, was not fully detached from the political process in order to guarantee a certain legitimacy: *“One of Ghana’s innovations was to consult with all political parties about the proposed APR structure and the list of eminent persons proposed to lead it”* (Herbert 2006, 23). This consultation was even more important as national elections were upcoming and likely to overlap with the review period in December 2004. Apparently, Ghana’s President Kufuor wanted to avoid the APRM to become *“a political football”* (Herbert / Gruzd 2008, 158). Conducting an independent peer review was seen as *“a vehicle for demonstrating greater transparency and candour in public policy to various audiences”*, as Gruzd notes (2008, 157), including to international donors. The key question is whether the practise matches the claimed aspiration. Which adaptations have been made to the continental framework (see previous chapter), and which consequences did they have?

Ghana’s national APR institutions embrace the Governing Council of the APRM (GC)¹³, the APR Secretariat, and the technical teams. The institutional setup can be depicted as below (see Diagram 2). The individual elements are explained in the course of this chapter.

13 The official abbreviation is *NAPRM-GC*, it was shortened to *GC* for text clarity.



3.1.1 The Governing Council

The Governing Council (GC) is at the centre of APR institutions in Ghana, as depicted above. Key issues regarding the effectiveness and the independence of the Ghanaian process are thus the GC's mandate, its composition, its functioning, and its autonomy.

The GC in Ghana acts as the focal point, i. e. the linkage between all stakeholders. At the start of the APRM activities in Ghana, it was envisaged to have the national focal point within the government, as the official wording in the APR basis documents suggests. Also for this purpose, a Ministry of Regional Cooperation and NEPAD was established, which has been extracted from the Ministry of Foreign Affairs. Due to persistent complaints of civil society, the role of the focal point was separated from government and transferred to the GC, and, in terms of administrative actions, to its newly established APR Secretariat (cf. 3.1.2). In 2006, the Ministry for Regional Cooperation and NEPAD relocated to the Ministry of Foreign Affairs, where it

then constituted a NEPAD Bureau, which currently is a government contact for the APRM (interview with a government official on 12 March 07).

The GC was a crucial Ghanaian innovation. It was apparently modelled along the lines of the continental structure of eminent persons in the APR Panel. The people selected by the President in March 2003 were all respected, non-partisan individuals; yet the selection process itself had been criticised in Ghana (cf. Herbert / Gruzd 2008, 161). Early Criticism apparently was taken seriously: Government – in cooperation with civil society – had laid out criteria for persons to be eligible for the GC. These criteria define requirements: appointees have to be non-state officials, must have professional competence, integrity as well as fulfil the principles of objectivity, impartiality and independence. Further considerations were ethnic and regional balance, religious representation, academic representation, gender balance, review experience, etc. (cf. Opoku 2006, 21). These criteria were largely matched by the current setup (cf. box below). It is difficult to measure characteristics such as integrity or objectivity and independence. Yet, if perception is taken as an indicator, the opinions expressed by stakeholders in interviews by the authors in three Ghanaian cities (Accra, Kumasi and Tamale) were positive about the GC.¹⁴ The work of the GC was appreciated almost unequivocally, despite some criticism of individual members of the opposition parties (Interview, 29 March 2007). Some of the more balanced voices from civil society hinted about an underlying reason for this reproach of partisanship:

“They are men of integrity. No one can question that. [But] one thing in Ghana and Africa is that the selection of people into institutions is always partisan. Unfortunately! Because of over-politization of issues in this country. You cannot be non-partisan in Ghana.” (interview, 26 March 2007).

This statement shows that it was a wise decision to set up an autonomous body and refrain from working on the peer review during the election period.

14 The lack of religious diversity was not mentioned as a critical point, as might have been expected though they were critical at times. The GC-member Bemile, a Catholic bishop, represents the northern parts of Ghana, where the majority is Muslim. This issue was not raised in any of the interviews conducted with a number of non-Christians and Muslims on 14 and 18 March 2007.

Positively noted was also that the GC in Ghana is comparatively small (interview, 3 march 2007).¹⁵ The small number in Ghana makes it much easier to work jointly and to interact with each other, and it facilitates establishing a common understanding of the task. Ghana therefore opted for eminent persons and against representation of various organisations, apparently appointing people with stronger management skills (cf. Herbert / Gruzd 2008, 30). Ghanaian GC members claimed that the non-constituency based selection was not necessarily a disadvantage as long as the body remained accessible to all parts of society; a small structure can also rely on experts for each issue area (e. g. gender) (see Box 4). If the GC were too big, there would be the danger of individual strong members capturing the process with their own agenda (interview, 7 March 2007). Especially worth mentioning is that the GC criticised not meeting the target in regard to the criterion of gender balance, as only two out of the seven members are female.¹⁶

Box 4: Members of the Ghanaian APR Governing Council

Prof. Rev. Samuel Kwasi Adjepong (chairman): Professor in Physics; Vice-Chancellor of Cape Coast University (1991–2001); Principal of the Methodist University

Ambassador Alex Ntim Abankwa: Former Ambassador to the EU and Canada; Consultant of the Ministry of Finance

Prof. Samuel K. Botwe Asante: Former Head of Political Science Department at University of Ghana (Legon); served several years for the United Nations; Consultant to UNECA

Rev. Dr. Bishop Paul Bemile: Catholic Bishop of Wa (Upper East Region)

Prof. Miranda Greenstreet: Leading Educationist and former Director of the Institute of Adult Education at University of Ghana (Legon)

Gloria Ofori-Boadu: Former Executive Director of the International Federation of Women Lawyers in Ghana; President of the Women’s Assistance and Business Association

Nutifafa Kuenyehia: Lawyer and former President of the Ghana Bar Association and Media Commission

Source: www.naprm-gc.org (accessed 18 May 2007)

15 As a comparison: South Africa’s respective body has 29 members, representing 11 organisations, while Benin’s APR body has 94, and Burkina Faso’s structure has 97 members.

16 This, furthermore, is much in line with general findings about female representation in decision-making in Ghana elsewhere (as ironically also stated by the APR report).

That GC members were appointed by the President, but – symbolically being independent – without taking a customary oath of allegiance to the President or the government. The GC, however, depends on public funding. It had to struggle for financial autonomy from government policy; at the time of research, the GC had its own bank account, and received funding through a separate budget line. An independent bank account is important for potential external funding: the development partners can only support the GC's work directly only with a separate account. (interview, 3 March 2007). According to GC members, only around five percent of the council's budget is derived from development partners. This predominant national funding underlines the ownership of the APR. Overall, the Ghanaian GC appears to be more independent than respective national focal point bodies in other participating states (cf. Herbert 2006, 30).

Essentially, the GC has two main roles. It serves as the national focal point and has an oversight function for the Ghanaian peer review. As focal point, it is the main place of contact for all stakeholders of the APRM. Its tasks comprise to technically steer the Ghanaian self-assessment within the APRM. Consequently, it is responsible for collecting and spreading of information, and for organising consultations for the four focal areas. Furthermore, as the oversight body, it compiles the final country report, and hands it over to the President. The GC describes itself as a “*buffer*” between the APR Secretariat in Midrand, and the Ghanaian government (cf. GC, interview, 3 March 2007). The GC, for instance, was responsible for managing that stakeholders participated. Groups that had been initially left out – e. g. youth organisations and the disabled – were later integrated into the process.

3.1.2 The national APR Secretariat

Similar to the GC, the secretariat was created based on the example of the continental APR framework but not required by the APRM guidelines.

The APR Secretariat was developed to provide administrative and technical support to the GC. It is an autonomous unit, not attached to any ministry or governmental department and hires its own professional staff from the private sector. The APR Secretariat is headed by an Executive Secretary (Francis Appiah), who is supported by six employees. Temporarily, UNDP Ghana had supported the secretariat by adding two members to the staff (cf. Appiah 2004). Francis Appiah had previously been an advisor to the NEPAD-

Minister, which lead to the suspicion by some that he was representing government “*at arms length*” (Gruzd 2006a, 6). Nevertheless, this access to government can be seen as rather positive; taking into consideration the non-state composition of the GC, a link to government at the administrative level seems to be an obvious advantage.

The APR Secretariat implements decisions taken by the GC, coordinates the their programmes and activities, conducts public relations such as the undertaking of public education and sensitisation programmes and the coordinates with stakeholders in the process (cf. GC 2005b). De facto, the secretariat is first point of contact for all stakeholders of the APR process. Their task was more specifically comprised of preparing the selection of support research and organising a technical review of their work (see below on technical teams) or, together with the support researchers, organising workshops such as the three days validation workshop before the drafting of the PoA. Furthermore, the secretariat supported by the researchers cross-checked the changes made to the standard (i. e. technical teams).

One more concrete example for its technical work is the integration of additional quality checks on the independent technical teams by – again – independent technical experts, instead of government officials. This happened without previous notification of the TTs, as one interviewee noted (interview, 27 March 2007), and thus indicates a high degree of rigor. However, several interviewees criticised that the selection of TTs had not been transparent (interview, 16 March 2007). Apparently, there was no open tendering process to select the TTs (cf. 3.1.3).

Much of the task of dissemination of the APRM in Ghana rest on the shoulders of the Secretariat. Staff capacity constraint its work and also affect the work of the Executive Secretary. Even though there appear to be attempts within the secretariat to improve the attributions of tasks and to delegate responsibilities, the secretariat still appeared to be mainly driven by one person. The Executive Secretary, as a number of interviewees expressed, has shown a very high personal engagement. Yet, questions about the devolution of work can be asked: It does not seem to be a sustainable approach that the Executive Secretary (as well as GC members) were present at every APR workshop in the country. Some research institutions (technical teams) also raised issues that could be related to capacity problems in the secretariat:

“It would have been useful to have had greater consultation and information sharing with the GC, for instance we often found out about sensitisa-

tion and awareness workshops and other events only by reading about them in the press” (interview, 27 March 2007).

However, the vast majority of interviewees appreciated the work of the secretariat, despite some described capacity constraints. Similar to the GC itself, only a small number of interviewees – individuals from the opposition parties – reproached the secretariat of being partisan (interview, 7 March 2007).

3.1.3 Technical teams

It was quite clear that the conduct of the peer review itself was beyond the capacities of the GC or the secretariat themselves. Consequently, external support was sought. Ghana thus conducted its first stage of the APRM by choosing a so-called “*survey and think-tank model*” (Gruzd 2006b, 6). This model was an innovation for the APRM that has subsequently been used by other countries, e. g. South Africa. Ghana’s GC appointed four policy think-tanks as technical review teams (TTs) for the task of working through the questionnaire and drafting the programme of action, thereby fostering credibility of the APR process in Ghana (cf. Herbert / Gruzd 2008).¹⁷ The assignment of four independent TTs presumably played an important part in securing the independence of the overall process, as the four teams helped keep government at a distance (Gruzd 2006b) and were given autonomy to write the Country Self-Assessment Reports (CSARs) for their respective areas (cf. Herbert 2006, 37 f.).

The mandate of the TTs comprised the operationalisation of the standard continental questionnaire, analysis of the four governance areas (attributed to one institution each), and advice to the GC on how to draft the PoA.¹⁸ The specific terms of reference for the four TTs include the essential methodological requirements: how to achieve broad participation, expected deliverables, advise on policies that consider country specific issues, and to mainstream gender issues (cf. Appiah 2004). It was then up to each TT to develop its own approach in conducting the country self-assessment (interview, 27

17 The Ghana Centre for Democratic Governance (CDD) was chosen for the area of democracy and good political governance; the Centre for Policy Analysis (CEPA) for the area of economic governance and management; the Private Enterprise Foundation (PEF) for the area of corporate governance; the Institute for Statistical, Social and Economic Research (ISSER) for the area of socio-economic development (cf. APR Secretariat 2005a, 7).

18 For details, see below, Section 3.2.1. Methodology of technical teams in Ghana.

March 2007). The fact that the APR process should take place periodically, it might be problematic that the scope of the TTs contract (funding, duration, etc.) was apparently not clearly defined by the secretariat.

A positive aspect is that the participants described a vibrant exchange among the TTs. For instance, they had been working together to harmonise the modification of the questionnaire:

“Given the cross-cutting nature of the questionnaire and to avoid overlapping and conflicting reports, the Technical Review Teams worked first to establish linkages, shared best practices and learning. To reinforce this, they meet routinely to discuss and compare notes” (Appiah 2004)

Additionally, the tight timeframe was handed down to the TTs:

“Time issues are the biggest challenge. [...] The time bound deadlines made it more difficult. Some things you cannot control. For this case, no spare time was available. We should have had much more time to prepare everything” (interview, 27 March 2007).

Since the TTs received funding from the secretariat, which had to deal with significant financial bottlenecks itself, capacity constraints affected interaction with the TTs. The level of funding for technical work – criticised as not sufficient for some of the more extensive methods described below – were an issue.

External criticism address the selection of technical teams without a proper (and thus transparent) tendering process. Apart from this procedural critique, most stakeholders appear to have been convinced that the selected TTs were competent (interview, 27. Feb. 2007). There are admittedly few organisations capable of carrying out such a demanding exercise. However, particularly in the case of the think tank working on political governance (CDD) there was a perception with some interviewees that they were somehow close to governmental positions. Nevertheless, according to the vast majority of interviewees this link between the government and the CDD had no effect on their work for the APRM:

“CDD was seen as pro-government in the beginning, but it works very independently. They just have the same liberal philosophy like the government. They have been able to show their independence. Even if you are appointed by somebody, you can work independently and be critical like CDD.” (civil society stakeholder, interview, 27 March 2007).

One illustration of how the roles of the technical teams as external research support was perceived is that they did not have any direct contact to the Country Review Mission (interview, 27 March 2007).

3.2 The conduct of a national political process – vertical accountability?

The APRM is clearly a political process and aims at providing an opportunity for interaction between government and civil society at the national level. The APRM explicitly aspires to “*facilitate exchange of information and national dialogue*” (APRM guidelines, November 2003). As a political interaction, it lives from the engagement of and input provided by a wide range of stakeholders (cf. Herbert / Gruzd 2008). The key question is to assess validity of the process in this context. And therefore, asking whether the process had been open to all key stakeholders and if the procedures as well as results were disseminated to the broad public during and after the review. Furthermore, the study turns to several stakeholder groups to review their specific engagement with the APRM.

3.2.1 Methodology of the technical teams in Ghana

According to the APR Secretariat, the methodology of the country self-assessment along the continental questionnaire has been designed as a bottom-up process, aspiring to make the process inclusive and transparent, as required by the continental standards. Numerous feedback-loops and validation workshops were introduced during the country self-assessment. In practice, the applied methodological approach can be subdivided into four major steps: pre-field methodology, field-methodology, in-house methodology, and post-field methodology (cf. Appiah 2004).

The first stage of implementing the APR was the *pre-field methodology*, which largely consisted of the preparation stage of the country self-assessment, including preparing for the participation of stakeholders. The very first measures that have been undertaken during this stage were awareness-raising about the APRM in Ghana, i. e. education, sensitisation and the creation of ownership. Creation of ownership among the Ghanaian civil society arguably was key in that phase, as further steps aimed at building on it (APR Secretariat 2005a). Awareness raising consisted of activities like

monthly newsletters, meetings across the country or media training, etc., were undertaken (cf. Gruzd 2006b, 5).

“Stals [Member of the Panel of Eminent Persons and Chair of the Country Review Mission] singles out Ghana’s effective sensitisation efforts, and notes that every time he landed in the country, he was besieged by print and electronic media for interviews about APR.” (Gruzd 2006b, 5).

As indicated above, each TT was responsible for the methodological design of its respective section. Consequently, responsibility lies with the GC to harmonise and coordinate the methodological approaches among the TTs, in order to avoid unnecessary doubling of questions. Furthermore it was necessary to identify key stakeholders, adapt the questionnaire, and gather information and data for the APR Panel (cf. Appiah 2004).

The most critical step within the pre-field methodology was the selection of stakeholders. The selection appears to have built on TTs experiences: in some areas it was clear, which organisations to select (interview, 27 March 2007). Yet, ex ante criteria were not specifically defined. The GC cross-checked the selection. Each TT produced a list, which the GC compiled. As a result of this cross-check youth associations and organisations of the disabled were included. These groups had not been added from the start, but pro-actively approached the GC (interview, 3 March 2007). Altogether, more than 5000 stakeholders were identified and participated in the process (Appiah 2004). Different groups of stakeholders, such as government agencies, CSOs, or ordinary citizens, were involved in different ways, such as panel interviews, focus groups, or syndicate discussions. The findings of this participative self-assessment were tested through a validation workshop, which brought different stakeholders together (Appiah 2004). Opposition parties once again claimed to have not been involved appropriately in their role as parliamentary opposition. According to them, they had not been (systematically) invited to seminars, nor did they receive targeted information (interview, 23 March 2007). This stands in stark contrast to the findings of SAIIA, as Herbert writes, *“one of Ghana’s innovations was to consult with all political parties about the proposed APR structure”* (Herbert 2006, 23).

The subsequent *field methodology* was organised with three major instruments: elite survey, household survey, and focus group discussions. Only one TT – CDD-Ghana – undertook household, having had experiences with this methodology in previous work on political governance. During the household survey the researchers interviewed 1,200 people face-to-face to seek the opin-

ions of the general public.¹⁹ In comparison to that, an elite survey was carried out with 250 respondents. This methodology was costly, but considered to produce better results than just sending questionnaires, particularly in a context like Ghana's, with high levels of illiteracy (cf. CDD 2005, 3 f.).²⁰ In order to facilitate the task for respondents, the think-tank ISSER (responsible for the section on socio-economic development), for example, paraphrased its research questions for the mass survey. In contrast, CDD reproduced the questions in the exact way the continental secretariat formulated them, in order to avoid misinterpretations of their meaning (cf. Opoku 2006, 26). The methodology of conducting expert and household surveys appear to have met academic standards. Critical voices, however, asked about their weighting: it was not clear how it was dealt with potentially conflicting results from both survey models (Interview with an academic, 19 Apr. 2007).

In line with the continental questionnaire, the nationally adopted questionnaire on political governance developed by CDD asked about political norm and their implementation. For example, respondents were asked whether they knew relevant programmes, or policies, which are set up to help vulnerable (minority) groups, children, or women. The next question then asked whether, or to what extent, these policies were making a difference in practice (cf. CDD, Mass Survey Instrument). In addition, values were stated in a clear and general form and linkage was made explicit between questions and underlying norms. CDD organised the questionnaire for the household survey clearly along the given nine objectives for its area of democracy and political governance, and always named the specific objective to make it more transparent for the respondent (cf. CDD, Mass Survey Instrument). The general acceptance of the questionnaire was claimed to have been good, also in rural areas, which were included in the process. This approval might also come from that the questionnaires were translated into the local languages, with support of local non-governmental organisations, such as the Northern Civic Union (NCU) (as stated during a workshop in Wa, 26 Feb. 2007).²¹ Further-

19 The center is partner of the Afrobarometer opinion survey and thus an expert in the field and a member of the quantitative social research network.

20 Contrary to this methodology, South Africa made questionnaires of the country self-assessment available to all individual citizens. Yet, only a handful of South Africans made use of the opportunity (cf. Herbert / Gruzd 2008, 281).

21 Translations were available at least in all major national languages, namely Ga, Akan, Ewe, Hausa, and Dagbani, while the recording was done in English.

more, the national acceptance of the questionnaire was apparently enhanced by including the national cultural specificities (e. g. chieftaincy; more on the questionnaire in Chapter 4 below).

However, doubts raised among the interviewees questioning the ability of the average Ghanaian citizen to answer the complex (legal) issues addressed in the questionnaire (interview, 12 March 2007). Stakeholders in the process must be technically competent enough to bring in their issues into the country self-assessment. Consequently, questions will have to be divided into sections for experts and non-experts. Overall, the selection of stakeholders appears to have been reasonable and expert surveys provided for the inclusion of specific expertise.

In a third step – parallel to other endeavours to collect evidence – desk research, as well as in-house peer reviews were integral parts of the *in-house methodology*. Basis for the in-house method was a literature review. Furthermore, major sources for data were the ministries, government departments and agencies, development partners, etc. CDD also subcontracted external consultants to conduct this research (cf. CDD 2005, 3). The in-house peer review provided for a feedback-loop, in line with international good practice (cf. Appiah 2004).

Central instrument of the *post-field methodology* were validation workshops in order to cross-check the draft reports with stakeholders in the country. This post-field methodology is possibly the most crucial aspect to ensure a well governed process and will be looked into in the following section on dissemination.

3.2.2 Dissemination – efforts and shortcomings

A challenging task of the GC was the dissemination process of the APRM (cf. Gruzd 2006b, 10). In a context of generally weak institutions, conducting a meaningful peer review with wide range participation is a major logistical challenge. First of all, citizens and interest groups as well as organisational units need to be sensitised about the exercise, its scope, its aim and its inherent limitations.

One of the obstacle was a lack of sensitisation and information in the early stage (interviews, 26 March 2007 and 27 March 2007). Apparently, getting information about the APRM to broad parts of the population was a chal-

lenge, even though many interviewees claimed to have heard about the APRM mainly through the media. The media was targeted by and involved in the APR process early on.²² However, a positive start might not suffice to keep the media continuously informed, as civil society actors highlighted (Interviews, 20 March 2007 and 21 Feb. 2007). A free and independent media is crucial for the functioning of a democratic state as freedom of expression lies at the very heart of it (cf. Louw 2006). Consequently, the Ghanaian constitution stresses that mass media “*shall uphold the responsibility and accountability of the Government to the people of Ghana*” (Article 162, 5; Constitution of the Republic of Ghana (CoG)). Concerning the APRM, the media is a key player in the sensitisation, consultation and monitoring of the process (cf. UNECA 2005b, 14 ff.). In Africa it is very important to have radio broadcasts due to high rates of illiteracy. It is crucial to highlight that most of the interviewees – including regional state representatives – said that nearly all of their knowledge about the APRM came from media reports (interviews, 21 March 2007 and 23 March 2007). As a parliamentarian stated:

“When the report was published, radios informed the people. Before the media informed about the APRM, people thought that this initiative takes only place on the highest level. Radio promoted the ordinary man to play a role in the APRM” (Interview, 1 March 2007).

Curiously – and critically – some media were being paid by the GC to cover APR-related workshops, which might have contributed to the tame coverage of the process (see box 5).²³ The APR report was nationally disseminated via national media: the GC selected the widely circulating daily newspaper *The Daily Graphic* to publish the whole country report in a series. This raised questions about the space for critical coverage:

“Some reporters are advocates. For example, the APRM gives advertisement to The Daily Graphic. So they are reluctant to criticise, since other-

22 A media workshop was held in Accra on 12 December 2002, which was organised by the GC to inform the media about the objectives of the APRM (cf. Appiah 2004).

23 The media in Ghana are perceived as politically free, as acknowledged by indices of Freedom House. Yet, some media organisations in Ghana are state-run or parastatal, and some are private enterprises (cf. Hasty 2007; Ghana Journalist Association / FES 2005, 178 ff.). Parts of the media are thus perceived as strongly pro-government (interview, 27 Feb. 2007). In this context, individuals complained that the media did not live up to their possibilities as watchdog of the APR process (interview, 19 Feb. 2007). Even though these perceptions are admittedly political coloured, they cannot be completely dismissed.

wise they are not given the advertisement” (interview with media representative, 26 March 2007).

