

THE MAJOR BOTTLENECKS FACING AFRICA



Acknowledgments

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Disclaimer:

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TABLE OF CONTENTS

THE MAJOR BOTTLENECKS FACING AFRICA	1
ACKNOWLEDGMENTS	2
DISCLAIMER:	2
FOREWORD.....	6
EXECUTIVE SUMMARY.....	7
BACKGROUND	7
OBJECTIVE OF THE STUDY	7
METHODOLOGY	7
LIMITATIONS.....	8
STRUCTURE OF THE REPORT	8
FINDINGS.....	8
CONCLUSION.....	11
NEXT STEPS	11
INTRODUCTION	12
BOTTLENECK 1: IDEOLOGICAL DISORIENTATION	14
CONCEPT	14
WHAT THE APRM DOES ABOUT IDEOLOGICAL DISORIENTATION	15
THE APRM RECORD SO FAR ON IDEOLOGICAL DISORIENTATION	16
<i>Ethnic, religious and cultural cleavages</i>	<i>16</i>
<i>Survey results:.....</i>	<i>17</i>
FIGURE 1: DEALING WITH ETHNIC, CULTURAL, RELIGIOUS DIVERSITY.....	17
<i>Gender.....</i>	<i>18</i>
<i>Survey results:.....</i>	<i>19</i>
FIGURE 2: DEALING WITH GENDER INCLUSION	19
WHAT – OR WHAT MORE – CAN THE APRM DO ON IDEOLOGICAL DISORIENTATION?	20
BOTTLENECK 2: INTERFERENCE WITH THE PRIVATE SECTOR	20
CONCEPT	20
WHAT THE APRM DOES ABOUT INTERFERENCE WITH THE PRIVATE SECTOR.....	21
THE APRM RECORD SO FAR ON INTERFERENCE WITH THE PRIVATE SECTOR.....	22
SURVEY RESULTS:.....	24
WHAT – OR WHAT MORE – CAN THE APRM DO ON INTERFERENCE WITH THE PRIVATE SECTOR?	24
BOTTLENECK 3: WEAK STATES AND INSTITUTIONS.....	25
CONCEPT	25
WHAT THE APRM DOES ABOUT WEAK STATES AND INSTITUTIONS	25
<i>Militaries.....</i>	<i>26</i>
<i>Policing.....</i>	<i>27</i>
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT WEAK STATES AND INSTITUTIONS.....	27
BOTTLENECK 4: FRAGMENTED MARKETS, MARKET ACCESS AND EXPANSION	28
CONCEPT	28
WHAT THE APRM DOES ABOUT FRAGMENTED MARKETS, MARKET ACCESS AND EXPANSION	28
<i>Recent developments in the field of closer economic integration</i>	<i>31</i>
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT FRAGMENTED MARKETS, MARKET ACCESS AND EXPANSION.....	32
BOTTLENECK 5: LACK OF INDUSTRIALISATION AND LOW VALUE ADDITION	32
CONCEPT	32
WHAT THE APRM DOES ABOUT LACK OF INDUSTRIALISATION AND LOW VALUE ADDITION.....	32

<i>The international context</i>	33
<i>Commodity dependence</i>	34
SURVEY RESULTS:.....	34
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT LACK OF INDUSTRIALISATION AND LOW VALUE ADDITION	34
BOTTLENECK 6: UNDER-DEVELOPED INFRASTRUCTURE	35
CONCEPT	35
FIGURE 4: ESTIMATED FUNDING NEEDS FOR AFRICAN INFRASTRUCTURE, 2010 (\$ BILLION).....	36
<i>What the APRM does about under-developed infrastructure</i>	37
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT UNDER-DEVELOPED INFRASTRUCTURE	38
BOTTLENECK 7: UNDER-DEVELOPMENT OF HUMAN RESOURCES	38
CONCEPT	38
WHAT THE APRM DOES ABOUT UNDER-DEVELOPMENT OF HUMAN RESOURCES	39
<i>Health</i>	39
TABLE 3: CAUSES OF DEATH IN SUB-SAHARAN AFRICA, 2014.....	40
<i>Education</i>	41
TABLE 4: PROPORTION OF CHILDREN IN SCHOOL BUT NOT LEARNING	42
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT UNDER-DEVELOPMENT OF HUMAN RESOURCES	43
BOTTLENECK 8: UNDER-DEVELOPMENT OF AGRICULTURE	43
CONCEPT	43
WHAT THE APRM DOES ABOUT UNDER-DEVELOPMENT OF AGRICULTURE.....	44
<i>Landholding</i>	46
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT UNDER-DEVELOPMENT OF AGRICULTURE.....	46
BOTTLENECK 9: UNDER-DEVELOPMENT OF THE SERVICES SECTOR	47
CONCEPT	47
WHAT THE APRM DOES ABOUT UNDER-DEVELOPMENT OF THE SERVICES SECTOR.....	47
<i>Banking</i>	47
<i>Tourism</i>	50
TABLE 5: INTERNATIONAL TOURIST ARRIVALS IN AFRICA, 2000-2014 (MILLIONS).....	50
TABLE 6: LEVEL OF TOURISM DEVELOPMENT IN SUB-SAHARAN AFRICA.....	51
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT: UNDER-DEVELOPMENT OF THE SERVICES SECTOR.....	51
BOTTLENECK 10: A NON-RESPONSIVE CIVIL SERVICE	51
CONCEPT	51
WHAT THE APRM DOES ABOUT NON-RESPONSIVE CIVIL SERVICE	52
<i>The African Charter on Public Service and Administration: an Opportunity the APRM must Seize</i>	54
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT NON-RESPONSIVE CIVIL SERVICE	54
BOTTLENECK 11: ATTACKS ON DEMOCRACY AND GOVERNANCE	55
CONCEPT	55
WHAT THE APRM DOES ABOUT ATTACKS ON DEMOCRACY AND GOVERNANCE	55
<i>Elections</i>	56
<i>Constitutionalism and the rule of law</i>	57
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT ATTACKS ON DEMOCRACY AND GOVERNANCE.....	59
BOTTLENECK 12: LACK OF DOMESTIC RESOURCE MOBILISATION, WITH A FOCUS ON FISCAL REVENUES FROM NATURAL RESOURCES	59
CONCEPT	59
WHAT THE APRM DOES ABOUT LACK OF DOMESTIC RESOURCE MOBILISATION	59
SURVEY RESULTS.....	61
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT LACK OF DOMESTIC RESOURCE MOBILISATION	61
BOTTLENECK 13: STRUCTURAL INEQUALITIES IN ACCESS TO OPPORTUNITIES	61
CONCEPT	62
WHAT THE APRM DOES ABOUT STRUCTURAL INEQUALITIES IN ACCESS TO OPPORTUNITIES	62

SURVEY RESULTS..... 64
WHAT – OR WHAT MORE – CAN THE APRM DO ABOUT STRUCTURAL INEQUALITIES IN ACCESS TO OPPORTUNITIES 64
CONCLUSION 65
NEED FOR AN INTEGRATED PERSPECTIVE..... 65
THE APRM’S POTENTIAL TO MAKE FURTHER CONTRIBUTION 65
NEXT STEPS 66

Foreword

While the APRM is preparing to celebrate its 15th anniversary in March 2018, it is with immense pleasure, pride and a sense of responsibility that the APRM Secretariat publishes *The Major Bottlenecks Facing Africa* today. This is a report with lofty ambitions: it asks difficult questions, attempts to answer those questions and proposes ways forward.

The issues that are dealt with are very well-known to all of us; they are bottlenecks to Africa; they are bottlenecks to our individual and communal lives; they hold us back; they choke our daily lives and stifle our prospects; they need addressing. Who would need to be told that such issues as underdeveloped infrastructure or agriculture, poor service delivery capacity or lack of industrialisation, lack of access to opportunities or conflict and the violation of human rights are bottlenecks holding Africa back? We all live with them every day.

A lot has been said about each and every one of these bottlenecks by policy makers, scholars, development researchers and campaigners, diplomats, statesmen, community leaders, and just about everyone who has the will to see what life is like for the average African. From this, one would be entitled to ask: why do we need yet another voluminous document on issues that are so part of our daily lives and on which so much has been said and written? I believe this report brings added value by approaching these old and well-known issues from a particular, perhaps even unique, perspective – asking one simple but profound question: what can the APRM do, if any, to help overcome these well-known and well-entrenched challenges to the continent? That is the main contribution of this report.

The point of departure for this report is the thesis that most of these challenges are essentially challenges of governance. On the surface, they might look like they are about building a highway or a school and hospital or about techniques of farming or manufacturing. Yet, we all know that no amount of technology or investment will address these challenges until and unless the entire effort is underpinned by some of the most fundamental principles of good governance.

And if governance is so much at the core of all these bottlenecks, it is right that our leaders looked to the APRM for guidance. After all, the APRM is almost certainly the boldest and the most innovative initiative these leaders – indeed, any group of statesmen and stateswomen in any part of the world – have ever undertaken. As such, when we were tasked by our leaders with such a responsibility – to re-examine these old and established continental challenges with a view to identifying governance-related entry points towards resolving them – we gave it all the attention it requires and came up with this report.

In developing this report, we looked into the APRM tools and processes, conducted a comprehensive examination of all 17 Country Review Reports and their progress reports, consulted our stakeholders through semi-structured questionnaires, presented different stages of the draft report to various statutory and expert group meetings, and reflected the feedback from all of these to produce this report. And the final product is highly gratifying. Not only does it examine each of the bottlenecks from an APRM perspective; it also proposes what can be done on each bottleneck within the APRM framework in the form of (1) potential targeted, bottleneck-specific, reviews in countries that may volunteer to do so freely, and (2) informing the ongoing renewal of the APRM tools and processes, including the Country Self-Assessment Questionnaire, with the resulting recommendations.

I would like to take this opportunity to thank my colleagues for their hard work and dedication in the preparation of this report, and the UNECA for supporting us with the expert validation of the draft report. I also wish to pay tribute to the leadership of H.E. Yoweri Museveni, President of the Republic of Uganda, who initiated the idea and championed the development of this project to its present state.

Prof. Eddy Maloka
CEO, APRM Secretariat
November 2017, Midrand, South Africa

Executive Summary

Background

This report owes its origin to two presentations made by H. E. Yoweri Kaguta Museveni, President of the Republic of Uganda, at two different meetings of the APR Forum of Heads of State and Government of APRM-Participating Countries – the 23rd APR Forum held in June 2015 in Johannesburg, South Africa, and the 25th APR Forum held in August 2016 in Nairobi, Kenya.

In what he called the “Eleven (11) bottlenecks facing Africa”, the President identified issues that needed to be addressed for Africa to launch itself on the path of sustainable transformation. Furthermore, he also proposed that these were “pertinent areas for review” that “should be discussed and considered as part of the [APRM] tool.”¹

The 11 Bottlenecks in the President’s list are:

- Ideological disorientation;
- Interference with the private sector;
- Under-developed infrastructure;
- Weak states, especially weak institutions such as the Army, Police, etc.;
- Fragmented markets, market access and expansion;
- Lack of industrialisation and low value addition;
- Under-development of human resources;
- Under-development of agriculture;
- Under-development of the services sector;
- Attacks on democracy and governance; and
- A non-responsive civil service.

The President discussed each of these bottlenecks in detail, explained why each one works to choke Africa’s efforts towards socio-economic transformation, and concluded with an APRM-specific recommendation that “when countries are being Peer reviewed, it is important to see how far we have gone in eliminating these bottlenecks”.²

The President’s presentation was warmly received by his Peers, who expanded on the bottlenecks. One additional issue that emerged from Summit deliberations, first mentioned by H. E. President Macky Sall of Senegal, concerned the poor state of domestic resource mobilisation in Africa, with particular emphasis on the meagre fiscal revenues generated from the Continent’s abundant natural resources.

The APR Forum welcomed the presentation from H. E. President Museveni and the interventions from other Heads of State and Government and instructed the APRM Secretariat to prepare a report for their next meeting. It was during internal discussions at the APRM Secretariat that a 13th bottleneck was identified, that of structural inequalities in access to opportunities.

Responding to the instruction from the APR Forum, this document was produced by the APRM Secretariat under the overall guidance of Prof. Eddy Maloka, CEO of the APRM Secretariat.

Objective of the Study

The primary objective of this study is to examine the governance-related aspects of these bottlenecks from an APRM perspective, explore whether or to what extent the APRM already deals with them, and propose means by which the APRM can make further contributions in the effort to tackle them over the long term.

Methodology

The report was prepared primarily based on desk research, relying heavily on the 17 country review reports (CRRs) that had been already published at the time the study was undertaken. Other sources also consulted include relevant institutional reports and the academic literature. Finally, an online survey was also conducted posing questions to an audience of around 1000 stakeholders in the field of African governance, including APRM professionals from many Member States, which elicited some 140 written responses. While this was not meant to be a scientific survey, and impossible to disaggregate, the exercise helped to gather the views of multiple stakeholders around the continent. The report was also informed by a close consideration of APRM governance standards as well as Agenda 2063, which provided the context for the analyses.

¹ *Discussion Paper*, p. 2.

² *Discussion Paper*, p. 12.

Considering its limited objectives, the report does not claim to provide a comprehensive account of the APRM's findings on each bottleneck in every APRM-participating country on the continent. Instead, the report attempts to provide an overview of the most important issues germane to each of the bottlenecks, often providing illustrations with the help of examples, and explores options to address them within the framework of the APRM.

Limitations

Each of the bottlenecks is highly critical to the development of Africa. In appreciation of that fact, these issues have received plenty of attention in the development policy literature over the past few decades. It is not the purpose of this report to produce yet another voluminous study on these issues. Instead, and as indicated above, the primary objective of this report is to explore the extent to which these bottlenecks have been addressed by the APRM tools and processes and what more can be done to better equip the APRM to deal with them more systematically and comprehensively throughout the peer review chain of activities. In this sense, the scope of the report is consciously restricted to an examination of these otherwise broad issues with an APRM lens.

Structure of the report

The discussion under each bottleneck is structured as follows: first, it attempts to interpret, understand, conceptualise and explain what each bottleneck is about. It is worth noting at this stage that a number of proposals were made to revise the heading of each bottleneck to make them reflect their contents better. However, after a serious consideration, we chose to stick to the original headings for the bottlenecks and to provide commentary under the respective sections to give the clearest possible picture of what each bottleneck is about. Secondly, it asks what, if any, the APRM does today about each bottleneck. And, thirdly, it asks what – or what more – can be done about each bottleneck within the context of the APRM and how we can do it. This three-level structure thus forms our analytical framework for the entire study.

Findings

The study finds that while the APRM offers a sound methodology and framework to achieve its goals, its full actualisation requires a number of small but collectively significant reforms. Particularly on the 13 bottlenecks, while the APRM country review reports touch on virtually all of them, it is also true that they address some bottlenecks more fully than others. The specifics may be summarised under each bottleneck as follows.

Bottleneck 1: Ideological Disorientation

Ideological disorientation is here understood to mean discrimination based essentially on three characteristics of the human person: ethnic or tribal origin, religious belief, or gender. What has been called ideological disorientation here is therefore essentially about societal divisions and chauvinism. Understood in this form, ideological disorientation has been a widespread challenge in Africa since the end of colonialism. The APRM deals with ideological disorientation at length and creates a solid basis for informed societal conversation around it. The APRM record on this bottleneck is a strong one. At the same time, a revamped APRM process can still add value in at least three ways: (i) the analysis and recommendations in reviewed countries can be made more precise and specific; (ii) the APRM could assist in developing quantitative measurement techniques in this area; and (iii) APRM institutions should consciously reflect on the ideological assumptions in operation when they undertake reviews.

Bottleneck 2: Interference with the private sector

Despite the importance of a robust domestic private sector to the continent's future, private sector development has not received the political or public attention it deserves. The APRM can do more in this area in at least three ways: (i) by helping to fill information gaps, such as on harassment of the private sector; (ii) by conducting an in-depth assessment of one or two of the most severe challenges faced by the private sector and drawing a list of recommended actions and best practices for consideration by Member States; and (iii) by serving as a forum for the private sector to voice its concerns to government in a more targeted and focused fashion.

Bottleneck 3: Under-developed infrastructure

That infrastructure is critical for development is beyond cavil. The APRM deals with it in its self-assessment questionnaire and the country review reports also address it extensively. For example, poor infrastructure is listed as a hindrance to business in most of the reports. However, while infrastructure financing remains an important hurdle for Africa, an even more daunting challenge relates to lack of institutional capacity to conduct proper needs assessment, to prepare and evaluate bids, and the widespread curse of corruption in the infrastructure project value chain – for all of which the APRM can make significant further contribution. The APRM could, for example, (i) start treating infrastructure as a challenge in itself that

needs addressing rather than the APRM's tradition of considering infrastructure in terms only of the adverse impacts of lack of infrastructure on social and economic activity; indeed, infrastructure could be treated as a cross-cutting issues that affects all thematic areas; (ii) pay attention both to the financial problems and the non-financial (often governance-based) issues that confront infrastructure programmes; and (iii) include in the country self-assessment questionnaire questions about what is hindering African countries from overcoming their infrastructural deficits.

Bottleneck 4: Weak states and institutions

While this is an area of utmost political sensitivity, particularly when it comes to issues of state security services, the APRM has repeatedly drawn attention to abuses associated with security forces, thereby bringing such issues up for public discussion. The APRM may consider going further in this area, e.g. by collating crime statistics and publishing them regularly and timeously. Considering the cross-border nature of much of contemporary conflict in Africa, the APRM could also serve as a platform for Heads of State and Government, and for government officials, to discuss such issues and explore options for possible collective response.

Bottleneck 5: Fragmented markets, market access and expansion

Regional integration and trade are of seminal importance to the APRM and there is ample room to treat these issues well in the review process. However, there are few issues on the African governance agenda that seem to be more insulated from the input of ordinary people. The APRM can therefore still help fill an important gap in this area in at least three ways: (i) raise public awareness of the importance of regional integration; (ii) assemble, analyse and disseminate data on the progress of regional integration; and (iii) use the APR Forum to put pressure on countries to meet their regional integration commitments.

Bottleneck 6: Lack of industrialisation and low value addition

The APRM addresses this issue as part of its analysis of the design and implementation of economic policies for sustainable development. A number of instruments, from the Abuja Treaty to Agenda 2063, also emphasise the imperative to build a viable manufacturing sector in Africa. The APRM could enhance its contribution in this area by, for example, (i) identifying and discussing in detail some of the hindrances to the attainment of industrialisation policy goals in its member states; (ii) disseminating best practices in the field of industrial policy and practice, including through the planned APRM 'knowledge hub'; and (iii) providing an additional platform for member states to coordinate their positions in international negotiations, including on trade and investment, that may have a direct bearing on their national industrialisation policies and goals.

Bottleneck 7; Under-development of human resources:

The APRM has done a creditable job of identifying the difficulties that African countries are confronting in this area, including on the state of education and health services in reviewed countries. Building on its record, the APRM may (i) seek to explore and explain possible factors for human development deficits in Africa and (ii) consider undertaking research into solutions to these problems appropriate for resource-constrained environments, including in collaboration with African universities and other research institutions.

Bottleneck 8: Under-development of agriculture

APRM reports address the issues of agriculture and land policy extensively. The APRM governance standards recognise the importance of farming to Africa and aim to promote a modernised and productive agricultural sector. They also encourage cooperation and harmonisation of efforts in the agricultural sector between African countries. However, the APRM has room to do even more in this area. To mention one example, the APRM has not taken much cognisance of CAADP, which it should do in future, including by recognising the 2003 Maputo Declaration as reaffirmed and further enhanced by the 2014 Malabo Declaration, as a relevant standard of governance against which countries would be assessed.

Bottleneck 9: Under-development of the services sector

Falling under this bottleneck are such financial services as banking and insurance that provide essential support to other elements of the economy and other services such as tourism, entertainment and the transfer technology that are the products of the modern era. A critical aspect of services like these is that they tend to depend more on the skill pool in a country than the natural resource endowments therein. The APRM country review reports consistently identify the key

issues facing countries in these services sectors and much of the remaining challenge is about policy implementation. However, immense opportunities still exist for the APRM to contribute towards addressing the implementation challenges by fostering cross-border collaboration, mutual learning, and harmonisation of policies, regulations and institutional structures and processes among its Member States.

Bottleneck 10: Non-responsive civil service

An efficient civil service is a critical – perhaps the critical – component of effective governance. The civil service has the enormous responsibility to ensure the day-to-day implementation of laws, regulations and policies in all areas of public life. The civil service is also the primary interface between the state and society at large. Indeed, the success of such ambitious African and global programmes as Agenda 2063 and SDGs in the Continent depend significantly on the capacity of the civil service in each country to develop implementation modalities and execute them within a set timeframe. The APRM reports have consistently highlighted the major problems confronting the civil service, but the APRM could still add value by, e.g. (i) devoting more attention to identifying success stories and disseminating their example; (ii) The APRM needs to include, in its list of relevant standards and codes, the African Charter on Values and Principles of Public Service and Administration, which was adopted by the 16th Ordinary Session of the AU Assembly on 31 January 2011 in Addis Ababa, Ethiopia; and (iii) Considering that the Charter has just entered into force with 16 ratifications, the APRM may consider launching a campaign to encourage more countries to ratify the Charter as part of its sensitisation efforts to enhance the development of a responsive civil service on the Continent.

Bottleneck 11: Attacks on democracy and governance

One of the more profound changes in Africa since the 1990s has been the holding of elections as a means of choosing governments. Encouraging democracy was intrinsic to the NEPAD initiative. Democratisation was seen as vitally important and a critical marker of the continent's determination to deal with its governance problems. Above all, democratisation signified an opportunity for Africa's people to become citizens rather than subjects, to take charge of their own destinies, rather than having them dictated to by those in power. On these issues, the APRM country review reports are detailed and for the most part quite forthright. As democratisation and constitutionalism touch on the exercise of power, they are sensitive political issues, and it is to the APRM's great credit that it has been willing and able to probe them and point out weaknesses. The APRM should continue to do so without fear or favour. However, the APR Forum needs to perform its oversight function and ensure that agreed recommendations from the review process are carried out.

Bottleneck 12: Domestic resource mobilisation

Funding Africa's development has always been a hotly contested point. Its reliance on foreign development partners has raised questions about the extent to which the continent is in control of its development agenda. It has also been argued that a reliance on external funding has broken the chain of accountability that ought to run between citizens and states. Another concern has been whether the continent's public purses are benefiting from the wealth created through its natural resource endowments. This issue finds little direct expression in the APRM, although the question of resource mobilisation is addressed in the EGM thematic area. Considering the limited engagement of the APRM in this area, perhaps the APRM's utility as a research tool could be put to better use in this respect. The body of knowledge on the state of resource contracts and resource governance is incomplete, and the APRM could play a valuable role in collating country level information. This would include the provisions of contracts, how they are operating in reality, and evaluating whether they are developmentally appropriate. Given that managing resources is an issue common to the continent, this is an area where information sharing could be of inestimable benefit. Understanding best practices and mutual alignment of investment codes and incentives (in the context of regional integration) should receive attention.

Bottleneck 13: Structural inequalities in access to opportunities

While African societies may be afflicted by particular developmental challenges, those challenges are not evenly distributed within those societies. Particular groups, however these may be defined, will be harder hit by poverty and will have access to fewer opportunities. Ensuring that these differences do not manifest themselves as permanent blockages to mobility for the relatively less wealthy is a dimension of development that needs to be addressed. The focus here is on socio-economic status and the desire to ensure one's birth does not dictate one's destiny in life. But, this aspect of development, often known as social mobility, is not well covered in the APRM country review reports, at least not directly. Yet plenty of information has been collected in the APRM process that helps to explain the continent's deficiencies in this regard. This is an important issue for Africa and the APRM should make an effort to more systematically and explicitly integrate this issue into its work.

Conclusion

This study has presented each bottleneck as a separate, discrete analysis. It is important to note that, in reality, it is very difficult to separate the impact of some from others. For this reason, the same or similar concepts arise in respect of multiple bottlenecks. A corollary of this is that the bottlenecks have a cumulative impact on Africa's development that exceeds the 'sum of their parts'. Dealing with any of the bottlenecks – or for that matter, dealing with a contributor to any of them – would likely have an impact beyond its immediate ambit. The knock-on effects can be substantial, and this is an excellent rationale for making the removal of these bottlenecks an African objective.

Next Steps

The next steps in taking forward this study and its recommendations include the following: (i) to develop indicators along the lines of APRM tools, and then pilot them in selected countries. The target should be to follow up this study with a report on how the pilot countries are performing in each of the 13 bottlenecks; and (ii) to integrate the lessons learnt under each of the bottlenecks into the ongoing renewal of the APRM tools and processes, including the country self-assessment questionnaire and the review processes.

Introduction

Bridging Africa's developmental deficits has been the central question facing the continent's leaders, policy makers and people at large for decades. No less than any other part of the world, Africa aspires to stability, prosperity and rising living standards. Over the past three decades, Africa has seen glimpses of what might be possible. Multi-party elections, high economic growth rates, large foreign investments, technological revolutions and growing optimism have replaced the old view of Africa as 'The Hopeless Continent' with one of 'Africa Rising.'³

Yet this process remains far from complete. For all the progress that Africa has made, it is still faced with formidable challenges. For example, while economic progress has injected vast amounts of money into Africa, it has not been able to overturn large-scale deprivation on the continent. Multi-party elections are now commonplace, but they are often conducted in atmospheres which undermine fair competition.

How should we address this? Conceptually, a consensus has emerged – codified in the New Partnership for Africa's Development (NEPAD) – that governance systems and practices determine the future of the continent. The NEPAD document thus declared:⁴

African leaders have learnt from their own experiences that peace, security, democracy, good governance, human rights and sound economic management are conditions for sustainable development. They are making a pledge to work, both individually and collectively, to promote these principles in their countries, sub-regions and the continent.