A crucial institution in dissemination was the National Commission for Civic Education (NCCE). This public institution is mentioned in Ghana’s constitution as being in charge of education of its citizens; it has 10 regional offices and represented in all 138 Ghanaian districts.²⁴ Ideally, the NCCE would act as a mediator between the government, the APR institutions and the people. Since 2004, the NCCE was chosen as partner of the GC for the sensitisation about the APRM, especially in resorting to the district offices’ network (interview, 27 March 2007). The tasks ranged from handling the questionnaires by inviting stakeholders to workshops and distributing the final reports (interview, 16 March 2007). However, dissemination of the APRM was an enormous task. Yet this task was not in line with its schedule, as workshops on dissemination (explaining what the APRM was about) were still being held in early 2007 – a phase in which meetings and workshops should have been predominantly focusing on implementation issues.²⁵

24 According to the Ghanaian constitution, NCCE is responsible for the education of the Ghanaian citizens especially with regard to the principles of the constitution and thereby encouraging the public to defend constitutional rights against abuses (cf. article 233, CoG). For this task, NCCE agreed on an activity-based budget from the GC; the latter made suggestions how to spread information. Thus, for example workshops were organised. For references to the 1992 Constitution cf. http://www.parliament.gh/const_constitution.php (accessed 2 Feb. 2007).

25 One such example was a workshop in Wa in February 2007, attended by authors of this study.

Box 5: The Ghanaian APRM in the media

How was the APRM covered in Ghana's press? For European readers, Ghanaian newspapers generally leave the impression of varying between the extremes of either official or polemic style. The national newspapers provided basic coverage of the Ghanaian APRM throughout the years 2004-2006²⁶, even if reports were rather event-driven and little analytical.

In 2004, information was mainly about the fundamental ideas of NEPAD and the APRM, often in connection with the ongoing electoral debate in Ghana at that time. Articles on the APRM published in the run-up to the elections in December 2004 were rather educative and tried to steer clear of party political lines: GC members were cited that the APRM should not be understood as a party manifesto; ownership of the process should be by all Ghanaians and civil society. Furthermore, articles covered sensitisation workshops held in Accra, e. g. with staff from the security services or members of an association for the disabled. A regional workshop in Ashanti was also prominently covered, yet not in an analytical manner (where are the critical issues? What to expect from the process?). Background information was given about the external reactions to the Ghanaian process, for example, referring to Canadian financial support within the frameset of the G8. Also covered by the press was the support mission to Ghana led by the APR Panel, covering the team's visit to the President.

In 2005, media coverage on workshops continued. That year, the press turned to Ghana's governance performance. According to the self-assessment process, articles reported on the findings of the TTs that were presented at several stakeholders' forums. In addition, articles covered events like the meetings of the GC with the President, e. g. for the handing over of the self-assessment report, or the presidential audience for the members of the APR Team during the country review mission that year. The CRM – like other continental events – featured quite prominently in the press; main activities and statements of the APR Team were covered. The same holds true for the presentation of the Ghanaian and the Rwandan report to the APR Panel in Abuja in June 2005, which was extensively covered. Though the performance of Ghana was judged as largely satisfactory, some of the media picked-up on the governance weaknesses presented at the meeting and blamed the current government for failures. This prompted a reaction of the Ghanaian GC. The GC's members emphasised that the APRM is not a scoring

26 The press archives of the Ghanaian APR Secretariat covers national print media from 2004–2006. It includes newspapers such as The Daily Graphic, The Accra Daily Mail, The

exercise for the current New Patriotic Party (NPP) government but a non-partisan report of Ghana's collective achievements. The continental APR Secretariat was concerned about the large number of articles on the APR Forum have

“focused only on the shortcomings identified in the review reports and have failed to recognise any positive contributions of the APRM process to good governance in Africa. The APRM Secretariat believes this may be due to a lack of proper understanding of the process and is concerned because it regards the role of the press as critical in supporting the APR process and disseminating accurate information to the general public” (APR Secretariat 2005b).

Though it seemed important to clarify the nature of the APRM time and again, this concern appears to be rather exaggerated. While shortcomings should not provide for the only focus, a critical assessment of what government could and should do – i. e. a political dialogue – was one aspect of the APRM (vertical accountability). Other, non-controversial issues covered by the press were compliments by the international community for Ghana's successful APR exercise as well as an extensive discussion about the money needed for the implementation of the programme of action.

In January of 2006, President Kufuor's presentation at the APR Forum and sharing the experience Ghana had with other African countries were at the centre of interest. It was the first country being discussed at the APR Forum. The praise from other African statesmen was hyped by the media in Ghana as a very positive step. Later, articles reported on Benin's quest for Ghanaian advice towards their own APR process and the public launch of the Ghanaian country report as well as implications for further action. Articles critically dealing with the issue of chieftaincy drew the connection to findings of the Ghanaian APRM. At least this issue led to an analytical and balanced, yet critical coverage.

A number of materials, such as leaflets etc. had been written to reach the public. The APR Secretariat in Ghana also produced a radio jingle of the APRM and it was broadcast at national and regional radio stations, also in different local languages. The overall number of these, however, seemed to have been too small, as an interviewee from the administration in the region complained:

“We have to do more. It is one thing to put the things on paper, but it is another thing to bring it down to the people. We even do not know where

Evening News, The Crusading Guide, The Ghanaian Times, The Statesman, The Heritage, The Business Times, and The Business Chronicle.

the reports are and do not know where to order them. I have not read the whole report. I only read it in the Daily Graphic." (interview, 7 March 2007).

Dissemination efforts did not stop by the end of the peer review process itself. The results need to be, too dispersed, as the above quotation indicates. A small number of the country reports were distributed across the nation, which contributed to the lack of detailed information about the content and recommendations of the APRM. Nearly two thirds of the interviewees²⁷ reported not having received a copy, even though some of them claimed to have proactively tried to get one. As one might expect, the distribution of country reports is even smaller in the districts and regions. For instance, from 20,000 copies of the APRM report an estimate of slightly more than one percent reached Tamale in the Northern Region, as interviewees among development partners and the Ghanaian administration stated (interviews, 16 March 2007 and 27 March 2007).

The secretariat coordinated other activities measures such as translation of the country report into local languages (co-financed by Danisch International Development Agency – DANIDA). Though interviewees stated that having country reports in local languages would definitely improve sensitisation about the APRM (e. g. interview, 15 March 2007), especially in rural areas, the authors of this study would question whether this step should have had priority. The report is technically detailed and serves mostly CSO representatives rather than a broad readership. Nearly all the CSO representatives read and write English; local languages are used predominately by word of mouth. In order to reach more illiterate citizens with overall information about the process and its results, it would arguably be more useful to increase the number of dissemination workshops as well as sensitisation measures in the radio.

Capacity problems prevail, mainly with regard to staffing and funding. Especially in the context of dissemination the secretariat needs more personal resources. For instance, the Secretariat claimed that a permanent media officer on staff could help coordinate the APR dissemination and ensure that enough follow-up work is done with the media (interview, 21 Feb. 2007). This view was shared by media representatives in the interviews, e. g.:

27 The interview sample is not representative. However, it targeted mostly key stakeholders, i. e. people that had contact with the peer review process. More striking is that a high percentage of this group had not received copies of the report.

“The APRM Secretariat has to realign the information and communication policy. They have information about 10 pages long. That is too long! They have to bring it down to make ordinary people understand it.” (interview, 23 March 2007).

The question is, however, whether it is sensible to shorten an already condensed and very comprehensive report or whether specifically targeted summaries would not be more successful, such as *“Agricultural issues in the APRM”* or *“Anti-corruption measures in the APRM”* or *“Ghana’s youth and the APRM”* or the like.

3.2.3 Assessment of national stakeholders’ engagement in the process

As illustrated above, stakeholders of the APRM should come from all parts of Ghanaian society, since it is an assessment of the country, not just government. Domination of few stakeholders could have negative implications for the acceptance of the APRM. The following looks at stakeholders from government, public institutions, parliament, civil society organisations, and development partners.

Government

The role of government within the process is ambivalent. On the one hand, it plays a crucial role, as it has initiated the whole APR process by signing the MoU to accede to the APRM through the President and will need to act on most of the recommendations. On the other hand, it is regarded as one stakeholder among others during the country self-assessment; a powerful stakeholder that potentially fights for its own interests and its own agenda. No stakeholder beyond government has the opportunity to comment on the final recommendations of the peer review report. Furthermore, government has to assess the costing (as only administration can estimate certain costs). This, however, gives the government opportunity to substantially influence the direction of the programme of action.²⁸

The much lauded commitment of the Ghanaian government, which was often cited as a critical success factor for the APRM (cf. Appiah 2004), leads to the question about the reason for this government behaviour. First of all, the

28 On the institutional setup of the Ghanaian APRM and its political implications, see above.

strong commitment towards the APRM can partly be explained by the self-perception of the NPP, the governmental party of President Kufuor, which claims to stand for liberal thought and mainstreaming of democratic rule (cf. Appiah 2004). Even though the majority of interviewees appreciated the step of the Ghanaian government to undergo the APRM, there have been a few critical voices from parliament and Civil Society individuals that claimed government had conducted the APRM for their self-interest, in order to raise more external funds. Other observers saw little political risk for the incumbent government as many of the faults could have been attributed to the previous administration of Jerry Rawlings. This safeguard option of finding a political scapegoat could minimise potential risks, while undergoing the APRM would illustrate openness and the will to reform (without delivering before the elections) and thereby fostering electoral chances (e. g. interviews, 21 March 2007 and 30 March 2007). Whichever version holds true, government was apparently committed to the process for a number of reasons and duly followed continental guidelines where available or the spirit of an open APRM where no framework was given.

Public Institutions

Public institutions provide public services – and thus are subject to governance assessment as well as stakeholders. They are, however, not part of the government and are not under direct supervision of a ministry. The Commission on Human Rights and Administrative Justice (CHRAJ) or the Serious Fraud Office (SFO) are examples of public institutions in Ghana.

CHRAJ is explicitly mentioned in the Constitution of Ghana (CoG) as an independent state organ.²⁹ The functions of CHRAJ include: to educate the public about human rights, to report to parliament on related issues as well as to take appropriate action to remedy instances of violation of fundamental rights. This commission has a nationwide network of 10 regional offices and 99 district offices.³⁰ The SFO has a different legal position as both NCCE and CHRAJ. It was created by an act of parliament in 1993 and is under supervi-

29 CHRAJ was founded after Ghana's return to constitutional rule in 1992, with a mandate to foster a culture of respect for human rights, as well as administrative justice and fairness in Ghanaian society. It is supposed to address all aspects of human rights and administrative justice, which includes investigating instances of corruption. Similarly, the NCCE mentioned above is also a constitutionally protected institution.

30 Cf. www.chrajghana.org (accessed 14 May 2007).

sion of the Ministry of Justice (the minister is also attorney-general of Ghana). The mandate of the SFO is to prevent any suspected offence against the law, which appears to involve serious financial or economic loss to the state. In order to do so, its core tasks include monitoring, investigating and prosecuting corruption and serious frauds. The SFO has a nationwide network of five offices, with their headquarter based in Accra.

Both bodies are active in anti-corruption activities and were to some extent involved in Ghana's self-assessment and during the country review mission. CHRAJ's head office in Accra, for instance, was closely involved from the beginning of the self-assessment: it was engaged in the conceptualisation of the country report. By discussing draft reports drawn up by the technical teams, the institutions were able to comment on the reported human rights issues as one interviewee explained (interview, 29 March 2007). Moreover, the public institutions were invited to workshops and were able to submit ideas. Findings of the self-assessment were discussed during the country review mission (cf. GC / Stals 2005). Interviewees and literature reported that due to these discussions, CHRAJ and SFO were flagging their topics – like shortcomings in their respective mandate or capacity constraints (interview 7 March 2007; APR Secretariat 2005a, 79). SFO, for example, tabled the issue of their only limited autonomy from the Ministry of Justice (interview, 20 March 2007).

In their activities, regional disparities seem to have prevailed. While some state institutions in regions – including beyond Accra – participated in several APRM related meetings at the local level and could place topics like their under-funding on the agenda. However, staff from other regions claimed that they had only learnt about the process through the media and were not directly involved. Others apparently had been involved in the process, but did not receive the final report (interviews, 19 March 2007, 20 March 2007 and 21 March 2007).

Parliament

The Constitution of Ghana (CoG) provides for a hybrid system with elements of both a presidential and a parliamentary democracy.³¹ Parliament is the key

31 Executive authority is established by the Office of the President. The president appoints the ministers of state with the prior approval of parliament; ministers have to be members of parliament (MPs) or persons qualified to be elected as such. A constitutional provision re-

institution, for both vertical as well as horizontal accountability (Schacter 2001, 137); this is specifically recognized by the NEPAD Declaration (cf. AU / NEPAD 2003a, 5). Brief, in democratic Ghana, parliament is a key institution with regard to a number of principles of good governance and should take early interest in the APRM.³²

Being at the interface between CSOs and the government, the role of parliament in the APR process is multifaceted. In the first place, the role of parliament can be strengthened by the country self-assessment. Parliament could use the country report as a catalogue that summarises the weaknesses and strengths of the country – and hold government accountable for these. Moreover – with the APRM assessing a country, not just government – parliament as an institution could introduce its own issues and, for instance, point out weaknesses of its position in the political system, thereby attempting to improve its role within the system.

On the downside, the APRM might be uncomfortable for MPs, since it covers their precise role: assessing the governance of Ghana. In theory, the institution should be able to identify the country's problems and needs without the help of a – potentially non-representative – civil society driven country self-assessment. However, the gap between ambitions and realities in the political system were at the very core of the APRM's creation (cf. Herbert / Gruzd 2008, 103) and Ghana's parliament in practice is a weak institution. Ghanaian MPs have apparently not been involved in the APRM process from the start (interview, 1 March 2007). After making some noise about being sidelined,

quires half of the appointed ministers to be MPs (cf. Article 78, CoG_s). This element is a main characteristic for the mentioned mixture of political systems as it is a deviation from a pure presidential system e. g. as established in the USA (cf. SAIIA 2005, 3).

32 The past parliamentary elections took place in December 2004; since then four parties have been represented in the legislative. The current majority party is the New Patriotic Party (NPP) holding 128 seats. The largest opposition party, with 94 seats, is the National Democratic Congress (NDC). The People's National Convention (PNC, 4 MPs), the Convention People's Party (CPP, 3 MPs) and one non-partisan MP complete the picture. The share of female MPs is 10.87 %. Parliament currently holds 14 standing and 15 select committees (cf. <http://www.parliament.gh>; accessed 2 Feb. 2007). Since the return to democratic rule in Ghana in 1992, four elections have been held. These elections have been characterised by gradually improving quality measured against the *free and fair* criteria. For details concerning the assessment of the electoral processes since 1992 cf. Crawford 2004, 4 ff.; Ayece 1998, 6 f.; Aning 2001; BTI 2006, 4 f.; UNECA 2004b, 7 f.

MPs were subsequently addressed as specific stakeholders in the APRM.³³ The actual engagement of MPs, however, appears to have remained low, allegedly due to capacity constraints. Parliament apparently focuses on the Ghana poverty reduction strategy (GPRS).³⁴ Nevertheless, the Country Review Mission picked up on MPs dissatisfaction with insufficient independence and efficiency of parliament (APR Secretariat 2005a, 31 f.). The APR Panel, i. e. the continental level of heads of state and government, gave six specific recommendations concerning parliament (for details, see Chapter 4).

Civil society organisations

Concerted civil action can articulate and mobilize demands and pressure public actors for accountability. Accordingly, the role of CSOs can be described as forming “*coalitions to lobby constitutional changes to improve governance, while also working to monitor the conduct of public officials*” (Diamond 1999, 4). Consequently, civil society organisations – including business associations – are key within the APR process; all interviewees named CSOs as the most important stakeholder.

There are different motivations that can drive CSO participation in the process: CSOs might want to (i) influence the political agenda, (ii) raise awareness for their specific issues, e. g. increase funds for policy actions (e. g. by being covered in the PoA), (iii) increasing their national and international reputation, (iv) benefit from individual incentives, such as attendance of a workshop (i. e. gaining insight, also usually linked to daily allowances), etc. Consequently, the process needs to be modelled in a way to prevent individual stakeholders from high-jacking the agenda for its self-interests.

The Ghanaian self-assessment – with the exception of few household surveys – built mostly on organised groups, as mentioned above. The rationale of the APRM explicitly includes an evaluation of the functioning of CSOs themselves. CSOs denounced capacity constraints as a major barrier for being engaged in the APRM more actively, with capacity problems more pronounced in remote and non-urban areas. The APRM is one more issue to

33 The GC subsequently organised a workshop for MPs to inform them about the objectives of the APRM.

34 Note, for instance, that parliament has a commission for the GPRS II, but none specialised on the APRM (interview, 2007-03-30). In 2008 it was suggested to discuss the APRM progress reports in the committee for foreign affairs, as it was responsible for NEPAD.

engage with for Ghanaian civil society, as there is no organisation to specifically monitor the implementation of all aspects of the APRM. Each participating CSO therefore followed their usual approaches and specific agenda. Yet, CSOs expressed respect for the APRM as such, as it was an opportunity to engage with the political system at an eye-to-eye level:

“For the first time, government has put its neck on the ground and gave someone a knife to cut. This is a good thing. The fact that we went through the process is good” (interview, 16 March 2007).

For state agents, the APRM offered opportunities to engage with CSOs, since it sought remedies for the identified shortcomings and gaps, as an interviewed state representative claimed (interview, 12 March 2007). A certain level of disillusion about civil society’s capacities prevails at the side of public agents, including a level of mistrust regarding actors’ agendas:

“[the APRM] is a chance to involve the civil society into the process of policy making, but since CSOs do not have enough capacities, there is also a big challenge to make them stronger. A major problem in this context is the dependency of the CSOs to the donor community. Another chance is that the APRM brings the government and CSOs together” (interview, 21 Feb. 2007).

As another governmental stakeholder in the region put it:

“We need to train people and start from the lowest level [...]. In our culture, the attitude of questioning leaders is not there, so we need to change and explain that it is important to ask questions and to check” (interview, 21 March 2007).

Initial complaints about little consultation with the GC were apparently acted upon. Civil society representatives were satisfied with a progressively more inclusive process (interview, 27 March 2007). Dissemination of the results, however, was patchy as illustrated above. This left some stakeholders uncertain whether their submissions have been included in the report or not (interview, 20 March 2007).

3.3 The international dimension – horizontal accountability?

The international level of the APRM first and foremost embraces the peer level, which often confounds the Panel of Eminent Persons and the peer review proper at the level of heads of state and government. The former pre-

pares and informs discussions of heads of state and government. The actual peer review is conducted by the heads of state and government. Furthermore, the international level also, somewhat awkwardly, includes the international development partners that take an interest in the APRM.

3.3.1 The peer experience for Ghana – The Panel of Eminent Persons

According to its mandate to oversee and steer national APR processes, the Panel of Eminent Persons sent a preparatory support mission to Ghana between 24 and 29 May 2004.³⁵ Headed by the panel member Chris Stals (South Africa), eight experts from partner institutions took part in the mission. The main purpose of the mission was reaching an agreement on the technical issues of the APRM and the later Country Review Mission (CRM). For this purpose, a MoU was signed (cf. AU / NEPAD 2004).

The panel came into play again in the Ghanaian process during the CRM, which took place 4–16 April 2005. In this context, the panel appointed 15 members of the APR Team for Ghana, again under the lead of Chris Stals. Members of the team came from 12 different African countries and were staff of either the continental APRM and NEPAD secretariats as well as from partner institutions.³⁶ It is within the APR Team’s mandate to cross-check the topics raised during the self-assessment and to give comments in its subsequent report.

While in Ghana, the APR Team interacted with the stakeholders. During their stay in Accra, they met with the Governing Council, the four TTs involved in the self-assessment and several public institutions. Furthermore, a one day workshop was held with MPs, in addition to meetings with representatives of NGOs, trade unions, academia as well as with development partners. Meetings took place across the country, in four regions.³⁷ Besides meetings with state officials, the CRM also held workshops with various civil society stakeholders in order to assess their participation in the process and to get their views on the APRM. At the end of the visit, the APR Team validated the

35 So far all APR countries have had support missions managed by the continental APR structures in advance of the actual national proceedings.

36 For the full list of members and their affiliations cf. Herbert / Gruzd (2008, 175).

37 These regions were Volta, Central, Upper West and Ashanti.

Ghanaian self-assessment in retrospect as technically competent and credible (cf. GC / Stals 2005). Some critics, however, were less positive about the first CRM experience: The visit was criticised by observers as too rushed, with some APR Team members not fully prepared and not familiar with the methodology and modalities. This was expected to have had an influence on the report written by the team, which was reviewed by the Midrand Secretariat before presentation to the full APR Panel (cf. Herbert / Gruzd 2008, 174–177; Gruzd 2006c). According to the critics, the mission

“had not interacted extensively with Ghanaians, particularly in the hinterland. Certain analysts claimed that the country team’s visit was carefully stage-managed by the local secretariat, with little contact beyond the official itinerary. The reason for this may include the lack of preparation time before the team’s arrival, as well as its short visit” (Herbert / Gruzd 2008, 175).

The role of the Ghanaian APR Secretariat in the preparation of the visit was also questioned by a critical voice from academia in Ghana:

“The [Ghanaian APRM] process was open and brought local groups together. Only at the point when foreigners came to control, like the Country Review Team meetings seemed to be arranged and controlled by the secretariat” (interview, 21 Feb. 2007).

In Ghana, the CRM apparently had an influence on the coverage of at least one key topic: the issue of chieftaincy appears to have changed weight also because of the CRM report. An observer at the CRM’s workshop in Kumasi claimed that it had come to a heated verbal exchange between the participating chiefs and other workshop participants.³⁸ Throughout following dissemination exercises of the APRM, traditional rulers were targeted as a specific group of stakeholders, singled out from civil society groups, i. e. workshops were organised separately for these groups. In this case, the APR Team provided for a critical coverage of relevant issues in Ghana’s APRM, even if these issues are sensitive due to national traditions.

38 The discussion, he claimed, had obviously been dominated by the chiefs who claimed their role as leaders of their groups. This negative influence on the open atmosphere had been an *eye-opener* for the CRM, which subsequently put a stronger emphasis on the topic of chieftaincy in their report (interview, 16 March 2007).

3.3.2 The climax of the peer review – The Heads of State Forum

The debate at the APR Forum is meant to crown the entire process of an African peer review.³⁹ The review of the Republic of Ghana took place 22 January 2006 at the 4th summit of the APR Forum in Khartoum. Besides Ghana's resident Kufuor, ten other Heads of State and Government participated in the four hours discussion; another 14 countries were represented at ministerial or ambassadorial level. Members of the APR Panel and representatives of various APR partner institutions also participated (cf. AU / NEPAD 2006). Little is known about deliberations of the APR Forum, as it took place behind closed doors and only issued brief minutes of the meeting. This is understandable in order to enable an open peer discussion, but makes an assessment of the level of discussion difficult. Concerns exist that the lack of transparency in this key stage of the APRM could lead to some sort of horse trading or log-rolling (cf. Déme 2005, 22). One academic interviewee who was present in Khartoum felt that Kufuor took the peer review at the APR Forum quite serious:

“It is embarrassing if others discuss your shortcomings. Before the meeting in Abuja President Kufuor was quite tense. He was really concerned about the report and the reaction of peers” (interview, 28 Feb. 2007).