This finds renewed expression in Agenda 2063, Africa's development blueprint for the next five decades. Comprehensive in scope, Agenda 2063 is designed around seven major aspirations:⁵

- A prosperous Africa based on inclusive growth and sustainable development;
- An integrated continent, politically united, based on the ideals of Pan Africanism and the vision of Africa's Renaissance;
- An Africa of good governance, respect for human rights, justice and the rule of law;
- A peaceful and secure Africa;
- An Africa with a strong cultural identity, common heritage, values and ethics;
- An Africa whose development is people-driven, relying on the potential of African people, especially its women and youth, and caring for children; and
- Africa as a strong, united, resilient and influential global player and partner.

To realise these goals, reform of Africa's governance systems and practices is critical. The most prominent and notable initiative in this respect is the African Peer Review Mechanism (APRM), the continent's home-grown governance self-assessment tool. Its remit is described thus:⁶

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.

As of October 2017, the APRM has released Country Review Reports (CRRs) on 17 of its 36 participating states. Four more reports have been completed and are awaiting formal publication. These are extensive studies of the countries that have undergone review. They identify and analyse the governance challenges and accomplishments of the countries in question under four thematic areas – democracy and political governance (DPG), economic governance and management (EGM), corporate governance (CG), and socio-economic development (SED) – and a section dealing with cross-cutting issues.

This report owes its origin to two presentations made by H. E. Yoweri Kaguta Museveni, President of the Republic of Uganda, at two different meetings of the APR Forum of Heads of State and Government of APRM-Participating Countries – the 23rd APR Forum held in June 2015 in Johannesburg, South Africa, and the 25th APR Forum held in August 2016 in Nairobi, Kenya.

³ These phrases came to prominence as cover story headlines of *The Economist*, in May 2000 and December 2011 respectively.

⁴ OAU, *Nepad framework document*, 2001, p. 16

⁵ AUC, *Agenda 2063 framework document: the Africa we want* (Addis Ababa, September 2015), pp. 2-21

⁶ OAU, 'New Partnership for Africa's Development, *The African Peer Review Mechanism (APRM)*', AHG/235, 8 July 2002, para. 3.

In what he called the “Eleven (11) bottlenecks facing Africa”, the President identified issues that needed to be addressed for Africa to launch itself on the path of sustainable transformation. Furthermore, he also proposed that these were “pertinent areas for review” that “should be discussed and considered as part of the [APRM] tool.”⁷

The 11 Bottlenecks in the President’s list are:

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- Under-development of the services sector;
- Attacks on democracy and governance; and
- A non-responsive civil service.

The President discussed each of these bottlenecks in detail, explained why each one works to choke Africa’s efforts towards socio-economic transformation, and concluded with an APRM-specific recommendation that “when countries are being Peer reviewed, it is important to see how far we have gone in eliminating these bottlenecks”.⁸

The President’s presentation was warmly received by his Peers, who further enriched and expanded on the bottlenecks. One additional issue that emerged from Summit deliberations, first mentioned by H. E. President Macky Sall of Senegal, concerned the poor state of domestic resource mobilisation in Africa, with particular emphasis on the meagre fiscal revenues generated from the Continent’s abundant natural resources.

The APR Forum welcomed the presentation from H. E. President Museveni and the interventions from other Heads of State and Government and instructed the APRM Secretariat to prepare and submit a report on the bottlenecks at their next meeting. It was during internal discussions and debates at the APRM Secretariat that a thirteenth bottleneck was identified, that of structural inequalities in access to opportunities.

Most, if not all, of the thirteen bottlenecks covered in this report fall in one or another of the APRM thematic areas or cross-cutting issues. Fundamentally, therefore, the bottlenecks can be understood as questions of governance that undermine Africa’s ability to take full advantage of available opportunities. Indeed, the reason President Museveni chose to use the APR Forum as the platform to share his ideas and proposals is precisely because he believed the issues belong in the APRM and should become fully integrated into its tools and processes. In this spirit, President Museveni suggested a set of APRM-specific actions to be taken:

- Review the APRM Methodology and Questionnaire to make it more focused and relevant to the current/emerging challenges facing the continent.
- APRM process to be reviewed and streamlined to avoid unwarranted delays in the production of the review reports.
- APRM recommendations should be more focused on a few critical challenges and high impact solutions in a country context.
- The APRM Panel should have deeper engagements with leadership and stakeholders to better understand the problems and potential solutions for the country.
- The APR Forum should identify regional champions with a reporting mandate at the Summits.

This report seeks to interrogate these bottlenecks. It has been prepared with the firm conviction that it is within Africa’s power to resolve them, and that doing so would have immense developmental multipliers for the continent. It seeks to suggest how the APRM tools and processes can be put to use to help inform policy that will take Africa forward. To that end, the report is structured as follows: first, it attempts to interpret, understand, conceptualise and explain what each bottleneck is about. It is worth noting at this stage that a number of proposals were made to revise the heading of each bottleneck to make them reflect their contents better. However, after a serious consideration, we chose to stick to the original headings for the bottlenecks and to provide commentary under the respective sections to give the clearest possible picture of what each bottleneck is about. Secondly, it asks what, if any, the APRM does today about each bottleneck. And, third, it asks what – or

⁷ H.E. Yoweri Kaguta Museveni, President of the Republic of Uganda, *Reviewing the APRM Process: (Tool and Methodology): The 11 Bottlenecks Facing Africa* (Discussion Paper presented to the 25th APR Forum Summit held in Nairobi, Kenya, on 26 August 2016, hereafter *Discussion Paper*), p. 2.

⁸ Discussion Paper, p. 12.

what more – can be done about each bottleneck within the context of the APRM and how we can do it. This three-level structure thus forms the analytical framework for the entire study. Finally, while dealing with each of these bottlenecks is important, it is understood that particular countries will prioritise them differently.

Methodology

The report was prepared primarily based on desk research, relying heavily on the 17 country review reports (CRRs), all of which were consulted. We also consulted other sources, including institutional reports and relevant academic literature. Moreover, since these are African problems, the study did not limit itself to consideration of states participating in the APRM, or to reports produced by the APRM. Literature and commentary was consulted on non-APRM states to establish as complete a picture of these bottlenecks on the continent as possible.

Importantly, research input provided by SAIIA also conducted an online survey posing questions to an audience of around 1000 stakeholders in the field of African governance, which elicited some 140 responses. While this survey was not intended to be scientific, a range of stakeholders completed the questionnaires, providing the reader with the perspectives of people who are committed to and involved in the APRM. The report was also informed by an account of APRM governance standards as well as Agenda 2063, which provided the context for the analyses.

In light of its limited objective – to examine the extent to which these bottlenecks have been addressed within the framework of the APRM and what the Mechanism can do to deal with them more effectively – the report does not claim to provide a comprehensive account of the APRM's findings on each bottleneck in every APRM-participating country on the continent. Instead, the report attempts to provide an overview of the most important issues germane to each of the bottlenecks, often providing illustrations with the help of examples, and explore options to address them within the framework of the APRM.

Finally, it is important to note that these bottlenecks do not exist entirely independently of one another. There is considerable overlap and interdependence among them. For this reason, the discussions of the various bottlenecks are cross-referenced to others that deal with closely related subject matter.

Bottleneck 1: Ideological disorientation

Concept

Described by President Museveni as “ideological disorientation”, this bottleneck refers to the politicised divisions in society and the tensions that they create. Describing this bottleneck as the first in the original list of 11 bottlenecks, President Museveni observed:

“These include sectarianism of tribe and religion as well as gender chauvinism. In Africa, this sectarianism has resulted in conflicts, and wars which have hindered development in the continent since independence over 50 years ago. Africa should treat with contempt and not tolerate those who promote sectarianism and gender chauvinism; that is why Uganda’s record on women emancipation is excellent and there is peace in the whole Country.”⁹

Accordingly, “ideological disorientation” is here understood to mean discrimination based essentially on three characteristics of the human person: ethnic or tribal origin, religious belief, or gender. Understood in this form, ideological disorientation has been a widespread challenge in Africa since the end of colonialism. As Francis Deng noted, the post-colonial African state was constructed within borders that were drawn on maps by people sitting in faraway places and without considering ethnographic cultural, or religious characteristics of its subjects, and at times dividing families between countries. At the departure of the colonial powers, the colonial-era boundaries were by and large retained with little or no adjustments. As Deng puts it:

Today, virtually every African conflict has some ethno-regional dimension to it. Even those conflicts that may appear to be free of ethnic concerns involve factions and alliances built around ethnic loyalties. Analysts have tended to have one of two views of the role of ethnicity in these conflicts. Some see ethnicity as a source of conflict; others see it as a tool used by political entrepreneurs to promote their ambitions. In reality, it is both. Ethnicity, especially when combined with territorial identity, is a reality that exists independently of political manoeuvres. To argue that ethnic groups are unwitting tools of political manipulation is to underestimate a

⁹ *Discussion Paper*, p. 2.

fundamental social reality. On the other hand, ethnicity is clearly a resource for political manipulation and entrepreneurship.¹⁰

What the APRM does about Ideological Disorientation

The APRM deals with the issue of what are here called “ideological disorientation” systematically and comprehensively. Often termed in APRM parlance as ‘managing diversity’, the key issues are canvassed extensively in the APRM’s enquiries, and can be split into two parts. The first deals with what might be called ‘communal’ identities – race, ethnicity, and religion – mainly discussed in the Democracy and Political Governance (DPG) thematic area, particularly in Objective 3 on Prevention and Management of Intra- and Inter-State Conflicts. The second concerns gender, which is dealt with directly in DPG under Objective 6 on Promotion and Protection of the rights of women; but gender concerns are also found throughout the questionnaire, which has enabled the issue to be ‘mainstreamed’ into the CRRs. In some cases, both elements are also addressed in discrete, ‘cross-cutting analyses’, which will be considered below. It is notable that this section is closely related to Bottleneck no. 11 on “attacks on democracy and governance”.

The APRM governance standards provide a detailed and extensive framework for determining the end goals of policy in respect of both dimensions of this bottleneck – communal identities and gender.

Communal identities: In addressing the issue of ‘communal’ identities, the following standards are particularly relevant:

- AU, NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2002, Durban, South Africa);
- OAU, African Charter on Human and Peoples’ Rights (1981, Nairobi, Kenya)
- OAU, African Charter on the Rights and Welfare of the Child (1999)
- OAU, Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999, Grand Bay, Mauritius)
- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- UN, Convention on the Rights of the Child (1989, New York, USA)
- UN, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992, New York, USA)
- UN, International Covenant on Civil and Political Rights (1966, New York, USA)
- UN, International Covenant on Economic, Social and Cultural Rights (1966, New York, USA)
- UN, International Convention on the Elimination of All Forms of Racial Discrimination (1965, New York, USA)
- UN, Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (1981, New York, USA)
- Unesco, Declaration on Fundamental Principles concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War (1978, Paris, France)

In broad terms, these standards put forward a vision of society in which the human rights of all are respected and democratic participation and representation protected. Implied in all of them is the notion of equity – that society is the common forum for all, and everyone in it has a claim to equal moral value and political engagement. Cultural differences and the special interests of minority groups in societies are to be respected. Countries are enjoined to recognise the dangers of exploitation of identities, and mobilisation on sectarian grounds should be discouraged. There is no place for ideologies and theories of inherent superiority and inferiority of any groups. As the Memorandum of Understanding from the Conference on Security, Stability, Development and Co-operation in Africa in 2002 notes: ‘Political life should be devoid of any extremism’. Cooperation between states in protecting minorities and enabling their cultural life is to be encouraged. In addition, states should meet their reporting obligations (for example, in terms of the African Charter on Human and Peoples’ Rights). The right of children from minority groups to practice and experience their culture must be respected. Education should foster respect and tolerance for the communities comprising a country’s population (and for other peoples).

Gender is similarly well catered for in the standards, reflecting the priority place that the African Union and its predecessor have accorded it over a sustained period of time. The following standards, originating from within the AU as well as the UN, are particularly noteworthy:

¹⁰ Deng FM, ‘Ethnicity: an African predicament’, 1 June 1997, <https://www.brookings.edu/articles/ethnicity-an-african-predicament/>.

- AU, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (2003, Maputo, Mozambique)
- UN, Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949, New York, USA)
- UN, Convention on the Elimination of All Forms of Discrimination against Women (1979, New York, USA)
- UN, Convention on the Political Rights of Women (1952, New York, USA)
- UN, Declaration on the Elimination of Violence Against Women (1993, New York, USA)
- UN Fourth World Conference on Women, Beijing Declaration and Platform for Action (1995, Beijing, China)
- UN Security Council, Resolution on Women in Conflict (2000, New York, USA)

The vision advanced by these standards is one of absolute equality between the sexes and of women being able to live their lives as full and equal citizens. Women's rights as human beings and as citizens are to be respected. Women are to have full political equality, participating in governance at all levels, enjoying legal equality, including in such matters as marriage, property rights, work, pay and inheritance. In some respects, such as marriage, these standards can challenge cultural practices. As a result, some regional conventions provide specific language to accommodate such cultural sensitivities. A good example is Article 6 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which refers to monogamy as the 'preferred' form of marriage rather than the only form.

The UN Convention on the Elimination of All Forms of Discrimination against Women provides a reasonably comprehensive and concise description of the responsibility of governments. Article 3 thus provides:

States Parties shall take in all fields, in particular in the political, social, economic and cultural fields, all appropriate measures, including legislation, to ensure the full development and advancement of women, for the purpose of guaranteeing them the exercise and enjoyment of human rights and fundamental freedoms on a basis of equality with men.

Both communal identities and gender are critical from the perspective of Agenda 2063, which takes the destabilising potential of sectarian conflict in particular as a key priority. The whole effort is underpinned by the realisation that Africa will always be at risk of conflict if certain groups perceive themselves dominated and marginalised, and Africa will struggle with its development if the potential of over half of its people is stunted.

The APRM record so far on ideological disorientation

In this section, we will examine the APRM record on ideological disorientation using the country review reports as our primary source.

Ethnic, religious and cultural cleavages

Several country review reports – such as Rwanda¹¹, Benin¹², Kenya¹³, South Africa¹⁴, Nigeria¹⁵, Mali¹⁶, Ethiopia¹⁷, etc. – establish that, unless managed properly, ethnic and religious diversity can become a destructive and destabilising factor in any country. The APRM standards do not view diversity in itself as problematic; it is the misuse of diversity for political ends that is often dangerous.¹⁸

The APRM reports have identified various forms in which the challenge of diversity can manifest itself in the governance sphere. Examples include the “ethnic and regional political parties”¹⁹, conflicts over cultural, religious and linguistic recognition²⁰, and competition between groups (and alliance of groups) over control of resources and power.²¹ Some CRRs

¹¹ Rwanda CRR, p. 22-23.

¹² Benin CRR, para. 91, p. 55 (amongst many other places).

¹³ Kenya CRR, para. xvi, (amongst many other places).

¹⁴ South Africa CRR, para. 3.135, p. 27 (amongst many other places).

¹⁵ Nigeria CRR, para. 5.1, p. 19 (amongst many other places).

¹⁶ Mali CRR, para. 7.4, p. 20 (stating: “Ethnicity is no doubt a possible factor in exacerbating the crisis in the North, and certainly played a part in intensifying hostilities in 2006.”).

¹⁷ Ethiopia CRR, para. 88, p. 64 (amongst many other places).

¹⁸ Rwanda CRR, p. 129; Kenya CRR, p. 53.

¹⁹ Benin CRR, p. 55.

²⁰ Algeria CRR, p. 64; Tanzania CRR, p. 218.

²¹ Nigeria CRR, p. 322; Kenya CRR, p. 241.

report or allude to perceptions about ethnic domination.²² In addition, the South Africa CRR notes that differential access to resources on the part of different race groups (itself a function of past conflict and discrimination) drives resentment.²³

A related issue is that of citizenship. This is understood as the relationship of people with the state and the consequent sense of belonging and political agency they are able to exercise. Osita Agbu presents this as a key problem besetting many African countries. He argues that the ideal of equal national citizenship for all has been undermined by ethnic mobilisation, which has served to truncate citizenship rights for some, with destabilising consequences.²⁴

This debate around citizenship feeds into a related one about the religious identity of some of the continent's states. It is an issue featured in the APRM, but with a noteworthy inconsistency. The Zambia CRR, for example, takes issue with the country's designation of itself as a "Christian Nation", remarking that this could be a source of discrimination and recommending: "The specification of Zambia as a 'Christian Nation' and reference to 'Christian values' need to be excised from the constitution."²⁵

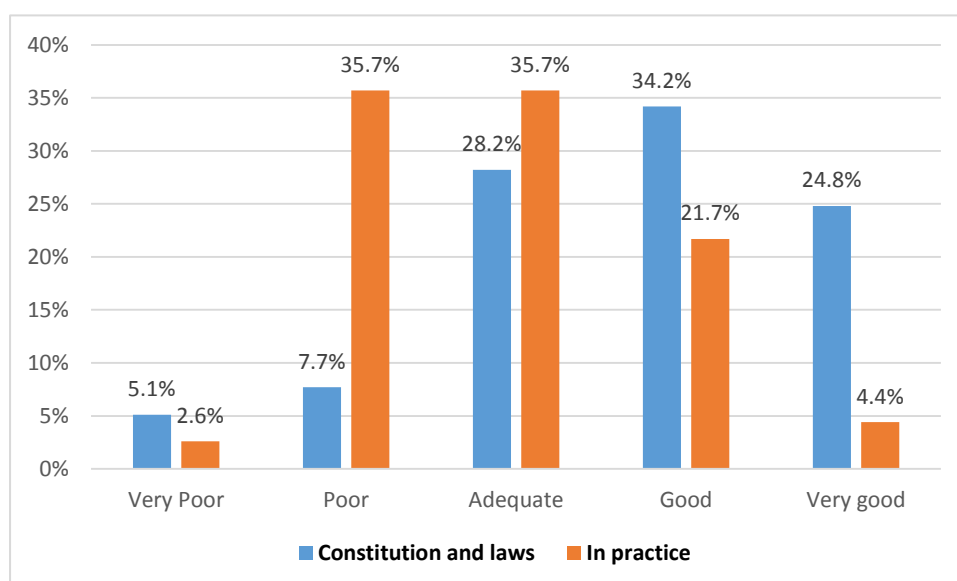
However, even though the Algerian Constitution "has adopted Islam as the religion of the state"²⁶, the Algeria CRR makes no adverse comment on the Islamic character of that country.²⁷ And more broadly, several African states view themselves as embodying particular cultural or religious values, raising questions about whether such orientations are compatible with full citizenship for all, or constitute a hindrance to it.

More generally, while the problems of ideological orientation are described in some detail in the APRM CRRs, the articulation of possible solutions is often vague and difficult to translate into concrete policy actions. Recommendations are typically couched in very broad terms. The Kenya CRR, for example, recommended that the Government "establish a strong and enduring framework for the management of diversity."²⁸ How this is to be done is not explored.

Survey results:

Responses to the survey conducted for this study suggested that across the continent constitutional and legal safeguards were adequate or even very good in the effort to promote inclusion across sectarian divides, but that this was not reflected as well in practice.

Figure 1: Dealing with ethnic, cultural, religious diversity



²² Rwanda CRR, p. 129; Uganda CRR, p. 297; Sierra Leone CRR, p. 346; Ethiopia CRR, p. 66 (referring to the need to "develop appropriate democratic values and a political culture that will prevent re-hegemonisation by a national group or coalition of national and ethnic groups").

²³ South Africa CRR, p. 288.

²⁴ See Agbu OA, *Ethnicity and Democratisation in Africa: Challenges for politics and development*, Nordiska Afrikainstitutet 2011.

²⁵ Zambia CRR, p. 279.

²⁶ Algeria CRR, pp. 65.

²⁷ Algeria CRR, pp. 65, 78.

²⁸ Kenya CRR, p. 66.

Gender

Today there is consensus around Africa's leadership on the imperative to address gender-based disempowerment. Several of the APRM standards deal with this issue explicitly. The picture emerging from the CRRs is one of marginalisation, often stemming from cultural biases and practices.²⁹ Cultural determinants of discrimination against women, including inherited stereotypes passed down through tradition, are part of society's widely-held conceptual framework and, almost by definition, require a persistent effort over a long duration to overcome.³⁰

One of the more extreme expressions of women marginalisation in society is domestic violence. This is mentioned in a number of CRRs.³¹ This is an extensive problem, and is closely associated in many societies with patriarchal views concerning the role of men as heads of households, and their supposed right to exercise authority over women. Women in poorer circumstances and with less education tend to be particularly vulnerable, in part because they lack the resources and opportunities to leave abusive relationships.³² Studies in South Africa point to the underreporting of domestic violence, and the mixed success of the law enforcement and justice systems in addressing it, highlighting administrative obstacles.³³

In addition to their subordinate position in society, there remain some elements of formal, legal discrimination against women. The examples cited are numerous. For example, in Sierra Leone, women cannot pass their citizenship to foreign husbands, but husbands can do so to their foreign wives.³⁴ In Algeria, aspects of the Family Code are criticised by some stakeholders for failing to accord true equality to women.³⁵ In Zambia, some discrimination is permitted against women in the country's constitution ('on matters of personal law, customary law, inheritance and devolution of property').³⁶ The Kenya CRR notes that inheritance law favours males³⁷ – although the 2010 constitution entrenches gender equality in all spheres, with some exception being made for Islamic courts.³⁸ Finally, the Uganda CRR notes that the Land Act of 1998 denies women ownership rights over land, which "affects their right to enjoy equality before the law."³⁹

While inheritance is a seminal route to property ownership, fourteen countries across Africa maintain discriminatory inheritance regimes.⁴⁰ The African Gender Equality Index is a particularly useful reference point here and helps to put APRM findings in perspective. Noting that while formal commitments to the principle of gender equality are commonplace in Africa (both in national constitutions and international commitments), there remain many glaring exceptions:

Exceptions to the principle of non-discrimination are widespread in African constitutions and legislation. In areas such as marital property, inheritance, land ownership and labour, women are treated as less than full citizens. There are 9 countries where a married woman cannot apply for a passport in the same way as her husband, and 15 where a married woman does not have full freedom to choose where to live. In 35 countries, married women are obliged by law to obey their husbands. Formal laws are reinforced, or in some cases undermined, by traditional practices and cultural norms that keep women subordinate to men. Customary rules governing marriage, inheritance and property ownership are often formally exempted from non-discrimination provisions in national constitutions. As a result, women's participation in society and the economy continues to be mediated in important ways by their husbands and fathers.⁴¹

²⁹ Ghana CRR, pp. 27, 117; Nigeria CRR, p. 118; Tanzania CRR, p. 101; Lesotho CRR, p. 82; Mozambique CRR, pp. 133, 134; Sierra Leone CRR, p. 351.

³⁰ UNDP, *African Human Development Report 2016: accelerating gender equality and women's empowerment in Africa* (New York, 2016), p. 100.

³¹ Ghana CRR, p. 37; Uganda CRR, p. 102; Lesotho CRR, p. 86; Mozambique CRR, pp. 135-36; Zambia CRR, p. 85.

³² See True J, 'The political economy of violence against women in Africa', Open Society Initiative for Southern Africa, 30 March 2015.

³³ Vetten L, *Domestic violence in South Africa*, Institute for Security Studies Policy Brief 71, November 2014.

³⁴ Sierra Leone CRR, p. 352.

³⁵ Algeria CRR, pp. 106-107.

³⁶ Zambia CRR, p. 120.

³⁷ Kenya CRR, p. 235.

³⁸ Republic of Kenya, *Constitution of Kenya*, 2010, Sec. 24 (4)

³⁹ Uganda CRR, p. 77.

⁴⁰ World Bank, *Women, business and the law 2016: getting to equal* (Washington DC, 2015) p. 13.

⁴¹ African Development Bank, *Empowering African Women: An agenda for action, Africa Gender Equality Index 2015* (Abidjan 2015), p. 23

An evaluation of the laws and institutions of African countries presents a concerning picture. Of the 52 countries in the report, more than half score below the halfway point in the report's ratings (a scale from 0 to 100, with 100 representing a perfect score). Even the best scoring countries in Africa have room for improvement. Mauritius, which scores highest in Africa, has a score of 69.1. Eight countries score below 20.

These cultural, institutional and at times legal disadvantages are reflected in an overall lag in women's participation in decision-making structures and positions of power.⁴² The Ghana CRR comments: 'Few women hold key decision-making positions in the economic, political and social life of Ghana, and they encounter serious problems in and hindrances to their involvement in politics and in public political life'.⁴³

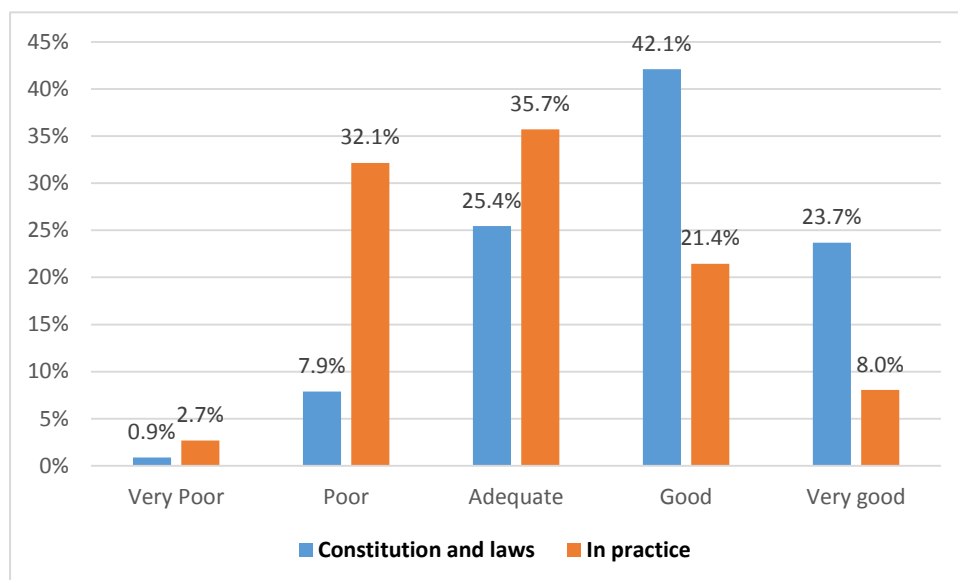
However, encouraging signs are emerging throughout the Continent. Quotas for women representation in decision making structures are noted with approval in a number of CRRs. Parliamentary seats have been reserved for women in Rwanda, Tanzania and Uganda (and also in South Africa, although this is an initiative of the dominant political party).⁴⁴ While much remains to be done, therefore, there is clear evidence of widespread commitment to change the situation in a large number of African countries.