The minutes note that President Kufuor underscored the high value of the country report and stressed that the government is working on the implementation. In this context, he pointed out to his peers that 19 of the 159 recommendations had already been implemented. He also announced that the Ghanaian GC would be converted into a permanent body. The minutes reported that the subsequent peer discussion covered three aspects: constitutional reform, problems with land tenure and funding for the PoA. Regarding the latter, Ghana's government had estimated the overall costs at 5 billion US\$ -

39 As not all states take part in the APRM, the APR Forum is currently not identical with NEPAD's HSGIC. In general, there are three different African structures in place that involve Heads of State meetings as the highest decision making body: The AU Assembly (52 countries), the HSGIC (20 countries) and the APR Forum (26 countries [cf. LDGL 2007; Ojienda 2005]; 29 countries since 2008). As the MoU of the APRM states that “*all procedures to be adopted under the APRM shall be consistent with the decision and procedures of the AU*” (AU / NEPAD 2003 f., 6), future arrangements or institutional changes should be considered to foster coherence. Already being discussed in this context is the integration of the NEPAD Secretariat into the AU Commission (cf. Cilliers 2003).

an amount that had been at much lower levels before the meeting (cf. Gruzd 2006c).

In the discussion, according to an academic Ghanaian participant (a member of the Ghanaian Governing Council), some Ghanaian best practises have been identified, namely the practise of holding an annually peoples' assembly, a national governance forum as well as a national economic dialogue. Also the existence of public institutions beyond government, namely the NCCE) and CHRAJ had been positively noted (cf. Asante 2006, 67 f.). Other sources, however, express disappointment about the quality of the peer meeting:

“there was little discussion of best practises in Ghana; some heads of state seemed not to grasp the ethos of the peer review, and spent time castigating Ghana for following (and the APR panel for supposedly endorsing) Western-inspired neo-liberal policies. Ghana's report was candid, so there was little for the peers to add. [...] no media conference was arranged for Kufuor” (Herbert / Gruzd 2008, 180).

The minutes of the meeting state that Nigeria's President Obasanjo, as then Chairperson of the APR Forum, defended the role of the APRM as more than window-dressing:

“[The APRM] is not being conducted because African countries expect to receive additional external assistance, but rather because they are ready to comprehensively address and improve all areas of governance. External assistance from development partners would, nevertheless, be useful towards implementing the Programme of Action” (AU / NEPAD 2006).

Criticism of the peer review in general is widespread in literature. First, it is critically noted that only 29 AU countries participate in the APRM; the lack of willingness of African leaders to open being scrutinized is criticised (cf. Mathoho 2003, 7; Arthur / Quartey 2006, 212 f.). This could be seen as an indication for the candidness of the process. However, curiously enough, the list of non-subscribers to the APRM also includes African states that are usually classified as *good performers* like Botswana or Namibia (cf. Gottschalk / Schmidt 2004, 149 f.), allegedly as they do not see the value in such an costly and exhaustive exercise.

Often referred to is the ambivalence of African states on the situation in Zimbabwe is often cited as proof of unwillingness of peer criticism and as an example for the toothlessness of the idea underlying the APRM (cf.

Arthur / Quartey 2006, 214). This is somewhat unfair criticism, as Zimbabwe has not signed up to the APRM and an organisation is thus criticised for the behaviour of a non-member. However, the issue is also symptomatic of a disbelief that the end of African indifference (cf. Grimm / Nawrath 2007) has actually come. Their silence on Zimbabwe casts the shadow of doubts on the seriousness of African statesmen in to address critical situations and led some civil society actors to dismiss the APRM altogether:

“The Peers? They will not criticize each other. Look at [Zimbabwe’s President] Mugabe, everybody knows what is going on, but nobody stops him. When [Ghanaian President] Kufuor was in Great Britain he was asked about the situation, but was too diplomatic” (interview, 20 March 2007).

Third, there are doubts about the membership of countries perceived as *bad performers*. In addition to the fear that this could undermine the reputation of the APRM, the value-added of authoritarian states, like Sudan as an APR participant is questioned. Just by joining the APRM, Heads of States and Government of dubious regimes participate in APR Forum discussions. Mere declaration of participation does not necessarily have to be followed by a peer review in the near future, if governments decide to put the national process on the backburner. The base documents do not permit expelling a country from the process if they have never implemented a review. Legitimacy can thus be bought cheaply, which risks undermining the credibility of the process further (cf. Herbert 2004, 18).

Most Ghanaian interviewees were not expecting much from the peer level. Some CSOs appreciated the new opportunity the APRM is providing for interference between individual African governments (interview, 16 March 2007). Others, however were rather sceptical about the quality of discussion at that stage. Ghanaian civil society actors emphasised that they considered the time not being ripe *“for one king to criticise the other”* (interview, 14 March 2007). Some openly shrugged off the possibility of an open discussion about critical points at all. The potential impact of the APRM on Ghana thus apparently unfolded rather at the national level, i. e. is more vertical than actually at the horizontal peer level, as an interviewee from a Ghanaian NGO bluntly stated:

“The peers come and go! And every country is sovereign. So everybody can do what they want. Yes, peers can blame others, but it will not really

be serious. It is the people, the citizens who should hold the government accountable!” (interview, 1 March 2007).

He was not alone with this view. One representative of a CSO even went as far as to suggest, *“to scrap the word peer out, since it is the civil society organisations who are important players in the APRM”* (interview, 20 March 2007).

The argument in Ghana in favour of the peer level discussion were raised by actors of the APRM. The point towards an additional representative function within the political system casts a doubtful light on the trust in representative democracy in Ghana:

“The APRM is another road. Peoples’ views finally go to the APR Forum. Every half a year, the President has to report to the peers on progress in implementation. The APRM is an alternative road to express things independent of parties. But the APRM is more critical than the parliament, because MPs have to take care whether they do not criticise the government too much because of their future career” (interview, 3 March 2007).

Views on the performance of the peer element expressed by development partners rather emphasised positive aspects; hope in the process appeared to be a driving force for Western partners. Issues mentioned were rejecting Sudan as AU presidency in 2007, which was interpreted as peer pressure beginning to work (interview, 21 Feb. 2007). Another representative found the refusal of Heads of States and Government to discuss the Rwandan country report at the APR Forum as an illustration for unfolding peer pressure and the respect of fundamental guidelines:

“[Rwanda] sent the foreign minister to the summit. But peers rejected to discuss since the minister is not the president and he was not considered a peer. The Rwandans said the APRM is a review about a country, not about the president. This is right, but it is not in line with the idea of the peer level as being defined as Heads of State” (interview, 30 March 2007).

3.3.3 Development partners

The APRM is an African initiative, which is much of its charm. Yet, this African ownership and management does not exclude the development partners from being important stakeholders. After all, NEPAD was established with the aim to create a new partnership between African countries and the international community (cf. Asante 2006, 7). Ghana is one of the *donor*

darlings countries – all medium- to large-size development partners are present. The community of development partners declared much interest in the APRM, its objectives, process and results, and regards it as the heart piece of NEPAD (cf. Council of the European Union 2005, 15). The positive reaction to the APRM among development partners was unanimous.

As development partners in Ghana emphasised, there has been high level political, and intense moral support for implementing the APRM in Ghana from the very start (interview, 26 March 2007), while another highlighted it as a “*process assigned with a lot of hope*” (interview, 21 Feb. 2007). Particularly the participatory aspect of the country self-assessment was appreciated univocally and identified as a very positive aspect for the Ghanaian public. The APRM, it was felt, enhanced ownership of the Ghanaian development process. At the same time, development partners also felt they benefited from the country report as they could use it as a reference document as it was a very good summary of the most relevant issues in Ghana (interview, 21 Feb. 2007):

“It is good to have the APRM as an African initiative to cater for the ownership issue which is difficult in the area of governance. Donors do not want to impose things on recipient countries. [...] it is a [gift] for us, since donors do not need to make their own agenda. It is an internal thing, not a Western one. So we avoid something like ‘Africa vs. the West’. The topics are in line with the donors’ ideas” (interview, 29 March 2007).

However, development partners have been much more reluctant to engage with the process beyond political and moral support (e. g. through technical and financial support). It is admittedly a difficult issue for development partners: Credibility of the APR process among African stakeholders – arguably mostly so among African governments – depends very much on it being an African endeavour with strong African ownership. Crucial for any external engagement was thus not to undermine ownership. Yet, a broad majority of Ghanaian stakeholders interviewed in early 2007 claimed that further external financial support for the APR process was needed. As one civil society stakeholder stated:

“[W]e need external resources and support, but if there are indications that external forces also want to interfere, it is difficult! They can support financially, but it is an African initiative. We set the standards and developed the mechanism. We should use the support to develop structures and

capacity to do it ourselves and to reduce dependency to external support in the long run” (interview, 26 March 2007).

The APRM is obviously an ambitious initiative and thus requires reliable financial and technical means. African countries acceding to the APRM have each granted a minimum of 100,000 US\$ to the continental APR Secretariat to cover general functions. In Ghana, national APR structures soon had to approach development partners for financial support (cf. Apraku 2002). A number of development partners – inter alia, France and the UK – have provided some startup finance to the newly established GC as a political gesture.⁴⁰ Some development partners, amongst which are also German political foundations⁴¹, most prominently the Hanns-Seidel-Foundation, has engaged more substantially by funding dissemination activities. UNDP deployed supportive staff to the secretary.⁴² For further details about the issues of engagement of development partners in the implementation of the APRM cf. Chapter 5.

3.4 Conclusion

The APR process in Ghana has apparently been open to all key stakeholders. Ghana has sensibly interpreted and exceeded the continental guidelines, e. g. by copying the model to staff the APR Panel with eminent persons for its own oversight institution (GC), and by adding expertise and staff to the process (e. g. through the TTs), and thereby adding technical expertise to the assessment. This has improved the efficiency and effectiveness of the national process, without largely impacting on its credibility. The applied methodology was designed to establish a sense of ownership among all stakeholders. The APR institutions have been regarded as non-partisan by a majority of interviewees and their applied methodologies were according to academic standards. Regarding the continental requirements, Ghana did not

40 In some cases, this financial support has been directly ordered and politically backed from their headquarters (interviews, 29 March 2007 and 26 March 2007).

41 For example, the German political foundations Hanns Seidel Stiftung (HSS), Friedrich-Ebert-Stiftung (FES) or Konrad-Adenauer- Stiftung (KAS).

42 This contribution was regarded as a bit of a mixed blessing. UNDP selected staff from UNDP ranks and was consequently highly criticised for not respecting ownership. It would have been more in line with international good practice to fund employments selected by the APR Secretariat.

finish its report within the required time. However, this was understandable as – Ghana was the first country to be reviewed, and the timeline appears to be unrealistically ambitious as already flagged in Chapter 2.

In general, all stakeholders in the process have been very positive about the APRM and recognised the inherent chances and challenges. The institutional setup was a successful innovation: the small and non-representative GC has been respected for its work. Likewise, a majority of the interviewees appreciated the work done by the APR Secretariat. This may be due to the autonomous structures (including some financial autonomy), and the fact that the selection process of GC members was made transparent (even though initially criticized); government wisely refrained from trying to fully control the process. Both, the secretariat, as well as the GC kept the required neutrality during the process. Judging from voices of stakeholders, the procedures for discussion and dissemination have been relatively open; criticism during the process has been taken on board. Yet, it has been difficult for non-organised groups to join the process and also APR institutions face capacity constraints. The technical teams can be regarded as mostly autonomous and independent – this was a key innovation by Ghana for the entire peer review, even if it raised worries by some development partners about the level of dependence on their work (interview, 27 March 2007).

Shortcomings existed in the engagement with special stakeholder groups such as parliament in the initial phase. The key shortcoming, however, was in dissemination, despite serious efforts by APRM actors. Not enough copies were distributed – and it is not clear who received them, as noted by the research team and also by Herbert / Grudz (2008, 180). CSOs are at the core of the country self-assessment – and it must be concluded that despite the overall positive assessment, they did not fully live up to the potential of their role as watchdogs of the APR process. Generally, severe capacity constraints hinder CSOs in their advocacy work. CSOs face difficulties to actually proactively engage. This is largely true even for urban groups that were interviewed for this study in the three cities Accra, Kumasi, and Tamale. Even within these urban areas, regional disparities prevail: already in Kumasi and in even more so in Tamale, the research team found lower levels of involvement than in Accra. One might ask the question of how broad a level of participation is possible with an endeavour like the APRM. Indeed, the APRM in Ghana could be regarded as an elite process – which risks decreasing ownership of civil society (cf. Opoku 2006, 28–29). Systematic engagement with

the media thus became even more important, even though it could only partly solve the problem. The media – anywhere in the world – reports on events, not processes, so achieving systematic coverage of issues is difficult, while key moments or events are covered more easily.

The initial suspicion of the research team was that the continental level involving the Panel and Heads of State Forum was rather weak. The value-added of the APRM was seen in the provision for an opportunity for CSOs to engage and in a general impact at the internal country level. While this emphasis is still mostly on the national process, the study, however, found a stronger role than expected on the international level, particularly of the CRM. Scepticism, however, prevailed on the role of the peer level involving the Heads of State discussions: will they openly criticise each other – or, moreover, discuss national policies in depth? Some anecdotal hints were provided for a cautiously positive assessment, but peer debates happen behind closed doors, so there is still little information.

4 Issues in the Ghanaian report – is the APRM report useful?

The coverage of critical issues is crucial for an honest and useful process. Issues addressed in the APRM reports will need to identify the most significant bottlenecks of reviewed societies if they are to meet the objective of helping on the path or reforms for development. Covering the right issues is also important with regard to broad ownership. Only those civil society actors will develop an ownership for the APRM that regard its issues as appropriately covered.⁴³ To assess whether the “*right*” issues were covered, this study drew on evidence of data and international publications about Ghana. Furthermore – as much depends on perceptions of stakeholders, too – it considered interview statements by stakeholders in the Ghanaian APRM.

As stated above, the APRM process is internationally recognised as very ambitious if not overambitious, concerning both the process and the addressed range of issues (cf. Ziemen 2006; Herbert / Gruzd 2008). It might have been ambitious enough to start with single sectors of society as one interviewee involved in the process stated: “*A problem with the APRM is that*

43 Ownership is also crucial for future participation and eventual implementation, as it will be discussed in Chapter 5.

it is too broad! Dealing with all those areas is too difficult.” (interview, 29 March 2007) Others argue that society has to be seen as one leading to the conclusion that it makes only sense to approach sectors with a view to their interdependence and as a part of the whole. This section gives a more impressionistic overview about the range of topics and takes a closer look at the issues and how detailed they have been examined. Some important issues in the area of governance, this study argues, have not been given enough attention or they were not mentioned at all.

4.1 The range of issues – according to the adapted Ghanaian questionnaire

Given the high ambition of the APRM, it seems that most issues are discussed. This leads Ghanaian actors in the APRM to observe that *“the PoA was nothing new. The same shortcomings were already identified in [GPRS] plans of 1995 or 2003.”* (interview, 21 Feb. 2007). In some areas, however, the country report came up with very critical and far-reaching political recommendations. For instance, the report stated that there was a tendency of the executive to monopolise power. A *“fusion of the executive and legislature”* (APR Secretariat 2005a, 30) was cited as a problem. The report saw problems in upholding the separation of powers if a majority of Ministers of State had to be sitting Members of Parliament (MPs). This point touches on constitutional demands and thus aims at the core document for the political order of Ghana.

Criticism thus is bold and highly political at times, and recommendations are detailed, as in the case of parliament’s role.⁴⁴ Nevertheless, a closer look is needed to grasp whether the issues have been addressed adequately.

The issues addressed in the APRM report are organised in four thematic areas, following the structure of the NEPAD principles (AU / NEPAD 2003b, 4, cf. Chapter 2) (see Box 6). This was used as a scheme for the organisation of the standard questionnaire and, subsequently, the Ghanaian adapted

44 First, to give parliament the right to revise the law allowing the president to establish ministries. Second, to foster capacity building regarding the committees aiming at strengthening their oversight function. Third, to review the desirability of the Ministry of Parliamentary Affairs. Fourth, concerning the general structure of parliament, to stipulate action concerning regional and women’s representation. Sixth, to review the remuneration system and to improve services to MPs (cf. APR Secretariat 2005a, 32).

version of the questionnaire. To provide a feeling of issues covered the following box covers some key critical findings for each of the four areas:

Box 6: Overview of issues	
1	Democracy and political governance
-	Concerns exist about the inadequacy of resources, notably the human, financial and logistic capacity of the Electoral Commission;
-	The sustainability of the Electoral Commission's budget is questionable, as it is donor dependent;
-	Parties lack of internal democracy which might have a potential long-term effect in weakening democracy in the country;
-	Representation of women in politics is low.
2	Economic governance and management
-	Performance of the economy is weak and goes in hand with a high vulnerability towards external shocks in world economy and sub-regional political instability;
-	Internal capacity in economic and fiscal management is low;
-	Ghana is highly indebted and depends on external resources for financing government development expenditure; and the level of export diversification is low.
3	Corporate governance
-	Awareness of corporate governance in general is low and of corporate social responsibility in particular;
-	Corporate governance institutions in finance, human and institutional terms are underdeveloped;
-	The respective roles of the public and private sector are unclear; and
-	Difficulties remain for small and medium enterprises in accessing finances, domestic resource mobilisation and support that is offered.
4	Socio-economic development
-	The level of decentralisation and governance capacity is still low;
-	The ability of parliament to perform its representative, legislative and oversight functions is limited;
-	Progress in the structural transformation of the economy to foster growth and stability is slow;
-	Cumbersome government requirements are serious obstacles to business development;
-	Quality and availability of health services is unsatisfying;

- School enrolment and retention is low, especially in the Northern regions of Ghana; and
- Corruption in the public sphere, at both the national and regional levels remain a major governance problem in Ghana.

Source: Cf. APR Secretariat (2005a)

The identification of these findings by the APRM was the result of a methodological mix consistent of a) the country self-assessment, b) its validation by the CRM and c) the recommendations of the Panel of eminent persons (cf. Chapter 3). The subsequent programme of action was predominately a governmental reaction to the findings.⁴⁵

Ghana's questionnaire was – according to the continental standards (cf. Chapter 2) – adapted to country specific conditions. Thus, some issues were taken out of the questionnaire and others highlighted. The questions concerning intra- and inter-country conflicts in the thematic area *democracy and political governance* were modified and directed towards chieftaincy and land tenure issues. It must be mentioned critically that the questionnaire needs to provide a certain pre-selection of issues. This subsequently has an impact on the identification of issues in the Ghanaian APRM report as one interviewee stated:

“First the standard questionnaire is very general in nature. So some topics will be missed. And it was a fresh thing! Also some topics were forgotten when we adapted the questionnaire since some topics were not so prominent this time. But these topics will be in a second report when we have the next review in some years. For example environment, energy, of course, [and] also agriculture and the informal sector!” (interview, 29 March 2007)

This has to be taken into account when it analysing shortcomings of the report below.

45 Concerning the number of objectives and issues within the four thematic areas, the areas were addressed in the report and the subsequent programme of action with equal weight. However, the costing for area three and four claims more than 90 percent of the overall costing of five billion US\$. This can be partly justified by the nature of the four different areas. While most of the objectives in areas one and two concern policy measures, areas three and four comprise high cost measures concerning physical infrastructure.

4.2 Details on ‘democracy and political governance’ as an example

In order to explore the issue in more depth, the following focuses on one of the APRM’s thematic areas as an example: *democracy and political governance*. The coverage of issues varies between the country self-assessment, the recommendations by the APR panel and the programme of action, which should thus be looked at separately. All issues are structured according to the objectives of the APRM, i. e. a normative direction of the review is provided for.

Issues covered by the APRM – concise recommendations at times

The objectives and the critical issues mentioned in the APRM report in the area of *democracy and political governance* look into a large variety of aspects. The spectrum covers both constitutional provisions and practice of democracy, and ranges from institutional capacity, over the delivery of public services, and the electoral process, to the performance of governance institutions at the various levels of the governance system. The main issues dealt with under these headings are chieftaincy, land tenure, political competition, efficiency and effectiveness of the public sector, corruption and women and children rights. The following box provides more details on two objectives of the APRM report, namely to prevent and reduce intra- and inter-country conflicts and to fight corruption in the public sphere. As seen in these two example areas, issues of the self-assessment are not always followed by panel recommendations. The recommendations made by the panel, however, are very specific at time and might target specific legal acts (see Box 7).

Box 7: Range of critical issues in the area of <i>democracy and political governance</i>		
Objective APRM report	Self-assessment / country review mission (CRM)	Recommendation of the Panel
1. Preventing and reducing intra-country conflicts	<p>Chieftaincy disputes resulting of inheritance and succession issues;</p> <p>weak performance of chieftaincy as dispute resolution institutions;</p> <p>continuously powerful cultural, legal, political and socio-economic roles of chieftaincy institutions in state and society; issue of codification of customary law and rules of chieftaincy</p>	<p>Make chieftaincy institutions more responsive to the rapidly changing Ghanaian society and to the aspirations of people across the gender divide;</p> <p>Enhance capacities of the national, regional and traditional Houses of Chiefs</p>
	<p>Institutional incongruence concerning land tenure and ownership</p>	<p>Introduce a comprehensive land law providing easy and secure access to land in both systems of tenure especially for individual users in customary land tenure systems</p>
	<p>Political disputes in relation to elections</p>	<p>Ratify of outstanding international protocols, particularly those related to human rights</p>

<i>(continued)</i> Box 7: Range of critical issues in the area of <i>democracy and political governance</i>		
2. Fighting corruption in the public sphere	Major problem in private and public sector on the national and regional level; Causes: low salaries and bad internal management practices; Capacity constraints in human and material resources, organisation, logistics and infrastructure	Information and education campaign for the public on the evils of corruption
	Concerns about SFO's inquisition like power	
	Absence of comprehensive legislation on corruption	Enact a comprehensive legislation against corruption
	Absence of a board and a chief executive in SFO	Re-establish SFO authority by appointing a board and executive director
	Institutional dualism or gap concerning the anti corruption organisations has to be addressed	Establish an organ conferred with exclusive jurisdiction
		Enact the Whistle-Blowers' Bill

Coverage of “right” issues – right to whom?

Beyond the breadth of coverage and the level of details in recommendations, a critical question is whether key issues were covered in the first place. Are these topics the relevant ones and are they addressed adequately? To assess this question (at least in one or two areas), it is necessary to compare statements by Ghanaian stakeholders concerning specific issues to the findings of the APRM report. Furthermore, it will be investigated whether evidence supports the selection of these issues.

Indeed, as interviews with stakeholders have shown, issues in the APRM report reflect the interviewees’ perceptions about relevant issues and development gaps. Besides over-arching issues, which are discussed below, interviewees – not surprisingly – addressed their respective work area in more detail, but also included more general points. Good governance in general was mentioned in half of the interviews as a relevant issue. All of the interviewees said that aspects of good governance are covered in the APRM. Many mentioned the weak role of parliament, the low level of education, deficiencies in the organisation of CHRAJ and SFO, (a lack of) accountability between the state and society, violation of human rights and also low salaries. According to the interviewees most of these issues are covered by the APRM, the perception about the coverage and its relevance is heterogeneous. Accordingly, the analysis of the interviews alone did not provide a clear picture about missing issues, even though a few stakeholders that were interviewed mentioned agriculture, the informal sector, environment and electricity and water supply were not adequately covered by the APRM.

It appears that the APRM report reflects most of Ghana’s internationally discussed development issues. The most significant governance gaps frequently mentioned in expert studies or academia are issues organised around electoral and political processes, corporate governance, division of powers and the role of state institutions, administration and the civil service and anti-corruption mechanisms and rule of law (cf. The Centre for Public Integrity 2006; SAIIA 2005).