One important factor that complicates formulating responses to gender issues is a lack of reliable data. A recent study on gender and the APRM makes the point that without gender-disaggregated data, conducting solid analyses, developing appropriate policies and evaluation of those policies are rendered difficult. Good, disaggregated data is "integral to understanding how policies, laws and programmes have been designed and their differential impact on men and women, with a view to understanding their gender implications and proposing measures targeted at achieving gender equality".⁴⁵

Survey results:

Respondents to the online survey conducted for this study tended to be satisfied with constitutional and legal measures for women's inclusion, with nearly two thirds judging them to be 'good' or 'very good', while fewer than 10% regarding them as 'poor' or 'very poor'. The practical impact of these laws to improve the role of women in society is regarded significantly less favourably. Just over a third judge this to be 'adequate', while another third view it as 'poor' or 'very poor'.

Figure 2: Dealing with gender inclusion



Source: Survey of key African governance stakeholders, November 2016

⁴² Burkina Faso CRR, p. 378; Benin CRR, pp. 294, 312; Kenya CRR, p. 235.

⁴³ Ghana CRR, p. 23.

⁴⁴ Rwanda CRR, p. 47; Uganda CRR, pp. 63, 99; Tanzania CRR, pp. 100, 207-209.

⁴⁵ United Nations Economic Commission for Africa, *Gender Equality and the African Peer Review Mechanism* (Addis Ababa 2016), p. 82.

It is thus evident that a serious gap remains between the aspirations and principles expressed in formal legal instruments, including constitutions, on the one hand, and their practical application on the other.

What – or What More – can the APRM do on Ideological Disorientation?

As noted earlier, the APRM already deals with these issues at length, thereby creating a solid basis for informed societal conversation around them. The APRM record on this bottleneck is thus a strong one. At the same time, a revamped APRM process can still add further value in at least three ways:

1. The analysis and **recommendations in reviewed countries can be made more precise and specific**. The relevant standards around this bottleneck offer specific and helpful guidance on policy and practice, but this is not being adhered to in all cases. Discriminatory provisions in legislation are an area that lend themselves to easy identification during APRM reviews. At present, recommendations tend to be general in nature, such as calling on states to increase the number of women in legislatures, or ensuring that all groups feel represented in government institutions at national and local levels. APRM analyses could note which clauses of which laws violate either the letter or spirit of which relevant governance standard that the country being reviewed has subscribed to. If the challenge is at the level of implementation or practice – as it often is – the review reports could identify the specific shortcomings and offer specific and detailed options for the country's consideration.
2. The APRM could assist in **developing quantitative measurement techniques in this area**. While much of the content dealt with by the APRM lends itself intuitively to qualitative methods (interviews, discourse analysis, etc.), quantifying them can be a useful tool for tracking progress. Relying on the representation of women in parliaments or other institutions provides a guide, but a crude and imperfect one. In cooperation with relevant institutions – such as the United Nations Development Programme or the Mo Ibrahim Foundation, and also some of the more capacitated statistical authorities in member countries – the APRM may explore the possibility of keeping a running database of gender or intergroup equality, which could be housed in the proposed APRM Knowledge Hub. Countries could fruitfully apply the statistics to their own policy debates and policy formulation.

3. The APRM may need to **reflect on its standards and codes for many reasons, including to give effect to Agenda 2063 and other emerging standards**. Agenda 2063 and the Sustainable Development Goals (SDGs) represent large 'macro-initiatives' that provide a useful yardstick against which to measure governance impact. It may be advisable to include in future reports some distinct commentary on how countries are doing in relation to Agenda 2063 and SDG targets, and identify specific governance successes (programmes and so on) that have made a contribution in this regard. The APRM may also need to reflect on some issues that have already come up under this bottleneck. This is a conceptual question to which this report does not presume to propose a solution, merely to flag it for future attention. For example, is it wrong for an African country to define itself by its religion? Is it acceptable for customary law in a state to discriminate against women? If not, should the APRM system take firm positions? Should it call for change or should it simply register a concern? All of these and similar questions need to be answered clearly and consistently – and those answers need to be anchored in the agreed standards themselves.

Bottleneck 2: Interference with the private sector

Concept

President Museveni introduced this topic drawing on the experience of his own country when former President Idi Amin “uprooted the Indian Community from Uganda in 1972”, a community that President Museveni described as “the entrepreneurial class”.⁴⁶ President Museveni used the concept of “persecution” of the private sector as the real reason why natural resource-rich countries such as Uganda lagged far behind such successful Asian economies as South Korea and Singapore that lack comparable natural resource endowments. According to the President, the private sector is “the engine for growth and must be nurtured, regulated and supported to ensure economic development in a country”. At the same time, the President also recognises that the state has a role to play, not just in preparing the ground for the private

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Discussion Paper, p. 2.

sector to compete and succeed but also for the state to play directly in the economy in the form, for example, of state enterprises operating in strategic sectors. He concluded this section by emphasising that “APRM member countries should, therefore, be reviewed on how they are promoting private sector as the engine of growth.”⁴⁷

Africa’s domestic private sector is indeed underdeveloped. Partly motivated by ideological considerations, harassment of the private sector has been a widespread practice in much of Africa until recently. This has in turn been a factor, among many, behind Africa’s mixed and sometimes disappointing economic performance for a long time. Turning this around, building a resilient private sector – particularly a domestic private sector – is a critical part of the continent’s development agenda today. Encouragingly, the Global Entrepreneurship Monitor has found that African attitudes towards entrepreneurship are among the most positive in the world.⁴⁸

At the same time, we need to recognise that the structure of Africa’s national economies exhibits extreme diversity in which a large number of informal sector, often micro, businesses operating side by side with a small number of formally registered small-to-medium indigenous enterprises and, in many cases, an even smaller number of large multi-national firms. Needless to say, while undue government interference and harassment affects them all, it is clearly the smaller ones that are most vulnerable as they lack the resources to defend themselves adequately. They also lack political access that is often easily available to large enterprises. As a result, interference with the private sector is likely to have a disproportionate impact on the continent’s smallest, aspirant businesspeople, thereby retarding the growth of a resilient business community. It is notable that this bottleneck is related to Bottlenecks no. 4 (fragmented markets, market access and expansion), no. 5 (lack of industrialisation and low value addition), no. 8 (under-development of agriculture), no. 9 (under-development of the services sector), and no. 10 (non-responsive civil service).

What the APRM does about Interference with the Private Sector

The APRM questionnaire does not delve much into the issue of interference in or the harassment of the private

⁴⁷ Discussion Paper, p. 2.

⁴⁸ Kelly D, S Singer and M Herrington, *Global Entrepreneurship Monitor: 2015/16 Global Report*, 2016, pp. 117-118. The response of Africans to questions about the desirability of entrepreneurship as a career choice and the status accorded to entrepreneurs revealed the most positive attitudes of all continents.

sector in any detail, but it deals with the potential contribution of the private sector and the challenges it faces. This is particularly pronounced in the Corporate Governance (CG) thematic area, and specifically under Objective 1 on *Promoting an Enabling Environment and Effective Regulatory Framework for Business Organisations and Other Entities*.

However, when African leaders established the APRM, its primary task was “to promote adherence to and fulfilment of the commitments contained in this Declaration”, a reference to the 2002 *NEPAD Declaration on Democracy, Political, Economic and Corporate Governance*.⁴⁹ Among the recognised instruments as a standard of governance is the *NEPAD Framework Document* from 2001, which deals with the private sector specifically and extensively. To mention just a few examples, the Framework Document acknowledges that there is “an urgent need to create conditions conducive to private sector investments by both domestic and foreign investors.”⁵⁰ Among the objectives of NEPAD in this particular area include the need “to ensure a sound and conducive environment for private sector activities, with particular emphasis on domestic entrepreneurs”, “to promote foreign direct investment and trade, with special emphasis on exports” and “to develop micro-, small and medium enterprises, including the informal sector.”⁵¹

Beyond the *NEPAD Framework Document*, several other documents touch on the issue of interference with the private sector, albeit mostly obliquely, providing for some broad preferences about appropriate state action. These include:

- AU, Convention on Preventing and Combating Corruption (2003, Maputo, Mozambique)
- Bank for International Settlements, Committee on Payment and Settlement Systems, Core Principles for Systemically Important Payment Systems (January 2001, Basle, Switzerland)
- IMF, Revised Code of Good Practices on Fiscal Transparency (2001, Washington DC, USA)
- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- OECD, Guidelines on Corporate Governance of State-Owned Enterprises (2005, Paris, France)
- UN, Convention against Corruption (2003, New York, USA)

⁴⁹ See *NEPAD Declaration on Democracy, Political, Economic and Corporate Governance* (AHG/235 (XXXVIII), Annex I), para. 28.

⁵⁰ *NEPAD Framework Document*, para. 145, p. 37.

⁵¹ *NEPAD Framework Document*, para. 163, p. 46.

Together, these standards envision economies in which: (i) the private sector both respects and is protected by the rule of law, operates ethically, and enjoys a cooperative relationship with the state; (ii) Government operates transparently and with integrity; (iii) where state owned companies exist, they would operate without undue advantage vis-à-vis the private sector, and (iv) the private sector is recognised as the key economic driver.

To cite the *NEPAD Declaration on Democracy, Political, Economic and Corporate Governance* again:

Globalisation and liberalisation does not mean that there should be no role for government in socio-economic development. It only means a different type of government. We, therefore, undertake to foster new partnerships between government and the private sector; a new division of labour in which the private sector will be the veritable engine of economic growth, while governments concentrate on the development of infrastructure and the creation of a macroeconomic environment. This includes expanding and enhancing the quality of human resources and providing the appropriate institutional framework to guide the formulation and execution of economic policy.

This finds expression in Agenda 2063:⁵²

The African continent will graduate from being characterized by predominantly low income market-based, country economies to higher-end middle income to high-income dynamic, market-based groups of countries. Improved incomes and jobs creation, especially through formal private sector growth will translate into the elimination of poverty. This will be coupled with reduction in income disparities between rural and urban areas, men and women, leading to more inclusive and cohesive societies.

Nevertheless, as Agenda 2063 recognises, the private sector in Africa is at an ‘infant’ stage.⁵³ Implied in this is that governments need to act to nurture the development of the private sector rather than to hobble it.

The APRM record so far on Interference with the Private Sector

While some CRRs note its recent growth,⁵⁴ they put a lot of emphasis on the challenges facing the private sector. The challenges arise from a number of sources. Sometimes official policy or legislation may be burdensome; other times the problem may lie with

corrupt or simply inefficient implementation. Some very significant hindrances have their origins in governance. The first Kenya CRR provides that factors negatively affecting the investment climate in the country included “the impact of poor public service delivery, corruption and money laundering, capacity and skills shortages, growing insecurity and economic factors such as decaying infrastructure, high taxes and non-availability of capital.”⁵⁵

While the more extreme forms of harassment (in the mould of Amin’s actions) are uncommon today, many African businesses must contend with lower-level, localised and often unsystematic, but debilitating, harassment. This cannot be separated from general weaknesses in governance – such as an inefficient and ineffective civil service. Businesses often need to seek official permissions, licences and so on, and the inability of a bureaucracy to act timeously on this presents a string of difficulties – highlighted by several CRRs.⁵⁶ This in turn opens up opportunities for public officials to extort money and favours from businesspeople. Thus, cross-border trade, frequently carried out by small-scale informal sector traders, is subject to harassment and extortion by customs officials.⁵⁷ Tax compliance may be complicated by the complex nature of legislation in this area, by lack of proper understanding of the tax system on the part of tax enforcement officials, and by often aggressive and punitive mindset on the part of agencies.⁵⁸

Corruption represents a particular challenge. It makes direct demands on business’ resources and introduces an element of unpredictability to their operations. It is also a very direct expression of the harassment to which

⁵⁵ Kenya CRR, p. 164.

⁵⁶ Uganda CRR, pp. 170, 182; Ghana CRR, p. 85; Algeria CRR, p. 95; Benin CRR, p. 191-192; Kenya CRR, p. 166.

⁵⁷ Brenton P, et al *Risky Business: Poor Women Cross-Border Traders in the Great Lakes Region of Africa* (Africa Trade Policy Notes, no. 11, January 2011); Mwaniki J, ‘The Impact of Informal Cross-Border Trade on Regional Integration in SADC and Implications for Wealth Creation’, SARPN (Southern African Regional Poverty Network, undated) http://www.sarpn.org/documents/d0001002/CFA-Mwaniki_CORN.pdf.

⁵⁸ PWC, *Africa: managing risks, maximising reward* (2nd ed. Africa Tax Survey, September 2013); SBP, *Priming the soil: small business in South Africa, Headline report of SBP’s SME Growth Index* (November 2011); SBP, *Growth and competitiveness for small business in South Africa, Headline report of SBP’s SME Growth Index* (February 2014).

⁵² Agenda 2063, p. 4,

⁵³ Agenda 2063, p. 46.

⁵⁴ For example, Tanzania CRR, p. 115.

President Museveni refers. Thus, the Burkina Faso CRR notes that fraud and corruption are hindering business,⁵⁹ and discusses the harassment of transport vehicles to demand payments.⁶⁰ The Kenya CRR notes that businesses complain of harassment by officials for payment.⁶¹ The Nigeria CRR refers to “the scourge of corruption” that poses “the greatest and most troubling challenge to realising Nigeria’s huge developmental potential.”⁶² Indeed, the challenge of corruption is identified and discussed in detail in virtually all APRM CRRs,⁶³ Rwanda being a rare exception that was praised by the APRM report for the “relative absence of corruption”.⁶⁴

An informative view of this issue may be gleaned from the Global Competitiveness Report (GCR). Based on survey of businesspeople (and therefore representing the views of that constituency), it provides a worthwhile perspective on the experience of business operating in the countries it reviews. It uses a scale of 1 to 7 (7 being the best and 1 the worst) to evaluate a range of factors. Groups of these are then combined to produce scores for a series of twelve ‘pillars’, these being important determinants of countries’ competitiveness. These are then combined with one another to produce an overall score describing countries’ overall competitiveness.

The information presented in the latest GCR (2016-2017), helps underline the difficulties facing the private sector in Africa in its relationship with governments. Institutions – which deal with the state of bureaucracies, judiciaries, security services and so on – typically score

poorly, most of them being placed in the bottom half of the global rankings. This provides some evidence of the difficulties that institutional dysfunction causes for business, although there are a few exceptions, notably Rwanda. Perhaps more indicative are the top concerns mentioned by the respondents. Corruption features prominently, suggesting that extortion and bribing are causing significant distortions to business.

Overall, much remains to be done to improve the business environment in Africa. This means laws and systems that seek to achieve clearly defined goals, implemented in a manner that imposes the least possible collateral cost on business, and opens the fewest opportunities for undue interference. In many cases, a history of ideological hostility on the part of the state towards the private sector has left a residual mark. This point is made in the Algeria CRR.⁶⁵ This is best represented in Mauritius, with its long history of pro-business government policy.⁶⁶ As its CRR puts it, ‘The business environment in Mauritius is characterised by openness and a pro-business, outward-looking policy.’⁶⁷ This is exceptional. In other cases, the private sector is small and not well organised, and struggles to find a coherent voice on matters of policy and governance.

⁵⁹ Burkina Faso CRR, p. 237.

⁶⁰ Burkina Faso CRR, p. 258.

⁶¹ Kenya CRR, p. 174.

⁶² Nigeria CRR, pp. 330-331.

⁶³ The expression “the scourge of corruption”, in addition to the Nigeria CRR, has also been used in, among others, Mozambique (CRR p. 223); Lesotho (CRR p. 81); Ethiopia (CRR p. 166); Benin (CRR p. 153); Burkina Faso (CRR p. 168); and Algeria (CRR p. 416); Mali (CRR p. 22, where corruption is also described as “an endemic phenomenon” that has “reached disturbing proportions”). The South Africa (CRR p. 7) refers to it as “the vice of corruption”; Sierra Leone (CRR 23) is described as a country with “a long and painful history of corruption”; Zambia suffers from “the high prevalence of corruption”, leading Zambian President Michael Chilufya Sata to note that “the public had lost confidence in the Anti-Corruption Commission (ACC) in the fight against corruption” (Zambia CRR pp. 33 and 358); in Mauritius (CRR p. 17), “corruption is a serious problem in the country”; etc.

⁶⁴ Rwanda CRR (p. 225).

⁶⁵ Algeria CRR, p. 200.

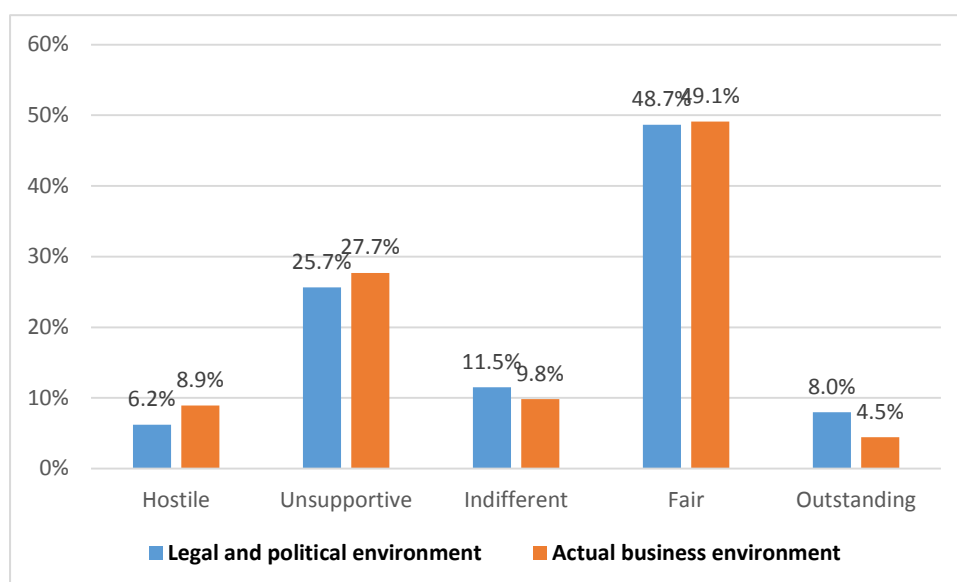
⁶⁶ Mauritius CRR, pp. 69, 117, 229, 233, 245.

⁶⁷ Mauritius CRR, p. 243.

Survey results:

Interestingly, the survey suggested that the business environment on the continent – both in its legal framework and in actuality – was quite supportive of business activity. Well over half ranked both the legal and political system and the day-to-day business environment as ‘fair’ or ‘outstanding’. At the same time, many others complained about general economic conditions, including perceived problems with infrastructure and overall governance.

Figure 3: How is the business environment?



Source: Survey of key African governance stakeholders, November 2016

What – or What More – can the APRM do on Interference with the Private Sector?

Despite the importance of a robust domestic private sector to the continent’s future (and in many countries, it still has to be nurtured), private sector development has not received the political or public attention it deserves. The APRM may consider the following measures to contribute towards addressing this issue:

1. A repeated concern relates to the considerable **information gap** that impedes private business in Africa. The APRM inquiries have rendered a great service in bringing pertinent information to light, but they can do more. Understanding harassment of the private sector and bringing it out objectively and systematically can fill a serious information gap. However, this may require making more pointed and specific enquiries into the issue. At a minimum, it would be necessary to probe the experiences of businesspeople and the views of business/economic analysts. In practical terms, this would probably include making some changes to the questionnaire to ask about this phenomenon. While there is scope in the current formulation of the questionnaire

to address these issues (the Corporate Governance thematic area includes a query about the regulatory environment, for example), making inquiries into this issue may require inclusion of more direct questions to that effect. For example, if the Questionnaire were to include a question like “in what ways does government action support or retard the operations of businesses?”, the answer would provide a solid evidentiary basis on which the Panel can build its recommendations.

2. Related to the above, while it is unlikely for the APRM to investigate each challenge facing the private sector in meaningful detail, it might be possible to do an **in-depth assessment** of one or two of the most severe challenges and to suggest a detailed course of action. This could, in part, be done in the initial background research that underpins the Country Review Missions, and be extensively canvassed while the missions are in-country. These analyses should be made publicly available, possibly through the proposed Knowledge Hub.
3. An ongoing difficulty for business on the continent is lack of **‘voice’** to engage meaningfully in the formulation and development of public policy. Of course, this is

not something the APRM can create on its own, but it could assist in providing a platform to such nascent institutions, such as emerging chambers of commerce – especially those representing the smaller firms, which are most vulnerable to harassment. A modest contribution that the APRM could make is to actively seek out such business associations, and canvass their views on state of the business environment and corresponding governance matters. At the very least, this should enhance their profile and give them some experience of engaging in policy debates.

Bottleneck 3: Weak States and Institutions

Concept

Although the title may appear broad, this bottleneck is in fact largely limited to the capacity of states to deal with security threats, focusing on state security services. Robust institutions are an essential part of state capacity to deal with and resolve conflict, to resist threats to its security, to enforce law and order, and to implement national policy. As President Museveni observed:⁶⁸

Threats to international peace and security often come from the world's weakest states. Such countries can fall prey to and spawn a host of transnational security threats, including terrorism, weapons proliferation, organized crime, infectious disease, environmental degradation, and civil conflicts that spill over borders. ... Therefore, Army building is very important especially for countries living in turbulent areas. This is important for governance and rebuilding of economies emerging from conflicts like ours.

While the robustness of all institutions is important, the key reference point in President Museveni's analysis is the state of the national security apparatus – its military, security and law enforcement agencies. This is important, since dysfunction in these institutions poses a disproportionate impact on the wellbeing of citizens. Incapable or ill-disciplined security forces not only undermine the shield from society; they can also turn into a threat to the societies they are meant to protect.

It is instructive to observe here that, when the so-called Kampala Document was adopted in 1991 under the leadership of President Yoweri Museveni, then Chairman of the OAU, and President Olusegun Obasanjo, then Chairman of the African Leadership Foundation, the major challenge in Africa was the preoccupation with

building a strong military such that “lowering military expenditures” became one of the principles to guide the Conference on Security, Stability, Development and Cooperation (CSSDA).⁶⁹ Finally, it is notable that this section is related to Bottlenecks no. 10 (non-responsive civil service) and no. 11 (attacks on democracy and governance).

What the APRM does about weak states and institutions

The APRM questionnaire asks about the conditions that generate conflict. Under Objective 3 on ‘Prevention and Management of Intra- and Inter-State Conflicts’, it asks:

- ‘What conditions generate conflict in your country?’ (Question 1) and
- ‘What mechanisms exist for preventing, reducing and managing conflicts in your country?’ (Question 2)

Moreover, since these issues have implications for all aspects of socio-political life, actual evidence is spread throughout the CRRs. The APRM standards deal with this matter often only indirectly, but because some of them deal with security matters in some detail, they have a bearing on this specific bottleneck. The relevant standards include:

- AU, NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2002, Durban, South Africa)
- AU, Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002, Durban, South Africa)
- OAU, Declaration and Plan of Action on Drug Control, Abuse and Illicit Drug Trafficking in Africa (1996, Yaoundé, Cameroon)
- OAU, Declaration of the Assembly of Heads of State and Government on the Establishment within the OAU of a Mechanism for Conflict Prevention, Management and Resolution (1993, Cairo, Egypt)
- OAU, Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000, Lomé, Togo)

⁶⁸

Discussion Paper.

⁶⁹

The Kampala Document demanded that member states reduce their military expenditures, which “should involve actual reductions and ceilings in manpower and reduced expenditures on military hardware.” See *The Kampala Document* (1991), available at http://www.au2002.gov.za/docs/key_oau/cssdca.pdf.

- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- OAU, The New Partnership for Africa's Development (NEPAD) (2001)
- OAU, Solemn Declaration, Conference on Security, Stability, Development and Co-operation in Africa (2000, Lomé, Togo)
- UN, Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949, Geneva, Switzerland)

For the most part, these standards deal with broad conceptual issues around security. Most of them do this only briefly, security often being one of many issues discussed. They reflect a rejection of unconstitutional changes of government (a major theme after the wave of democratisation that occurred since the 1990s). They present a view of security that goes beyond the security services, and incorporates governance, diplomacy and development. The NEPAD Declaration, for example, envisions strengthening states' capabilities to deal with security threats, while the CSSDCA Memorandum requires civilian control over the military. Implied in some of them is the need for professionalism and discipline in the security services.

The standards do not deal with the practical aspects of Africa's security services – their organisation, training or their relationship to other arms of the state in any detail. Therefore, little guidance exists as to what action states need to take, although cumulatively it seems fair to say that 'strong' and 'capable' security services are needed. It should also be noted that at least one standard – the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa – calls for military spending to be reduced to fund increased social spending. This bottleneck thus requires further thinking so as to clearly articulate what measures need to be taken at the national level. The CRRs provide extensive analyses of the functioning – and failures – of the security systems in reviewed countries.

Militaries

Security is a major developmental issue in Africa. Strong and disciplined security forces are an important guarantor of stability for the state and the lives and property of its people. Yet this is not always how the military in African countries has behaved. African militaries are generally small and poorly resourced – yet Africa faces numerous security threats. Personnel are expected to deal with conflict situations that they are not properly prepared for. Such constraints may reflect the general lack of resources prevailing on the continent, but they have also been a matter of deliberate political choice. Civilian rulers often distrust their militaries, and have been known to starve them of resources so as to

reduce the possibilities of military intervention in politics.⁷⁰ The result has been a dearth of professionalism in the security services. This is expressed in various ways, such as the politicisation of the security services, indiscipline and corruption.

The role of the military is discussed in many of the APRM country review reports. The Nigeria CRR, for example, notes that the military has been called upon to intervene in violent conflicts, such as the insurgency in the Niger Delta and against Boko Haram in the north. While noting that the security forces are increasingly subject to the rule of law,⁷¹ it also adds: 'The reliance on the police and army has unfortunately aggravated rather than alleviated the situation. The state of affairs is worsened by the fact that key state institutions such as the army, police and judiciary are usually permeated by ethnic interests to such an extent that the state's actions appear to be barely rational.'⁷² Likewise, the Lesotho CRR stresses the efforts made to bring the military under civilian control and the reform of the country's police so as to enable it to operate efficiently in a democratic society.⁷³ The Algeria CRR observes that the army has remained the backbone of power, having participated actively in decision-making and having had a conscious role assigned to it. However, the Algeria CRR also records that security forces sometimes operate with disregard for the law.⁷⁴ The CRR calls for the role of the army to evolve in order to guarantee the stability of institutions of the country.⁷⁵ The Zambia CRR noted that there is insufficient oversight of the military, which considers itself above the law and not obligated to adhere to financial regulations.⁷⁶ In Burkina Faso, concerns are expressed over conflicts that have arisen between civilians and the military. These do not have the character of organised violence or insurgencies, but rather appear to reflect ill-discipline on the part of some soldiers. The report comments:⁷⁷

During CRM [Country Review Mission] meetings, it appeared that these conflicts are linked to the weaknesses in the system with regard to the recruitment of members of the defence and security forces, to the shortcomings noted in the training programme (namely as regards human rights), and to the failure to maintain discipline and abide by the republican laws. The discussions led to a

⁷⁰ Wrong M, 'Why are Africa's militaries so disappointingly bad?', *Foreign Policy* (6 June 2014); Chuter D and F Gaub, *Understanding Africa's armies* (ISSue Report No 27, April 2016), pp. 15-16.

⁷¹ Nigeria CRR, p. 91.

⁷² Nigeria CRR, p. 86.

⁷³ Lesotho CRR, pp. 56-59.

⁷⁴ Algeria CRR, p. 74

⁷⁵ Algeria CRR, p. 325.

⁷⁶ Zambia CRR, p. 92.

⁷⁷ Burkina Faso CRR, pp. 90-91.

greater understanding between civilians and the defence and security force representatives, and proposals to eradicate conflicts were made.

Policing

Police forces do not have the same potential for violent destabilisation as the military. But the more extensive day-to-day contact between police officers and the public make the ability of the police to function effectively and to maintain law and order a matter of profound importance. As with the military, the key concept is professionalism. The CRRs provide rather limited coverage of national police forces, but a number of themes stand out.

One is the limitations in police capacity, including lack of proper equipment, funding, skills or personnel. To mention a few examples, the Nigeria CRR records a lack of investigative capacity⁷⁸; the Burkina Faso CRR notes the small and ill-equipped police force to discharge its mandate⁷⁹, while the Zambia CRR focuses on the under-resourcing of the police force.⁸⁰

As in the case of the military, these factors create difficult working conditions that could have disproportionate impact on the peace and stability of a society. Poor conditions of service often lead to criminal behaviour by members of the police, including bribery and extortion. In Kenya, the CRM was struck by the consistency of complaints over routine intimidation by the police and widespread incidents of petty bribery. The CRR noted many complaints of court cases dragging for years and the inevitable appeal of alternative dispute resolution methods.⁸¹

Reports by Afrobarometer indicate substantial scepticism about the integrity and professionalism of police forces. Some 42% of respondents across 34 African countries said that 'most' or 'all' police officers are corrupt, with a further 38% saying that 'some of them' are. Police officers were by some margin regarded as the most corrupt public officials. At the same time, there was strong support for the critical role played by the police, i.e. to enforce law and order in society.⁸²

Alongside corruption, various other pathologies manifest themselves in the police service. These include ethnic divisions,⁸³ abuse of suspects,⁸⁴ the

use of torture⁸⁵ and sexist and misogynistic behaviour⁸⁶ – the latter being a particular problem when dealing with gender-based or sexual violence. Several CRRs also record instances of political partisanship on the part of police forces⁸⁷ – a common tactic being to use the discretion afforded them to prevent opposition parties from holding political rallies. The Nigeria CRR sums up the country's situation, which is also relevant for many others:⁸⁸

Greater focus on enhancing police effectiveness has yielded positive improvements in the operational efficiency of the force, but the level of crime remains high. The security forces are now more subject to the rule of law and are formally subordinate to civil authority. Gaps nevertheless remain, particularly as regards the misuse of state security services by some politicians for private, personal purposes.

What – or what more – can the APRM do about weak states and institutions

Given the sensitivities around state security, this may be an issue where the APRM as a broad public process will find difficulty gaining traction. However, the APRM has drawn attention to abuses associated with the security forces, emphasising these subjects for public discussion. This is positive. Two things to consider may be the following:

1. The APRM may press for the **collation of crime statistics** at the national level and for their public dissemination regularly and timeously. As has been pointed out earlier in relation to other issues, lack of credible data is a serious impediment to Africa's ability to plan and execute policy. Such data are seldom available in Africa, making monitoring of crime difficult. Beyond pushing for countries to commit to building up their statistical capacities, the APRM should equally call on countries with capacity to assist others, which is consonant with the spirit of the APRM.
2. Considering the **cross-border nature of much conflict** in contemporary Africa, the APRM may explore options to serve as a platform for heads of state and other government officials to discuss them and plan the elements of

⁷⁸ Nigeria CRR, p. 100.

⁷⁹ Burkina Faso CRR, p. 108.

⁸⁰ Zambia CRR, p. 144.

⁸¹ Kenya CRR, p. 83.

⁸² Wambua PM, 'Police corruption in Africa undermines trust, but support for law enforcement remains strong', Afrobarometer Dispatch (No. 56, 2 November 2015).

⁸³ Nigeria CRR, p. 86.

⁸⁴ Ghana CRR, p. 26; Tanzania CRR, pp. 52, 55, 72.

⁸⁵ Zambia CRR, p. 103.

⁸⁶ Algeria CRR, p. 108; Sierra Leone CRR, p. 160.

⁸⁷ Sierra Leone CRR, pp. 82, 85; Zambia CRR, p. 90.

⁸⁸ Nigeria CRR, p. 91.

collective responses. In part, this could be done through the regular engagements at the APR Forum of Heads of State and Government. The APRM could also use its convening power (perhaps in collaboration with other structures in the AU) to organise information-sharing and reflection sessions, to assist countries in cooperating with one another.

Bottleneck 4: Fragmented markets, market access and expansion

Concept

Africa's division into a patchwork of 55 states – many with very small populations and economies – has proved a burden on its development. Globally, successful countries are increasingly looking beyond their borders for opportunities, since larger markets create bigger opportunities. Echoing President Museveni, the economist Paul Collier points out:⁸⁹

Scale and specialisation, the cornerstones of productivity, can take place only in large markets. Most African countries constitute small markets, and so trade with other countries is critical to rising prosperity. International trade is in Africa's blood: even in the 12th century, African traders were exchanging goods over huge distances. Yet many countries are now economically isolated because of a combination of inadequate transport infrastructure and bureaucratic impediments to the free flow of commerce. Being small and isolated is, in economic terms, a death sentence: people are trapped in the inevitable poverty of low-productivity activities.

Agenda 2063 aspires to an Africa that is a major social, political and economic force in the world. It seeks 'an integrated continent, politically united based on the ideals of Pan Africanism and the vision of Africa's Renaissance'.⁹⁰ This envisages a continent that is united politically and economically, which holds significant developmental potential for the continent. Finally, it is notable that this section is related to Bottlenecks no. 2 (interference with the private sector), no. 5 (lack of industrialisation and low value addition), no. 6 (under-developed infrastructure), no. 7 (under-development of human resources) no. 9 (under-development of agriculture), and no. 9 (under-development of the services sector).

⁸⁹ Collier P, 'Reimagining the African continent', *Mail and Guardian Online* (12 June 2015).

⁹⁰ Agenda 2063, pp. 10-12.

What the APRM does about fragmented markets, market access and expansion

The APRM addresses this issue in the Economic Governance and Management (EGM) thematic area. Objective 5 under this thematic area aims to: 'Accelerate and deepen regional integration in the monetary, trade and investment domain.' The four questions intended to focus the review process on the above Objective provide:

- Question 1: 'What regional economic organizations is your country a member of and what are the advantages?'
- Question 2: 'In which areas and to what extent have your country's economic policies been harmonized with those of the RECs you have identified?'
- Question 3: 'What are the challenges facing your country in the various RECs it is a member of? How can they be addressed?'
- Question 4: 'To what degree are informal cross-border economic transactions important to your country's economy?'

In addition, Objective 6 seeks to 'develop and implement trade and investment policies that promote economic growth'. Again, four of the six questions under this Objective are directly relevant to the issue of regional economic integration:

- Question 1: "To what extent are your country's investment policies facilitative of economic growth?"
- Question 2: "To what extent do investment authorities in your country coordinate, exchange information and work with counterparts in other countries?"
- Question 3: "To what extent are your country's trade policies facilitative of economic growth?"
- Question 4: "What measures has your country taken to promote trade with other countries, in particular intra-regional trade? How successful have these measures been?"

All this shows that regional integration and trade are at the centre of the APRM initiative. In that spirit, regional and continental integration is dealt with in a number of the standards, including:

- AU, AU Constitutive Act (2000, Lomé, Togo)
- AU, NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2002, Durban, South Africa)

- International Conference on Popular Participation in the Recovery and Development Process in Africa, African Charter for Popular Participation in Development and Transformation (February 1990, Arusha, Tanzania)
- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- OAU, The New Partnership for Africa's Development (NEPAD) (2001)
- OAU, Solemn Declaration, Conference on Security, Stability, Development and Co-operation in Africa (2000, Lomé, Togo)
- OAU, Treaty Establishing the African Economic Community (1991, Abuja, Nigeria)
- UN, World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002, Johannesburg, South Africa)

These and other standards envision an Africa of integrated markets first at the regional level and later continentally using regional economic communities (RECs) as the building blocks. This would involve the free – or increasingly freer – movement of goods, services, capital and people across African borders. Particularly since the conclusion of the Abuja Treaty in 1991, the overall plan has been for African integration to progress by stages towards the operationalisation of a continent-wide African Economic Community (AEC).⁹¹ In legal terms, the AEC was established through the Abuja Treaty of 1991, Article 2 of which provides:

“The High Contracting Parties hereby establish among themselves an African Economic Community (AEC).”

Using the RECs as its building blocks, the Abuja Treaty sought to achieve a fully-fledged AEC within a maximum of 40 years from its entry into force through a process of six successive stages: (i) strengthening the continent's RECs; (ii) harmonising tariffs, customs etc. within RECs, and coordinating activities between the RECs; (iii) free trade areas and customs union established in each REC; (iv) coordination and harmonisation of tariff and non-tariff barriers among the various RECs with a view to continental common external tariff; (v) establish an African Common Market (ACM) with harmonised policies across the continent; and (vi) consolidating the ACM, finalising the harmonisation of the RECs, establishing a single market and monetary union, and setting up the

⁹¹ See OAU, *Treaty Establishing the African Economic Community*, Abuja, Nigeria, 3 June 1991.

executive structures of the Community.⁹² The Treaty having entered into force on 12 May 1994, the “cumulative transitional period” envisaged under Article 6(5) thereof would have been in May 2034.

However, several decisions have been taken since that time with the aim to accelerate the formation of the AEC. For example, the Sirte Declaration 1999 called for the process to be accelerated by consolidating the RECs to form the foundation of the AEC and by shortening the implementation periods towards its completion.⁹³ The Constitutive Act of the African Union likewise sought to move the integration agenda forward more ambitiously and aggressively. In recognition of the implied repeal of some of the provisions of the Abuja Treaty, the Constitutive Act stipulated that ‘the provisions of this Act shall take precedence over and supersede any inconsistent or contrary provisions of the Treaty establishing the African Economic Community’.⁹⁴ Translating the Abuja programme of integration to reality encountered several challenges from quite early on, perhaps the most important being the proliferation of RECs within the continent and the overlapping and multiple membership of states in the RECs.

Although there are many RECs on the continent, the AU currently recognises eight of them as ‘pillars’ of continental integration: the Arab Maghreb Union (AMU), Community of Sahel-Saharan States (CEN-SAD), Common Market for Eastern and Southern Africa (COMESA), the East African Community (EAC), Economic Community of Central African States (ECCAS), Economic Community of West African States (ECOWAS), Intergovernmental Authority on Development (IGAD) and Southern African Development Community (SADC). Every country on the continent is involved in at least one REC, with many involved in two or more. Of countries that have been reviewed through the APRM, only two – Algeria and Mozambique – are involved in only one body; each of the others operates in two, three or four. The progress made on the path of economic integration across the various RECs has been uneven. In terms of movement towards free trade areas, customs unions and common markets, the EAC, COMESA, ECOWAS and SADC appear to be moving at a faster pace than CEN-SAD, ECCAS and the AMU.

⁹² See Abuja Treaty, Article 6.

⁹³ OAU, *Sirte Declaration*, Fourth Extraordinary Session of the Assembly of Heads of State and Government, Sirte, Libya, 8-9 September 1999.

⁹⁴ OAU, *Constitutive Act of the African Union*, adopted by the Thirty-Sixth Ordinary Session of the Assembly of the Heads of State and Government, Lomé Togo, 11 July 2000.

Several of the CRRs – such as those of Mauritius, Tanzania, Uganda and Zambia⁹⁵ – point to overlapping membership of Africa’s RECs as an impediment to integration efforts. It appears that short-term political calculations rather than AU decisions on regional configuration dictate national choices as to which RECs to join.⁹⁶

The CRRs also show that difficulties in implementing complex reforms are holding up integration processes. The Uganda,⁹⁷ Benin⁹⁸ and Tanzania⁹⁹ CRRs, for example, address this. Some countries have serious capacity challenges to develop and implement trade and development policies. The Mozambique CRR, for example, notes that while tourism promises significant economic opportunities, the country lacks a tourism policy.¹⁰⁰ Likewise, Lesotho’s CRR indicates that the country does not have ‘documented’ trade policy, but an ‘implied’ one.¹⁰¹

Budgetary considerations have also played a role in shaping the trajectory of integration. Since regional integration often requires reducing tariffs, this can mean a significant reduction in national tax revenues, especially in some of the continent’s smallest and poorest countries. Such concerns appear in several of the CRRs. The Rwanda CRR, for example, points to a fall in customs revenues owing to its implementation of COMESA trade liberalisation commitments.¹⁰² Concerns about lost customs revenues are also evident in the reports of Ghana, Kenya and Uganda.¹⁰³ Meanwhile, the Ethiopia CRR indicates that concerns about potential lost revenues had delayed Ethiopia’s decision to participate in the COMESA free trade area.¹⁰⁴ Similar challenges to integration include protectionist instincts, as specifically mentioned in the CRRs for Burkina Faso CRR¹⁰⁵ and Nigeria¹⁰⁶. The Mauritius CRR also notes trade

measures taken against some South African goods although both are members of SADC.¹⁰⁷

Infrastructure is also a significant impediment to regional integration. As one analysis commented, ‘a sorely neglected aspect of integration in Africa is the link between regional integration and Africa’s regional infrastructure’.¹⁰⁸ Several of the CRRs record the obstacles posed by poor infrastructure to economic activity, and thus to integration.¹⁰⁹ The inadequate transport infrastructure is of particular importance, which raises the cost of trade. The Burkina Faso report identified physical impediments to subregional trade, including ‘the poor state of the transport infrastructure and the age of the trucks used in interstate transport’.¹¹⁰ The Rwanda CRR argues that better infrastructure is essential if the country is to earn a reputation as a competitive investment destination.¹¹¹

Security and stability issues also complicate integration plans. Where security threats or instability arise in any country, its neighbours are likely to seek to shield themselves by restricting contact, and making border-crossings more difficult. As a report by the UNECA observed, peace and security continue to pose ‘major challenges affecting Africa’s integration and development efforts’.¹¹²

Conflict and insecurity are addressed in many of the CRRs, but not typically in relation to regional integration. The Uganda CRR provides some comment on this issue, remarking that the country’s relationship with neighbouring DRC – described as ‘tense and prone to conflict’ – as undermining integration in the region.¹¹³ Dr Mohammed Ibn Chambas, former ECOWAS president, argues that security crises have diverted ECOWAS from its developmental ambitions since the 1990s.¹¹⁴ Crises in

⁹⁵ Mauritius CRR, p. 233; Tanzania CRR, p. 134; Uganda CRR, pp. 165, 167; Zambia CRR, pp. 181, 182.
⁹⁶ Ndomo A, *Regional Economic Communities in Africa: A Progress Overview* (GTZ Study, May 2009) p. 10.
⁹⁷ Uganda CRR, p. 167.
⁹⁸ Benin CRR, pp. 176, 177.
⁹⁹ Tanzania CRR, p. 136.
¹⁰⁰ Mozambique CRR, p. 191.
¹⁰¹ Lesotho CRR, p. 131.
¹⁰² Rwanda CRR, p. 71.
¹⁰³ Ghana CRR, p. 71; Kenya CRR, p. 96; Uganda CRR, pp. 167, 165.
¹⁰⁴ Ethiopia CRR, p. 171.
¹⁰⁵ For example, the Burkina Faso CRR (p. 237) describes a ‘persistent tendency to protect local production’.
¹⁰⁶ For example, the Nigeria CRR (pp. 199–206) notes an apparent contradiction between Nigeria’s commitment to liberalise trade under the ECOWAS regime while also imposing significant

import duties (in some cases as high as 150% ad valorem on agricultural imports) and export bans on selected products.
¹⁰⁷ Mauritius CRR, p. 224.
¹⁰⁸ Jerome A and D Nabena, ‘Infrastructure and regional integration in Africa’, in Levine DH and D Nagar (eds.), *Region-building in Africa: political and economic challenges* (New York: Palgrave MacMillan, 2016), p. 90.
¹⁰⁹ Burkina Faso CRR, p. 237; Sierra Leone CRR, p. 217; Tanzania CRR, p. 136; Uganda CRR, pp. 164, 167.
¹¹⁰ Burkina Faso CRR, p. 217.
¹¹¹ Rwanda CRR, p. 71.
¹¹² UNECA, *Progress on Regional Integration in Africa’, Seventh Session of the Committee on Trade, Regional Cooperation and Integration* (Addis Ababa 2–3 June 2011) p. 10.
¹¹³ Uganda CRR, p. 56.
¹¹⁴ Wilson Center, ‘The Role of ECOWAS in Achieving the Economic Integration of West Africa’ (19 October 2007).

the Sahel region have also undermined the work of CEN-SAD.¹¹⁵ The lack of movement on integration in ECCAS has been attributed, at least in part, to conflicts in several member states.¹¹⁶

Recent developments in the field of closer economic integration

A few major developments which largely post-date the reviewed CRRs are the launch of the Boosting Intra-African Trade (BIAT) initiative, the Tripartite Free Trade Area (TFTA) and negotiations towards the Continental Free Trade Area (CFTA), which were launched by the June 2015 AU Assembly Decision.¹¹⁷ The CFTA, once concluded, will produce a market encompassing 55 African countries and over a billion people. The importance of the CFTA as a driver for African development and prosperity is clearly widely understood. Doubts have, however, been expressed as to whether the tight timeframe to conclude it by the end of 2017 is feasible, given the range of issues and the number of participants.

Closely related to the CFTA agenda is the BIAT initiative, which recognises that trade among the continent's countries is limited, and that this precludes it from taking advantage of economies of scale. Expanding trade within Africa would yield significant developmental benefits. BIAT proposes to do this through seven 'programme clusters': trade policy; trade facilitation; productive capacity; trade-related infrastructure; trade finance; trade information; and factor market integration.¹¹⁸ Thus far, the practical impact of BIAT seems to have been small. One analysis commented that progress has been 'disappointing, slow and uncoordinated'.¹¹⁹

The TFTA, concluded in June 2015, brings together COMESA, the EAC and SADC to create a free trade zone by 2017 that would extend from Egypt in the north to South Africa in the south, taking in Africa's eastern seaboard and the whole Southern African region. It would encompass 26 countries with more than 630 million people. It remains to be seen how this will play out, since much technical detail remains to be negotiated and implementation is still to be carried out. In addition to the main agreement, the TFTA comprises 15 annexes, dealing with such matters as customs cooperation, simplification and harmonisation of trade documentation and procedures, rules of origin, intellectual property rights and non-tariff barriers. According to a detailed report in late October 2016, much remained to be done – a number of countries had not even formally signed the agreement. It remains to be seen whether the timeframe is ultimately feasible and what the real impact will be should it come to fruition.¹²⁰

However, the potential of this arrangement is encouraging. Trade within this region is believed to comprise a greater proportion of value-added goods than that existing between it and the rest of the world.¹²¹ One analysis – using economic modelling – suggested that the TFTA had the potential to boost intra-regional trade by some 29%. Manufacturing sectors would benefit most from this, a welcome finding given the emphasis development thinking places on value-adding. However, given the generally modest level of intra-regional trade to begin with, these changes would represent a relatively small increase in output. Indeed, this study cautions that abolishing tariffs and allowing the 'free' movement of goods would need to be complemented by such measures as upgrading infrastructure and eliminating non-tariff barriers to enable the TFTA to make a substantive difference.¹²²

¹¹⁵ Nickels B, 'Morocco's Engagement with the Sahel Community' (3 January 2013).

¹¹⁶ Allison S, "Spelling out the need to unify", *22 Africa in Fact* (1 May 2014), <http://admin.gga.org/publications/africa-in-fact-may-2014-regional-integration-apart-at-the-seams>.

¹¹⁷ For more information, see <https://www.tralac.org/resources/by-region/cfta.html>.

¹¹⁸ African Union Commission and United Nations Economic Commission for Africa, *Boosting Intra-African Trade: Issues Affecting Intra-African Trade, Proposed Action Plan for boosting Intra-African Trade and Framework for the fast tracking of a Continental Free Trade Area* (Addis Ababa, Ethiopia 23-30 January 2012).

¹¹⁹ Sommer L and D Luke, 'How can trade policy be used to transform African livelihoods?', (Bridges Africa, 18 October 2016). See also UNECA, *Developments on the Boosting Intra-African Trade*

initiative and the Continental Free Trade Area (7 September 2016).

¹²⁰ Pan-African Chamber of Commerce and Industry, *SADC, EAC and COMESA seek to implement Tripartite Free Trade Area* (26 October 2016).

¹²¹ Luke D and Z Mabuza, 'The Tripartite Free Trade Agreement: a milestone for Africa's integration process', *Bridges Africa* (23 June 2015).

¹²² Mold A and R Mukwaya, *The Effects of the Tripartite Free Trade Area: Towards a New Economic Geography in Southern, Eastern and Northern Africa?* (Centre for Research in Economic Development and International Trade, Research paper 15/04, 2015).

What – or what more – can the APRM do about fragmented markets, market access and expansion

Despite the importance of regional integration to Africa's future, and despite the ideological investment in the idea of African unity, there are few issues on the African governance agenda that seem to be more insulated from the input of ordinary people. In this sense, the APRM could play an enhanced role in at least three ways:

1. The APRM inquiries could be used to assist in **raising awareness** of the importance of regional integration and its progress. The APRM's consultation process is one forum for doing this: a good in-country media strategy can shine light on important but under-discussed issues through interviews, commissioned opinion pieces and so on. Shorter, easier to read, documents produced by the APRM (possibly its proposed Knowledge Hub) focusing on themes – in this case on regional integration – could provide policy makers, opinion formers and ordinary citizens with information on the envisaged benefits of regional integration, thereby stimulating public conversations.
2. The APRM could also be useful as a means of **assembling data and reporting on the progress of regional integration** – maintaining a database of which countries have signed agreements and so on – which would enable journalists and researchers to keep abreast of these developments, and thereby to popularise it to the African public. This information could be collated by participating governments and submitted to the APRM Secretariat, which could in turn upload it onto its website. This would make it easily accessible to all free of charge at the point of use.
3. The APR Forum could be used as an additional platform to **press countries on meeting their integration commitments**. It is not always apparent that all African countries treat integration with the seriousness it deserves. The APRM could help to elevate it. This could be done in two ways. The first is through using information in the Country Review Reports (CRRs) to highlight what is being done and what still needs to be done. Making journalists and academics aware of the storehouse of information that the CRRs contain is necessary so that they will use them to write about and popularise regional integration. The second is through the meetings of the APR Forum, at which heads of state and government need to challenge one another to move regional integration forward.

4. The APRM could also position itself to **become the trade policy review body for the CFTA** that is currently under negotiation. The APRM has experience in policy and governance review; as a result, it is well placed to offer this service. However, the implications of such a critical and enormous responsibility on the capacity of the APRM Secretariat needs to be considered and catered for well in advance.