Concerning electoral and political processes, one of the most urgent issues discussed in academic publications was the unregulated political party financing. The Political Parties Act, (2000, Act 574) did neither secure state funding for political parties nor did it limit donations to political parties or their campaign spending. The contested political independence of and capacity

constraints within the electoral commission were regarded as further bottlenecks (Public Integrity 2006, 3). This point is vaguely mentioned in the APRM report, stating *“that requirements for the disclosure of related party transactions are adequate, enforcement and oversight capacities for implementation of the same are weak”* (APR Secretariat 2005a, 111). The APRM Programme of Action refers to the issue *“Lack of adequate resources for governance institutions”* with a *“System of funding for non-executive governance”* as expected output in objective four of *democracy and political governance*.

In the political realm (or rather: in Ghana’s practice of its constitution), the presidency has overwhelming and largely unchecked powers. The dominant power of the executive branch goes together with the weak role of parliament. It was criticised that the majority of the members of parliament is part of the executive branch at the same time. Additionally, the parliament possessed insufficient budgetary control. The judiciary suffers from financial dependence on the government and from a lack of resources (The Centre for Public Integrity 2004, 3). The role of parliament is excessively discussed in different parts of the APRM report. Area two concentrates on the *“separation of powers, including the protection of [...] an effective Parliament”* (APR Secretariat 2005a, 29 ff.). *Among other points it recommends to “provide appropriate capacity to Parliament Committees enabling them to perform their functions efficiently in overseeing and providing effective checks and balances against the Executive”* (APR Secretariat 2005a, 32). Concerning the financial oversight role of parliament, the APR Panel recommended to *“put in place institutional and organisational changes to facilitate an enhanced oversight role for Parliament in the public finance arena”* (APR Secretariat 2005a, 76) in area three.

Human rights watchdog organisations in Ghana such as CHRAJ were regarded as under-funded. The effectiveness of CHRAJ additionally suffered from the lack of power to prosecute. Capital punishment in Ghana, observers denounced, was still existent. Women in Ghana – in all measurable areas – were living a harder life than men.⁴⁶ Child labour was widely spread all over Ghana (SAIIA 2005, 31 ff.). The precarious situation of the two mentioned institutions was referred to in the context of the fight against corruption.

46 One of the most striking examples is the treatment of so-called witches. Women who are accused of witchcraft have to fear being murdered; lynching of alleged witches occurs.

Gender and human rights issues were discussed in objective eight, nine and ten of the thematic area *democracy an political governance* and reflected in the PoA (cf. APR Secretariat 2005a, 38 ff.).

Democracy and political governance issues might have been assessed with differences in emphasis among the APRM report, interviewed stakeholders and academic (external) publications. Nevertheless, most of the issues mentioned in interviews and in publications were covered by the APRM. Potentially missing or not adequately addressed issues are explored further below.

Comparing self-assessment, recommendations and the PoA – a tricky task

Findings of the self assessment and the CRM, the recommendations of the APRM Secretariat and the planned activities of the PoA did not match in all cases, nor were they always coherent. Unfortunately, the PoA changed the numeration of the objectives, thereby making a tracking of related issues more difficult. In some cases, issues appeared in the PoA that were discussed in the main body of the report, e. g. in the case of the objective concerning the prevention and reduction of intra- and inter-state conflicts. The PoA addressed the issues of an early warning system and sub-regional security, which were neither subject to the self-assessment nor to the recommendations of the APRM Secretariat. And it was not clear whether this was due exclusively to editorial changes to the text (which had to be condensed significantly). The contrary was also true: some issues mentioned by the self-assessment or by the recommendations of the APRM Secretariat were *not* picked up by the PoA. One example is the ratification and adoption of several UN protocols and conventions to promote and protect the rights of children.⁴⁷ Regarding children's rights, the PoA brought up other important issues such as the elaboration and implementation of a "*policy on child prostitution and pornography*" (APR Secretariat 2005a, 186), but they did not respond to the point made in the self-assessment and the recommendations. Another case of varying order in topics can be observed within the objectives to (a) *promote constitutional democracy, political competition and the rule of law* and (b)

47 As the Country Review Mission criticises that Ghana had not ratified the two UN protocols on sexual exploitation of children and on child involvement in armed forces, nor the Convention on Human Trafficking, the panel consequently recommended to adopt the UN Protocol against Human Trafficking in Women and Children and to adopt a binding time-frame to accede or ratify to UN instruments on the rights of the child. The PoA does not mention this issue.

ensure accountable, efficient and effective public office holders and civil servants of the thematic area *democracy and political governance* in the PoA. While the findings of the self assessment and the recommendations of the APRM Panel address the *Situation of women* (see objective two) and *Sexual harassment/ Gender mainstreaming and equality* (see objective five), the PoA did not pick up on these issues within the mentioned objectives. Imaginable would have been the elaboration of administrative guidelines or an action plan or specific measures by the respective ministry.

4.3 Over-arching issues: Identification and mainstreaming

Besides the four broad thematic areas named above, the report also indicated eight over-arching issues. These were: capacity constraints, gender equity, corruption, decentralisation, land issues, chieftaincy, unemployment and external dependency. The PoA was structured accordingly. Questions around the overarching issues were: (i) How were they identified? And (ii) how were they mainstreamed in the programme of action?

Identifying over-arching issues

Concerning the identification and selection of over-arching issues, the report stated:

“Without being selective or attempting to define priorities, there are a few areas of deficiency in the Ghanaian system that are of a recurring or crosscutting nature and have been identified in more than one thematic area. These more general problems may require a holistic, immediate and critical approach because of the wider impact they have on the quality of governance in all areas of activity” (APR Secretariat 2005a, 139).

While such an approach is favourable, the selection of the eight over-arching issues in the APRM can be questioned: were they relevant enough to the Ghanaian situation to address them as over-arching? Each of the topics (re)appeared throughout the report; yet, they were covered differently.

Capacity constraints as well as *decentralisation* were addressed in all four areas of the report as well as in the PoA. Both were mentioned as problematic by many interviewees. In this context, the generally unsatisfying performance of the public sector appeared to be a big concern, going hand in hand with complaints about a high level of corruption. International publications (cf. SAIIA 2005, The Centre for Public Integrity 2006) did not focus on these issues as bottlenecks in themselves but concentrated on institutions such as

the parliament or the judiciary and examined their capacities. *Capacity constraints* thus indeed became some sort of a red threat and was one of the most mentioned issues.

Chieftaincy as a source of conflict played an important role in the perception of interviewed stakeholders.

“*The chiefs are the local rulers. Without them, you cannot do anything. You even cannot visit a village as a foreigner without paying a visit to the chief. [...] there are serious problems within the system of chieftaincy.*”
(interview, 27 March 2007)

Nevertheless, the issue of chieftaincy was addressed only punctually in area two (*democracy and political governance*) of the Ghanaian APRM report. It became part of the objective *Inter- and intra-national conflicts*⁴⁸ and was also mentioned under the objective *Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective Parliament* (APR Secretariat 2005a, 18–30). In the PoA it only appeared as one issue, namely: *Responsiveness of Chieftaincy to the rapidly changing social needs*. In the other three areas of the report – economic governance, corporate governance and socio-economic development – chieftaincy was not picked up again. Consequently, one must say that *chieftaincy* was not really treated as an over-arching issue.

The cross-cutting issues of *Unemployment* and *external dependency* were hardly mentioned explicitly in the PoA and no national economic measures were included to reduce specifically unemployment and external dependency. Even if positive effects on these areas had been regarded as the overall positive outcome of the PoA, this rationale was not made explicit. The analysis of the interviews reflected this under representation. Interviewees did not mention these issues as a bottleneck. *Unemployment and external dependency* of Ghana did not feature as big issues in publications such as SAIIA (2005) and The Centre for Public Integrity (2006). Even though *unemployment* and *external dependency* were important topics in the case of Ghana, the APRM report does not manage to actually attribute over-arching importance to both issues that are admittedly difficult to give specific recommendations on without ideological influence.

48 Evidence points to chieftaincy being a source of conflict rather than always being an option for solutions. Serious succession problems undermine stability, especially in Northern Ghana (Kirby 2003).

Land tenure is crucial for both the livelihood of the majority of the Ghanaian population and for long-term investments. In literature it was also widely acknowledged as a crucial issue. (The Centre for Public Integrity 2006, 39). Institutional incongruence concerning land tenure systems and land ownership led to insecurity of tenure (and thereby created disincentives for investments and difficulties in credit access) especially for individual users in customary land tenure and to conflicts. Land tenure seems to be a well identified over-arching issue.

Stakeholders did not flag the importance of land issues in the interviews prominently. The reason might have been the selected urban areas for our interviews. When the topic came up, however, it often was associated with *chieftaincy* issues, raising questions of delineation of issues and repetitiveness of the report. According to the interviewees, there was a strong link between these two issues as chiefs administered most of the land.

“Due to the constitution, chiefs own the land, the government owns minerals and water bodies. But the government gives concessions without asking the chiefs. This is unlawfully” (interview, 27 March 2007).

The issue of land tenure was well represented in the PoA, however, even though it was not mentioned in the area of *Economic governance and management*. In the area of *democracy and political governance*, it was addressed under the objective *Prevent and reduce intra- and inter-state conflicts* together with chieftaincy.

Gender equality is a classical over-arching issue. The APRM report addressed gender issues in the objectives of the area of *democracy and political governance* and under *Socio-economic development*. Especially in the latter, gender issues seemed not to be an endogenous and well-linked part; it appeared somewhat loosely attached to fulfil the mainstreaming task. A number of interviewees saw gender equality as one of the most important issues in the APRM report and the PoA. Women and children rights were not only mentioned by specific stakeholders with self-interest in the issue such as women and youth organisations. According to international publications, gender issues remain a pressing issue in Ghana and are indeed linked to human rights violations in a number of cases.

Both the analysis of interview data and evidence underline the enormous scale of *corruption* in Ghana. The issue was well covered in the country report and the PoA, even if it was not mentioned in the area *Socio-economic*

development. The issue will be taken as an example for the coverage of one specific cross-cutting issue in the next sub-section of this study.

Examples of mainstreaming issues

To give an impression on how the APRM report and the PoA tackled certain over-arching issues in detail, the following focuses on *capacity constraints* and *gender equality* as examples for different approaches to address over-arching issues.

The over-arching issue of lacking capacities and its impact on efficiency was concerned particularly with human resource development and good governance within the public sector. It span over the whole range of thematic APRM areas. In the area of *democracy and political governance*, it featured under almost all objectives. It was well represented from objective one through to objective five (cf. Box 6). Under these objectives, capacity constraints were regarded as an issue of responsiveness to chieftaincy issues, voter education, decentralisation of MDAs, access to justice, the media, service delivery in the public sector, governance institutions and the capacity of CHRAJ. Capacity constraints of the public sector were presented as some of the most pressing constraints which were addressed by the government in a more or less successful way:

“The public sector underlies an ongoing Public Sector Reform, but two major constraints slow down the process: inefficiency and bureaucracy. [for instance] For getting a passport, you did have to bribe your way. Now, with the Public sector reform, there is progress due to computerisation. Certain things begin to work” (interview, 21 Feb. 2007)

Capacity constraints were not the subject of the three last objectives (*fighting corruption in the public sphere, promotion and protection of the rights of women and of children and young persons*) of this area.

One striking gap, however, was that capacity constraints in civil society were not specifically mentioned in the APRM. The report states that the presence of CSOs in rural areas was limited (APR Secretariat 2005a, 35), but it did not address the issue systematically. The PoA did not refer to civil society organisations in this context, even if this constraint played a crucial role also for the APRM process as an interviewee of the APRM institutions states:

“The chances of the APRM are causing big challenges. For instance it is a chance to involve the Civil Society into the process of policy making, but since CSOs do not have enough capacities, there is also a big challenge to make them stronger by capacity building. A major problem in this context is the dependency of the CSOs on the donor community.” (interview, 20 Feb. 2007)

Despite the constitutional norm of equality of gender, women are heavily underrepresented in all areas of public life in Ghana. Additionally, violence against women and cultural resentments against the education of women was prevailing, as the APRM report stated (APR Secretariat 2005a, 38 ff.). Interviewees mentioned that women played an important role not only as backbone of society but also for development. A strong need to better integrate women into all spheres of society was expressed. As a religious leader stated: *“One pressing issue is the equality of men and women. The dominance of men is too strong”* (interview, 18 March 2007). This widely shared opinion shows the importance of the issues and gives additional reason to address it prominently.

Observations expressed by interviewees might lead to the impression that over-arching issues have fallen short within the specific objectives. One interviewee from civil society stated that in general, gender was a over-arching issue and the different areas were mainstreamed, but *“women’s questions did not stand on their own”*. The interviewee added: *“mainstreaming makes lose fine details”* (interview, 21 July 2007). If not specified in the various sections, the over-arching approach in the APRM report risked to gloss over the importance of gender issues rather than actually highlighting them. In this regard, the APRM faced the same problems as many donor agencies do when they attempt to mainstream policies in their cooperation.

4.4 Corruption as a key ‘over-arching issue’ – dealt with adequately?

To further concentrate on one of the named over-arching issues, the following examines corruption in a detailed way.

Corruption as an issue in the APRM

The problem of corruption in all its facets ranked quite prominently in the APRM report and the PoA and consequently was one of eight *“salient over-*

arching issues” (APR Secretariat 2005a, 139a). The report highlighted a number of deficiencies in the Ghanaian system as the issue of corruption was covered in three of the four thematic areas. Corruption in the country report was mainly dealt with under the objective seven (*Fight corruption in the public sphere*) in the area of *democracy and political governance* and under objective four (*combat corruption in public administration and money laundering*) in the area of *Economic governance and management*. In line with the general focus of this study on *democracy and political governance*, corruption-related issues in the other areas (e. g. business supply-side or money laundering) were not looked at in detail, but reference is made whenever relevant.

Corruption is seen as a major governance problem and was perceived by Ghanaians as prevailing at the national and regional level. For these high levels of perception, the country self-assessment under the APRM referred to a survey by the Ghanaian think tank CDD, which showed that 75 % of the households in the survey agreed to the statement that corruption was a national problem, above all, in the public sector. Causes named in the survey were low wages and bad internal management practises (cf. APR Secretariat 2005a, 36).⁴⁹ The country report furthermore stated causes such as non-transparent administrative procedures, weak codes of conduct, a gift-giving culture, nepotism, patronage and lack of public perception of corruption as a criminal act. (cf. APR Secretariat 2005a, 77). Three main shortcomings in the fight against corruption were identified, based on which subsequent recommendations are given.

First, the absence of a comprehensive legal framework was cited; the matter of corruption was addressed in many different statutes. Ghana has both signed the UN convention against corruption as well as the AU convention on preventing and combating corruption, but still has not ratified and incorporated them into domestic law. The APR Panel therefore recommended to accept a binding time-frame concerning the outstanding ratifications and the enactment of the pending Whistleblowers Act, as well as a Freedom of Information Bill. Demand for the latter ranks very high on civil society’s agenda, as the APRM’s country review mission revealed (cf. APR Secretariat 2005a, 16 f., 37 f. and 79).

49 The survey referred to is CDD (2000).

Second, of the three integrity institutions, namely the Accountability Office within the presidency (established in 2003), the SFO and the CHRAJ, the latter two (established according to the new constitution in 1993) faced capacity problems regarding human and material resources, logistics and infrastructure. The absence of a board as well as an executive director within the SFO, the institution in charge of more serious offences, was identified as a major deficiency.⁵⁰ The SFO is linked with “*serious capacity constraints and an inability to prosecute officials directly*” (cf. APR Secretariat 2005a, 79).

Third, the institutional dualism of CHRAJ and SFO, both mandated with fighting corruption, was explicitly criticised and the APR Panel recommended the establishment of a “*central organ within the government [...] conferred with exclusive jurisdiction to fight corruption*” (APR Secretariat 2005a, 37). Another recommendation given was to increase public spending on awareness raising and educational programmes concerning corruption. The panel especially expressed concern about the high level of perceived corruption in the judiciary and the problems to produce evidence within its system. Therefore, it recommended “*investigating the basis of the perception and the gravity of the difficulties, using independent bodies if necessary*” (APR Secretariat 2005a, 79). The work of the Ghana Anti-Corruption Coalition (GACC), which consists of CSOs and governmental agencies, was cited as important in the country self-assessment, e. g. as its plan to combat corruption has been included into the GPRS. In conclusion, the recent efforts of the government to fight corruption were honoured in the country report, but regarded as not sufficiently successful, which resulted in a call for a more intensive campaign (cf. APR Secretariat 2005a, 141).

The PoA caught up with the issue of corruption in various measures, e. g. by pointing out the importance of a comprehensive anti-corruption legislation as central, by aiming at a law on asset declaration and by applying public procurement procedures (cf. APR Secretariat 2005a, 182 ff.). In its answer to the country report and PoA, the government did not agree to the statement that “*serious concerns have been raised [...] about the inquisition-like power of the SFO to buy incriminating evidence to use against them*”. It sharply retorted that

50 The board has subsequently been established; yet, its overall use for the institution was challenged in interviews. Permanent directors, to the contrary, had not been appointed until the time of research in Ghana (April 2007).

“the Government is rather taken aback at the language and import of the statement in respect of such an important anticorruption agency. Secondly, nowhere in the Ghana Country Self-Assessment Report was such a statement made or even suggested. Thirdly, the Country Report did not provide any evidence in support of the statement” (APR Secretariat 2005a, 149 f.).

At the APR Forum on 22 January 2006 in Khartoum (stage four of the APR), President Kufuor stressed that government established a ministry of public sector reform with the mandate to enhance service delivery, fight corruption and look into wage structures, which were cited as causes of corruption.

The evidence for the problem of corruption in Ghana

According to Transparency International (TI) and its Corruption Perception Index (CPI), Ghana ranked 70th on a list of 163 countries in 2006.⁵¹ It showed a relatively high level of corruption: Ghana ranked among countries like China, India, Mexico or Brazil. Qualitatively, major problems or underlying causes of corrupt acts in Ghana were identified (SAIIA 2005, 25 ff.) as: (i) there was no central anti-corruption strategy; (ii) tax and customs agencies as well as auditor-general did not report to parliament; (iii) money laundering was still legal; (iv) poor government procurement practises prevailed; (v) there was a prevalence of corruption in the police; (vi) a prevalence of nepotism; and (vii) no protection for so-called ‘whistleblowers’.

The Ghana Integrity Initiative (GII, the Ghanaian chapter of Transparency International) reported that 92.5 % of the respondents agreed with the statement that Ghana is perceived as a corrupt country, 55 % agreed that corruption is prevalent in the country. Furthermore, nine out of ten respondents considered corruption a serious problem. In sum, this illustrates a perception of high prevalence of corruption. A high level of tolerance was revealed as

“most of the respondents interviewed said they looked on unconcerned when witnessing acts of bribery and corruption. [...] Moreover, when reports are made to the Police and offenders are sometimes arrested, they (the offenders) still get off and nothing comes out of the investigations. For most people, therefore, reporting corruption is an exercise in futility” (GII 2005b, 12).

51 Ghana’s CPI score was 3.3; with the value of zero representing highly corrupt and ten representing highly clean (free from corruption).

As most corrupt institutions, Ghanaians perceived the police service (76.8 %), the Ministry of Education (31.5 %) and customs (31.1 %) followed by the judicial and civil service (16.4 % each). Households suggested in fighting against corruption included ideas on living wages, strengthening laws and penalties, public education, poverty reduction and creating youth employment. The GII further demanded codes of conduct for civil servants, granting more power of prosecution to the SFO and CHRAJ, civic education and the enactment of a whistleblowers as well as a freedom of information bill (cf. GII 2005b). Regarding accountability bodies in charge of fighting corruption, the US State Department's Human Rights Report 2005 and the Centre for Public Integrity agreed to the view that the CHRAJ worked inefficiently due to short funding and lack of prosecutorial rights:

“Although CHRAJ can access asset declarations in its investigations, it is not given the power to prosecute in cases of corruption. In cases of administrative injustice, yes - it can initiate prosecution proceedings. But in the case of corruption, CHRAJ must turn to the attorney general, a member of the president's cabinet, to prosecute” (Saffu 2004, 4).

They furthermore flagged problems in the police force as well as judiciary. The latter was accused of

“accounts of extortion; misuse of remand, bail, and contempt of court charges for extortion; and acceptance of gifts or money in exchange for expedited or postponed cases, or for losing records” (US Department of State 2006).

Similarly, the expert panel behind UNECA's governance profile of Ghana named the judiciary as the most corrupt branch compared to the executive or parliament in 2004. In addition, public bureaucracy and especially the tax collecting system were cited as very prone to corruption. The Internal Revenue Service (IRS) and customs were named as worst offenders (cf. UNECA 2004b, 10 and 14 ff.).

Did APRM findings match the evidence?

This study checked stakeholders perceptions concerning the coverage of corruption issues that found their way into the APR documents and the resulting impact on policy in its interview phase. Openly asking *“What do you think are the most important topics in the country report/PoA?”* the most frequent answer was, indeed, *“corruption”*.

The analysis of interviews did not give an unanimous opinion on the question whether the APRM influenced the public discussion about corruption in Ghana., even though it pointed to some positive aspects of the peer review report:

“The APRM unfolds the issue. Even before the APRM facts had been published like TI, but government said it was a perception, after the APRM it is there yes, the process would have taken longer, before the APRM, CDD writes a report, now people listen.” (interview, 21 Feb. 2007)

Yet, the key issues – including such pertinent details as permanent heads of SFO and CHRAJ – were listed in the report. An important issue mentioned in the interviews, confirming points made by the APRM report, was the non-permanent status of the head of CHRAJ and SFO which weakens the position and power of the executive directors of these institutions. A permanent head would be much less prone to political pressure resulting from his or her investigative activities. The permanence of the director’s position could enhance the personal independence of the position, as it comes along with particular benefits and guarantees under labour legislation. Interviewees furthermore highlighted capacity problems of CHRAJ and SFO. Capacity constraints in this context were also part of the APRM report. The panel had an important influence on the section on corruption and e. g. included a recommendation of asset declaration by office holders.

4.5 Shortcomings

As mentioned above, there were several issues which do not appear in the APRM report or which are not covered to an extent that they would merit according to academic evidence and with regard to their importance to the Ghanaian populace. Yet coverage of other issues lack certain aspects.

Generally, shortcomings occur due to the broad-based or specifically socially touchy nature of certain issues, making it difficult to organise pressure groups around them and thereby put them on the agenda. In the APRM, we find three different types of issues not or not sufficiently mentioned:

- social taboos or issues of stigmatised groups which could not be voiced and addressed in public by these minority groups themselves,
- interests of heterogeneous groups; groups of interested were too broad to gear up for action; here, collective action is the problem and

- future challenges which were abstract and of low contemporary relevance, but will most likely impact on future generations.

As elaborated above, the standard questionnaire and subsequently the Ghanaian questionnaire had an impact on the selection of issues. Yet, some issues with shortcomings fall within the work area of advocacy institutions like CHRAJ, women groups etc., which are mandated to bring them into discussion. Additionally, the Country Review Mission and the Panel of Eminent Persons also had the mandate to bring issues on the agenda during the process or to attribute them more attention and possibly different weight. Still, some social or cultural taboos that impact on the practice of human rights for some minority groups, such as gays' and lesbians' rights, are not touched upon at all, as SAIIA (2005) rightly criticises.

4.5.1 Quality of coverage of topics

To the credit of the Ghanaian APRM, some touchy issues were mentioned, albeit only in passing. Allegations of witchcraft could serve as one example for culturally or socially sensible aspects, touched upon but arguably not sufficiently covered. Debates of these issues with many Ghanaians more often than not would lead to disagreement of the cultural context and supposedly "*Western*" values (for the equally sensitive issue of chieftaincy, see box 8). However, they impact on human rights of particular groups.