Bottleneck 5: Lack of industrialisation and low value addition

Concept

Moving Africa into a high value-adding path is important if it is to generate the wealth and opportunities that it will need as its population grows and urbanises. The intellectual case that Africa cannot achieve broad-based and sustainable development without industrialisation has been made repeatedly in the academic and institutional literature, the latest being UNECA's 2016 report on *Transformative Industrial Policy for Africa*.¹²³ The political leadership on the continent has also accepted the need to diversify away from extractives and primary agricultural commodities. Indeed, President Museveni draws attention to the failure of the continent to use its considerable natural resources to drive value addition. This section is related to Bottlenecks no. 2 (interference with the private sector), no. 4 (fragmented markets, market access and expansion), no. 5 (lack of industrialisation and low value addition), no. 7 (under-development of human resources), no.9 (under-development of agriculture), and no. 9 (under-development of the services centre).

What the APRM does about lack of industrialisation and low value addition

The APRM addresses this matter in the EGM thematic area, under Objective 1 on design and implementation of economic policies for sustainable development and, more specifically, where Question 2 asks: "what sectoral economic policies has your country developed and implemented to promote economic growth and sustainable development in the past 5-10 years and what has been their effectiveness?"

¹²³ See UNECA, *Transformative Industrial Policy for Africa* (2016).

A number of standards refer to the need for industrialisation, with the following being the clearest and most important:

- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- OAU, The New Partnership for Africa's Development (NEPAD) (2001)
- OAU, Treaty Establishing the African Economic Community (1991, Abuja, Nigeria)
- UN, World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002, Johannesburg, South Africa)

For the most part, the standards articulate the commitment to industrialise in aspirational terms. These documents envisage Africa expanding and modernising its industrial base, creating both small-scale and large multinational firms. African countries would enter the world market, focusing particularly on those areas in which they have comparative advantages, joining international standards organisations and establishing necessary testing and certification facilities. The CSSDCA Memorandum of Understanding (although more than a decade old now) sets out the following goal: '[to increase] value added in manufacturing in the Continent from the current 17% to 25% by the year 2010. For countries that have not achieved the average African level, to double the level of manufacturing every 10 years till it reaches the average for African countries.'

For its part, Agenda 2063 sees industrial development as a key part of the continent's future. Its vision is as follows:¹²⁴

Accelerated manufacturing activities will result in the 2063 share of manufacturing in GDP rising to at least 50% and its value added would rise to five-fold. The sector will absorb at least 50% of new entrants to the labour market. At least 90% of all agricultural exports will be processed locally (value addition). By 2063, the share of technology-driven manufacturing firms in total manufacturing output will rise above 50%. Africa will effectively participate in global value chains, not at the low but at the high end of the chain.

The countries reviewed are at various stages of development, with the more developed among them – notably South Africa and Mauritius – having fairly well-advanced industrial sectors. However, it is broadly accurate to say that, despite a near universal commitment to diversify the continent's economies, industry on the continent is still experiencing difficult times.

¹²⁴ Agenda 2063, p. 6.

The international context

Much of Africa was introduced to global markets during the colonial era in a subordinate position, typically to supply primary products for processing abroad. Its failure to industrialise (outside a few pockets) in past decades has now been compounded by a global trade regime that stresses openness – thus closing some of the avenues that were used by early industrialisers, such as tariff protection. This is true both at the multilateral level (in terms of World Trade Organisation (WTO) rules), and bilaterally, which naturally restricts the policy space available for countries to design and implement their own industrialisation strategies. Consequently, African markets are relatively open to imports of foreign manufactured goods. As a UNECA report observed:¹²⁵

The WTO is committed to trade liberalisation and in general dislikes any sort of government intervention that would impede the flows of trade. To this end, the organisation is one of the main drivers of the prevalent policy orthodoxy that argues against the use of industrial policy by developing countries. A parallel proliferation of bilateral and regional agreements on trade and investment has further expanded the scope of these restrictions. Sanctioned by the WTO, these agreements usually tend to apply trade liberalisation beyond the levels agreed under WTO commitments. Under some schemes, developed countries have even pushed non-trade issues as a condition for enhanced access to their markets by developing countries. These issues can put a further cap on industrial policy efforts.

However, as the same UNECA report underlines, while these agreements pose "a serious threat to developing countries' chances of industrial progress ... the situation is not entirely fatal at least with regard to multilateral rules. There are many industrial policy measures which can still be used legally."¹²⁶ African countries need to exploit the flexibilities already embedded in those agreements. Indeed, Africa should not look at these agreements as if they are cast in stone. One thing we know about the WTO, for example, is that it is a forum for almost constant negotiations, not just to create new rules but also to amend existing ones to fit new realities and demands. To succeed, one of the most urgent priorities should be for Africa to speak in one voice in defence of its interests. The APRM can serve as an additional forum to champion this goal.

¹²⁵ UNECA, above n. 119, p. 115

¹²⁶ UNECA above n. 119, p. 115.

Commodity dependence

According to the African Development Bank (AfDB), Africa's commodity dependence has historically produced adverse, counter-developmental outcomes for a variety of reasons. These include:¹²⁷

- Rising real wages and exchange rates that undermine a country's competitiveness typical of extractive-dependent economies (so-called 'Dutch disease');
- Rent seeking, which diverts energy from productive activities;
- Price volatility and 'asymmetry of adjustment' – that it is easier to increase public spending than to reduce it;
- The creation of inflexible labour, product and asset markets; and
- Tensions between those parts of the country that are endowed with resources and those that are not.

The negative consequences of resource dependency are addressed extensively in many APRM country review reports. To take one example, the Nigeria CRR points to that country's overreliance on oil and consequent neglect of much of the rest of its economy, including manufacturing.¹²⁸ Likewise, the Tanzania CRR notes the problem of remaining dependent on minerals, which are "depleting resources",¹²⁹ while Zambia is described as having "a small and open economy that is highly dependent on mineral exports, which makes it vulnerable to external shocks."¹³⁰

The challenge, of course, is how to build a sustainable economy on the back of exhaustible resources. The AfDB argues that, in the past, some resource-rich developing countries have attempted to use resource rents to finance industrialisation projects. This strategy was vulnerable to price fluctuations, and when commodity prices fell, so did the finances available to support industrialisation programmes.

Globally, there are good examples of countries that have managed to turn their resources into developmental assets and to avoid the pitfalls of resource dependence. These include Canada, Norway, Chile, and Botswana.¹³¹ The AfDB argues that two dynamics account for

Botswana's success in this regard. The first is economic diversification. The second is sustainable fiscal policy, which delinked expenditure from revenue. Together, these were only possible with strong institutions and good governance.¹³² And this is where the APRM can make a contribution.

Survey results:

The factors described above were also cited in the responses to the survey for this report. When asked about the obstacles to industrialisation, innovation and value-adding activity, the most prominent ones included lack of skills and education, shortage of financial resources, and governance obstacles.

What – or what more – can the APRM do about lack of industrialisation and low value addition

While there are no easy solutions for these bottlenecks, the APRM can assist in a number of ways, including:

1. Encouraging the **development of industrial policy** at the national level. This could be done as part of efforts to publicise the findings of reviews, and also at the APR Forum. In the latter, peer support to participating states in formulating industrial policy plans would be of great help.
2. Making an **explicit reference to industrial policy issues in the questionnaire** to ensure it figures in country self-assessment reports and the final country review report.
3. Looking at **successful examples** on industrialisation policy and implementation, both from within the continent and beyond, and using the APRM platform to disseminate **best practice** for the benefit of all African countries;
4. **Promoting conversations on national policies and institutional arrangements** conducive to successful industrialisation;
5. Using the APRM platform to **sensitise citizens and their governments** to encourage African countries to work together in the effort to **reshape the international trade and investment regime so it can be more conducive to African industrialisation**. The latter objective is a large, ambitious one, and is beyond the scope of the APRM as such. However, meetings of the APR Forum and interactions at the Committee of Focal Points

¹²⁷ AfDB, African Development Report 2007 (2007) pp. 96-97.

¹²⁸ Nigeria CRR, pp. 140, 159.

¹²⁹ Tanzania CRR, p. 117.

¹³⁰ Zambia CRR, p. 142.

¹³¹ Durns S, 'Four countries that beat the resource curse', *Global Risk Insights* (22 April 2014).

¹³² Meijia PX and V Castel, *Could Oil Shine like Diamonds? How Botswana avoided the resource curse and its Implications for a New Libya* (AfDB Chief Economist Complex, October 2012) pp. 7-12.

could help to formulate common African strategies.

Bottleneck 6: Under-developed infrastructure

Concept

Infrastructure is critical for any economic activity.¹³³ Indeed, while the previous section has laid out some of the governance challenges to the private sector, infrastructure is the central practical challenge. As Jacqui Kew has noted: 'Something like deteriorating transport and lack of electricity will do more harm to entrepreneurial activity than almost any policy can do good. Particularly for small businesses, day-to-day costs are quite considerable, and lack of public services will indirectly increase costs to small businesses, so this would have a direct link to their cost structure.'¹³⁴

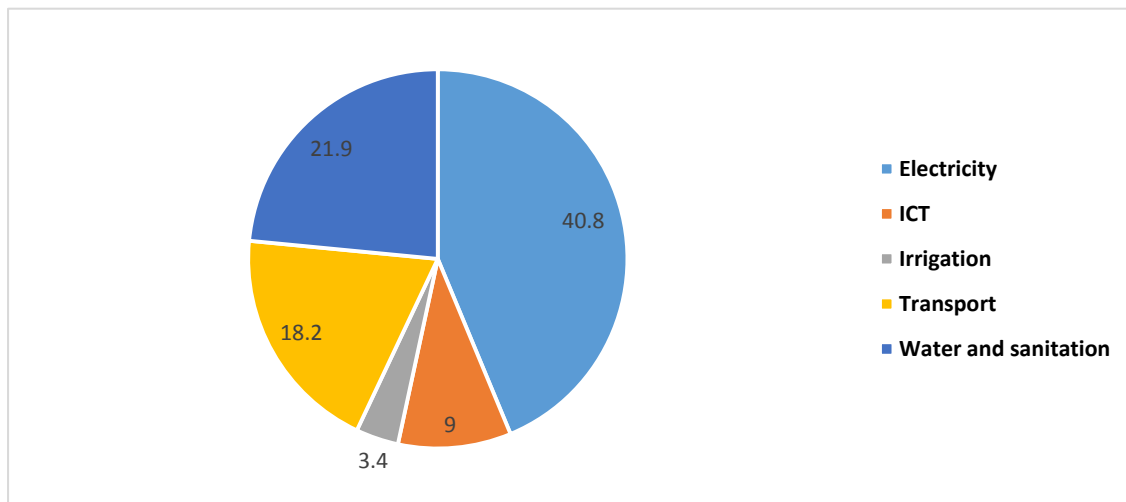
This section is related to Bottlenecks no. 4 (fragmented markets, market access and expansion), and no.12 (lack of domestic resource mobilisation, with a focus on fiscal revenues from natural resources).

¹³³ See Terence Corrigan, *Rethinking infrastructure in Africa: a governance approach* (SAIIA Occasional Paper No 252, March 2017), <http://www.saiia.org.za/occasional-papers/rethinking-infrastructure-in-africa-a-governance-approach>.

¹³⁴ Dodds C, 'Western Cape versus the rest: How true is the DA claim to be the best?', *Saturday Star* (26 April 2014).

According to a 2010 study by the World Bank, in the decade to 2020 Africa would need to commit some \$93.3bn annually to bridge its infrastructure gap. Of this sum, \$40.8bn would be needed for electricity, \$9bn for Information and Communications Technology (ICT), \$3.4bn for irrigation, \$18.2bn for transport, and \$21.9bn for water and sanitation.¹³⁵

Figure 4: Estimated funding needs for African infrastructure, 2010 (\$ billion)



Source: Vivien F and C Briceño-Garmendia, *Africa's Infrastructure: A Time for Transformation*, Washington DC: The World Bank and Agence Française de Développement, 2010, p. 74.

¹³⁵ Vivien F and C Briceño-Garmendia, *Africa's Infrastructure: A Time for Transformation*, (World Bank and Agence Française de Développement, Washington DC, 2010) p. 74.

What the APRM does about under-developed infrastructure

This issue is dealt with in the Questionnaire under the EGM thematic area, where Objective 1 deals with design and implementation of economic policies for sustainable development and question number 6 asks: “What are the major development initiatives undertaken to improve the energy, services, transport and communication infrastructure in your country?” Also, some APRM standards are directly relevant to infrastructure:

- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- OAU, The New Partnership for Africa’s Development (NEPAD) (2001)
- OAU, Treaty Establishing the African Economic Community (1991, Abuja, Nigeria), and
- UN, World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002, Johannesburg, South Africa).

The standards envision Africa’s infrastructure, such as roads, railway lines and ICT, being radically expanded and the infrastructure deficit bridged. The CSSDCA MoU calls for an ‘increased investment in physical infrastructure (transport and telecommunications) as a ratio of GDP to the level that obtains in middle-income countries and social infrastructure to about 10% of GDP by the year 2020 and the development and interconnection of intra-African transport and communication networks and services.’ Infrastructural expansion is also axiomatic to Agenda 2063. It notes that to sustain and extend the continent’s growth, expanded infrastructure of all kinds will be needed.¹³⁶

The challenge posed to Africa’s development due to poor infrastructure is reflected in the CRRs. Generally poor infrastructure is listed as a hindrance to business in most of the reports.¹³⁷ For example, the Algeria CRR draws attention to the poor state of some of the country’s roads.¹³⁸ The Kenya CRR discusses unpaved roads, inadequate rail networks, the poor functioning of the port of Mombasa as well as high telecom costs.¹³⁹ The Tanzania CRR notes water and power deficits, a poor road network and described ICT in the country as ‘limited

and fragmented’.¹⁴⁰ Nigeria has unreliable roads and unreliable power supply.¹⁴¹ Sierra Leone’s roads and port are inadequate to its needs.¹⁴² Burkina Faso and Uganda suffer from inadequate road infrastructure and energy.¹⁴³

The list goes on but, encouragingly, data collected by the Infrastructure Consortium for Africa (ICA) – a cooperative initiative of donor countries and agencies – indicate that progress has been made in finding the required financing. Overall financial commitments to infrastructure development came to \$74.6bn in 2014.¹⁴⁴ This figure is actually lower than the commitments the ICA recorded for 2012 and 2013, which stood at \$89.3bn and \$99.6bn respectively.¹⁴⁵ That these amounts, very substantial and equalling much of what was envisaged in 2010, were committed in spite of prevailing global economic difficulties only underlines the scale of achievement in mobilising resources. The African private sector has also been involved, although it tends to be concentrated in a few sectors, notably ICT.

This implies that significant financial resources necessary for the continent’s infrastructural development are available, while the need to look beyond financing is not always well appreciated. Non-financial factors are in fact central to dealing with Africa’s infrastructural challenges. As Amadou Sy commented, ‘there is evidence that efficiency, not financing, is often the barrier to investment.’¹⁴⁶ He draws attention to research by the IMF¹⁴⁷ indicating that some 40% of the potential value of public investment in low income countries disappears as a result of such factors as time delays, cost overruns and poor maintenance. To correct these problems, Africa requires stronger and more effective institutions to manage infrastructure projects – from project conceptualisation through implementation, to management and maintenance. This line of argument is taken up by the AfDB.¹⁴⁸

¹³⁶ Agenda 2063, p. 11-12.

¹³⁷ Ghana CRR, p. 85; Rwanda CRR, pp. 83-84; Benin CRR, pp.192-193; Mozambique CRR, p. 206; Zambia CRR, p. 191; Lesotho CRR, pp. 148-149.

¹³⁸ Algeria CRR, p. 212.

¹³⁹ Kenya CRR, pp. 166,167.

¹⁴⁰ Tanzania CRR, pp. 199, 202, 204.

¹⁴¹ Nigeria CRR, pp. 220-221.

¹⁴² Sierra Leone CRR, p. 234.

¹⁴³ Burkina Faso CRR, p. 254, 259; Uganda CRR, p. 182.

¹⁴⁴ Infrastructure Consortium for Africa, *Infrastructure financing trends in Africa – 2014* (2015) p. 9.

¹⁴⁵ Infrastructure Consortium for Africa, *Infrastructure financing trends in Africa – 2012* (2013) p. 14; Infrastructure Consortium for Africa, *Infrastructure financing trends in Africa – 2013*, (2014) p. 15.

¹⁴⁶ Sy A, ‘Impediment to growth’, *Finance and Development* (June 2016) p. 27.

¹⁴⁷ See IMF, *Making public investment more efficient* (IMF Staff Report, June 2015).

¹⁴⁸ AfDB, *An integrated approach to infrastructure provision in Africa* (April 2013) p. 16.

The core issues are institutional in nature. Pouring additional funding into sectors characterized by high levels of inefficiency and low institutional capacity makes little sense. In order to promote a level of productivity among firms that is conducive to higher and sustainable economic growth, Africa needs to improve the capacity and efficiency of those institutions responsible for developing and managing infrastructure. The goal is not to reinvent existing institutions but to reform them and support their evolution.

However, achieving such efficiency gains and altering existing institutional arrangements is neither easy, nor without significant cost implications of its own. It may involve introducing new management practices, or even a wholesale reform of institutional architecture. For example, one means of managing infrastructure is to assign it to an autonomous agency with its own guaranteed income stream. This theoretically allows infrastructure to be managed as a technocratic responsibility, insulated from political manipulation or budgetary shifts.¹⁴⁹ But establishing institutions is a complex process and will probably meet resistance from officials previously tasked with these responsibilities.

The importance of infrastructure to Africa's future, and the need to coordinate a response across borders is recognised and responded to by the Programme for Infrastructure Development in Africa (PIDA). A collaborative effort between the African Union Commission, the NEPAD Agency and the African Development Bank, PIDA seeks to integrate the continent's various infrastructure plans (at national, REC and continental levels) to address Africa's infrastructure deficits. PIDA was adopted in 2012 by African heads of state and government and foresees infrastructure investments to the tune of some \$360bn between 2011 and 2040.¹⁵⁰ A select group of 51 Priority Action Projects (PAP) have been identified, requiring investments of some \$7.5bn per year to 2020. To meet these expenses, it proposes to tap both established or 'traditional' sources of finance and new ones, such as from the BRICS bank. An innovative feature of PIDA is the Presidential Infrastructure Champions Initiative (PICI), which is intended to secure ongoing, high-level political support for these endeavours.

¹⁴⁹ Gwilliam K, et al *Roads in Sub-Saharan Africa* (Africa Infrastructure Country Diagnostic, Summary of Background Paper 14, June 2008) p. 6.

¹⁵⁰ See AfDB, *Closing the Infrastructure Gap Vital for Africa's Transformation* (undated), available at <https://www.afdb.org/fileadmin/uploads/afdb/Documents/Generic-Documents/PIDA%20brief%20closing%20gap.pdf>

What – or what more – can the APRM do about under-developed infrastructure

The APRM could make further contribution through a few interventions, such as.

1. Paying more attention in the review process both to the **financial and non-financial (often governance-based) issues** that confront infrastructure programmes. The latter are not always adequately recognised, and Africa could benefit from greater efficiencies in the way it tackled these problems. This would probably require conducting case studies of particular projects, which would in turn require that CRMs include people with experience in engineering and project management.
2. Introducing into its country self-assessment questionnaire **questions about what is hindering African countries from overcoming their infrastructural deficits and how they can be addressed**. Caution would be needed to ensure that this did not unduly expand the questionnaire.

Bottleneck 7: Under-development of human resources

Concept

The state of human capital in a country is an important contributor to its economic prospects, and to the level of contentment in society more broadly. The two key indicators here are the state of health and education.¹⁵¹ These two are of particular importance since a healthy and skilled workforce effectively determines whether countries can prosper in the dynamic global economy. As President Museveni specifically emphasised: "The human resource must be healthy, educated and properly skilled. An educated, skilled and healthy workforce is important for the socio-economic development of a country."¹⁵² This section is related to Bottlenecks no. 2 (interference with the private sector), no. 5 (lack of industrialisation and low value addition), no. 8 (under-development of agriculture), no. 9 (under-development of the services sector), and no. 13 (structural inequalities in access to opportunities).

¹⁵¹ Others could certainly be identified, but given the importance of these two, this section is focused on them.

¹⁵² See *Discussion Paper*, p. 8.

What the APRM does about under-development of human resources

These issues are spread throughout the APRM Questionnaire. For example, skills find particular expression in the EGM thematic area under Objective 1 on design and implementation of economic policies for sustainable development, where Question 3 asks “What sectoral economic policies has your country developed and implemented to promote economic growth and sustainable development in the past 5-10 years and what has been their effectiveness?” Both health and education also feature prominently in the fourth thematic area on Socio-Economic Development (SED).

APRM standards also deal extensively with human resources development issues. Indeed, this is central to the very concept of development. The following are particularly notable in this area:

- AU, AU Constitutive Act (2000, Lomé, Togo)
 - AU, Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003, Maputo, Mozambique)
 - International Conference on Popular Participation in the Recovery and Development Process in Africa, African Charter for Popular Participation in Development and Transformation (February 1990, Arusha, Tanzania)
 - OAU, African Charter on Human and Peoples’ Rights (1981, Nairobi, Kenya)
 - OAU, African Charter on the Rights and Welfare of the Child (1999)
 - OAU, The New Partnership for Africa’s Development (NEPAD) (2001)
 - OAU, Solemn Declaration, Conference on Security, Stability, Development and Co-operation in Africa (2000, Lomé, Togo)
 - OAU, Treaty Establishing the African Economic Community (1991, Abuja, Nigeria)
 - UN, Convention on the Elimination of All Forms of Discrimination against Women (1979, New York, USA)
 - UN, Convention on the Rights of the Child (1989, New York, USA)
 - UN, Declaration on the Rights of Disabled Persons (1975, New York, USA)
 - UN, Declaration on the Right to Development (1986, New York, USA)
 - UN, International Covenant on Economic, Social and Cultural Rights (1966, New York, USA)
 - UN, United Nations Millennium Declaration (2000, New York, USA)
 - UN, United Nations Millennium Development Goals (2000, New York, USA)
 - UN, Universal Declaration of Human Rights (1948, New York, USA)
- UN, World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002, Johannesburg, South Africa)

These documents approach human resource development as both a pragmatic and moral imperative. Developing the human potential is both necessary for economic development and is the right of Africa’s people. Expanding access to the services that achieve this – education, training and healthcare – and improving their effectiveness is a priority.

Women’s human development attracts particular attention. The standards require that women not be discriminated against in terms of access to services; indeed, they are to be accorded services in accordance with their specific needs. Women should be helped to reach their potential in education, especially in areas where they have not historically been represented, such as the sciences. Women’s reproductive rights, for example, access to contraception, are to be recognised.

The standards also recognise the problem of Africa’s ‘brain drain’, i.e. the loss of skilled personnel to emigration to (and sometimes poaching by) other countries. Measures need to be taken to deal with this. Agenda 2063 concurs with this, foreseeing ‘well-educated citizens and skills revolution underpinned by science, technology and innovation’ as well as ‘healthy and well-nourished citizens’.¹⁵³

Health

Africa faces some severe health challenges. For the most part, African countries rank significantly behind the global average. Africans die earlier, and live shorter productive lives than their counterparts elsewhere. Infants in Africa are twice as likely to die as those elsewhere. The prevalence of stunting is also very concerning. HIV infections, malaria and tuberculosis remain serious public health threats. Meanwhile, the availability of skilled health professionals remains far behind the world average.

¹⁵³

Agenda 2063, pp. 4-5.

Another revealing set of information describes causes of death in Africa. The following information shows the 20 leading causes of death in sub-Saharan Africa, as collated by the World Health Organisation.¹⁵⁴

Table 3: Causes of death in sub-Saharan Africa, 2014

Rank	Cause	Deaths (000s)	% deaths	Deaths per 100,000 population
1	HIV/AIDS	1088	11,7	121,9
2	Lower respiratory infections	1039	11,2	116,4
3	Diarrhoeal diseases	603	6,5	67,5
4	Malaria	554	6,0	62,1
5	Stroke	437	4,7	48,9
6	Preterm birth complications	372	4,0	41,6
7	Birth asphyxia and birth trauma	336	3,6	37,7
8	Ischaemic heart disease	312	3,4	35,0
9	Protein-energy malnutrition	284	3,1	31,9
10	Meningitis	246	2,7	27,6
11	Tuberculosis	218	2,4	24,4
12	Road injury	201	2,2	22,5
13	Diabetes mellitus	183	2,0	20,5
14	Neonatal sepsis and infections	174	1,9	19,5
15	Maternal conditions	171	1,9	19,2
16	Congenital anomalies	149	1,6	16,7
17	Cirrhosis of the liver	136	1,5	15,2
18	Interpersonal violence	127	1,4	14,3
19	Fire, heat and hot substances	122	1,3	13,6
20	Endocrine, blood, immune disorders	115	1,2	12,9
	All Causes	9274	100,0	1039,1

Source: World Health Organisation, Global Health Estimates 2014 Summary Tables: Deaths by cause, age and sex, by WHO region, 2000-2012, June 2014, http://www.who.int/healthinfo/global_burden_disease/estimates/en/index1.html.

¹⁵⁴ World Health Organization, *Global Health Estimates 2014 Summary Tables: Deaths by cause, age and sex, by WHO region, 2000-2012* (June 2014).

The above causes of death in sub-Saharan Africa reflect its developmental limitations. The prominence of HIV, respiratory conditions, malaria, diarrhoea and childbirth issues suggest that a great many lives could be saved through improved living conditions, better health services and education. For comparison, it is worth noting that HIV, the leading cause of death in Africa, accounts for only 2.8% of deaths globally, 1.4% in South East Asia, 1% in Europe, and is absent from the top twenty causes of death in the WHO's other regions.