Human rights issues were addressed in the APRM report in different aspects and areas. It related to the objectives *Promote and protect the rights of women*, *Promote and protect the rights of children* and *Promote and protect the rights of vulnerable groups*. Furthermore, it arguably also was part of objective three: *Promotion and Protection of civil, political, economic, social and cultural rights* in the thematic area *democracy and political governance*. The report addressed the access of women and children to justice, cultural practices harmful to women, child trafficking and child labour, the underrepresentation of women in public life, violation of the rights of the disabled, the legislation to protect women's rights, the ratification of the protocol to the African Charter on Human and People's Rights on the rights of women, capacity and resource constraints of gender advocacy and women's rights groups, child prostitution and pornography, compulsory basic education, protection of the rights of domestic workers and the autonomy of the Ghana

Box 8: The sensitive topic of chieftaincy in the APRM

Chieftaincy plays an important role in Ghana and consequently featured prominently in collected evidence, including interviews of the authors with a variety of stakeholders. One of the potential shortcoming of the APRM report concerning chieftaincy was highlighted above: its unsatisfying mainstreaming in the report. Additionally, aspects of the institution of chieftaincy in governance of the Ghanaian society could be further developed.

The coverage of chieftaincy issues in the Ghanaian APRM focussed on the conflict prevention role of chiefs, while acknowledging at the same time that it can be a source of conflict and thus differed from the understanding of conflict in reports of other APRM countries:

“The critical role of traditional chieftaincy institutions in conflict prevention, management and resolution is well established and acknowledged in Ghana. For various reasons, however, the chieftaincy institutions have been weak in the actual performance of these functions. A poignant example is the ongoing feud over the succession dispute arising from the death of the traditional ruler, Ya-Na Abdulai Andani II” (APR Secretariat 2005a, 19)

Although the most critical aspect of occurring chieftaincy issues was mentioned, it did arguably not go deep in analysis and stayed vague. The cause for the sudden death of the Ya-Na remained contested and was subject of political unrest in the North. According to independent non-Ghanaian observers, political interests were involved in the occurring conflicts in Northern Ghana. At least, severe government failure occurred. During the three-day battle the then-interior minister announced on national and international radio that the region was calm.

“Despite the presence of a police station within 300 meters and a military camp within 500 meters of the palace where the An Na and 30 others were beheaded and dismembered, the police and military did not intervene to stop the atrocities” (Fayemi et al. 2003, 16).

The installation of a curfew and a government commission of inquiry did not clarify the circumstances.⁵² The case of Yendi is not the only one. *“Rivalry among successors has led to hundreds of victims”* (Kröger / Meyer 2003, 180). The succession problem in Wa and in Tamale also led to serious tensions, still noticeable during visits to this regions in early 2007.

52 Cf. www.ghanaweb.com (accessed 21 May 2001).

Yet, little precise recommendations on how to tackle the difficult issue of chieftaincy were made, other than the call for a modernisation of the institution. As the issue is a politically contagious issue in Ghana, no quick answer can be expected; the duality of ‘modern’ and ‘traditional’ rule is a constant feature in the country since colonial rule. The APRM, however, has to be commended for addressing critical issues within the limits of what is deemed culturally decent. Additionally, the issue of chieftaincy was one of the points where the Country Review Mission apparently had an impact – and therefore can serve as an illustration for positive impact of the continental structure. Even though carefully worded, the APRM report therefore provides for opportunity to keep the issue on the political agenda.

National Commission on Children. This list shows that gender equality was rightly regarded closely related to many human rights issues.

The APRM report also addressed the violation of human rights concerning the treatment of so-called witches into account. The self-assessment states under the objective “Promotion and protection of civil, political, economic, social and cultural rights”:

“ [CHRAJ] has taken action to address abuse and violation of human rights committed by the State and its officials, and also those arising from cultural practices, like trokosi (the perpetual enslavement of virgins in south-eastern Ghana), female circumcision and penal colonies for alleged witches (APR Secretariat 2005a, 26).

The PoA referred to this passage using the “*Decline of abuses against witches*” as one indicator to measure the proposed activity “*Mount awareness campaign on discontinuation of violence and harmful traditional practices against women*” (APR Secretariat 2005a, 180).

This was a rather prudently addressing an important issue, highlighted by external actors: “*A strong belief in witchcraft continued in many parts of the country*” (US Department of State 2006, Section 2). Estimates go to more than a thousand women who have been chased and sent in witch camps in Ngani, Gambaga, Patinga and Kuku (Kirby 2003, 181) where they live isolated from their families and their social environment. The so-called witch villages might already be an improvement to previous practice of lynching, as they were

“encouraged during the colonial area as an alternative to lynching those accused of witchcraft. In recent years witchcraft accusations have increased dramatically and they often lead to the accused being severely

beaten or even killed by outraged villagers, neighbours and relatives of the accused. The witch villages are traditional sanctuaries for witches“ (Kirby 2003, 181)

A visit to Ngani created the impression of a lack of government interest in these places. The existence of witch camps apparently was more or less ignored. NGOs provided support such as food and medical help, but “*CHRAJ and human rights NGOs had little success in their efforts to end this traditional practices*” (US Department of State 2006).

Evidence and interview analysis showed that the issue witchcraft as a violation of human rights was addressed very carefully – possibly too carefully – in the APRM report and the PoA. This, despite its overly prudent form, is a success in itself, given the widespread cultural belief in threats by witches. Aspects such as the governments attitude towards the problematic on the ground are still not covered, and would deserve to be further elaborated upon. The issue of witchcraft also highlights the general importance of a strong focus on human rights throughout the APRM exercise in order to address the concerns of vulnerable groups or individuals who cannot duly organise themselves precisely because of their marginal position in society.

4.5.2 Some missing issues

Beyond issues of sometimes rather scant attention to socially or culturally contagious issues, the report neglected other issues in a more substantial way, given evidence and their potential (or prospective) impact on the Ghanaian populace.

Media freedom

With regard to process, it might be considered a grave neglect not to ask about media freedom in the country under review. The official guidelines of the APRM do not make any allusion to freedom of speech or press freedom or to the specific involvement of the media in the process. Neither is there mention of the media in the Memorandum of Understanding; the media are mentioned as one part of civil society that will be consulted by the country review mission. Boyle has elaborated more on the implications of this omission for the process and its communication in South Africa (cf. Boyle 2008, 4). This omission at the continental level, however, was not fully repeated in Ghana. Media freedom was dealt with e. g. under the keyword of *democratic*

competition for political power (APR Secretariat 2005a, 21). Yet, one could argue that more – or more systematic – attention to media freedom and its practice would have been desirable and would clearly have been within the core governance focus of the APRM exercise itself.

Agriculture

Agriculture was another key topic for Ghanaians that did not receive systematic attention in the APRM. It played only a secondary role in thematic areas of economic governance and management and corporate governance. The sector employs 70 % of the Ghanaian population in rural areas; these are usually the poorest regions in the country. But beyond subsistence, agriculture is also the backbone of the Ghanaian economy: it provides 34.3 % to the gross national income (GNI). Most of agriculture activities take place in the informal sector. Consequently, the US Millennium Challenge Account⁵³ in Ghana follows the idea of “*reducing poverty through agricultural transformation*”⁵⁴ and provides 547 million US\$ to reach this target. With regard to agriculture, one could argue that agricultural concerns were addressed sufficiently in other document and strategies. Yet, given the aspirations of the APRM to be a comprehensive assessment of a country’s governance, the negligence of key issues for the overwhelming majority of the population is, therefore, not fully comprehensible, particularly when shortcomings in agricultural performance are arguably an effect of governance shortcomings. The APRM report acknowledged that African economies rely on agriculture (APR Secretariat 2005a, 83) but further substance to this statement – or recommendations around it – are to be searched in the report. The PoA addresses “*low agriculture productivity and over-reliance on rainfall*” as well as “*lack of proper storage and marketing of agricultural products*” (APR Secretariat 2005a, 268 and 271) as an issue under the objective *promote self-reliance in development and build capacity for self-sustaining development* of the thematic area *socio-economic development*.

53 In March 2002 President George W. Bush called for a new compact for global development at the United Nations Financing for Development Conference in Monterrey. It links greater contributions from developed nations to greater responsibility from developing nations. The Millennium Challenge Account (MCA) is a concrete mechanism to implement this compact. (<http://www.whitehouse.gov/infocus/developingnations/millennium.html>)

54 http://www.ghanaianprofessionalgroup.org/ghana_news25.htm

Furthermore, a meaningful governance assessment should include prospective challenges for a country's governance structures. This might also negatively impact on the usefulness of the APRM to advocacy groups. The topics of environmental issues and energy can therefore be taken as examples for the difficulty to include prospective challenges in the report.

Environment

The APRM report admittedly covers the environment in some findings of the self-assessment. Additionally, aspects are mentioned in the area *corporate governance*, objective 2: *ensure that corporations act as good corporate citizens with regard to human rights, social responsibility and environmental sustainability*. With regard to the programme of action, one can find environmental issues in the area *economic governance and management* even though environment is not mentioned in the corresponding part of the report. Under the objective *to promote sound macroeconomic policies that support sustainable development*, one can find the issue *environmental sustainability* in policy and programmes signed. This, however, is scattered and scant coverage of a key issue for Ghanaian society and its governance.

The fact that Ghana is an economy that relies heavily on natural resources stands in contrast to the low-scale coverage of environment issues in the APRM. Most commercial activities such as agriculture, mining, logging, fishing and construction do not only rely on but also affect the environment. The neglect of environmental issues also stands in contrast to other development programmes. The Ghanaian GPRS II addresses *environmental sustainability and regeneration* as one of six broad development objectives, and environmental sustainability is one of the MDGs (cf. UNDP 2003). The APRM, however, does not pay much attention to the issue, despite its importance and demands for and its effects on governance in the country.

Energy

Due to economic growth, electricity has become scarce in Ghana. Energy is an issue in the thematic area of *Socio-economic development*, objective four: *Ensure affordable access to water, sanitation, energy, finance, markets, information and communications technology, shelter and land for all citizens, especially the poor*. Herein, access to electricity concerning the distribution of electricity is addressed. The PoA mirrors the *"difficult access to secure and quality energy supply"* (APR Secretariat 2005a, 242) and proposes

activities comprising the introduction of new power stations, independent power supply and the exploration of alternative sources of power.

More and more newspaper articles report about the problematic energy supply in all parts of Ghana. The Volta dam in Akosombo, once the biggest dam in the world, throughout the year often disposes of too little water to run the hydroelectric turbines and to satisfy the needs of the population and economy of Ghana (cf. Asare-Kumah 2007). Even in the capital Accra, electricity is cut off regularly.⁵⁵ Future negative effects on economic growth are likely. Evidence shows that in Ghana “*access to electricity in rural areas is low (16,1 %)*” (APR Secretariat 2005a, 130). Total demand of energy for 2007 was 2,030.4 Mw. The production at the Akosombo dam and the Aboadze thermal plant left a deficit of 708 Mw (cf. Asare-Kumah 2007). Measures against the shortage of energy are the installation of the West African Gas Pipeline linking Ghana with Nigeria and of the Bui Hydro Plant which is planned to provide 400 mW from 2015 on. These measures – one of NEPAD’s showcases in West Africa – will take time to show effects, even though shortage of energy is no new issue. Yet, despite some recommendations, the APRM report did not foresee the (re)-occurrence of the acute energy shortage in 2007 to its full extent.

4.6 Conclusion

The range of issues covered in Ghana – in line with the continental framework – was indeed very ambitious and wide ranging. While the report is thus offering a broad range of topics and is useful, a general weakness in the APRM and the PoA is the lack of prioritising topics or at least prioritising action taken on certain issues.

Ghanaian stakeholders in their vast majority found their issues in the report; hardly any criticism on the scope of the report was heard. In its entirety, the report can be regarded as covering the aspects of governance in a predominantly meaningful way and the Ghanaian adaptation of the questionnaire apparently was done in a careful way. Topics could be included and excluded by the stakeholders in the process. Consequently, most issues are covered – at least those that are brought up by organised groups in Ghana. Yet, some is-

⁵⁵ The average consumption of electricity per capita in 2000 was 288 kWh, far below 810 kWh, the average for developing countries (cf. Asare-Kumah 2007).

sues are more difficult to organise around. This, indeed, is reflected in the presentation of issues in the APRM.

The inclusion of corruption as a over-arching issue into the APRM is to be commended. Issues raised by APRM report in the context of corruption were indeed critical and included substantial and practical details with potentially far-reaching consequences. One such detail was the recommendation to appoint permanent heads of SFO and CHRAJ, as the non-permanent position could negatively impact on the personal independence of position holders. Adequate mainstreaming did not take place in all cases, though, e. g. on unemployment. Topics like agriculture, the informal sector, or energy, were not covered to an extend by the APRM that they would merit – with regard to their importance to the Ghanaian populace.

Unsatisfactory mentioned issues come from both social taboos (topics that cannot be voiced) or amorphous interests (the group of interested is too broad and faces collective action problems). These topics of specifically marginalized groups can be brought to the agenda by certain advocates, as seen in Chapter 3. Several feedback-loops and advocacy institutions such as CHRAJ or the Panel of Eminent Persons (in the CRM) were provided and created possibilities to set issues or to give them different weight. For the APRM's merits in Ghana, social taboo topics (like witchcraft, but not homosexuality), or politically/socially difficult issues (like chieftaincy) can indeed be found in the review. They were carefully phrased and restrained from absolutist criticism; yet this style might make it easier for Ghanaian society to accept criticism.

Consistency of the various components of the report is an additional critical point: Country Self-Assessment Report (CSAR), findings of the Country Review Mission (CRM) and the PoA do not fully match in all cases. This is to be expected, and positive in cases of differing emphasis between CSAR and CRM, e. g. in the topic of chieftaincy, and illustrates that the peer review works in these areas. However, some issues are to be found in the recommendations and not in the PoA and vice versa. Recommendations not in the PoA are for instance conventions to be ratified. There are also new issue in the PoA which are not mentioned in the report.

A key problem appears to be with prospectively important topics. The energy crisis apparently was not an urgent issue when the review was conducted, even if it will have been looming by then, it (a) was a governance issue and

(b) had severe implications for the economy – if not for all citizens. Ghana had suffered from energy crises in the past. At the time of the APRM conduct, it was for experts to issue a word of warning on prospective developments – but it was not a topic affecting the general population. This shows a general problem with setting priorities through stakeholder consultation only. A similar rationale applies to other prospective topics like environmental damage or adaptation to climate change etc. These types of topics are difficult to include if experts are not explicitly consulted.

5 The report – follow up and implementation?

After looking at the conceptual framework, the process itself and the report, one aspect still needs to be examined. It is equally necessary to make the APRM more than a window-dressing exercise in Ghana's commitment to good governance. As highlighted before (cf. Chapter 2 and 4) the APRM is very comprehensive in nature and the objectives as well as the recommendations and activities of the PoA are manifold. Can we find indications of an impact on policies? The focus of this section is thus on the critical aspect of the follow-up of the first base review in Ghana. If the report is meant to foster good governance, it will be essential to go beyond gathering information about shortcomings and answer these with action and response. From our perspective, there are (at least) four main preconditions for a successful follow-up:

- Institutions need to exist in order to enable implementation.
- Implementation has to be supervised and reported on.
- Stakeholders – mostly from civil society – must have the opportunity to use the APRM documents, especially the country report as well as the PoA as an advocacy tool for their work. And they need to make use of the opportunity.
- And – predominantly on the government's side – there needs to be a political commitment as well as the (financial) capacity to follow the recommendations and to focus on implementation of the PoA.

This chapter starts with a brief overview of the guidelines for the follow-up process. The responsibilities as well as the question of institutionalisation of APR structures are key within this analysis (5.1.) The following section outlines the first two monitoring reports and provides a discussion on the state of implementation as reported by interviewees in Ghana (5.2.). Of particular

interest are the (potential) roles of relevant stakeholders in implementation and its monitoring, namely the government, public institutions, parliament, civil society organisations and the media (5.3). Another crucial question dealt with in this chapter is whether development partners regard the APRM as a relevant framework for cooperation, align their policies to the APRM and thereby act as another important group of stakeholders within the follow-up process (5.4).

5.1 Institutionalisation of APR structures

The final result of the base review is the publication and dissemination of the country report and the PoA. As indicated above (cf. Chapter 2) there are guidelines for countries to be followed after the completion of the base review, including monitoring and evaluation of the APRM's impact. As mentioned before, every APR country needs to appoint a focal point with staff. In Ghana this institution is provided by the Governing Council that serves with its administrative support – the national APR secretariat – as focal point. The role of this institution with regard to the guidelines and the actual implementation is of great relevance. The Ghana-specific institution of technical teams is also analysed with regard to their role in the follow-up of the process.

5.1.1 The Governing Council

The responsibility of monitoring and evaluating the implementation of the PoA in Ghana is attributed to the national Governing Council. The council has to deliver a progress report of the national PoA every six months to the APR Panel and the APR Secretariat in South Africa. Every annual report is then tabled at the APR Forum. An institutionalised control of the government's efforts to address the PoA is thus provided for. Reports on the progress made in Ghana have already been written according to the continental guidelines. The first report was submitted after six months in June 2006; the second report (first annual report) was presented to the APR Panel and introduced to the public in April 2007.

Important stakeholders in the process of monitoring and evaluating the implementation are the government as well as CSOs (cf. GC 2006; GC 2007; Team Consultancy 2005; Opoku 2006).

“The Governing Council in keeping with the spirit of participation and ownership is working in concert with both government and civil society to monitor the progress in implementing the PoA” (GC 2006, 4).

The Governing Council is obtaining feedback from a great variety of stakeholders by interacting with the ministries, departments and agencies as well as with civil society organisations, citizens and individual experts. That feedback can be used to appraise the progress made in improving governance and socio-economic development (cf. GC 2007, vii).

The general tasks of the Governing Council within the follow-up are described as: dissemination of the findings of the country report, printing of copies of the report, launching the report to the general public and sharing of Ghana’s experience with other countries (cf. GC 2006; GC 2007). For the latter task, Ghana is planning to establish an APRM centre of excellence, as reported by Ghana News Agency in July 2008:

“Ghana is to host an African Peer Review Mechanism centre of excellence to enhance the concept of good governance in the sub-region. Discussions on the Centre are far advanced with the World Bank, Canada and Germany ready to offer the necessary financial and infrastructural assistance for the building of the centre. Dr. Francis Appiah, Executive Secretary of the National APRM Governing Council [...] said the centre to be launched early next year [2009] would foster regional cooperation and serve as a link between the academia and other stakeholders. It will also be a centre for generating best practices that would foster the sub-region's political development. At the start, the Centre will meet the needs of Benin, Mali, Burkina Faso and Ghana.” (GNA, cited on: <http://www.modernghana.com/news/173321/1/aprm-centre-of-excellence-to-be-established-in-gha.html>)

As an example for in-country communication, one can note the serial documentation of the Country Review report in the Daily Graphic, a daily Ghanaian newspaper. Another example of activities was a Trainer-of-Trainers’ workshop for the National Commission for Civic Education (NCCE)’s Regional Directors.

The examples above only illustrate the role of the Ghanaian GC within the follow-up of the process (see box 9). The political will to install it as a permanent monitoring body on implementation has been declared by the President – as also written in the minutes of the peer review in Khartoum – and is contained in the APR report.

“President Kufuor confirmed that the Ghana National APR Governing Council would be converted into a permanent body to assist with the implementation of the POA, and with monitoring progress on a continuous basis” (APR Secretariat 2005a, 179).

The high relevance of the Governing Council was also expressed by members of the validation workshop held in Accra at the end of the empirical research for this report. Most participants – representatives from civil society as well as representatives from government – clearly attributed responsibility for monitoring and evaluation to the Governing Council, particularly with regard to education and information.

In July 2008, the Governing Council officially inaugurated 46 District Oversight Committees, composed of stakeholders from the public realm and civil society actors. These committees were meant to be *“serving as monitoring and evaluation teams to deepen decentralization of its activities”*, as the Ghana News Agency reported on 7 July 2008. Notwithstanding the institutionalisation of the council and its work, a number of questions remain and will have to be settled at some point, e. g. what is the precise term of office for the Governing Council and how are new members appointed to the GC?

Box 9: Examples for sensitisation / follow-up efforts

233 participants took part in four workshops in 2005, focussing on implementation of the APRM (cf. Team Consultancy 2005). The aim was spreading information nationwide. Thus, the locations were chosen in different parts of Ghana – Tamale, Kumasi, Koforidua, and Accra – between 12 and 28 September 2005.

As a follow-up after the presentation of the report, the Governing Council also held workshops in various parts of Ghana, where stakeholders were supposed to express their opinion with regard to the implementation of the recommendations. One example was a dissemination workshop held in the very Upper West Region in Wa in February 2007 where approximately 120 stakeholders took part. The workshop was intended to serve three different purposes: (i) the presentation and dissemination of findings of the country report (ii) the presentation of the PoA and (iii) the introduction of the monitoring and evaluation framework to elicit the implementation of the findings. Expectations of low levels of knowledge could explain this choice of emphasis. Thus with regard to implementation, particularly the second and third aspects are highly relevant. Note that the first aspect should already have been concluded at this stage of the process. It was thus objectively behind schedule. Nevertheless, the workshop focused on presenting the findings of the report and explaining the process itself. Additionally, questionnaires focussing on the state of implementation were distributed.

5.1.2 The technical teams

The technical teams (TTs) in Ghana provided input for the national secretariat during the process of the country self-assessment. The teams, as mentioned, were not included in the overall guidelines, and the work they were commissioned officially ended with the presentation of the APRM report. This was deplored by both our Ghanaian interviewees and other observers (cf. UNDP 2006, 32). The first report on implementation described the technical teams as *“lead institutions that managed the Monitoring and Evaluation process”* (GC 2006, 10). The central role of TTs is also highlighted in the country report where the technical teams were regarded *“as strategic partners who could facilitate a strong civil society drive in support of [implementation of the PoA]”* (APR Secretariat 2005a, 165).

Their role was appreciated by involving the Ghana Center for Democratic Development (CDD) as one of the four technical teams in the implementation of recommendations given in the PoA. The think tank CDD organized capacity workshops for members of parliament of Public Accounts and Finance

Committees as well as for the parliamentary draftsman's office (GC 2007, 30 f.). As team member explained:

“It is actually foreseen that we do the monitoring of the implementation, but we are still looking for funding support. We also want to do a special monitoring from the Civil Society perspective. There will be an extra budget for this, but we do not know about the amount, yet. To organise the implementation monitoring measures, the APR Secretariat has already held a workshop last year. But everything is just about to start.” (interview, 27 March 2007).

It appears that the role of TTs in monitoring implementation has deliberately not been further institutionalised. The first APRM progress reports had pointed to the technical teams as the link between the Governing Council itself and the civil society organisations. The subsequent first annual report, however, replaced the technical teams by the rather general term “*Survey Analysis*” as the link between the Governing Council and the CSOs and avoided naming the institutions themselves. Despite the positive image the technical teams have in general, actors are cautious not to set their hopes on one card and to maintain a certain level of competition. As a member of one of the TTs put it: *“More flexibility is better [...] You know there is a lot of institutionalisation in Ghana and then you see that it is not working”* (interview, 27 March 2007).

5.2 State of implementation

With regard to the state of implementation two sources are of highly relevant for this study. First, the official reports on implementation of the PoA. Second, the information provided by the interviewees. Before looking at the reports and the perceptions gathered in the interviews, it is essential to state that a clear tracking of the impact of the APRM is rather difficult; furthermore, it will be difficult to attribute causality to changes to the APRM as this would ignore a plethora of other factors. Nevertheless, the interviews suggest that causal links could exist between some topics; these suggestions, however, would require more in-depth research.

Implementation reports

The methodology used in compiling the progress reports mirrors the methodology used in the self-assessment of the APRM. It includes pre-field surveys,

e. g. desk reviews to gather factual information, field surveys involving interviews with a sample of 1,200 citizens from 20 districts in all regions as well as post-field validation (cf. GC 2007; GC 2006). The first report concentrates on the short-term activities of the PoA, i. e. activities that should run within the first two years, whereas the annual report includes the mid to long-term activities. Both reports named areas where progress has been made as well as areas where implementation lagged behind. As an example, the reports looked into parliament's role as an oversight body and recommended (a) to strengthen the committees of parliament and (b) to build capacity, specifically for members of the public account and finance committees. The progress described in the first report referred the number of parliamentarians appointed as ministers – one critical issue in the APR report – was reduced (GC 2006, 26). Relating to the cross-cutting issue of corruption, several activities were proposed. The first report stated that some – like the whistleblowers bill, aiming at protecting informants – are in the parliamentary process, whereas at the time of the first annual report the Whistleblowers Act indeed had been passed (GC 2006, 28; GC 2007, vii). Despite a range of achievements like these examples, the impression that there are great – financial as well as political – challenges and constraints to implementation remains in a wide range of issues (for an overview over areas with high and low progress cf. GC 2007, 103 ff.). However, as indicated above, it is difficult to tell if the progress made in some areas was due to the APRM or not. It is likely to have at least contributed to the debate, though.

The knowledge of interviewed stakeholders about the state of implementation and the PoA itself was generally low. Consequently, a wide range of stakeholders was not able to give any estimation about the progress made. However, some stakeholders addressed topics that they related back to recommendations by the APRM.

One level of politics where interviewees assumed a potential influence of the APRM was legislation, for instance in the area of domestic violence (addressing a largely gender sensitive issue) or the already mentioned whistleblowers' bill:

“Maybe the report had an influence on government. To speed up certain processes like the Domestic Violence Bill. The Bill was pushed. So next time when people will review Ghana we can show we have done it.” (interview, 23 March 2007)

“The government was committed to the APRM so it might contribute to pass [the domestic violence bill] as well as the Whistleblowers Bill. But, what’s next?” (interview 29 March 2007).

Decentralisation was given as an example by a government official as one area where the APRM had helped to make a political cause:

“The APRM has pushed the topics, for example, with regard to decentralisation. The APRM and the PoA gave a great push. Even if projects were already on the run. The APRM is important since it gives the solutions and a timeframe”(interview, 15 March 2007)⁵⁶

But also institutionally more critical voices indicated changes that they related to APR recommendations, e. g. the number of ministries that were reduced after the review:

“I think to a large extent the recommendations are implemented. Take the number of ministries for example. This was an issue before 2000, with the old government. But then the president submitted himself. I think it was the APRM that informed the president of the problem of the size of the government.”(interview, 15 March 2007)

In other words, according to this actor, the APRM was building sufficient political momentum to demand (symbolical) changes with regard to the size of government. With regard to the realignment of the Ministry of NEPAD into the Ministry of Foreign Affairs, Regional Integration and NEPAD a representative assumed in rather vague terms that *“it could be that it is linked to the recommendations [of APRM]”* (interview, 12 March 2007).

5.3 Role of stakeholders in implementation

We now take a closer look on relevant state institutions, namely government (and more specifically: the Presidency and the Ministry for NEPAD and APRM within the Ministry of Foreign Affairs) and public institutions such as the National Commission for Civic Education (NCCE) and the Commission on Human Rights and Justice (CHRAJ) in their role in the follow-up on the APRM. Furthermore, conceptually important for the follow-up are parliament, civil society and the media. They consequently will be studied with regard to their actual role in APRM implementation. Even if there are poten-

⁵⁶ This statement has to be seen in the context of the progress reports where decentralisation was named as an area where results were mixed. Cf. NAPRM-GC (2007, vii)

tially more stakeholders in the follow up of the APRM, the selection of these relevant stakeholders follows the line of thought in the report of the Sixth Africa Governance Forum on *“Implementing the African Peer Review Mechanism – Challenges and Opportunities”* (UNDP 2006).

5.3.1 Government and administrative support

The political commitment of government is crucial for the whole process including the follow-up. Government is above all responsible for the implementation of the PoA, including finding remedies for identified shortcomings. According to the NEPAD documents, the PoA should *“explicitly explain the responsibilities of various stakeholders in government, civil society and the private sector in implementing the Programme”* (AU / NEPAD 2003c, 10). During the validation workshop for this study, held at the end of the fieldwork phase, the question of who was responsible for activities within the follow-up had been addressed. Most participants agreed in ascribing the main responsibility to government. Examples given included the clarification with regard to more information about the relationship between two different planning documents, the PoA and GPRS II. Other responsibilities mentioned by workshop participants included education of civil society and the provision of resources for implementation.

A question that came up several times in interviews was whether there was a need of an official adoption of the PoA as a government programme. This question occurred particularly in comparison to the GPRS II, which was indeed an official development programme of the government. Especially some development partners regarded an official adoption of the PoA as necessary for funding.⁵⁷

With reference to government’s commitment, a representative of the APR structure in Ghana stated that the bottom line of APRM is that African governments often *“are talking about changes, but nothing is moving in terms of implementation”* (interview, 21 Feb. 2007). In the first phase of the APRM, Ghana’s government created a Ministry of Regional Cooperation and

57 The prerequisite for state-to-state cooperation, development partners maintained, was that the supported activity being government’s policy, in order not to violate the principle of ownership and to stick to international law. Other stakeholders were of the opinion that with the signing of the MoU and the official launch of the PoA the commitment of government was expressed in a sufficient way.

NEPAD. The task of this ministry was to spearhead the implementation of NEPAD and to help the country in achieving participation in APRM. The most important task of the ministry was declared to make sure that the NEPAD goals could be reached, including the APRM. “*The NEPAD bureau is like the national focal point for NEPAD and also deals with the flagship of NEPAD – the APRM*” (interview, 12 March 2007).

The ministry was responsible for establishing the national APR Secretariat. In 2006, the ministry was re-incorporated as a NEPAD bureau into the Ministry of Foreign Affairs. The bureau had no hierarchical or otherwise institutionalised links with the APR institutions. An interviewee described the linkages as a *dotted line* between the bureau, the GC and the secretariat for the purpose of exchanging information (interview, 12 March 2007).

Responsibility for oversight of the actual implementation, however, was attributed to an advisor within the presidency. There was little information about the actual performance as well as the actual workflow of the administrative structures. However, the ascription of the oversight function to an advisor within the presidency seemed a logical choice as the follow-up potentially affects the overall functioning of government as well as nitty-gritty issues within district ministries. Furthermore, this responsibility at least symbolically hints at the existence of political commitment of the head of government.

5.3.2 Public institutions

Public institutions also (potentially) play an important role in implementing recommendations made in the APRM Country Report and the PoA. Two main institutions – NCCE and CHRAJ – are particularly important.

NCCE

The potential role of the NCCE within the follow-up is in educating, sensitising and informing the people about the process and progress made. The crucial role of the NCCE in disseminating the APRM Country Report and the PoA has already been discussed in Chapter 3. At the time of research, the NCCE largely operated as administrative support to the Governing Council and the national secretariat, for instance in organising workshops. One example the role of the NCCE in implementation monitoring could be the dissemination and analysis of questionnaires concerning implementation of PoA on

behalf of the Governing Council – as was already illustrated in relation to the workshop held in Wa in 2007 (see above).

As a public institution, the NCCE is not directly supervised by a ministry. However, in some interviews it was imputed that the NCCE might not be independent from government. As a civil society representative stated:

“The problem with NCCE is that people are sceptical about it. They think it is a government institution, even if it is not. (...) But since the government funds NCCE people believe it is the arm of government.”(interview, 14 March 2007)

With regard to its institutional self-perception, the NCCE staff expressed understanding of their independence from government and took pride in explaining that they were not reporting to a ministry, but to parliament (interview, 27 March 2007). Other authors on the APRM also claim a role for public institutions in monitoring and evaluation: *“NCCE; NDPC [the National Development Planning Commission] and MDAs [ministries, departments, agencies] should take over the process and in partnership with civil society and private sector educate the public and implement the PoA”* (Opoku 2006, 42). The role of the NCCE reflected in budgeting: the annual report on implementation stated that its budget nearly doubled from 2005 to 2006 (GC 2007, 32); the institution is present in all 138 districts. Development partners and Ghanaian institutions indicated the future role of the NCCE in monitoring and evaluating of the PoA plans to build district APR committees that should tie in with the regional and district structures provided by the NCCE (interviews, 27 March 2007). In July 2008, some structures at regional and district level were established, as reported in the section on the Governing Council (see above).

CHRAJ

Another public institution with a broad mandate was the Commission on Human Rights and Administrative Justice (CHRAJ). CHRAJ has been engaged in the APRM from the beginning and was thus relatively well informed about the process. With regard to its mandate and functions, it is the intended role of the commission to act as an advocate for social groups and individuals that are victims of human rights' abuses or administrative injustice. In the context of the APRM's follow-up, CHRAJ could therefore – in the pursuit of its mission – refer to the APR documents to address certain topics, like domestic violence or cultural practices harmful to women. CHRAJ, thereby,

might act as a ‘watchdog’ that could – and institutionally should – have the potential to flag government responsibilities in some topics. Indeed, indications were found that this was its self-perception of CHRAJ.

“Obviously, the APRM has brought some awareness. People and CSOs now have a document to refer back to hold the government accountable. For the first time we do not need to rely on international documents, when we address human rights issues, we now have an African document.”(interview, 21 March 2007)

Besides this general positive underlying appraisal, little indication of an active usage of the APR documents could be found when it came to the actual work of CHRAJ. Interviewees often claimed that other reference documents – as AU convention, World Bank publications and so on – had been more important documents to CHRAJ than the APRM. With regard to two prominent legislative acts – the Whistleblowers Act and the Domestic Violence Act – interviewees assumed that the APRM might have contributed to the advocacy work of CHRAJ. Yet, there were no indications of clear reference or a causal link to the APRM. Some issues, as indicated in Chapter 4 on the content of the APRM report, apparently were not covered, e. g. the rights of homosexuals.

5.3.3 Parliament

Besides its role in the process, parliament is crucial also in the follow-up as the paramount democratic institution - at least in theory. Its role in the implementation phase has at least two aspects: First, parliament appeared prominently in the APR’s recommendations, which aimed at making this key democratic institution stronger. The second aspect deals with the intended role of parliament as a watchdog of the very PoA. Parliament indeed probably *should* play a crucial role in oversight. It is the eminent task of a parliament – alongside its legislative role – to provide checks and balances, e. g. hold the government to account and to represent the people. With regard to the follow-up of the APRM, parliament should thus supervise the implementation of the PoA (budgeting, implementing recommendations). It could also use the APR/PoA to address certain issues to the government.

At the time of our research, the role of parliament as political institution in the follow-up of the APRM was rather low. The weak position of the parliament in general but also with regard to the APRM in Ghana was pointed out

in several interviews. For instance, a member of parliament claimed that parliament had initially not been regarded as a stakeholder in the APRM:

“In the beginning there was a problem, because parliament involvement was not foreseen. [I do not] know why. It might just be a severe oversight. When this issue was raised by the parliament, it was immediately accepted to involve parliament. MPs could attend information workshops to be aware of the APRM” (interview, 1 March 2007).

But there were also hints by the same MP that members of parliament understood the possibilities of the process and started to use the APRM as a tool to foster their role in a democratic system.

“MPs try to make laws along the recommendations of the APRM, for instance to curb down corruption. So the APRM helps to inform the MP about relevant problems. [...] MPs use the country report to come up with questions to ask the Executive (e. g. the separation of the ministry of parliamentary affairs). In general there is a majority of opposition MPs to ask such questions, by referring back to the report and PoA.” (interview, 1 March 2007).

Thus, in some cases, political parties appear to have used the APRM to hold the government responsible. Examples were the need for electing Metropolitan Chief Executives (MCE) and District Chief Executives (DCE) – both are currently political appointees – and the disentanglement of the position of the Attorney General and the Minister of Justice. Both aspects are discussed within the country report as well as the PoA.

“[The opposition party] National Democratic Congress (NDC) says that MCEs / DCEs should be elected, i. e. NDC makes references to the APRM for this demand. ... Positive is also that the opposition refers back to the results of the APRM to call the government accountable, e. g. problem with the position of the Attorney General, who is not independent from the government/president.” (interview, 21 Feb. 2007)

MPs were presented the second progress report by the APRM’s Governing Council in June 2008. At this occasion, the Ghanaian Times reported that henceforth, parliament would study and report the country’s progress reports on implementation of the APRM’s recommendations. The report would go through the committee of foreign affairs (also responsible for NEPAD issues) and then be debated in the plenary (cf. APRM Monitor No. 6, October 2008). This, indeed, is how the report can be made of good use in order to increase accountability and improve governance.

5.3.4 Civil society organisations

The APRM report as well as the PoA can serve as a window of opportunity for CSOs to hold government accountable. Their crucial role is summarised in the statement that “*Civil Society is potentially uniquely placed to act as a watchdog over political manipulation of the process*” (Verwey 2005, 21). Most interviewees pointed to CSOs as crucial stakeholders both in the process itself and in the follow-up, much in line with the participation of CSOs during the different stages of the APRM, as emphasised in the APR base documents (cf. AU / NEPAD 2003c, 14). Interviewees flagged concern about slow implementation and in this context emphasised the importance of civil society. As an interviewee from the regions said:

“Implementation has become a problem. Ghana came out with a very nice report and good findings, but what we need is a strong civil society to force and to push the government.” (interview, 18 March 2007)

CSOs have in theory several options to use the APRM, which are not mutually exclusive. They can:

- actively demand information about the country report/PoA and the implementation progress from government and APR institutions (information tool);
- refer back to the findings of the country report/PoA to address their specific topics (advocacy tool);
- put pressure on government to implement specific recommendations / promises made (e. g. start a monitoring of implementation on their own account);
- cooperate with the government in implementation of programmes in their specific field of work, i. e. become an implementing body;
- and/or use the APR findings and the PoA in their specific areas of activity for fundraising in the development partner community.

The degree of engagement of CSOs in the follow-up of the process, however, appeared to be rather low. The impression gained by interviews was that the APRM was regarded as one document among others, yet far from being the only one or the key document for civil society organisations. With regard to the usage of the APRM according to the above mentioned potential, it can be presumed that none of the different possibilities was used to a great extent throughout society. Only few interviewees explained that they used the

APRM for information and even less indications could be found that organisations actively use the APRM for advocacy. The impression of low engagement in implementation was true for CSOs in Accra, but was even more dominant for the situation in Tamale and Kumasi.

Nevertheless, most interviewed CSOs felt that the APR documents were generally useful. Some interviewees perceived themselves as well informed about the process and the PoA; it was felt to have contributed to transparency. Whoever wanted to get information was able to do so, one interviewee declared (interview, 23 March 2007). Other interviewees, however, were more critical about the value of information provided by the APRM. Some interviewees stated that CSOs indeed had used the report and the PoA in their work, for instance, in gathering information about their area of work. The information provided was then used for discussions and organisational alignment – like an annual work plan (interview, 19 Feb. 2007). If this was the case, it was actually achieving one of the declared aims by the APRM: aligning CSOs to national priorities, rather than having them follow the funding decisions by development partners. Some of the CSO interviewees stated that they actively use the PoA for their work.

“We look in at the PoA and ask questions, the government has to give account. This makes policy more transparent. We try to work on the implementation of the PoA issues” (interview, 27 March 2007).

Others confirmed that the APRM provided for the possibility to raise one’s voice and to relate to an official document. Interestingly, these voices mostly came from the regions, i. e. from actors relatively remote from political processes in the capital. Nevertheless, in most cases it was stated as a possibility that *could* be used, rather than that it *actually had* been used.

5.3.5 The media

The media are important when it comes to the central prerequisite for engagement: information. As was already described with regard to their role in the process (cf. Chapter 3) media coverage of political processes – as opposed to events – is difficult, anywhere in the world (e. g. for South Africa’s APRM see Boyle 2008). Media tend to focus on news and conflicts. Within the limitations of this general systematic obstacle, the media in Ghana acted as a valuable source of information also with regard to the APRM as a great number of interviewees acknowledged. In some cases, media representatives

explained that they use the APR document as a reference. One example provided was the case of reporting on corruption (interview, 16 March 2007).

The role of the media in implementation was also discussed during the validation workshop held in Accra. Different proposals to engage the media more closely in the follow-up included the suggestion to engage skilled personal in the national secretariat to brief the media systematically. Another idea that arose within the discussion was to identify a small number of media representatives – specialised journalists in their respective area of work – that should be invited and informed by the Governing Council on a regular basis.

5.3.6 Development partners' alignment towards the APRM

Some observers understood the APRM as an attempt to operate like a credit-rating scheme. Proving that government was serious about governance reforms (and thus implicitly about development of the country) would increase willingness of development partners to engage in the respective country, it was hoped (cf. Grimm / Gyimah-Boadi 2008). Indeed, the APRM base documents state that:

“if 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 also to come to the assistance of the country reviewed.” (AU / NEPAD 2003e, paragraph 24).

The potential important role of development partners in supporting the national PoA is also emphasised in the guidelines for countries to prepare for participating in the APRM (AU / NEPAD 2003c, 16). Some observers – and, in fact, actors – recommend that funding from external partners should be utilised to assist in scaling up and to accelerate implementation (Asante 2006, 13). A range of sources – including Ghana's President Kufuor – put emphasis on the need for commitments by and support from development partners. *“External assistance from development partners would, nevertheless, be useful towards implementing the Programme of Action”* (APR Forum 2006). Ghanaian stakeholders who participated in this study's validation workshop in April 2007 also attributed responsibility to development partners for funding the implementation phase.

Development partners, indeed, are expressing their willingness in official declarations and documents to take an active role on the APRM. The interest

of development partners expressed in the implementation of the PoA is generally high. The G8 qualified the APRM as key in political reforms and explicitly stated on several occasions that implementation was the linchpin for reform. Namely the European Union, the French, the German as well as the British government explicitly state their motivation to support the implementation of APRM recommendation (cf., G8 2005; German Federal Government 2005, UK Government 2006).

“Germany has pledged to assist the APRM countries in implementing the reforms which the peer review process identifies as being necessary, and is providing funding for this purpose – up to 3 million in 2005 alone. Our key criteria, in this context, are that implementation must be embedded in national strategies and that the African partners must be responsible for managing the process” (German Federal Government 2005, 25).

The British Government addresses similarly as mentioned above the need to incorporate the APR programmes into the Ghana Poverty Reduction Strategy (GPRS II) as well as in the budgeting process (cf. UK Government 2006, 2). In interviews in Ghana, most development partners also lauded the PoA as useful and as a document that covered the right issues and merited implementation. As one diplomat expressed:

“I fully agree with the recommendations [of the PoA]. They avoided to point out certain individuals and mentioned the right issues. So they wanted to improve the situation and not only to blame people” (interview, 29 March 2007).

Support of development partners in Ghana to the follow-up of the process thus far has happened through financial support to the national APR secretary or by supporting single measures within implementation and dissemination.⁵⁸ Among the providers of funds for activities of the Governing Council are the French and Italian government, Germany’s GTZ and the Department for International Development (DFID) of the British government,. The funds were bilaterally discussed (cf. Opoku 2006, 31). One example for such an engagement was the publication and dissemination of a short version of the APR report in cooperation with DANIDA and UNDP with the Governing

58 Support to the APRM can also be organised at continental level, as is the case with German development cooperation via a GTZ support programme attached to the NEPAD secretariat in South Africa / Midrand, Cf.: <http://www.gtz.de/de/unternehmen/19291.htm>. This study, however, assessed the activities at Ghanaian level only.

Council. The dissemination of that short version and an additional brochure *APRM at a glance* to explain the APR process was in preparation at the time of research in Ghana and has been published since. Development partners inter alia provided funds for these reports, including translation into five local languages, printing and dissemination via the NCCE (interview, 29 March 2007).

The interest of the international community – and namely of the development partners – is thus generally high. But at the same time, implementation is regarded as the weakest point. Concerns were expressed by development partners that the commitment of government towards the PoA was weak or even missing (interview, 26 March 2007):

“Government officials are absolutely not aware of the PoA. They do not take it into consideration and they are not aware of the commitment. I have never seen any paper, which says that government will implement the PoA. The PoA is more an outsider reference than for the government [...]. What the APRM needs is a more public step than this six page response from the government [included in the APRM report]. Why should we have this PoA?”

Additionally, questions of development partners are related to the relevance of the PoA compared to other development programmes, namely the poverty reduction strategy (GPRS II in Ghana) and the closely related question of double-costing. Development partners provide funding to Ghana within the framework of the GPRS II. Both the APRM and the GPRS II were framework documents for development cooperation⁵⁹, with reference made to these two papers/reports in the Ghana Joint Assistance Strategy (G-JAS). The latter was a relatively new paper and aimed at improving *“alignment of development assistance with the core business of government and crucially the Government’s political and partnership cycle”* (G-JAS 2007, 1). The Joint Assistance Strategy was the development partners’ programming response to

59 There are a number of additional reference documents and development matrices besides these core documents for development cooperation. In Ghana a great extent of financial support is provided through budget support (around 40 % of the national government’s budget) and thus development partners indirectly support the GPRS II as well as the APRM and its PoA. In budget support consultations there is no in-depth discussion with the Government of Ghana on specific policy issues, as was explained by a representative of the sector group on governance issues (interview, 26 March 2007).

GPRS II, given by 12 bi- and multilateral agencies engaged in Ghana for cooperation from 2007 to 2010.⁶⁰

In G-JAS, the APRM was highlighted in the field of monitoring, not in the thematic fields of political and economic development nor in human and social development. The GPRS in its first generation appeared as the most important reference when defining development partners' policy. The importance of GPRS was also taken into account in the APR process – as required by the core documents of APRM (cf. AU / NEPAD 2003c, 2). Thus the APRM report named and discussed the GPRS. It was also explicitly stated in the relevant section of the APRM report that the GPRS “*provides the overarching policy context for the country's socio-economic development*” (APR Secretariat 2005a, 116). This situation remained the same with the change to GPRS II.

The demand to integrate the APRM in existing development programmes – in 2007 namely the GPRS II – was an important topic for development partners in Ghana:

“It was [us who] pushed the representatives forward to merge the PoA with the GPRS. The APR Secretariat did merge them. So I still question, is the PoA a relevant government's document, or something that the Governing Council and civil society should do? There is also the question, who wrote the PoA? Who is committed to it?” (interview, 26 March 2007)

Even after the merging of both documents was carried out with regard to the costing, some interviewees saw the question of budgeting of development programmes as critical. There were concerns that operating the PoA at the parallel to the GPRS II could mean duplication of efforts – or, in other words: to be asked for funding for the same development programmes twice. The merging of both documents – or rather: sorting out the costing in order to avoid double-costing – has been done relatively shortly after the APRM process (i. e. in 2006/2007). The first monitoring and evaluation report on the implementation of the PoA emphasised that:

“To ensure smooth implementation of the Programme of Action and to avoid duplicating development efforts, the PoA has been mapped onto

60 The development partners committed in G-JAS were: Canada, Denmark, EU, Germany, France, Japan, Netherlands, Switzerland UK, UN, USA and the World Bank.