These issues are extensively addressed in the CRRs, focusing mainly on the strategies and institutions deployed to deal with them. The CRRs note that despite progress in making healthcare available to the population significant challenges remain. The Nigeria CRR lists a number of problems that are by and large applicable to other countries too: poor implementation of healthcare programmes, unsatisfactory facilities, inadequate health insurance coverage, differentials in health coverage between urban and rural areas, and traditional and religious beliefs that work against modern healthcare practices.¹⁵⁵ A key problem – repeated in several CRRs – is the shortage of medical personnel, a vital contributing factor being emigration.¹⁵⁶ Doctors have readily marketable skills and are highly mobile; they can escape unsatisfactory working conditions by moving to a different country relatively easily.¹⁵⁷ Better pay, enhanced career opportunities and better working conditions, not to mention active recruitment, are powerful 'pull factors'.¹⁵⁸

Education

Education in Africa has seen a great deal of progress in terms of access. This represents a significant achievement. It raises hopes for enhancing Africa's human capital, with the social and economic benefits that this implies. Overall, the trends are positive. Ever larger numbers and proportions of children on the continent are in school. The gains at the primary school level are particularly impressive, while those at the secondary and tertiary level – although noticeable – are more modest.

However, the quality of education remains largely poor on the continent.¹⁵⁹ Among the major factors are teachers who are poorly trained, poorly paid and lacking in motivation.¹⁶⁰ High pupil drop-out rates owing to poverty and demand for child labour, and social problems like teenage pregnancy, pose serious challenges.¹⁶¹

¹⁵⁵ Nigeria CRR, p. 291.

¹⁵⁶ Ghana CRR, p. 102; Lesotho CRR, p. 175; Zambia CRR, pp. 253-255; Uganda CRR, p. 254.

¹⁵⁷ Vidal P, *The Emigration of Health-Care Workers: Malawi's Recurring Challenges* (Migration Policy Institute, 21 October 2015).

¹⁵⁸ Kissick K, 'The "Brain Drain": Migration of Healthcare Workers out of sub-Saharan Africa', undated, <http://med.stanford.edu/schoolhealtheval/files/KissickBrainDrainFactSheetFinal.pdf>.

¹⁵⁹ Algeria CRR, p. 267; Nigeria CRR, p. 287; Tanzania CRR, pp. 230-232; Ghana CRR, p. 112.

¹⁶⁰ Tanzania, p. 230-232, Lesotho, p. 198, Zambia, p. 250, 252, Ethiopia, p. 238, Benin, p. 260-262, 264, 281

¹⁶¹ Benin CRR, pp. 264, 281.

A study in 2012 helps put this into perspective. Conducted by the Brookings Centre for Universal Education and the publication *This Is Africa*, the Africa Learning Barometer sought to gauge the extent to which African schoolchildren were learning as opposed to merely being 'in school'. The results were not especially encouraging, showing that a large proportion of African schoolchildren were incapable of reading or calculating at a level appropriate to their stage of schooling. The results for the countries surveyed are shown below.

Table 4: Proportion of children in school but not learning

Country	Proportion not learning
Benin	41.7%
Botswana	16.5%
Burkina Faso	28.2%
Burundi	16.1%
Cameroon	9.6%
Chad	40.0%
Congo, Rep	34.9%
Cote d'Ivoire	41.0%
Ethiopia	55.3%
Gabon	8.6%
Ghana	32.1%
Kenya	9.6%
Lesotho	31.5%
Malawi	48.3%
Mozambique	27.2%
Namibia	30.7%
Nigeria	58.3%
Senegal	21.6%
South Africa	33.7%
Swaziland	5.0%
Tanzania	8.4%
Uganda	29.6%
Zambia	55.7%
Zimbabwe	22.6%

Source: Centre for Universal Education and <http://www.thisisafrikaonline.com/Microsites/Access/Barometer>.

This is Africa, Africa Learning Barometer, 2012.

The upshot is twofold. Firstly, the prospect of pursuing advanced training or tertiary education is restricted. Opportunities are often limited and costly.¹⁶² Secondly, the education systems of the continent are failing to equip their students with the skills needed for them to function in the economies they will enter, much less to identify and seize opportunities. A particular concern is the lack of vocational training.¹⁶³ Indeed, the Algeria CRR observes that there is a certain cultural stigma to performing manual trades, as opposed to 'white collar' work.¹⁶⁴ The Uganda CRR remarks that the country's education system is geared to academic work and ignores the skills and knowledge that future entrants to the economy will need. 'This means that each year, the government spends substantial resources on education of people who contribute relatively little to economic and social development.'¹⁶⁵

¹⁶² Zambia CRR, p. 253, Kenya CRR, p. 219.

¹⁶³ Nigeria CRR, p. 113; Burkina Faso CRR, p. 376; Mozambique CRR, p. 245.

¹⁶⁴ Algeria CRR, p. 221.

¹⁶⁵ Uganda CRR, p. 252.

This leads to consideration of the keystone idea in respect of human development: suitable, marketable skills that can assist in the continent's developmental efforts. Overall, the picture created by the CRRs is of serious skills shortages, particularly among the youth. Concerns are raised about the phenomenon of jobless graduates, and the need for more relevant training.¹⁶⁶ A lack of skills is a factor contributing to youth poverty.¹⁶⁷ The Mozambique CRR says that the lack of enough appropriately skilled people is a significant blockage to development and innovation in that country.¹⁶⁸ Even relatively developed and prosperous Mauritius is suffering a skills shortage and fears becoming dependent on foreign skills.¹⁶⁹ The same problem has been observed elsewhere.

¹⁶⁶ Ghana CRR, p. 102; Burkina Faso CRR, p. 267; Algeria CRR, pp. 219, 221; Benin CRR, p. 223; Tanzania CRR, p. 69; Sierra Leone CRR, p. 162.

¹⁶⁷ Zambia CRR, p. 241.

¹⁶⁸ Mozambique CRR, p. 91.

¹⁶⁹ Mauritius CRR, p. 372.

Education in practical and industrial fields, and in such areas as information technology (where market demands are high) has been lacking. In the period 2008–2010 nearly two-thirds of African students graduated in the humanities, social sciences, education, business and law. Fewer than 20% graduated in science, engineering or technology. And, disturbingly, given the role played by agriculture in Africa's economy and the opportunities that it presents as a supplier to the global market, only 2% of graduates in sub-Saharan Africa and 1% in North Africa specialised in agriculture. By comparison, some 26% of Asian students graduated in science, engineering and technology, and another 4% in agriculture.

Mention should also be made of the losses to the continent's skills base. These include skills lost to premature death – especially as a consequence of HIV/Aids¹⁷⁰ – and emigration.¹⁷¹ The latter has been touched on above, but its impact extends well beyond the health field. For example, the Algeria CRR notes a loss of considerable entrepreneurial and professional skills in this way.¹⁷²

The skills shortage amplifies difficulties in governance. Without the necessary professional skills, bureaucracies struggle to perform their mandated tasks. Several CRRs point to this as a generalised problem,¹⁷³ while others point to more specific challenges. For example, the Lesotho and Burkina Faso CRRs link failures in corruption control to skills shortages.¹⁷⁴ The Rwanda CRR says that skills shortages are undermining land registration,¹⁷⁵ while the South Africa CRR points to similar problems at local government level.¹⁷⁶

In respect of the private sector, a lack of skills is undermining the business climate and making it more difficult for firms to operate competitively.¹⁷⁷ The specific issues are many and varied. Shortages of higher level technical and professional skills are harming such fields as the financial sector.¹⁷⁸ Many work seekers have qualifications, but not suitable to existing vacancies.¹⁷⁹ Entrepreneurship is suffering from a lack of skills on the part of aspirant entrepreneurs.¹⁸⁰ Even the informal

sector is under stress because of this.¹⁸¹ Skills shortages have kept people out of potentially lucrative business careers.¹⁸² In some countries, large parts of the economy are operated by expatriates, since local people lack the skills (at times, even relatively rudimentary ones) to perform needed work.¹⁸³

What – or what more – can the APRM do about under-development of human resources

The APRM has done a creditable job of identifying the difficulties that African countries are facing, and to some extent explaining some of the underlying dynamics. The APRM may further assist in this area by, e.g.:

1. Continuing to **interrogate the problems** facing the development of Africa's human resources; and
2. **Undertaking or sponsoring research** into solutions to these problems appropriate for resource-constrained environments. Developing human resources on the continent is a long-standing aspiration, and the CRRs indicate that African countries have attempted to do so, albeit with limited success. Research by the APRM's own staff, in collaboration with African think tanks and universities (perhaps even in exceptional cases with institutions outside the continent), could bring innovative thinking on these issues to the fore.

Bottleneck 8: Under-development of agriculture

Concept

While agriculture has remained the mainstay of most economies in Africa, the challenges are also fairly well-known. African agriculture is largely characterised by traditional, small-holder and subsistence farming. According to the African Development Bank (AfDB), as of 2016 agriculture “provides jobs for more than 60% of the continent's workforce”, yet it “accounts for less than a quarter of total exports”.¹⁸⁴ Africa spends over USD 35 billion on food imports alone annually¹⁸⁵ while approximately one in every four Africans is

¹⁷⁰ Kenya CRR, p. 166; Lesotho CRR, p. 174.

¹⁷¹ South Africa CRR, pp. 109, 147.

¹⁷² Algeria CRR, p. 323.

¹⁷³ Benin CRR, p. 82; Uganda CRR, pp. 92, 233; Nigeria CRR, pp. 107-108, 177.

¹⁷⁴ Lesotho CRR, p. 81; Burkina Faso CRR, pp. 175, 208.

¹⁷⁵ Rwanda CRR, p. 111.

¹⁷⁶ South Africa CRR, pp. 88, 107, 109.

¹⁷⁷ Lesotho CRR, p. 137; Mozambique CRR, p. 162; Sierra Leone CRR, p. 223; Kenya CRR, p. 164.

¹⁷⁸ Mauritius CRR, p. 275; Uganda CRR, p. 199; Kenya CRR, p. 166; South Africa CRR, pp. 127-128, 131-132, 171.

¹⁷⁹ Mauritius CRR, p. 243.

¹⁸⁰ Kenya CRR, pp. 219, 248.

¹⁸¹ Ghana CRR, p. 83.

¹⁸² Kenya CRR, p. 106.

¹⁸³ Lesotho CRR, p. 96; Uganda CRR, p. 199.

¹⁸⁴ AfDB, OECD and UNDP, *African Economic Outlook 2017: Entrepreneurship and Industrialisation* (2017) p. 77.

¹⁸⁵ AfDB, OECD, and UNDP (2017), p. 77.

“malnourished”.¹⁸⁶ President Museveni sees strategic investments for modernization of this sector as a key prerequisite to transform agriculture into “a springboard for socio-economic transformation for Africa.” The President proposes that the APRM “should check what progress is being made in universal commercialization of agriculture (small, medium and large scale).”¹⁸⁷ This section is related to Bottlenecks no. 2 (interference with the private sector), no. 4 (fragmented markets, market access and expansion), no. 5 “lack of industrialisation and low value addition) no. 7 (under-development of human resources) and no. 9 (under-development of the services centre).

What the APRM does about under-development of agriculture

The APRM deals with agriculture in the EGM thematic area under Objective 1 on design and implementation of economic policies for sustainable development, where Question 2 asks: “What sectoral economic policies has your country developed and implemented to promote economic growth and sustainable development in the past 5-10 years and what has been their effectiveness?”

A few of the standards deal with agricultural development. These are:

- OAU, The New Partnership for Africa’s Development (NEPAD) (2001)
- OAU, Solemn Declaration, Conference on Security, Stability, Development and Co-operation in Africa (2000, Lomé, Togo)
- OAU, Treaty Establishing the African Economic Community (1991, Abuja, Nigeria)
- UN, World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002, Johannesburg, South Africa)

The standards recognise the importance of farming to Africa and aim to facilitate the development of a modern high productivity agricultural sector. They pledge support in the form of research, infrastructure and improved land tenure security. They also aim to enhance cooperation on agricultural policies and practices among African countries. The Johannesburg Declaration in particular raises a key issue about the competitiveness of African agricultural products on the world market due to subsidies paid to producers and exporters from developed countries. The Declaration calls for the elimination of these subsidies in developed countries, while allowing

less affluent societies greater policy space to stimulate their agricultural sectors.

Agenda 2063 sees a modernised system of agriculture, supported by scientific research and forming part of regional and global agricultural value chains, as part of the strategy for the continent’s prosperity.¹⁸⁸ Much of Africa’s agriculture is essentially small-scale and subsistence in nature. In some instances – like Nigeria – agriculture has simply been ignored.¹⁸⁹ On the other hand, as the Algeria CRR comments, there is now rising interest in the sector.¹⁹⁰ The Burkina Faso CRR points to a key difficulty, which is the relatively small amount of value-addition taking place in the sector, and the need to move toward greater beneficiation.¹⁹¹

The potential of agriculture to be a driver of economic development in Africa is widely recognised. Africa possesses a considerable comparative advantage in agriculture relative to other regions. Some 60% of the world’s uncultivated land is in Africa. Demands for agricultural products both on the continent and internationally present an excellent opportunity for African producers, provided the environment is conducive.¹⁹² However, for agriculture to emerge as a significant developmental driver, it will itself need to transform first. As part of the NEPAD initiative, the AU has established the Comprehensive Africa Agriculture Development Programme (CAADP), a broad framework that aims to foster growth and innovation in the agricultural sector. Over time, this is hoped to spur increased output, more efficient production processes, employment, food security and environmental protection.¹⁹³ Under the 2014 Malabo Declaration, the AU Assembly has taken CAADP a significant step further by, among others, undertaking to end hunger in Africa by 2025 through the doubling of current agricultural productivity levels by that year.¹⁹⁴ Similar themes have been taken up by other bodies and analysts.¹⁹⁵

The CRRs differ in emphasis as to the dominant issues affecting agriculture, but they are numerous. The Kenya

¹⁸⁶ AfDB, OECD, and UNDP (2017), p. 115
¹⁸⁷ *Discussion Paper*, p. 9.

¹⁸⁸ Agenda 2063, pp. 7-8.

¹⁸⁹ Nigeria CRR, p. 153.

¹⁹⁰ Algeria CRR, p. 130.

¹⁹¹ Burkina Faso CRR, p. 189.

¹⁹² Bisseker C, ‘Africa’s farms could feed the world’, *Financial Mail* (8 May 2014).

¹⁹³ See NEPAD, *Agriculture in Africa: Transformation and Outlook* (Midrand, 2013).

¹⁹⁴ See AU, *Malabo Declaration on Accelerated Agricultural Growth and Transformation for Shared Prosperity and Improved Livelihoods*, Doc. Assembly/AU/2(XXIII), Assembly/AU/Decl.1(XXIII).

¹⁹⁵ See e.g., KPMG, *Agriculture in Africa* (KPMG Africa, 2013).

CRR presents a detailed list of these issues, most of which are relevant in other countries as well.¹⁹⁶

The Country Self-Assessment Report collated the views from focus group discussions, provincial forums and a household survey of the problems and challenges facing agriculture in Kenya. The list contains all the possible problems, without any attempt to rank their relative importance. It includes unfavourable macroeconomic environment; terms of trade shocks; inadequate legal and regulatory framework; frequent droughts and floods; lack of capital and access to credit; ineffective extension services; poor governance and corruption in key institutions supporting agriculture; inadequate market infrastructure and information; high and multiple taxes; low and declining fertility of land; pests and diseases; poor physical infrastructure (especially rural access roads); lack of storage and processing facilities; insecurity in various parts of the country; dependence on rain-fed agriculture, and increasing incidence of HIV/AIDS, malaria and waterborne diseases.

The Tanzania CRR makes similar points: 'Agriculture sector productivity has been below its potential due to slow introduction of improved technologies, high transport costs, and inadequate market competition.'¹⁹⁷ Another matter of concern is the lack of services available to agriculture, specifically to its smaller and informal operators. Farmers are, for example, poorly served by commercial institutions, which often do not extend credit for agriculture.¹⁹⁸ Similarly, inadequate infrastructure is a serious barrier to the competitiveness of the sector.¹⁹⁹

Also, agricultural economies need to be understood as being about a lot more than farming. Farming is one element of this, but so are innovation, technology, marketing and so on. It should be seen as a 'knowledge-based, entrepreneurial activity'.²⁰⁰ Indeed, opportunities to upgrade the performance of Africa's agriculture have come from technologies not immediately associated with farming. Mobile telephony, for example, has been used in Niger to transmit current market prices for staple crops, which was estimated to raise the incomes of participating traders by nearly a third.²⁰¹ Mobile phones have revolutionised business for farmers elsewhere, such as in Kenya with the M-Farm system, which

aggregates the produce of groups of farmers and sells them collectively. Another programme, iCow, allows livestock farmers to track their stock's gestation periods and plan accordingly.²⁰²

Increasingly, agriculture is also dominated by environmental concerns. These are highlighted in a number of the CRRs, which stress such threats as soil erosion and climate change.²⁰³ For farmers operating with limited technological input, clearing land for cultivation has been the means of increasing output and dealing with issues of low soil fertility. Yet this leads to deforestation, which only exacerbates climate change. Harnessing modern agricultural technology to improve productivity would benefit the environment while also enabling conservation of natural resources, including forests. However, at present sub-Saharan African agriculture receives the lowest level of inputs globally in terms of mechanisation as well the use of chemical fertilisers.²⁰⁴

Attempts by governments to provide some support and direction to African agriculture have been numerous but of mixed success – with many areas not adequately addressed. Thus, budgets for agricultural support are often meagre.²⁰⁵ The Burkina Faso CRR says that policy is poorly designed and needs to be stronger on issues other than cotton.²⁰⁶ The South African CRR shows that the land reform programme needs to be supplemented with post-settlement support to beneficiaries.²⁰⁷ The Lesotho CRR cites a lack of extension services,²⁰⁸ while the CRRs of Ghana and Kenya express disappointment at the state of policy and support measures for agriculture.²⁰⁹

Large scale farming – 'agribusiness' – is also another growing feature of the continent's agricultural economy. Such projects have the potential to be valuable earners of foreign exchange, to introduce innovation, provide employment and spur infrastructure development. However, these projects often produce non-food crops to service global value chains. In addition, controversies and even instability have arisen where large agricultural investments are perceived as detrimental to local populations.

Surprisingly, CAADP seems to have been largely ignored by the APRM. Of the 17 CRRs reviewed for this study, it is mentioned in only four, never in any significant detail. Moreover, the 2003 Maputo Declaration on Agriculture

¹⁹⁶ Kenya CRR, p. 127.
¹⁹⁷ Tanzania CRR, p. 116.
¹⁹⁸ Nigeria CRR, p. 169; Zambia CRR, p. 167.
¹⁹⁹ Nigeria CRR, p. 165; Mozambique CRR, p. 169; Ethiopia CRR, p. 138.
²⁰⁰ Juma C, *The new harvest: agricultural innovation in Africa* (New York: Oxford University Press, 2015) p. xix.
²⁰¹ Growing Africa, p. 65

²⁰² Macharia J, 'Kenyan farmers reap the benefits of technology', *Mail and Guardian Online* (22 May 2013).
²⁰³ Lesotho CRR, p. 100; Zambia CRR, p. 167; Zambia CRR, p. 203.
²⁰⁴ Juma, above n. 195, p. 20.
²⁰⁵ Uganda CRR, p. 131.
²⁰⁶ Benin CRR, p. 157.
²⁰⁷ South Africa CRR, p. 265.
²⁰⁸ Lesotho CRR, p. 100.
²⁰⁹ Kenya CRR, p. 165; Ghana CRR, p. 54.

and Food Security has not been included as a “standard and code” for APRM purposes. This is an important omission, as the Declaration pledged to implement the CAADP, and made a specific commitment to providing resources to the agricultural sector – 10% of national budgetary spending, with the intention of achieving 6% annual growth in agriculture.²¹⁰ Available evidence suggests that this has not been met for the most part. In 2010, only 9 countries (Malawi, Ethiopia, Senegal, Republic of Congo, Niger, Mali, Burkina Faso, Burundi and Zambia) had met the 10% spending level, while only 10 (Angola, Eritrea, Ethiopia, Burkina Faso, Republic of the Congo, Gambia, Guinea-Bissau, Nigeria, Senegal, and Tanzania) have met the target of 6% annual growth in agriculture.²¹¹ As Mogueles argues, it is important to remember that what constitutes spending to enhance agricultural productivity varies from country to country, and that the goal of the 10% target was to try to drive spending off a low base.²¹² Nevertheless, it seems clear that more needs to be done for African agriculture to realise its potential.

Landholding

One of the key challenges confronting agriculture is the issue of land policy. According to a study of 10 countries, which used the APRM CRRs as its basis, landholding in Africa takes place under a patchwork of systems: European derived property law, traditional landholding, Islamic law (in some parts) and modifications introduced in the post-colonial era. As the Ghana report puts it: ‘Insecurity of tenure is endemic and has a bearing on both poverty reduction and economic growth. It inhibits, for example, the transformation of the agricultural sector from subsistence farming into a more dynamic entrepreneurial activity. Failure to provide for the protection of land rights also places the poor, the vulnerable and women at most risk. By and large, the land issue is still considered problematic, sensitive and generally too complex.’²¹³

Land users often have to contend with insecure tenure, and land governance regimes that do not enable them to use their land as collateral. In this way, tenure

uncertainties retard the development of a dynamic agricultural economy. This is not to advocate for immediate conversion of land to freehold, but for greater security in property holding, which would remove one barrier to unlocking Africa’s agricultural potential.²¹⁴

In this respect, the impact of large-scale and foreign investments in agriculture need to be considered. Landholding arrangements need to be able to accommodate large-scale investors if they hope to attract them. The Nigeria CRR, for example, notes that difficulties in making land available to investors is a significant disincentive.²¹⁵ On the other hand, the prospects of population displacement or the perception of preferential treatment to investors carries risks. It can lead to real abuses of people’s property rights and can lead to political blowback. Thus, the Zambia CRR notes: ‘Large scale investments are a real cause for unrest as they often displace residents of those areas. In the absence of a resettlement policy and without any compensation scheme in place, many citizens inhabiting areas targeted for investments will swell the ranks of the urban poor.’²¹⁶

What – or what more – can the APRM do about under-development of agriculture

Agriculture and land receive extensive treatment in the CRRs. Indeed, land is accorded an especially important place in APRM reports, where it is regarded as a ‘cross-cutting issue’ whose significance is felt throughout society. But the APRM can still do more in this vital area. For example:

1. The APRM could **investigate the factors that most hinder agriculture**, and provide a platform for discussion on solutions. Also, this is a field in which best practices and the successes and failures of countries could fruitfully be brought to bear on one another – an example of the peer learning that the APRM seeks to foster. Agriculture is, after all, an activity common to all countries on the continent, from which they might all benefit. At a minimum, a short document might be produced in which the key experiences, problems and successes of the reviewed countries are compared and contrasted, and lessons distilled.
2. The APRM has brought to attention the issue of land tenure insecurity, which it can further enhance by **investigating mechanisms to address this insecurity**.

²¹⁰ Conference of Ministers of Agriculture of the African Union, *Declaration on agriculture and food security in Africa* (Maputo, 1-2 July 2003).

²¹¹ 40 Chances, *The Maputo Commitments and the 2014 African Union Year of Agriculture*, https://s3.amazonaws.com/one.org/images/131008_ONE_Maputo_FINAL.pdf (2013).

²¹² Anisimova E, *Public expenditure in agriculture: trends, “black boxes”, and more*, (International Food Policy Research Institute, 12 January 2016).

²¹³ Ghana CRR, p. 123.

²¹⁴ See Corrigan T, *Space, soil and status: Insights from the APRM into the governance of land in Africa* (SAIIA Occasional Paper 229, April 2016).

²¹⁵ Nigeria CRR, *op. cit.*, p. 305.

²¹⁶ Zambia CRR, *op. cit.*, p. 82.

As has been noted, full, legal title may not be the best immediate option (though in the long-term, this is a good aspiration). Other mechanisms that create greater security and build on familiar social relationships should be identified and examined.

3. The APRM has not taken much cognisance of **CAADP**; it should do so in future. The 2003 Maputo Declaration, as further reaffirmed and enhanced by the 2014 Malabo Declaration, should be recognised as a standard, and future reviews should investigate the progress that countries are making towards meeting its requirements.

Bottleneck 9: Under-development of the services sector

Concept

On one level, services such as banking and insurance provide essential support to other elements of the economy. On another level, the modern economy has generated much demand for services like tourism, entertainment and the maintenance of technology, many of which depend more on skills than on natural endowments. As the President pointed out, producing services “tends to require relatively less natural capital and more human capital than producing agricultural or industrial goods. As a result, demand has grown for more educated workers, prompting countries to invest more in education—an overall benefit to their people. Another benefit of the growing service sector is that by using fewer natural resources than agriculture or industry, it puts less pressure on the local, regional, and global environment.”²¹⁷ This section is related to Bottlenecks no. 2 (interference with the private sector) no. 4 (fragmented markets, market access and expansion) no. 5 (lack of industrialisation and low value addition), no. 7, (under-development of human resources), and no. 8 (under-development of agriculture).

What the APRM does about under-development of the services sector

The APRM deals with this issue in the EGM thematic area under Objective 1 on design and implementation of economic policies for sustainable development, where Question 2 asks: “What sectoral economic policies has your country developed and implemented to promote economic

growth and sustainable development in the past 5-10 years and what has been their effectiveness?”

APRM standards deal with under-development of the services sector in a somewhat roundabout fashion. The following four standards have particular relevance to the need to develop the services sector:

- AU, AU Constitutive Act (2000, Lomé, Togo)
- OAU, The New Partnership for Africa’s Development (NEPAD) (2001)
- OAU, Treaty Establishing the African Economic Community (1991, Abuja, Nigeria)
- UN, World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002, Johannesburg, South Africa)

These standards are premised on the understanding that the services sector as a whole – or particular industries within it, such as tourism, ICT or financing – has significant potential opportunities that need to be realised. Under these standards, the services sectors are to be modernised and expanded, and cooperation between countries to be enhanced so as to create large and integrated markets. Likewise, Agenda 2063 also recognises the importance of a modern, accessible and efficient services sector to Africa’s future. Agenda 2063 acknowledges, for example, that Africa ‘lags behind other regions of the world in financial sector development’.²¹⁸ Finally, there are also a number of standards which are germane to the operation of service industries, but mostly setting parameters for their effective and disciplined operation. These standards include those dealing with corporate governance, such as those produced by the Basel Committee on Banking Supervision.

The services sector covers a wide-range of activities, including sales, entertainment, transport, accommodation, banking, insurance, legal work and government. This diversity makes it impossible to assess the sector in its entirety. As a result, we have chosen tourism and financial services (banking) as examples to help shed more light on this bottleneck in the context of Africa. We chose the two sectors because of their relative significance for Africa at its current stage of development. It is also notable at the outset that the state of the services sector varies significantly by country.

Banking

For the most part, the CRRs depict the financial services industry in the reviewed countries as a bifurcated one. Larger, formalised, ‘traditional’ banks and financial institutions coexist with smaller, often informal micro-

²¹⁷ See *Discussion Paper*, p. 9.

²¹⁸ Agenda 2063, p. 47.

finance institutions. The Burkina Faso CRR comments:
219

With regard to access to credit and micro-finance, the CRM noted that the Burkinabe banking and financial system is an example of the financial dualism that characterises African economies. Indeed, its institutional mechanism is based on a Western model of an integrated and transparent market economy. Consequently, its rules and practices are not adapted to funding the activities of the poorest population groups and informal activities, which are thus excluded from the formal financial system. The banks are more interested in large projects and show little interest in traders, farmers, artisans and small transport owners.

Only a small minority – around 22% – of Africans²²⁰ has access to formal and semi-formal financial services. Recent economic development on the continent, its rapidly expanding middle class, and legal reforms in the sector have combined to spur growth of the banking sector. In addition, cross-border banking (at pan-African or regional level) by Africa-based institutions has established itself on the continent. According to the IMF, these institutions now have more presence on the continent than foreign banks. They are also the largest single arrangers of syndicated loans.²²¹

While there are some concerns that regulatory frameworks are obsolete and require modernising,²²² there have also been some successes in reform. This is recorded in the Mozambique CRR.²²³ The Ethiopia CRR remarks that the country's banks are sound because of well-implemented legislation.²²⁴ The Nigeria CRR commends the progress of consolidation in the banking industry.²²⁵

This concurs with other analyses on the continent. A study by the AfDB presented a view of Africa's banking system as competitive compared to other developing regions and generally resilient and well regulated. But it also noted that some of its regulatory authorities were still using the Basel I framework, even though revisions – Basel II and more recently, in the wake of the subprime crisis, Basel III – have been introduced. At present, it suggests, Basel III may exceed the capacity of most African regulatory authorities, but this would have the

effect of limiting African banks' access to foreign markets.²²⁶

Notably, the CRRs' engagement with the Basel frameworks is not very detailed. It reflects broadly the analysis of the AfDB (although, given the timeframe in which they were produced, they discuss compliance with the Basel I and Basel II iterations), pointing out some failings in compliance. The reports do not, however, all cover these issues systematically and consistently. It would be of value if the CRRs used a common template to record those principles that countries had successfully complied with and those that they had failed to comply with.²²⁷ It is, however, clear that the banking system in Africa is experiencing challenges in meeting its obligations. An exception in this regard is South Africa, which at the time of its review was moving to Basel II. While noting that this changeover would demand considerable investment 'in time and resources', it commends South Africa's role in assisting other countries in the region to deal with Basel II – this being an example of peer support that the APRM encourages.

A related issue requiring attention is cross-border banking supervision. This refers to cooperation between regulators in different countries in overseeing the operations of transnational banks. This encompasses matters related to licencing and ownership (in other words, how are banks to conduct expansion into other countries); accounting and data standards (different countries have different standards and systems); consolidated supervision (maintaining supervision over the operations of whole banking groups); and home-host supervision (cooperation across borders between regulatory authorities in different countries to monitor multinational banking operations); as well as cross-border crisis management.²²⁸

The CRRs also show a particular concern for the difficulties that ordinary people and small enterprises face in getting credit. Thus, the Algeria CRR says that the banking system does not extend credit to SMEs, and millions have no access to small-scale finance.²²⁹ The Burkina Faso and Lesotho CRRs note that smaller firms find it difficult to raise credit.²³⁰ The Uganda CRR records difficulty in accessing finance, even microfinance.²³¹ The Mozambique CRR says that stringent conditions for lending make credit difficult.²³² In Nigeria, banks are not

219 Burkina Faso CRR, p. 333.

220 South Africa CRR, p. 85.

221 Enoch C, P Mathieu and M Mecagni, *Pan-African banks: opportunities and challenges for cross-border oversight* (Washington: IMF 2015), p. 10-13

222 Algeria CRR, p. 213.

223 Mozambique CRR, pp. 146, 158.

224 Ethiopia CRR, p. 134.

225 Nigeria CRR, p. 168.

226 Nyantakyi EB and M Sy, *The Banking System in Africa: Main Facts and Challenges* (African Economic Brief, Volume 6, issue 5, 2015).

227 The Sierra Leone CRR provides a worthwhile template, see Sierra Leone CRR, p. 225.

228 Enoch et al, above n. 216, pp. 35-46.

229 Algeria CRR, pp. 282-283.

230 Burkina Faso CRR, p. 245; Ghana CRR, p. 114.

231 Uganda CRR, p. 260.

232 Mozambique CRR, p. 120.

extending large amounts of credit, especially to sectors like agriculture.²³³ In Zambia, banks are lending more, but not across the board, with agriculture largely excluded.²³⁴ In Sierra Leone, access to credit is difficult and costly.²³⁵

Another issue is that financial services are concentrated around urban (and generally more developed) centres. This point is explicitly made in the CRRs on Mozambique, Lesotho, Kenya and Sierra Leone.²³⁶ Some countries have attempted to deal with the exclusion of rural areas. The Sierra Leone CRR records:²³⁷

The Government of Sierra Leone has established a number of Community Banks in rural areas to provide improved access to finance for rural communities, including microfinance. However, the CRM has observed that these banks are often weak and need substantial restructuring if they are to continue to play a role in expanding financial services across the country.

With the formal banking system difficult to access, often informal borrowing is the route many Africans are forced to take. In Mozambique and Tanzania, most people rely on traditional sources of credit.²³⁸ However, even microfinance institutions may have stringent rules, or charge high rates.²³⁹

Another gap in the banking industry is the difficulties that small formal-sector businesses encounter in getting credit. They suffer from the perception of risk, often because banks lack the means to do proper risk assessments. (As these are firms that have aspirations for expansion, micro-credit is inadequate.)²⁴⁰ The result is that this vital part of Africa's economy is struggling to play its potential role.

The financial services industry needs ongoing reform and reconsideration. For example, the Kenya CRR refers to a residual lack of trust in the industry arising from past bankruptcies,²⁴¹ while the Ethiopia CRR calls for reflection on the tight control the central bank has on

commercial banks, which can undermine innovation.²⁴² Overall, as the Nigeria CRR notes,²⁴³ banks need to pay attention to designing and providing products and services to clients (and classes of clients) that are at present not well served.

²³³ Nigeria CRR, p. 168.

²³⁴ Zambia CRR, p. 261.

²³⁵ Sierra Leone CRR, p.235.

²³⁶ Mozambique CRR, p. 158; Kenya CRR, p. 174; Lesotho CRR, p. 110; Sierra Leone CRR, p. 239.

²³⁷ Sierra Leone CRR, p. 319.

²³⁸ Mozambique CRR, p. 159; Tanzania CRR, p. 197.

²³⁹ Zambia CRR, p. 261; Kenya CRR, pp. 175-176.

²⁴⁰ International Finance Corporation, *Sustainable and responsible banking in Africa – a getting started guide* (Nairobi: IFC) pp.13-14.

²⁴¹ Kenya CRR, p. 174-175.

²⁴² Ethiopia CRR, p. 134.

²⁴³ Nigeria CRR, p. 169.

Tourism

Tourism is widely seen as an area of rich opportunity for African countries. With their diverse fauna and flora, several countries have long been popular destinations for foreigners. This has been growing over the past three decades. The table below helps illustrate this.

Table 5: International tourist arrivals in Africa, 2000-2014 (millions)

	2000	2005	2010	2013	2014
Africa	26.2	34.8	49.5	54.4	55.8
North Africa	10.2	13.9	18.8	19.6	19.8
Sub-Saharan Africa	16.0	20.9	30.8	34.7	36.0

Source: United Nations World Tourism Organisation, 'Tourism in Africa: a tool for development, Affiliate Members regional report: Volume four', Madrid: UNWTO, 2015, p. 20.

The United Nations World Tourism Organisation estimates that Africa will receive some 85 million tourists in 2020, and 134 million in 2030. This will account for 6.3% and 7.4% of international arrivals worldwide.²⁴⁴ While these numbers are large, considering Africa's low baseline in 1990, they still represent a relatively modest slice of the world market. In addition, the continent's growing business community and expanding middle class promise enormous opportunities in domestic and intra-African tourism.

Some countries, such as Kenya, Egypt, South Africa, and Botswana have built tourism industries of some size and sophistication – and the Zambia CRR notes its growth in that country²⁴⁵ – but most others have not. For example, the Rwanda CRR says that tourism makes a 'marginal' contribution to the country's economy,²⁴⁶ while Lesotho's notes that tourism has been neglected.²⁴⁷ The Lesotho CRR remarks: 'Tourism has long been touted as a potential growth sector in the economy, but this has not materialised so far.'²⁴⁸ In Mozambique, while tourism is recognised as a major opportunity, the country had no tourism strategy when the CRR was written.²⁴⁹ In Tanzania, tourism is also compromised by bad

management.²⁵⁰ In Nigeria, infrastructure problems undermine tourism.²⁵¹

²⁴⁴ World Tourism Organization (UNWTO), *International conference on current challenges and issues for African tourism: what solutions can be adopted to ensure its competitiveness? Technical Note* (Tunis, Tunisia, 25-26 April 2013).

²⁴⁵ Zambia CRR, p. 146.

²⁴⁶ Rwanda CRR, p. 73.

²⁴⁷ Lesotho CRR, p. 190.

²⁴⁸ Lesotho CRR, p. 101.

²⁴⁹ Mozambique CRR, pp. 170, 191.

²⁵⁰ Tanzania CRR, p. 214.

²⁵¹ Nigeria CRR, p. 304.

A study published by the World Bank in 2014 divided sub-Saharan African countries into four groups on the basis of the state of their tourist industries, providing a useful picture of the progress in the continent.

Table 6: Level of tourism development in sub-Saharan Africa

Stage	Countries
Pre-emerging (countries that have not yet begun meaningfully to develop their tourist industries)	Central African Republic, Chad, Comoros, Democratic Republic of Congo, Equatorial Guinea, Eritrea, Guinea, Guinea-Bissau, Liberia, Niger, Republic of Congo, Somalia, Sudan, Togo
Potential (countries that have started to develop their industries, although great challenges remain)	Angola, Benin, Burundi, Cameroon, Côte d'Ivoire, Ethiopia, Gabon, Lesotho, Madagascar, Mali, Mauritania, Nigeria, São Tomé and Príncipe, Sierra Leone, Swaziland
Emerging (countries that have a solid foundation and are now scaling up their tourism sectors, although some challenges remain)	Burkina Faso, The Gambia, Malawi, Mozambique, Rwanda, Senegal, Seychelles, Uganda, Zambia, Zimbabwe
Consolidating (countries that have developed reasonably mature industries and are now working on deepening and sustaining them)	Botswana, Cabo Verde, Ghana, Kenya, Mauritius, Namibia, South Africa, Tanzania

Source: Christie I, E Fernandes, H Messerli and L Twining-Ward, *Tourism in Africa: Harnessing Tourism for Growth and Improved Livelihoods*, Africa Development Forum series, Washington, DC: World Bank, p. 68.

What – or what more – can the APRM do about: under-development of the services sector

The APRM CRRs have identified the key issues in respect of the services sector and much of what remains to be done is often a matter of policy implementation. The following suggestions may be of value.

1. A case can be made for APRM reviews going into **more detail as to the factors that impede development of the services sector**. It may not be sufficient to point to the lack of skilled personnel in a given industry, but rather to investigate the factors that produce or contribute to this problem. This may relate to the availability and quality of education resources, or the opportunities for entrepreneurs in the services sector; and
2. The APRM can do more in terms of **peer learning and pooling of intelligence and capacity** in order to develop selected skills for regulatory institutions. This is all the more important in fields like banking, where activities are often conducted across borders and need to be harmonised. This is often complex and technical work, and is unlikely to inspire much public attention. It is nevertheless important. To facilitate such peer learning, the APRM's convening power is an asset. Meetings of the APR Forum could be a platform to encourage country-to-country cooperation. Beyond that, the APRM could produce a document examining what has been revealed about the state of various service industries in the countries reviewed. This would hopefully help to inform appropriate policy reform and policy formulation at national level. Such peer learning is intrinsic to the APRM.

Bottleneck 10: A non-responsive civil service

Concept

Described by President Museveni as “a non-responsive civil service”, this bottleneck refers to a range of difficulties existing in Africa’s civil services. An efficient civil service is a critical – perhaps the critical – element of effective governance. The civil service has the enormous responsibility to ensure the day-to-day implementation of laws, regulations and policies in all areas of public life. The civil service is also the primary interface between the state and society at large. Indeed, the success of such ambitious African and global programmes as Agenda 2063 and SDGs in the Continent depend significantly on the capacity of the civil service in each country to develop implementation modalities and execute them within a set timeframe. The importance of a competent civil service becomes even more critical in the context of the so-called developmental state, which repositions itself as a driver of development. Drawing particularly on the experience of the East Asian ‘Tigers’ (South Korea, Taiwan, Singapore and more recently China), the ‘developmental state’ model holds that the state should play an active role in the economy, pushing economic plans and encouraging (sometimes compelling) investment. This section is related to Bottlenecks no. 1 (ideological disorientation), no. 3 (weak states and institutions), and no. 7 (under-development of human resources).

What the APRM does about non-responsive civil service

The APRM addresses civil service issues in the DPG thematic area under Objective 5 on ensuring accountable, efficient and effective public service delivery at the national and decentralised levels. As the Zambia CRR remarks: 'The civil service is the ultimate institution of governance, and is the most critical mechanism of governance as far as implementation is concerned.'²⁵²

Several of the standards are applicable to Africa's various civil services:

- AU, NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2002, Durban, South Africa)
- OAU, African Charter on Human and Peoples' Rights (1981, Nairobi, Kenya)
- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- OAU, The New Partnership for Africa's Development (NEPAD) (2001)
- UN, International Convention on the Elimination of All Forms of Racial Discrimination (1965, New York, USA)
- UN, Universal Declaration of Human Rights (1948, New York, USA)

The standards do not go into great detail about expected civil service conduct. They focus, rather, on two key points. The first is a requirement that the civil service be governed by the principles of impartiality, effectiveness and professionalism. Thus, the NEPAD Document calls for an 'accountable, efficient and effective civil service', while the CSSDCA MoU envisions an 'impartial, efficient, transparent and accountable civil service'.

Furthermore, Agenda 2063 also sees a pivotal role for the state in the achievement of its vision. It states:²⁵³

Effective, accountable and development oriented institutions, efficient and strong bureaucracy, clear and pragmatic development vision and planning, public policy that supports national entrepreneurial class and builds public trust, and governance structure based on transparent laws and rules are critical for the realization of Agenda 2063. In cases where structural transformation has succeeded, the state has played a crucial role in the process. State capacities and institutions need to be strengthened to build a vibrant private sector, mobilize the population and build national consensus around a common development agenda, and ensure that adequate resources are committed to achieve it. Above all, the

²⁵² Kenya CRR, p. 92.
²⁵³ Agenda 2063, p. 100.

African state must be accountable and responsive to the needs of its population.

Virtually all CRRs deal with the issue of public service and reforms geared towards enhancing its efficiency and effectiveness. The reforms encompass a wide range of interventions, including decentralisation (to bring services closer to the people), the introduction of performance management systems, establishing autonomous agencies to handle defined tasks, improving pay and attempting to root out corruption. Cumulatively, these are measures to introduce higher standards of professionalism into the civil service.

While there is a universally stated commitment to civil service reform, the results have been variable. Some of the CRRs, such as those of Nigeria,²⁵⁴ Tanzania²⁵⁵ and Benin,²⁵⁶ note unsatisfactory outcomes. The Lesotho CRR notes that reformed laws are often ineffective in altering actual behaviour.²⁵⁷ The Nigeria CRR notes: 'All in all, civil service reforms such as staff retrenchment or "rightsizing", due process, pension schemes, auditing, etc. have not improved the capacity for service delivery. The civil/public service is generally perceived as corrupt and inefficient, with top officials accused of practising ethno-religious favouritism in the promotion and appointment of civil servants.'²⁵⁸

A reading of the various CRRs reveals the specific problems afflicting the continent's civil services, chiefly those of non-responsiveness and poor professionalism. The Benin CRR provides the following overview of the problems confronting its civil service, much of which is applicable to others:²⁵⁹

They include ageing public officers, arrogance; indifference, and even scorn towards illiterate users of public services; the high cost of services; lack of a sense of professionalism among public servants; impunity; not taking advantage of the knowledge and skills of workers (officers put in the garage); poor time management; politicisation of the Civil Service; the recruitment quotas policy, an avenue for discrimination and tribalism.

A lack of suitable skills, resources and 'capacity' is cited frequently.²⁶⁰ The Rwanda report points to a subsidiary problem – that of qualified people preferring to work in the capital, which deprives decentralised governments of skills, which in turn comprises development initiatives, even when funding is available.²⁶¹ In the more extreme

²⁵⁴ Nigeria CRR, p. 106.

²⁵⁵ Tanzania CRR, p. 177.

²⁵⁶ Benin CRR, p. 100.

²⁵⁷ Lesotho CRR, p. 78.

²⁵⁸ Nigeria CRR, p. 106.

²⁵⁹ Benin CRR, p. 100.

²⁶⁰ Nigeria CRR, p. 275; Uganda CRR, p. 286; Rwanda CRR, p. 44; Sierra Leone CRR, p. 130.

²⁶¹ Rwanda CRR, p. 125.

case of Sierra Leone, some services cannot be provided outside the capital Freetown.²⁶²

Another issue is the institutional design of civil service systems in the wake of decentralisation. This has resulted in the creation of new subnational governments, which are not 'harmonised' with one another. Civil servants cannot easily transition between levels, and civil servants at different levels are supervised by different agencies with different rules. Several CRRs note that decentralisation has stretched the capacities of central government, as it is responsible for monitoring the lower levels.²⁶³ To this should be added the potential for conflict between different levels of government. There may also be competition between different tiers of government for the limited funds that residents can contribute in taxes. In Ghana, officials in central government have complained that their counterparts at local level urge payment of local taxes *instead* of national ones.²⁶⁴

In some cases, poor remuneration contributes to the problems.²⁶⁵ In others, an overall lethargy and indifference on the part of the civil service slows down the performance of its duties.²⁶⁶ Politicisation and patronage undermine professionalism by privileging people's opinions or loyalties over merit and potential to perform the tasks required.²⁶⁷

Corruption, maladministration and the flouting of rules, in particular, loom large in many of the reports.²⁶⁸ This takes many forms, including outright extortion of clients, self-enrichment and the phenomenon of 'ghost workers' (non-existent employees who draw salaries).²⁶⁹ The Nigeria CRR lists a number of relevant expressions of corruption:²⁷⁰

- payroll fraud;
- politically-driven patronage systems that protect guilty people;

²⁶² Sierra Leone CRR, p. 132.

²⁶³ Nigeria CRR, p. 108; South Africa CRR, p. 107; Benin CRR, p. 100; Rwanda CRR, p. 44.

²⁶⁴ Fjeldstad O-H and K Heggstad, 'Local Government Mobilisation in Anglophone Africa' (Chr. Michelsen Institute, WP 2012: 6, October 2012) p.7.

²⁶⁵ Nigeria CRR, p. 109; Algeria CRR, p. 94; Benin CRR, p.102.

²⁶⁶ Nigeria CRR, p. 106.

²⁶⁷ Burkina Faso CRR, p. 132; Kenya CRR, pp. 94-95; Ethiopia CRR, p. 101; Benin CRR, p. 101; Zambia CRR, p. 113, Mozambique CRR, p. 125.

²⁶⁸ Algeria CRR, p. 95; Ethiopia CRR, p. 101; Kenya CRR, p. 94; Nigeria CRR, pp. 107, 115; Rwanda CRR, p. 44; Uganda CRR, p. 286.

²⁶⁹ Nigeria CRR, p. 107.

²⁷⁰ Nigeria CRR, pp. 115-116.

- legislation – in this case the Official Secrets Act – that allow officials to keep information out of the public domain;
- nepotism in recruitment and promotion; and
- lack of disclosure of funding of political parties.

These are echoed in other CRRs, too. The Benin CRR cites a lack of confidence in the justice system, stemming in part from corruption.²⁷¹ It also notes that some tax inspectors had their own firms and 'operated with total impunity'.²⁷² The Mozambique CRR refers to the involvement of civil servants in corruption around state contracts.²⁷³ In Lesotho, there are problems with civil servants holding private business interests.²⁷⁴

The question then becomes how to move towards a system of heightened professionalism and accountability – or what might be termed a 'responsive' civil service. This will involve capacitating individual civil servants, with skills and an ethical and professional orientation. One scholar suggests that a possible solution may be to identify 'islands of effectiveness' in Africa's civil services. This refers to the skills and commitments that already exist, especially those at management level; the officials demonstrating these attributes should be rewarded and capacitated to perform their duties and help change the 'balance of incentives' inside civil service organisations.²⁷⁵ Finally, some CRRs note that placing the continent's civil services on a footing of heightened professionalism will require more than just resources, systems and legal sanctions. They demand changes in mindset.²⁷⁶ The same point is made in one of the implementation reports on Mozambique. It reports government assurances about strict adherence to apolitical, merit-based hiring and promotions, but also comments that: 'the challenge in this aspect is not limited to the removal/existence of party cells rather it is necessary to build a professional, incorruptible and transparent public service which among other aspects there is a strong need for continuous training of the public servants on the issue of public good.'²⁷⁷ While adequate motivations and remuneration can do a great deal to enhance the performance of the continent's civil

²⁷¹ Benin CRR, p. 86.

²⁷² Benin CRR, p. 222.

²⁷³ Mozambique CRR, p. 98.

²⁷⁴ Lesotho CRR, p. 163.

²⁷⁵ Crook RC, 'Rethinking civil service reform in Africa: "islands of effectiveness" and organisational commitment', *Commonwealth and Comparative Politics* (Vol 48, No 4) pp. 479-504.

²⁷⁶ Nigeria CRR, p. 107; Lesotho CRR, p. 77.

²⁷⁷ Mozambique African Peer Review Mechanism National Forum, *Progress report on the implementation of the National APRM Programme of Action, 2010-2012* (April 2013) p. 22.

servants, a commitment to professionalism and a pride in the institution will be the most durable guarantor.

The African Charter on Public Service and Administration: an Opportunity the APRM must Seize

On 31 January 2011, the AU Assembly of Heads of State and Government adopted the *African Charter on Values and Principles of Public Service and Administration*. The Charter aims to, among others, ensure quality and innovative service delivery that meets the requirements of all users, encourage the efforts of Member States in modernising administration and strengthening capacity for the improvement of public service, encourage citizens and users of Public services to actively and effectively participate in public administration processes, promote the moral values inherent in the activities of Public Service Agents with a view to ensuring transparent service delivery, encourage the harmonisation of policies and procedures related to Public Service and Administration among Member States with the aim of promoting regional and continental integration, promote equality between men and women as well as equality within Public Service and Administration structures, and encourage the exchange of experiences and best practices in order to create a data base of information within the Member States.²⁷⁸

To achieve the above objectives, the Charter is guided by a detailed set of principles outlined in Article 3 thereof, which include:

- Equality of all users of Public Service and Administration.
- The prohibition of all forms of discrimination on any basis, including place of origin, race, gender, disability, religion, ethnicity, political opinion, membership in a trade union or any other lawful organization.
- Impartiality, fairness and due process in the delivery of public services.
- Continuity of public services under all circumstances.
- Adaptability of public services to the needs of users.
- Professionalism and Ethics in Public Service and Administration.
- Promotion and protection of rights of users and Public Service Agents.
- Institutionalizing a culture of accountability and integrity and transparency in Public Service and Administration, and
- Effective, efficient and responsible use of resources.

²⁷⁸ See *African Charter on Values and Principles of Public Service and Administration* (31 January 2011) Article 2.

The adoption of the Charter is an important milestone in the effort to set minimum standards of professional and ethical behaviour for those providing public service across the continent, including at local, national, regional and continental levels. Article 30 of the Charter provides that it enters into force “thirty (30) days after the deposit of the instruments of ratification by fifteen (15) Member States.” The Charter met this minimum requirement on 23 June 2016 when Burkina Faso deposited its instrument of ratification and entered into force 30 days later, i.e. on 23 July 2016. Sao Tome & Principe is the only country that has so deposited its instrument of ratification, leaving the total number of parties to the Charter at 16. Considering the importance of this Charter for governance in the continent, the reluctance of countries to ratify the African Charter does not send an optimistic message to citizens. At the same time, it is instructive to observe that all but one of the countries that have acceded to the Charter are APRM-participating countries.²⁷⁹ This is one area where the APRM must play a role at two levels: using every opportunity to popularise the Charter and encourage more countries to ratify it, and to include the Charter as one of its “standards and codes” for purposes of APRM review and reporting.