Government's development programme (the Growth and Poverty Reduction Strategy – GPRS II)" (GC 2006, 4).

Yet it was not very clear to development partners *how* both documents were combined. Some claimed that merging both was not carried out in a systematic way so that important questions remain (interview, 30 March 2007). Have all topics been covered? Has the costing merged as well? Which document is the relevant framework for development? These uncertainties potentially have a great impact on the role of the APRM within the agenda of development partners, as one interviewee illustrated:

"The recommendations of the PoA were also part of GPRS II. But there are also some issues that are not part of the GPRS II and the [Government of Ghana] will never put them into it. We take part in the Joint Assistance Strategy.... The APRM is not on top of our agenda" (interview, 29 March 2007).

Ghanaian government staff who were closely engaged with writing the GPRS II, however, stated that such a problem simply does not exist because the APRM findings fed into GPRS II (interview, 27 March 2007). However, there still seems to be some confusion about the relationship between the poverty reduction strategy and the PoA of the APRM among numerous development partners as well as among CSOs and government representatives themselves, as Ghanaian observers mentioned in interviews (e. g. interview, 27 March 2007). Even without qualification of this perception of development partners, the perception itself is a problem. At the minimum, there is a lack of information, notwithstanding the possible substance of the discernment.

5.4 Conclusion

Regarding the institutionalisation of APRM structures in the follow-up, the state of implementation as well as the role of different stakeholders within implementation, the authors of this study share Opoku's assessment that *"implementation seems to be the weakest point of Ghana, and indeed of the entire African continent, although this is the stage that makes the desired transformation into reality"* (Opoku 2006, 42). This assumption was supported by numerous interviews, in which interviewees identified implementation as one of the key challenges and critical factors in the Ghanaian APRM. Looking at the state of implementation it must be re-emphasised that clearly tracking causal links between recommendations of the APRM and implemen-

tation of them would require in-depth research on issues that were brought about first in the APRM. The research outline of this study focuses rather on process and substance of the peer review than on follow-up, as research was conducted too recently after the APRM process. What could be found, however, was anecdotal evidence on where the APRM triggered (re)actions.

Overall, the fundamental guidelines for monitoring and evaluating the implementation by the Midrand Secretariat were respected in Ghana: the Governing Council has prepared a semi annual and an annual report on implementation. Press coverage of Ghana still eventually picks up on the APRM's latest report or other activities. Furthermore, the President expressed his will to install the Governing Council as a permanent monitoring body on implementation and steps for monitoring at district and regional level have followed in summer 2008.

None of the Ghanaian stakeholders thus far have made use of the APRM's potential to its fullest. Government illustrated its commitment to implementing the APRM's recommendation by establishing APR structures. For instance, the attribution of oversight to a person in the presidency is laudable as it stated political will; yet there was little information about the actual performance of the task by this administrative structure. Beyond the presidency, the APRM's follow-up in Ghana can build on existing state (but non-governmental) institutions like NCCE and CHRAJ. NCCE is already acting as a regional administrative support to the Governing Council. Yet, the capacity constraints are vast and going down to the district level – as planned – would be a very ambitious step that would require a significant increase in funds and human resources. Implementing the APRM recommendations concerning parliament was the weakest point when the authors conducted their research in Ghana in early 2007. Parliament's potential in oversight was far from being unfolded. This de-link of parliament and public scrutiny, arguably, was the very reason for the APRM's creation. Since early 2007, some measure have been taken, such as the (slight) reduction in numbers of ministers and the announcement of regular debates on the APRM's implementation in Ghana's parliament. The effects of a change in government in January 2009 remain to be seen. Governing Council members were quick to emphasised the non-partisan character of their institution (cf. Ghana government

website⁶¹), and the new President John Atta Mills was expected to duly present the progress report to the APR Heads of State and Government at the AU summit at the end of January 2009.⁶²

Shortcomings in performance were also found for organisations of civil society. Opoku describes the potential of civil society in implementation as follows:

„Above all, civil society need to be proactive, show interest in the process and demand for progress report on status of implementation from both the Governing Council and Government and also fulfil their obligations to make the implementation successful.“ (Opoku 2006, 42)

However, it appeared that the APRM was one document among others for civil society, which they scarcely used to as an advocacy tool. There were no indications about the sustainability of this (little) reference made. While most civil society organisations said that they regard the APRM as a valuable process, little active use seemed to have been made of it. The media, for its part, seemed to confirm this general conclusion. It needs to be acknowledged that media coverage of political processes is difficult in general, as media tend to focus on events and conflicts. Coverage of the APRM in Ghana consequently was highest around events such as the launch of the review, the visit of the Country Review Mission and the presentations of results. One might want to criticise this, but is a fundamental feature in free journalism.

Development partners engaged with Ghana in various ways that directly or indirectly linked to dissemination, implementation and/or follow-up of the APRM. Their political praise of the APRM was unanimous and it appeared to be mostly used in the political dialogue. Various ways of interacting were possible and practiced, inter alia, general budget support, specific funding for workshops or publications by the APR Secretariat. Yet, the key reference document for development partners appeared to remain the GPRS. There seemed to be a concern among development partners about the potential for window-dressing in the APRM by the Ghanaian government. Credibility of the continental structure is therefore crucial for the creation of trust with

61 http://www.ghana.gov.gh/ghana/aprm_members_reminded_be_neutral.jsp (downloaded, 2009-01-16).

62 http://www.ghana.gov.gh/ghana/new_government_will_not_affect_ghanas_aprm_process_executive_secretary.jsp (downloaded, 2009-01-16).

development partners. Respect of the – few – rules will therefore be the key for the future of the APRM.

Implementation as the weakest point – information and capacity as crucial factors

One possible reason for the slow progress in implementation could lie – among other things – in a lack of political commitment. However, beyond this black-box term of “*political will*”, a more tangible explanation might be found in serious constraints for the involvement of relevant stakeholder groups. Looking at the possible roles of stakeholders in the process, serious obstacles for engagement were found in Ghana.

With regard to the prerequisites to actively engage in implementation, all actors would need to meet two requirements for any meaningful engagement in the process itself. Actors need (a) a general level of information and (b) a basic level of capacity to engage in a process. In the interviews it was regularly stated that more often than not, actors in Ghana suffer from a lack of information and a lack of capacity:

“Concerning the follow-up of the process, people are not sure of their role. They do not know how to challenge the government. So people know about the APR process but not what they should do with it.” (interview, 29 March 2007)

Lack of information

It must be concluded that the great majority of stakeholders in Ghana – especially outside Accra – have not been reached by the APRM so far. Observers were concerned that “*the APR report might suffer the same fate as its predecessors, that is previous development programmes*” and might suffer from dying interest in the process (Opoku 2006, 42). This included civil society organisations, even in cases when they appeared well informed about the APR process itself and had even been involved in the self-assessment or the CRM. A wide range of stakeholders did not know about the existence, let alone the content of the PoA. This was particularly the case in our research beyond Accra, i. e. in Kumasi and Tamale. As an interviewee from civil society reported:

“This place is not like Accra, documents do not get down here, unless one has a chance to get a copy by knowing someone. We do not have access to documents.” (interview, 15 March 2007)

It is worth mentioning that Kumasi and Tamale are not the remotest or least connected locations in Ghana; they are rather the next biggest and important cities in Ghana after Accra.

Lack of capacity

Reasons given for this low engagement were often a lack of capacity – more so in Kumasi and in Tamale than in Accra. *“How should I refer [to the report] if I do not have the resources?”* (interview, 16 March 2007), as a civil society actor complained. These capacity constraints could lead to the situation that even if civil society organisations had been involved and informed, they did not disseminate their knowledge to the people they represent. One interviewee summarizes this as follows:

“The problem is, we do not have the resources to implement the APRM in our area or to educate [our people] about it. [...] In Kumasi there are 350 groups registered as NGOs [...] They do not know about the APRM.” (interview, 16 March 2007).

Similar capacity problems are an issue for parliament. In the APRM’s first annual progress report issues of parliament’s capacity were filed in the section *“Areas with least progress.”* Parliamentarians were not provided with office space, research resources or support staff. The need to enable parliament to perform its functions effectively was accepted by the Ministry of Parliamentary Affairs (GC 2007, 30). The role of parliament within the follow-up – to act as a watchdog of the implementation was far from being unfolded. This could partly also be because of a demand for independence of the institution, as a MP said: *“The APRM is regarded as an ordinary document by parliament. We do not look at it as a guide”* (interview 30 March 2007). This situation, however, has changed and parliament seems to have grasped the opportunity APRM progress reports offer for general debates.

The capacity situation for public institutions is comparable. The idea to go down to the district level and to use the structures of the NCCE need to take these weaknesses into consideration. Going down to the district level is a very ambitious step that would require a significant increase in funds and human resources.

6 Conclusions and recommendations

Discussions at this still relatively early stage of the APRM, about its effectiveness with regard to strengthening governance, resemble debates about whether the glass is half full or half empty. We have not yet seen a second review, i. e. the systematic assessment of what has been achieved after the base survey. The APRM has some built-in sanctioning mechanisms, but it builds predominantly on soft law, i. e. deliberations between peers and peer pressure. One of the implicit questions evolving from this study could be “*Is Africa ready for soft law?*” The APRM could be regarded as a tool to bridge the gap between civil society and the state. In Africa, this relationship more often than not is loaded with (mutual) mistrust and disengagement. People have often not been treated as citizens, i. e. individuals or groups with rights to be respected and protected by the state. Consequently, they have also not behaved like citizens of a state with duties; the state was regarded as something remote, if not alien. The APRM in this context can help in the exercise of an honest stocktaking. It can, however, not replace parliamentary democracy, as it cannot replace the legitimacy of popular vote – no matter how transparent, honest, consensual and efficient it was conducted. Consequently, parliamentarians need to be included in the process right from the start.

First commendable steps have been made in the case of Ghana. Positive results thus far were: A first ever peer review of an African country, respecting continental standards and rules, and openly discussing and coming up with critical findings on one of the “*good performers*” in Africa. This is no small achievement. However, much remains to be done in implementing the APRM’s recommendations in Ghana. As an explanation for weak implementation Ghanaian actors point to costs attached to implementation of the programme of action (which has a price tag of 5 billion US\$). Yet, some of the recommendations would not require funding, but political will – like the nomination of a permanent head of the anti-corruption authorities. Other issues would require more time. These include changes of the constitution, which arguably have to be done by referenda (and thus also come with costs attached). One such issue is the strengthening of parliament.

The APRM’s Programme of Action can be a point of political discussion and direction. Even though it would benefit from more prioritisation (beyond the rough division into short, medium, and long-term measures), it should not be regarded as a technocratic blueprint. First, the APRM’s PoA is one development plan amongst others. The relationship to other strategies needs to be

further explored and developed. This high number of strategies existing at the parallel and to some extent cross-referencing to each other – from PoA over GPRS and the national development plan to several donor matrices – makes it difficult for actors to find their way through this range of strategy papers. Secondly, this is even more so the case as most structures in Ghana suffer from capacity shortcomings. Handling and scrutinising several strategies is difficult – even more so for institutions with limited means. At the same time this creates the added value and is the strength of the APRM’s aspirations: In the thicket of national plans, it can serve as the one authoritative reference for all actors. If well-done, it could be the first document to consult when entering a discussion about the state of governance in any one given country and thereby contribute to improving governance, indeed.

Based on these conclusions, some recommendations to different types of stakeholders can be formulated, namely the continental structures, the Ghanaian APRM structures, civil society and development partners.

6.1 What the continental APRM structures (Midrand) should do

Insist on the commitment of participating states: In an exercise built on the all encompassing soft law rationale, there is some tension around how to deal with free-riders. One cure of this could be to provide for a minimum time after which a country will have to conduct a review once it has acceded the APRM. Currently, free-riders can declare their intention to join the APRM, sit in its institutions and use the label as an APRM-participating country without necessarily respecting the basic principles (e. g. the case of Sudan). This risks to devalue the reputation of the APRM. One possible solution to this problem might be to introduce different levels of participation. It is a serious question whether today’s Sudan should actually have a voice in discussing good governance at heads of state level – or rather sit in on these discussions.

Include national APR Commission in the basic guidelines: Ghana has introduced a national APR Governing Council, replicating continental structures at the national level. This creation was beyond what was prescribed by the base documents. This institution has been included by Midrand in some charts and presentations. They should be included in the base document for the APRM.

Think about basic principles for the setup of the APR Commission at the country level: The size of the governing council appears to be crucial for the effectiveness and efficiency of the process. It might be useful to define an absolute maximum number and probably some fundamental guidelines for the composition of that body, i. e. a minimum representation of civil society.

Civil society organisation should lead the self-assessment: The institution of technical teams has worked well in Ghana and further evaluations should build on this experience wherever feasible. In places where the capacity is not sufficient, support missions could have different forms – and might be needed for longer engagement than brief country visits. We also recommend to stick to African expertise so as not to undermine the ownership and build up capacity in Africa. Furthermore, with regard to the methodology, the double-checking of information provided by the technical teams was successful in Ghana and should be retained as standard in other assessments.

Country Review Missions need to be strengthened: There is a specific responsibility of the Panel of Eminent Persons (and the Country Review Mission) in safeguarding the standards. These standards are going to be tested in each individual case and relentlessly these standards need to be guaranteed. The CRM was a crucial external check for legitimacy even in the good practice case of Ghana; it is of high importance to marginalized groups in society, as it can act as an external advocate. The CRM therefore needs to be strengthened, which could, for instance, be done via extending the period of time envisaged for this stage of the external investigation. Currently, this stage appears to have been attributed too little time. Additionally, national human rights commission or similar institutions need to be involved in the process, as happened in Ghana. These institutions are particularly crucial during the CRM.

The timeline for the peer review needs to be revised: Several observers have pointed out that the time for the country self-assessment was too short; we would argue that the CRM was also too short. Time can and should be saved, however, at the end of the peer discussion: the APR Forum meets every six months. As reports are handed in at one summit and are discussed at the next, at least half a year passes without much being heard about the national APR report. This fans rumours about the content; at worst, it stifles a dynamic process.

The continental questionnaire should be improved: Topics such as agriculture and the informal sector need to be further elaborated upon; they are very important to vast parts of the population in both Ghana – and more broadly, Africa – and their coverage in the APRM to date is too weak. Furthermore, the APRM is currently a stocktaking exercise, which could be further developed. For instance, environmental topics could be further emphasised in the questionnaire so as to include prospective challenges, such as adaptation to climatic change, meeting future energy demands, etc. Environmental governance will gain importance; it might consequently even merit discussion as a fifth sector to ensure substantial coverage. This could possibly happen in the context of other future challenges. A review of the review (provided for by the APRM documents) will constantly have to check whether future challenges are sufficiently included.

6.2 What the Ghanaian APRM institution should do

The next challenge for Ghana in the APRM becomes increasingly clear: after four years of having gone through the base survey, the next peer review would be due according to the declared intentions of the APRM. The new administration under John Attah Mills (since January 2009) will oversee the second peer review. This review will measure the improvements against the first report – and will conclude with new recommendations. Having a new government in Ghana is actually a great chance: It should have an interest in going through the exercise again and conduct it in a transparent and non-partisan way also under a government led by the NDC. This would bring merits to democratic Ghana and would manifest its pioneer role once again. The APRM was and is not meant as a party-political tool; Ghana has the chance to prove this and learn lessons in the process. Yet, some lessons could already be learnt from the first round of Ghana's APRM.

Very broadly speaking, *staffing and funding* of the APRM needs to be stocked up if the exercise is meant seriously. We are aware that this is more easily recommended than done in an environment of particularly scarce funding.

With regard to dissemination, a number of recommendations to the national APR structures in Ghana emerge from this study:

Don't stretch yourself too far, i. e. don't do everything yourself: A wise use of resources is crucial to maintain effectiveness with few staff at the APRM

Secretariat. Is it really sensible to have the Executive Secretary and the GC members each time at every dissemination workshop in Ghana? It might be more crucial for the national APRM secretariat to actually monitor (and lobby) government and to train / sensitise staff in the regions than to conduct regional workshops itself. Mounting demands for sharing experiences with other African countries further stretch limited human resources, even though they are important.

Build on existing structures for dissemination, and do not stretch them too far. Linked to the plans to engage NCCE more in dissemination, it seems to be advisable to concentrate on a number of districts for decentralisation of the NCCE, and to start with pilot districts. This could be either regional capitals or showcase districts, in order to learn from experiences made there rather than spreading resources across the country thinly.

Focus on the value-added of the APRM to key groups. It is hard to image that a majority of the (literate) population would read the comprehensive and technical APR report from A to Z. This is not necessarily a disadvantage, but has consequences for dissemination: It might be wise to target specific groups in dissemination. NGOs will engage with the APRM only if they see added-value to their work. The comprehensiveness of the APRM makes it hard to see how an abridged version of the full report could be created without loss of substance. It might therefore be providing more “digestible” information by elaborating short versions with a sector-focus – e. g. on “corruption in the APRM”, “the youth in the APRM” or (why not?) “rural concerns in the APRM”, etc. – rather than an a 20-page report on overall governance in Ghana. This could also enhance monitoring of implementation, as CSOs would be better equipped to fulfil their watchdog role.

Print more copies of the report in English: The strategy sketched above would also make translations of the overall report into local languages a secondary task. It is understandable why this might be helpful – with regard to ownership, for instance – but in a context of limited resources, it should not be overall priority. More copies in English would help more, as the target audience of the entire report is the country’s literate elite that speaks English.

For the next recruitment, treat a media officer as priority: The media was named as a special group of stakeholders – and needs specific attention in dissemination. The recruitment of a permanent media officer could improve communication of the APR structures and might foster awareness for the

need to create media events in the GC, for instance in the presentation of implementation reports or in preparing of the above suggested specific off-spring publications of the APRM on specific topics.

The term of office of GC members remained unclear as well as procedures for their replacement, should one of them step down; this should be clarified in advance so as to avoid less transparent ad hoc-decisions. With any changes in the GC, the representation of women and a diversity of religious faiths should be standard criteria. This should not compromise the quality of personnel; yet, it would improve the basis of representation.

6.3 What civil society should do

Civil society groups should use the APRM documents for advocacy wherever possible, as this will strengthen the nature of the APRM. Government has committed itself to the implementation of recommendations. The comprehensive report can help in looking up information and recommendations; much can be found in the report. This could be a major tool for advocacy in the respective work areas; it is worth the attempt to obtain copies of the report from NCCE or the APRM Secretariat.

Additionally, shadow implementation reports could be established – as was done with the shadow country self-assessments. This would meet the watchdog function an NGO also has in its respective area of work; chances for engagement need to be dealt with. This requires funding of activities, of course. If development partners are serious about their interest in the APRM, they should be one potential source of funding for NGO monitoring exercises.

6.4 What development partners should do

Development partners in a context of high donor-dependency like in many African countries have a particular interest in and responsibility for governance in African states. Even though it can – and should – be argued that the main responsibility for governance of any country remains with its government, development partners also have to live up to their responsibility. One aspect that development partners might need to consider is greater flexibility of their respective structures in engaging with parastatal actors like the GC. This issue might be less relevant in countries where basic conditions for

sound management are met, as budget support could work around this weakness, and leave responsibility for the establishment of functioning structures with government and provide funding through the national budget. Direct funding of the APR structures could be an option – possibly via pooled funding – yet it could also potentially undermine the process. The APRM could appear as a ‘donor-driven’ project.

Reference to the PoA by development partners in their political work in the partner country would strengthen the soft-law process in the country. Cross-reference in development partner documents and joint papers to activities of the PoA (e. g. using these as indicators for their performance assessments) could increase the political weight of the exercise. This is partly already done; it should be maintained and strengthened. A strategy of supporting the APRM as a reference document can, of course, also be applied in cases where special technical engagement is necessary. With regard to the relationship between various development plans, development partners themselves might want to look more systematically into the linkages between GPRS and APRM. This could clarify the current status of both documents – which paper had an impact on the other to what extent – and it might also help to develop a dialogue with African governments about possibly better sequencing exercises like the elaboration of PRSPs and APRM. The latter, ultimately, remains a task for African governments, as both exercises might build on each other, but involve much energy, capacity and funds from a range of local actors.

Leadership is an important factor in any reform process. Yet, in a context of weak structures, leadership is not enough. Capacity constraints appear to be dominant in Ghana, and expectedly equally or even more so in other African countries. It is via processes that actors can develop certain capacities – if the process is regarded as potentially meaningful enough to merit the time and engagement. In this regard, the APRM – though not the panacea to Africa’s development – can contribute to improve governance in Africa.

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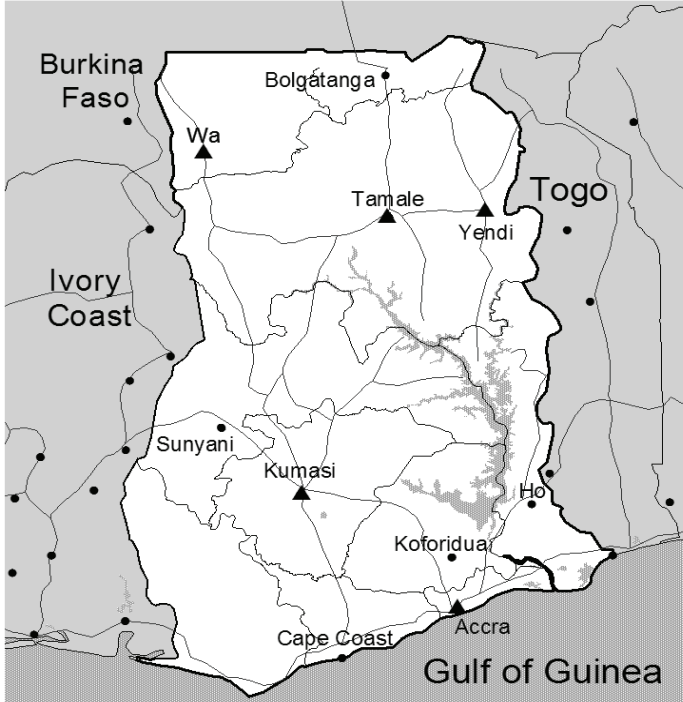
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Map of Ghana

Map of Ghana indicating research areas



0 40 80 120 160 200 Kilometers

- ▲ Research area
- Major cities
- Boundary lines
- Streets and railroads
- ▨ Water bodies

Source: own illustration

Annexes

Annex 1: Research design

1. Research phases

The research approach of DIE country working groups is generally subdivided into three main phases: the preparatory desk phase (12 weeks), the field research (11 weeks) and the final desk phase of writing up the report (4 weeks). All three phases are marked by a presentation of their respective results.

I. Preparatory desk study (November 2006–February 2007)

During this preparatory phase the team analysed relevant documents and secondary literature. The overall structure of the study was defined; aim and main hypothesis were elaborated. This phase included several feedback loops, based on face-to-face interviews and discussions. The discussion partners were a group of experts from the German Development Institute (DIE). This expert group was chosen on the basis of their knowledge in subject areas such as research methodology and governance issues as well as for their regional expertise on Africa. One expert acted a particular point of contact and reference throughout the preparatory phase. Also consulted was an expert from the Federal Ministry for Economic Cooperation and Development (BMZ). The research counterpart from the Centre for Democratic Development (CDD), Ghana, provided input and in-depth discussions during a one week stay in Bonn, Germany. CDD is an independent think-tank in Ghana and constitutes a relevant academic consultant for the country-working group. CDD is one of the technical teams that were engaged in the country self-assessment of the APRM. Due to its involvement in the process it was a central information source about the methodology of the APRM. As a result of this phase a draft report was prepared and presented to a group of DIE researchers in a plenary session.

II. Empirical phase (February 2007–April 2007)

The main phase of research took place in Ghana, i. e. in three big cities: Accra, Kumasi and Tamale. A mixture of qualitative empirical research methods was chosen to answer the questions of this study, to get a comprehensive picture, and to validate the findings. An important partner in the second phase was the Institute for Security Studies (ISS) from South Africa. The institute

explores the field of human security – including good governance – in Sub-Saharan Africa. In this realm it researches about the APRM. Thus, ISS was a valuable partner for sharing experiences out of a research perspective. Within their work, they also report on the APRM in other African countries (especially in South Africa) and were involved in a shadow report on the APRM. Since ISS has great experience in analysing the APRM in different settings it was finally intended to assure the research outline of this study. The findings of this phase were finally supplemented with documents that were only accessible in Ghana, e. g. the APRM annual implementation report that was released to the public in February 2007. At the end of the empirical phase a draft report was presented at a validation workshop held in Accra to a group of interviewed stakeholders. This presentation marked the end of the research.

III. Writing up of the final report (May 2007)

The results as well as documents from the first and second phase are used to prepare the final report, which is then presented to research staff and guests at DIE. This presentation and the following discussion give the final feedback.

2. Qualitative research instruments

It was not the aim of this study to quantitatively *measure* the level of good governance, let alone the degree of influence the APRM is having on the quality of governance. Instead, it aimed at *understanding* the rational and potential of the APRM to impact on governance structures in Ghana. Evidence on this was generated with several qualitative research methods.

The most important tool was the interview. The study reverted to a sample of 67 semi-structured interviews with stakeholders from civil society, public sector, the media and development partners. The tool of semi-structured interview was chosen because it gave the interviewer the flexibility to ask subsequent questions in the broad pre-structured interview aspects. At the same time, it allowed the respondents to freely express their opinions and experiences (cf. Hopf 1991, 177). Semi-structured interview risk confirming what is already know, but constitute opportunities for learning, as often interviewees “*will provide not just answers, but the reasons for the answers*” (FAO 1990).

Since different groups of stakeholders (members from the public sector, civil society organisations, media and development partners) were interviewed, it

was essential to have different sets of questions within a general guideline for interviews. A sample of the semi-structured questionnaire is given in Box 10 below.

Box 10: Sample of semi-structured questionnaire

Questions for all Stakeholders

- What is your field of expertise?
- What do you think of the APRM? Where are opportunities and challenges?
- Who are important groups in the Ghanaian APRM? (Whom do we need to talk to?)
- What was your role in the APRM?
- How do you use the country report and/or the PoA since it has been published?
- What – in your opinion - are the most important problems within the sector of public procurement? [Topic area: corruption & procurement]

Questions for the Media

- Which role did the media have during the APR process?
- Which role do the media have to foster good governance?

Questions for Development Partners

- How do you see Ghana in the African context? Where would you see pitfalls in Ghana's development?
- Which topics are you working on?
- What do you think is the most important policy framework for development in Ghana?
- Did or do you support the APRM?
- When and why did you decide to engage in the process? [*Alternatively*] Why NOT?
- You mentioned the area X. This topic is also covered in the PoA. Is this relevant for you? Do you align your engagement with the PoA?
- What do you think about the involvement /reaction of different stakeholders? Where they effectively involved and what is the meaning of their involvement?

In addition to these interviews, a focus-group discussion was held at the end of the empirical phase to validate findings and to gather information on stakeholders' perceptions on responsibilities in the follow-up of the APRM. A focus group discussion in general aims at gathering new and maybe unexpected information and topics that could emerge within an interactive group discussion (cf. Flick 2002, 168 ff.). The central component of this discussion was a scoring exercise, used as a tool to trigger discussion in small groups. The purpose of using a scoring exercise was *"to make a relative comparison between options of a specific issue or solutions to a problem [...]"* (IFAD 2002, 44).

The focus of the exercise was on the follow-up of the Ghanaian APR process. The task was to develop a matrix as shown in the example of Diagram 3 below. So participants needed to first discuss and decide upon what they regarded as important measures in the follow-up (first column) and second whom they saw as responsible for that measures (first row).

Diagram 3: Example of the scoring exercise							
	GC	President / Government	Parliament	Development Partners	CSOs	NCCE	Media
Political commitment to PoA	...	...	...	...	...	...	...
Clarification of relation between PoA & GPRS II	...	...	...	...	...	...	...
Funding		3		2			
Education of the public	3	...	...	...	...	...	2
Monitoring and Evaluating	...	...	...	...	2	...	...
Source: own illustration							

In the subsequent attribution of scores, participants were able to express where they saw the responsibilities and to indicate their *importance* (score 1-3) to the single measures. Thereby, it was possible to determine which measures are regarded as more important than others and to initiate further detailed (focus group) discussion on each of these.

In addition, the print media in Ghana was a valuable source of information for this study by answering questions about the degree of information available to actors. This information was relevant to both issues covered by the APRM and the process itself. Media reports of the APRM were made available by the national APR Secretariat .

3. Selection of case study – Ghana and its regions

The research focused on Ghana as a case study to examine the potential impact of the APRM on the quality of governance. Since the central question is if the peer review was an instrument to improve good governance it had been crucial to choose a country that had already gone through the process. Additionally, certain basic political standards needed to be in place. Ghana was among the first countries that acceded to the APRM and the first country that has completed the first full cycle review within the APRM. Carrying out the peer review in Ghana was therefore exemplary for the other states that followed. Furthermore, Ghana was classified as a democratic system with basic democratic requirements such as free and fair elections, freedom of press and an energetic and free civil society. It is also attributed the label of being a *good performer* because of its relative economic and political stability.

To get a comprehensive view about the impact of the APRM in Ghana it was essential to include various regions in the study. Three regions were chosen for geographical reasons as well as for their diverse development status and their cultural background:

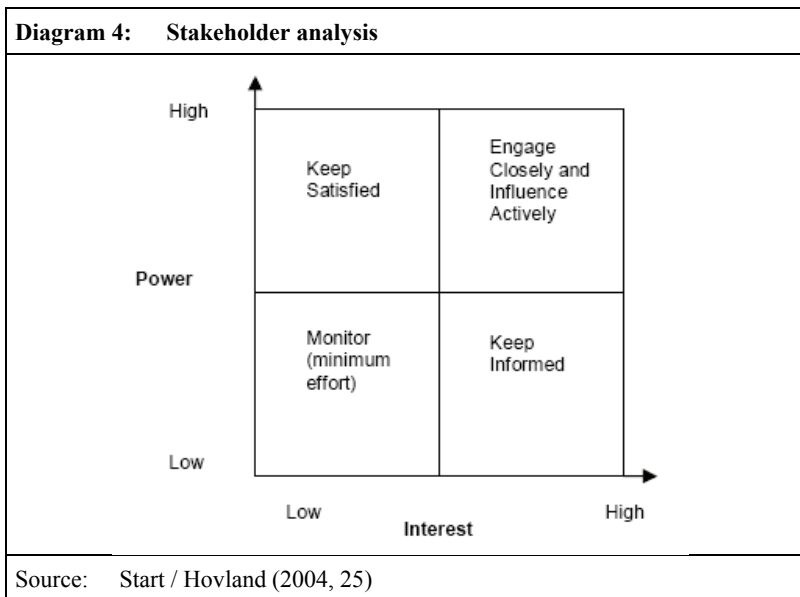
- The first region chosen was Greater Accra in the South. **Accra** has more than 2 million people. It is not only the capital of Ghana and the region of Greater Accra, but also Ghana's largest city and its administrative, communications and economic centre. All key governance institutions are found there.
- The second region reviewed was in the northern part of Ghana, the capital of the Northern Region, **Tamale**, with a population of 350,000. It is centrally located and is the political and economic centre of this region.

The North is thinly populated and culturally distinct from the majority of Akan-speaking Ghanaians. With regard to its socio-economics, the region is less developed than the south or the centre of Ghana.

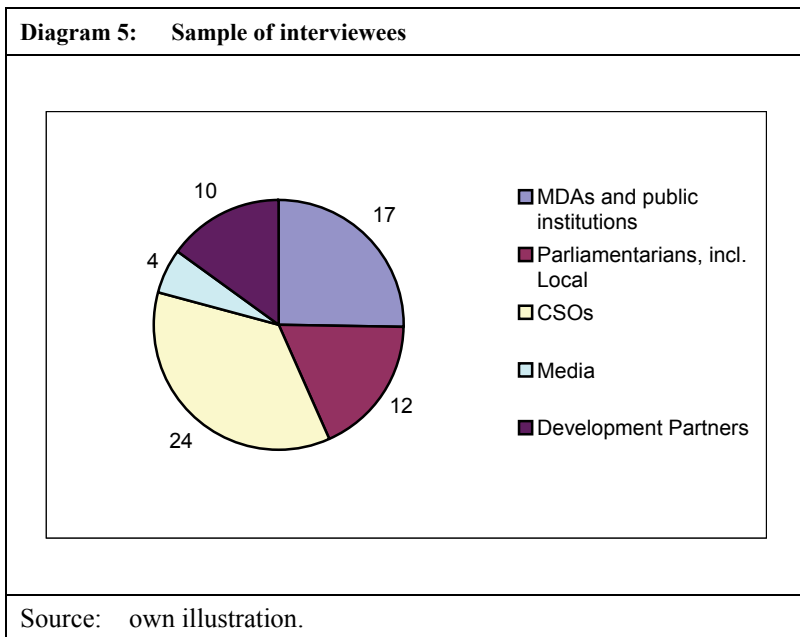
- The third research area was located in the Central Region of Ghana. **Kumasi** has a population of more than 1.5 million and is in the Ashanti Region. It is the second-largest city in Ghana and is regarded as the cultural centre of the country.

4. Selection of interviewees

Interviewees selected for this study were all stakeholders in the APR process. Their background was largely in civil society, which includes the private sector. In addition, the public sector and the media were targeted. In stakeholder analysis, relevant dialogue partners are selected according to two key criteria: Power and interest. In this selection, it is important to involve a wide range of informed stakeholders.



The study focused on stakeholders with potentially high power and high interest and thus included those groups that were organised and had been involved in the APRM. This sample was not static and was open to changes in the course of the research, as some of the envisaged interviewees were not available while others emerged that researchers had not included at the outset. This possibility was explicitly asked for in the interviews (snowball approach: “*Who would you name as other relevant actors?*”). An additional group of interviewees consisted of development partners engaged in Ghana. This was due to the importance of development partners to Ghana as an aid-dependent country in general. A number of representatives of different development partners were asked questions about their engagement in governance areas and with regard to the APRM. The composition of the interviews is shown in Diagram 5.



Annex 2: Timetable of countries in the APRM Schritt für Schritt: Der APRM-Zeitplan im Überblick

Country/Review	2005												2006				2007			
	Q1 2004	Q2 2004	Q3 2004	Q4 2004	Q1 2005	Q2 2005	Q3 2005	Q4 2005	Q1 2006	Q2 2006	Q3 2006	Q4 2006	Q1 2007	Q2 2007	Q3 2007	Q4 2007				
1. Ghana		SM				CRIM&Final Report	Report tabled	Revision POA	Peer Review of Report											
2. Rwanda		SM			Self Ass/POA	CRM	Report tabled	Revision POA	Report writing	Peer Review of Report	Revision POA of Report									
3. Kenya			SM		Self Ass/POA	CRM	Self Ass/POA	CRM	Report writing	Report tabled	Revision POA of Report	Peer Review of Report								
4. Mauritius				SM			Self Ass/POA	CRM		Follow up Mission	Self Ass/POA	CRM&Final Report								
5. Nigeria					SM					Follow up Mission	Self Ass/POA	CRM&Final Report								
6. Uganda					SM					Follow up Mission	Self Ass/POA	CRM&Final Report								
7. Algeria							SM			Self Ass/POA	CRM& Final Report	Report Tabled								
8. South Africa								SM		Self Ass/POA	CRM&Final Report	Report Tabled								
9. Benin											Self Ass/POA	CRM&Final Report								
10. Mali								SM		SM		Self Ass/POA	CRM&Final Report							
11. Senegal										SM	Self Ass/POA	CRM&Final Report								
12. Republic of Congo										SM	Self Ass/POA	CRM&Final Report								
13. Cameroon										SM	Self Ass/POA	CRM&Final Report								
14. Mozambique										SM	Self Ass/POA	CRM&Final Report								
15. Sierra Leone										SM	Self Ass/POA	CRM&Final Report								

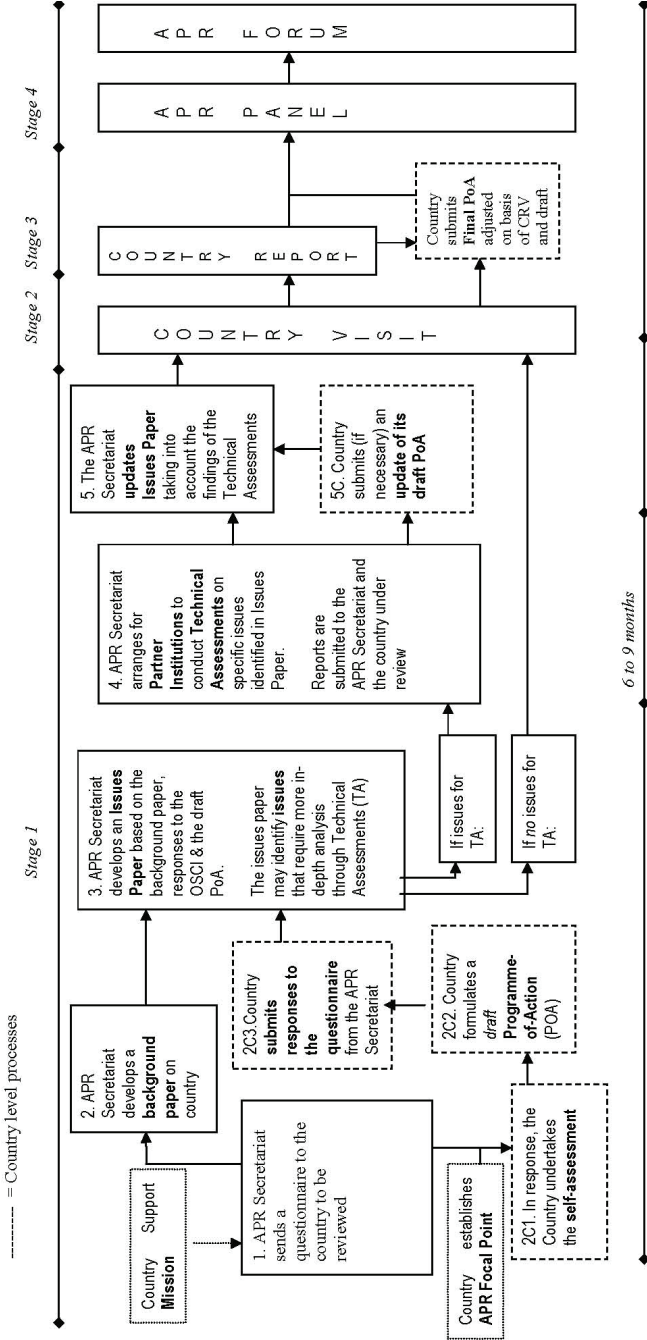
16. Tanzania										SM		Self-Ass/POA	CRM&Final Report
17. Lesotho										SM		Self-Ass/POA	CRM&Final Report
18. Burkina Faso										SM		Self-Ass/POA	CRM&Final Report
19. Malawi										SM		Self-Ass/POA	CRM&Final Report
20. Burkina Faso										SM		Self-Ass/POA	CRM&Final Report
21. Ethiopia										SM		Self-Ass/POA	CRM&Final Report
22. Egypt										SM		Self-Ass/POA	CRM&Final Report
23. Zambia										SM		Self-Ass/POA	CRM&Final Report
24. Angola										SM		Self-Ass/POA	CRM&Final Report
25. Sudan										SM		Self-Ass/POA	CRM&Final Report
26. Sao Tome and Principe										SM		Self-Ass/POA	CRM&Final Report

LEGEND	
SM	Support Mission
Self-Ass	Self-Assessment Report
POA	Programme of Action
CRM	Country Review Report

Schwarze Balken bedeuten das planmäßige Aussetzen des APRM-Prozesses für ein Quartal aufgrund von Wahlen, die in dem Land stattfinden (während Wahlkämpfen soll kein Review eines Landes stattfinden)

Source: Zimen (2006, 5)

Annex 3: Stages of the base review



Source: AU / NEPAD (2003c,7)

Annex 4: Timetable of the Ghanaian APR process

Date	Events/activities	Stage of APRM
October 2002	Ghana accedes to the APRM at 35 th Conference of African Ministers of Finance in Johannesburg	
9 March 2003	Ghana signs MoU at 6 th Summit of HSGIC in Abuja	1
March 2003	Ministry of Regional Cooperation and NEPAD is established	
November 2003	The Ghanaian government announces at a conference that the self-assessment is progressing well; the participating CSOs protest	
18 March 2004	President Kufuor appoints Governing Council (GC), national APR Secretariat takes up its work	
May 2004	Country Support Mission led by Chris Stals (member of APR Panel of Eminent Persons)	
December 2004	Ghanaian elections	
February 2005	Self-assessment reports are presented internally by the four TTs to the GC and President Kufuor. Subsequently the government consults internally about the findings (comments by government are later published in the annex of the country report)	
March 2005	Country self-assessment report and draft PoA are sent to APR Secretariat in Midrand (documents are updated several times till June 2005)	

4-16 April 2005	Country Review Mission (CRM): APR Team led by Chris Stals visits Ghana	2
	After CRM, APR Team writes report	3
May 2005	APR Secretariat compiles final country report and PoA	3
10 June 2005	Publication of comments of government to draft reports and PoA	3
19 June 2005	APR Panel presents final country report and PoA with its recom- mendations at the APR Forum in Abuja	4
22 January 2006	President Kufuor presents coun- try report and PoA to peers at the APR Forum in Khartoum. APR Forum discusses findings	4
February 2006	Official publication of country report and PoA	5
June 2006	GC publishes first monitoring and evaluation report on the implementation of PoA for the period January 2006 - June 2006	(6)
January 2007	GC publishes first annual moni- toring and evaluation report on the implementation of PoA for the period January 2006 - January 2007	(6)
Source: own illustration		

Annex 5: The APRM and OECD's aid review

Peer reviews are an innovation in Africa, but have also been practised elsewhere. An international organisation in which the practise of peer reviews is deeply rooted is the OECD. Since the creation of this organisation in 1961, peer reviews are used as tools for co-operation and change (cf. OECD 2003). One example where member countries examine each other in one specific policy area is the DAC's aid review of individual member countries' policies. The DAC is the main OECD body on development cooperation. Currently, there are 23 members of the committee, including the European Commission. Members are periodically reviewed, on average every three to four years, i. e. within the DAC community, there are around five to seven reviews each year.

The peer reviews are meant to assess the effectiveness of policies and programmes. Furthermore, the review aims at assisting in improving individual and collective performance, providing comparative reports and identifying best practises to foster cooperation (cf. Pagani 2002b, 25; Ashoff 2000, 71ff). As a basis for proceedings, the DAC review measures performance of the member countries against agreed principles and guidelines, e. g. policy coherence. In the field of development cooperation, guidelines on related policy issues are manifold, e. g. covering the area of environment, gender or peace and conflicts. Examples for standards of performance are the DAC Guidelines for Poverty Reduction or the MDGs.⁶³

When a member country is scheduled for the review, the OECD Secretariat as well as two fellow countries nominated as *examiners* are involved. These actors form the review team. The actual process includes seven stages: (i) preparation, (ii) field visits to partner countries, (iii) mission to the capital, (iv) peer review meeting, (v) editorial session, (vi) publication of results and (vii) follow-up. The timeframe for the whole process is six months.

As part of the preparation (i), the examined country hands in a memorandum or annual report describing its practise. It is upon this document that the review team (secretariat and the two examiners) choose key issues of particular interest for the actual assessment. The next phase includes (ii) field visits to selected partner countries of the member under review. Thereafter, a visit to

63 Cf. www.oecd.org/dac (accessed 10 May 2007).

the capital (iii) constitutes the main fact-finding mission, as different stakeholders, including civil society representatives, are interviewed to get a first-hand impression. After this on-site visit, the secretariat prepares a *draft review* and a *main issues paper*. These are forwarded for comments to the country under review before the findings form the basis for discussions at the one-day peer review meeting (iv). Here, all DAC members' delegates form the actual peer forum, as they discuss main findings and recommendations with the examiners, the secretariat and the country concerned. The editorial session (v), usually held the next day, is used to arrive at final documented conclusions on the main findings. Finally, results are published in a review report (vi). The follow-up (vii) foresees that the reviewed country is visited six months after the publication of the review report to track progress (cf. Pagani 2002, 25 ff.; Ashoff 2000, 72; Ashoff 2002).

When comparing this procedure with the APRM, a couple of points are striking, despite a number of similarities. Despite – or because – of the lower levels of socio-economic development in Africa, the APRM envisages periodic reviews in a much shorter period of time, i. e. every two to three years. Concerning the scope of review, the APRM is a very comprehensive exercise. First, it is neither restricted to only one policy area, nor is there a selection or preset focus on key issues. The mission to the capital within the DAC's procedure comes quite close to the mandate of the CRM in the APRM, as both have the mandate to elevate or cross-check findings with different stakeholders on-site. Concerning the *peer* character of the review process, it has to be noted, that the APRM - by involving Heads of State and Government - takes this peer review higher than the DAC. This leaves it ultimately to the examiners decision at what level they are represented in the review process. As Ashoff notes, there is a common understanding that DAC countries should send "*senior representative[s] of the aid administration with a solid professional background including field and evaluation experience and with an awareness of policy coherence issues*" (Ashoff 2002: 20). This however, together with the mixed audience at the one-day peer review meeting is a mayor difference to the APRM. In both reviews, the corresponding secretariats face a high workload in preparing various background documents. In comparison, as already noted, the APRM is the more ambitious exercise. The necessity to sufficiently fund and staff the APRM Secretariat in

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Midrand (currently with 20 staff)⁶⁴ becomes thus obvious, as it is within their mandate to manage the whole process and provide background information.

64 Cf. <http://www.nepad.org/aprm> (accessed, 10 May 2007).

Publications of the German Development Institute

Nomos Verlagsgesellschaft

Neubert, Susanne / Waltina Scheumann / Annette van Edig / Walter Huppert (eds.): *Integriertes Wasserressourcen-Management (IWRM): Ein Konzept in die Praxis überführen*, 314 p., Nomos, Baden-Baden 2004, ISBN 3-8329-1111-1

Messner, Dirk / Imme Scholz (eds.): *Zukunftsfragen der Entwicklungspolitik*, 410 p., Nomos, Baden-Baden 2004, ISBN 3-8329-1005-0

Brandt, Hartmut / Uwe Otzen: *Armutorientierte landwirtschaftliche und ländliche Entwicklung*, 342 p., Nomos, Baden-Baden 2004, ISBN 3-8329-0555-3

Liebig, Klaus: *Internationale Regulierung geistiger Eigentumsrechte und Wissenserwerb in Entwicklungsländern: Eine ökonomische Analyse*, 233 p., Nomos, Baden-Baden 2007, ISBN 978-3-8329-2379-2 (Entwicklungstheorie und Entwicklungspolitik 1)

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