What – or what more – can the APRM do about non-responsive civil service

Building capacitated civil services – and through them, states with the capacity to carry out developmental endeavours – has long been a priority for Africa. With the success of Agenda 2063 and SDGs riding significantly on the ability of countries to play such a role, this is more important than ever. The APRM has highlighted the problems confronting civil services.

1. A possible value-addition would be to **devote more attention to investigating success stories**. These exist, although they may represent limited and partial successes – in a department here, or an agency there. These examples need to be put into the public domain for African policy makers. Telling these stories – researching them, writing them up and publicising them – is a task that the proposed Knowledge Hub could fruitfully manage.

²⁷⁹ The countries that have so far ratified the Charter are: Algeria, Burkina Faso, Burundi (the only non-APRM-participating country on the list), Cameroon, Congo, Côte d’Ivoire, Kenya, Mali, Malawi, Mozambique, Mauritius, Namibia, South Africa, Sao Tome & Principe, Tanzania, and Zambia. See https://au.int/sites/default/files/treaties/7798-sl-african_charter_on_the_values_and_principles_of_public_service_and_admin.pdf, accessed 26 November 2017.

2. Enhancing state effectiveness in each country is also a matter of collective importance to the continent. More so than any other issue, it should be the subject of **discussion and mutual support at the APR Forum**. Enhancing the effectiveness of the continent's civil services is also a matter that could benefit from long-term, consistent cooperation among countries.
3. The APRM needs to include, in its list of relevant standards and codes, **the African Charter on Values and Principles of Public Service and Administration**. Considering that the Charter has just entered into force with 16 ratifications, the APRM may consider launching a campaign to encourage more countries to ratify the Charter as part of its sensitisation efforts to enhance the development of a responsive civil service on the Continent.

Bottleneck 11: Attacks on democracy and governance

Concept

One of the more profound changes in Africa since the 1990s has been the holding of elections as a means of choosing governments. Encouraging democracy was intrinsic to the NEPAD initiative. Democratisation is seen as vitally important; as President Museveni remarks, without it, 'people's real aspirations and grievances could not be accurately captured'. Democratisation is indeed a critical marker of the continent's determination to deal with its governance problems. Above all, democratisation signifies the African becoming a citizen rather than a subject, capable of taking charge of his or her own destinies rather than having them dictated to by those in power. But, President Museveni has a broader perspective of democracy than the holding of periodic elections. Important as they are, elections are not enough in themselves; he observed that "good governance should reflect having such development imperatives like electricity for all, paved roads and railway networks in contrast to the narrow perspective that limits it to having elections." Considering that many of the issues covered in this broader understanding of democracy and good governance have been dealt with under other bottlenecks (e.g. infrastructure, services, etc.), this section will focus mainly on democracy as understood in the narrower sense of good political governance. This section is related to Bottlenecks no. 1 (ideological disorientation) and no. 10 (non-responsive civil service).

What the APRM does about attacks on democracy and governance

This issue is central to the APRM. The DPG thematic area of the APRM is particularly relevant here. The first Objective under this thematic area relates to "entrenching constitutional democracy and the rule of law", which is supplemented by a series of highly pertinent questions:

- Question 1: 'Does the political system as practiced in your country allow for free and fair competition for power and the promotion of democratic governance?'
- Question 2: 'What weight do provisions establishing the rule of law and the supremacy of the constitution carry in practice?'
- Question 3: 'To what extent does the Executive respect the rule of law?'

Democratic governance, constitutionalism and the rule of law are repeatedly referenced in the standards, as is shown in the list below.

- OAU, Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000, Lomé, Togo)
- OAU, The New Partnership for Africa's Development (NEPAD) (2001)
- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- OAU, Declaration on the Principles Governing Democratic Elections in Africa (2002, Durban, South Africa)
- AU, AU Constitutive Act (2000, Lomé, Togo)
- AU, NEPAD Declaration on Democracy, Political, Economic and Corporate Governance (2002, Durban, South Africa)
- AU, Protocol Relating to the Establishment of the Peace and Security Council of the African Union (2002, Durban, South Africa)
- AU, Convention on Preventing and Combating Corruption (2003, Maputo, Mozambique)
- International Conference on Popular Participation in the Recovery and Development Process in Africa, African Charter for Popular Participation in Development and Transformation (February 1990, Arusha, Tanzania)
- UN, UN Charter (1945, San Francisco, USA)
- UN, Convention on the Political Rights of Women (1952, New York, USA)
- UN, International Convention on the Elimination of All Forms of Racial Discrimination (1965, New York, USA)
- UN, International Covenant on Civil and Political Rights (1966, New York, USA)

These codes endorse democracy as the preferred normative standard for governance in Africa. The AU Constitutive Act reaffirms the commitment to 'democratic principles, human rights, the rule of law and good governance'. The NEPAD Document declares that democracy is a precondition for development. It considers development as 'impossible in the absence of true democracy' and pledges to uphold it not only in the narrow sense of elections but more broadly, including in respect of the freedom of association that underpins it. African countries will 'respect the global standards of democracy, the core components of which include political pluralism, allowing for the existence of several political parties and workers' unions, and fair, open and democratic elections periodically organised to enable people to choose their leaders freely.' The reference to political pluralism and the existence of multiple parties is significant, as it formalises the break with one-party systems that existed in many African countries until the 1990s.

Equally important is the reference to 'fair, open and democratic' elections. This is another element of Africa's democratic vision – elections must facilitate real competition, and parties must be able to compete on a level playing field. This demands, for example, that incumbent parties do not abuse the state for partisan purposes (such as using state media to promote partisan campaign agendas, or having state security services harass opposition activists). The standards also identify some key ways in which democracy is undermined. For example, the Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government puts forward four of these:

- military coup d'état against a democratically elected Government;
- intervention by mercenaries to replace a democratically elected Government;
- replacement of democratically elected Governments by armed dissident groups and rebel movements; and
- the refusal by an incumbent government to relinquish power to the winning party after free, fair and regular elections.

It is remarkable that the declaration is applicable only in respect of governments that have come to power through democratic means. To ensure that elections do meet minimum levels of democratic probity, several of the standards pay attention to their management, calling for impartial and professional electoral commissions. They also envision elections being subject to peer scrutiny, with continental bodies playing a role in election observation so as to ensure they are properly conducted.

One standard of direct relevance which has been included in the revised APRM questionnaire is the African Charter on Democracy, Elections and Governance (ACDEG), from 2007 which entered into force in 2012. Described as the 'first African treaty of its kind that specifically aims at promoting democracy,

elections and good governance',²⁸⁰ it is arguably the most comprehensive and authoritative pronouncement on these issues.

Aspiration 3 of Agenda 2063 is also highly pertinent here: 'An Africa of good governance, democracy, respect for human rights, justice and the rule of law'. This Aspiration envisions elections meeting a few fundamental principles: '(i) multi-party, plural systems; (ii) level, transparent playing field in the political competitive process; (iii) education of the electorate to make informed choices; and (iv) Pan-Africanism, equality, diversity, excellence and solidarity.'²⁸¹ In the rest of this section, we will closely examine two critical elements of this bottleneck: elections, and constitutionalism and the rule of law.

Elections

The fulcrum of a democratic system is the holding of regular, free and fair elections. In this, Africa has experienced undeniable progress over the past couple of decades. As a result, the various CRRs tend to commend progress made, while often also recognising that remaining flaws exist in the democratic framework. The Nigeria CRR is instructive here. Referring to the 2007 elections as important, the CRR has some forthright criticisms of the way in which they were conducted:²⁸²

During the CRM, many stakeholders confirmed that the 2007 elections in particular were the most poorly organised and massively rigged in the country's limited experience with electoral politics. This election has diminished citizens' confidence in electoral processes and institutions and may contribute to undermining Nigeria's capacity to manage its internal conflicts.

This analysis – the growth of electoral politics coupled with anti-democratic practices – has been well analysed by numerous scholars, arguably most prominent among them Fareed Zakaria,²⁸³ who termed it 'illiberal democracy'. This refers to a political system in which elections are held to choose governments, but in environments in which people's freedom of action and the ability to seek protection from state malfeasance are badly compromised.

²⁸⁰ 'ACDEAG', undated, <http://aga-platform.org/index.php/resources/2015-10-12-12-22-06>. <http://aga-platform.org/index.php/resources/2015-10-12-12-22-06>

²⁸¹ Agenda 2063, pp. 12-13.

²⁸² Nigeria CRR, p. 84.

²⁸³ Zakaria F, 'The rise of illiberal democracy', *Foreign Affairs* (November/December 1997).

The various CRRs suggest that this is a widespread problem. While commending the progress made and the holding of elections, they document numerous abuses. The Nigeria CRR reports that formal laws and institutions are frequently subordinated to the will of an 'oligarchy' or 'big men' and the patronage they dispense.²⁸⁴ In Rwanda, political parties find it difficult to operate freely.²⁸⁵ The Burkina Faso and Zambia CRRs report allegations of voter fraud in elections.²⁸⁶ The Uganda CRR records doubts about the impartiality of the electoral commission.²⁸⁷ A number of countries also report political and election-related violence, as well as allegations of partisanship on the part of the security forces.²⁸⁸ The Ethiopia CRR, for example, refers to the aftermath of the 2005 elections in that country, and the 'government's brutal crackdown on opposition supporters'.²⁸⁹

The state of political parties looms large in understanding problems confronting Africa's democratic trajectory. Several CRRs express concern at the narrow sectarian agendas that some parties push.²⁹⁰ In Uganda, the ruling party tends to regard the opposition as 'rebels'.²⁹¹ Others refer to vicious intra-party conflict, which also undermines democratic culture.²⁹² The South Africa CRR discusses a trio of issues that have been widely held to have undermined the link between voters and representatives. It has adopted a closed list proportional representation system, which vests most power in the hands of political parties – voters may only vote for a party (outside municipal elections), and cannot call errant MPs to account.²⁹³ Finally, there exists no requirement that parties disclose their funding, thereby leaving open the space for illicit influence, both foreign and domestic.²⁹⁴ The Uganda CRR remarks: 'The fragility of pluralistic politics poses a big challenge to building a democratic culture and practices, in particular harmonious inter-party relations and credible elections. The dominance of the executive over the legislature undermines the oversight of the latter over the former.'²⁹⁵

²⁸⁴ Nigeria CRR, pp. 51, 93.

²⁸⁵ Rwanda CRR, p. 37.

²⁸⁶ Burkina Faso CRR, p. 89; Zambia CRR, p. 68.

²⁸⁷ Uganda CRR, p. 61.

²⁸⁸ Nigeria CRR, p. 100; Lesotho CRR, pp. 52-53; Kenya CRR, p. 69; Nigeria CRR, p. 113.

²⁸⁹ Ethiopia CRR, p. 60.

²⁹⁰ Benin CRR, p. 75-76; Burkina Faso CRR, p. 97; Kenya CRR, p. 69.

²⁹¹ Uganda CRR, p. 63.

²⁹² Kenya CRR, p. 70; Nigeria CRR, p. 92.

²⁹³ South Africa CRR, p. 85-86.

²⁹⁴ South Africa CRR, p. 86.

²⁹⁵ Uganda CRR, p. 41.

Constitutionalism and the rule of law

Constitutionalism implies respecting and adhering to a country's constitution and limits to state and government powers, establishing the parameters within which citizens' rights are predictably secured. The objective is to prevent abuse by any part of the system, and to ensure that power is exercised within the limits prescribed by law. To achieve this, power is formally distributed throughout the political system, so as to create a system of checks and balances. The classic formulation is that power is divided between the legislative branch, the executive and the judiciary, with each managing its own affairs and acting as a brake on the others.

The value of constitutionalism is spelt out in some of the CRRs, both for its intrinsic value as well as for its implications for development. The Ghana CRR notes:²⁹⁶

The supremacy of the Constitution and entrenchment of the rule of law are the basic foundations on which all the institutions of governance, the private sector and civil society are grounded. The constitution and the rule of law offer protection of individual life; security of property; sanctity of contracts; protection from the government's arbitrariness or abuse of power; and the assurance that one can enjoy the fruits of one's labour. Without constitutionalism and the rule of law, no one will venture into productive and creative activities, or create wealth and employment and thereby promote human development and the alleviation of poverty.

The CRRs present a mixed picture of constitutionalism on the continent. In some countries, such as Benin, Ghana, Mauritius and South Africa, constitutionalism is generally respected and guarantees a range of rights.²⁹⁷ Particularly high praise is accorded to Mauritius, with its CRR commenting on the respect it has shown for the constitution and the independence of its democratic institutions.²⁹⁸

In others, the CRRs often find the continuing dominance of executives.²⁹⁹ Thus, the Zambia CRR remarks: 'Constitutionalism, the separation of powers, the institution of checks and balances and the rule of law are therefore questionable in Zambia.'³⁰⁰ Moreover, a failure to exercise restraint on the executive can breed a sense of impunity, as

²⁹⁶ Ghana CRR, p. 21.

²⁹⁷ Benin CRR, p. 86; Ghana CRR, p. 25; Mauritius CRR, p. 95; South Africa CRR, pp. 81-82, 86-87.

²⁹⁸ Mauritius CRR, p. 95.

²⁹⁹ Mozambique CRR, p. 111; Nigeria CRR, p. 64; Tanzania CRR, p. 55; Zambia CRR, p. 31.

³⁰⁰ Zambia CRR, p. 31.

the Mozambique CRR notes: 'Excessive powers of the executive vis-à-vis the legislature and judiciary leads to the perception that members of the executive are above the law and violations of the law by the government officials will go unchallenged.'³⁰¹

Other countries, such as Algeria, Ethiopia, Rwanda and Uganda, evince more profound problems.³⁰² It appears that the overall state of the political environment in these countries has contributed to failures in constitutionalism. In Uganda the CRR notes that the cultural underpinnings of constitutionalism in that country are 'embryonic'.³⁰³ The Rwanda CRR examines the political context in greater detail, noting: 'The approaches taken by the Rwandan Constitution to the principles of separation of powers, political competition and organisation, and enjoyment of fundamental civil and political freedoms are consciously directed towards building national unity, consensus and inclusiveness, given its past.'³⁰⁴ It also argues that the manner in which the state in Rwanda is structured and functions essentially leads to a fusion of powers rather than a separation.³⁰⁵ This manifests itself in highly restrictive outcomes for civil liberties.

The judiciary and the rule of law are accorded special attention in CRRs. The CRRs often refers to cases where courts are attempting to enforce the law but are finding it difficult to do so. In some cases, this arises from general resource and capacity constraints as well as corruption.³⁰⁶ For some countries – such as Algeria and Mozambique – the CRRs refer to a lack of tradition of independent judiciaries and constitutional litigation.³⁰⁷ But concerns about judicial independence emerge repeatedly in the various CRRs. This may take the form of political 'manipulation' or 'pressure' on the judiciary – as in Nigeria³⁰⁸ and Uganda³⁰⁹ – or more formalised systems that restrict its authority. The Algeria CRR contends that there are some serious ambiguities in the manner in which the judiciary is managed – noting that the country's president presides over the Higher Council of the Magistracy, which in turn oversees the judiciary. There are also concerns about the political allegiance of judges and their handling of sensitive cases; referring to an opinion survey undertaken for Algeria's APRM process, the CRR notes that more than half of

respondents viewed the independence of Algeria's judiciary negatively.³¹⁰

The Ethiopia CRR notes that the independence of the judiciary is respected at higher levels, but sometimes interfered with at lower levels.³¹¹ It also points out that in contrast to the position in other countries, the courts do not resolve disputes around constitutional interpretations – this function is left to the House of the Federation. This is because the Ethiopian political system assumes that resolving constitutional issues is largely a political matter. The CRR obliquely critiques this by arguing that 'the arrangement portends a possible difficulty. In a dispute that is, or is perceived to be, related to partisan politics, an impartial judicial decision would be more readily accepted and respected than one by a single-party-dominated House of the Federation which would be seen as a *judge in its own cause contrary to the cardinal principle of natural justice*.'³¹²

Across the CRRs, other challenges to constitutionalism are identified. The Ethiopia and Tanzania CRRs note that dominant party regimes create a situation where political loyalties override the institutional separation that is essential for balancing power.³¹³ This is obliquely recognised in the South Africa CRR as well: while South Africa's legislature has done much commendable work in giving expression to the will of the people, it has not distinguished itself in holding the executive to account.³¹⁴

Another important challenge for the development of constitutionalism in Africa is the weakness – relative to the executive – of its legislatures. The legislative branch of government is meant most directly to represent the citizens, and to hold the executive branch of the state to account. While the track record of the continent's legislatures is as varied as the countries themselves, in general they are regarded as having not performed this responsibility very well.

The CRRs discuss the influence exerted over national legislatures by their executives, even where constitutional provisions affirm parliaments' independence and enjoin them to exercise oversight.³¹⁵ In addition, a range of other problems are identified. The Nigeria CRR mentions corruption on the part of representatives.³¹⁶ In South Africa, the CRR notes that the legislature has devoted most of its energy to legislating, and has not developed its oversight

³⁰¹ Mozambique CRR, p. 111.

³⁰² Algeria CRR, pp. 87–88; Rwanda CRR, p. 42; Uganda CRR, p. 83.

³⁰³ Uganda CRR, p. 59.

³⁰⁴ Rwanda CRR, p. 30.

³⁰⁵ Rwanda CRR, p. 42.

³⁰⁶ Mozambique CRR, p. 110; Nigeria CRR, pp. 102–103.

³⁰⁷ Algeria CRR, p. 84; Mozambique CRR, p. 110.

³⁰⁸ Nigeria CRR, pp. 102–103.

³⁰⁹ Uganda CRR, p. 84.

³¹⁰ Algeria CRR, p. 86.

³¹¹ Ethiopia CRR, p. 99.

³¹² Ethiopia CRR, p. 98 (italics in original)

³¹³ Ethiopia CRR, p. 97; Tanzania CRR, p. 55.

³¹⁴ South Africa CRR, pp. 102–103.

³¹⁵ Algeria CRR, pp. 85–87; Benin CRR, p. 95; Burkina Faso, p. 118; Kenya CRR, p. 72; Lesotho CRR, p. 45; Mozambique CRR, p. 148; Sierra Leone CRR, p. 123; Zambia CRR, p. 109.

³¹⁶ Nigeria CRR, p. 110.

capacities.³¹⁷ Capacity and logistical problems undermine the work of legislatures in a number of countries.³¹⁸ Party political issues (rifts between the governing party and the opposition, party discipline or insufficient regard given to opposition parties) have also undermined the work of legislatures, particularly regarding their oversight functions.³¹⁹ The Ghana CRR provides a concise view of the problems facing its legislature, which are applicable to many others:³²⁰

During stakeholder meetings and, in particular, meetings with MPs in Accra, the point was repeatedly made that Parliament is neither effective nor independent of the Executive branch. Minority or opposition members of Parliament claim that, unlike the judiciary, Parliament is solely dependent on the Executive.

It is important to stress that the CRRs do not dwell exclusively on failings. A positive message to emerge from the APRM is that, for all their limitations, the continent's courts are making some progress. Thus, the Nigeria CRR records that the country's judiciary has risen in the public's esteem, the considerable challenges it faces notwithstanding.³²¹ In this respect, South Africa is noteworthy. The CRR commends the high standards its judiciary has maintained, while noting that it is pursuing its own 'transformation' project, attempting to ensure greater racial and gender representation within its ranks.³²²

What – or what more – can the APRM do about attacks on democracy and governance

On these issues, the CRRs are detailed and for the most part quite forthright. As democratisation and constitutionalism touch on sensitive political issues, it is to the APRM's great credit that it has been willing and able to probe them and point out weaknesses.

1. The most important contribution that the APRM can make is to continue to **pronounce forthrightly on governance and democratic failures**. These are sensitive issues, but must be overcome for Africa's future development. The APRM should continue to do so without fear or favour. The APRM would do a great service to the continent's future if it remains candid in pointing out their shortcomings, and demanding suitable remedial action. Fortifying the APRM position are the large number of

³¹⁷ South Africa CRR, p. 99.

³¹⁸ Benin CRR, p. 94; Mozambique CRR, p. 175; Sierra Leone CRR, p. 119

³¹⁹ Benin CRR, p. 77; Mozambique CRR, pp. 37, 175.

³²⁰ Ghana CRR, p. 29.

³²¹ Nigeria CRR, pp. 102–103.

³²² South Africa CRR, pp. 98–99, 100–101.

standards specifying countries' obligations. It should continue to use these as yardsticks of what is expected of each country. And while countries' historical and cultural backgrounds inform their current political systems, they should not be a means to avoid their responsibilities in terms of the standards and the conduct that the APRM demands. The APRM should, in other words, not be afraid to require reform where this is merited.

2. In terms of content in the APRM's reviews, value could be added by ensuring that **when countries' electoral systems are investigated, they take into account the overall political context and the period preceding actual votes**. In other words, the APRM should investigate the environment within which elections happen so as to gauge whether the electoral process as a whole is free and fair, and reflects the will of citizens. Country Self-Assessment processes should canvass this, and where they conduct surveys, questions soliciting citizens' views on the electoral environment should be asked.

Bottleneck 12: Lack of domestic resource mobilisation, with a focus on fiscal revenues from natural resources

Concept

Funding Africa's development has always been a hotly contested point. Its reliance on foreign development partners has raised questions about the extent to which the continent is in control of its development agenda. It has also been argued that a reliance on external funding has broken the chain of accountability that ought to run between citizens and states. The fact that Africa is home to significant reserves of minerals and oil and gas, and that the exploitation of these resources is often a major source of illicit outflow of financial resources from the continent, underscores the gravity of this bottleneck on Africa's development. This section is related to Bottlenecks no. 2 (interference with the private sector), no. 5 (lack of industrialisation and low value addition), no. 8 (under-development of agriculture), and no. 9 (under-development of the services sector).

What the APRM does about lack of domestic resource mobilisation

This issue finds little direct expression in the APRM, although the question of resource mobilisation is

addressed in the EGM thematic area under Question 5, which asks: "What measures has your country taken to increase domestic resource mobilisation including public and private savings and capital formation, and to reduce capital flight?"

Surprisingly, given the importance of this issue, the standards do not deal with it in any detail. The following have a bearing on it:

- OAU, The New Partnership for Africa's Development (NEPAD) (2001)
- OAU, African Charter on Human and Peoples' Rights (1981, Nairobi, Kenya)
- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa)
- UN, World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002, Johannesburg, South Africa)

The standards refer to the need for adequate resources to be marshalled for the continent's development, and call for greater mobilisation. Concerns are expressed about capital flight. The role of natural resources in resource mobilisation is addressed obliquely. The African Charter on Human and Peoples' Rights advances a quasi-moral claim that people have a right to dispose of their wealth and natural resources as they see fit. The CSSDCA Memorandum of Understanding states that 'Africa's strategic and natural resources are the property of the people of Africa and the leadership should exploit them for the common good of the people of the continent, having due regard for the need to restore, preserve and protect the environment.' However, very little guidance is provided as to how these resources should be converted into actual revenues.

Agenda 2063 envisions a commodities strategy to 'enable African countries to add value, extract higher rents from their commodities, integrate into Global Value Chains, and promote vertical and horizontal diversification anchored in value addition and local content development'.³²³

A related issue is illicit financial flows, illegal movements of funds from one jurisdiction to another, avoiding the requisite obligations, such as taxes. An investigation into the matter carried out under the aegis of the AU and the United Nations Economic Commission on Africa (UNECA) estimated that the continent was losing around \$50 billion annually, and had suffered a loss of \$1 trillion over the preceding 50 years.³²⁴

³²³ Agenda 2063, p. 97.
³²⁴ High Level Panel on Illicit Financial Flows from Africa, *Illicit Financial Flows: Report of the High Level Panel on Illicit Financial Flows from Africa*, 2015, p. 13.

In the event, relatively little is said in the CRRs about resource mobilisation from the continent's natural resources. What is put forward on this issue is contained in three of the CRRs, these being Tanzania, Sierra Leone and Zambia, while the Mozambique CRR touches on it as well. These raise perceptions that host countries are not benefiting from large investments (particularly in the extractive industries). Investors were benefiting from legal provisions that stacked advantages in their favour.

In Zambia, for example, it is stated that tax breaks are offered to new investors, but companies then close down and re-register, taking fresh advantage by double dipping.³²⁵ The CRR then concludes: 'This tendency was perceived to permanently deprive the locals and the government of revenue for development.'³²⁶ Similar findings appear in the Sierra Leone CRR, which notes the concessions offered to mining investors in the country, along with allegations of unethical conduct, such as operating front companies to avoid taxes.³²⁷ In Tanzania, generous tax incentives (especially in the period before 2010) have meant that companies have been able to avoid taxes by offsetting their capital expenditure against their tax liability, and allowing an indefinite loss carry forward, which created an incentive to declare losses and thereby avoid taxes.³²⁸ The Mozambique CRR deals with this in less detail, but makes a similar point – that tax incentives for large projects are depriving the country of revenue. The CRR recommends renegotiating the underlying contracts.³²⁹

If one accepts that countries are failing to extract adequate benefit from their natural resources, the question arises as to why these arrangements have been allowed to persist. The Tanzania CRR provides an indication of this: 'Mineral Development Agreements are generally regarded as skewed in favour of foreign companies. For instance, tax stability clauses in MDAs precluded the Government of Tanzania from raising tax or royalty rates.'³³⁰

Concerns have also been expressed about tax avoidance and tax evasion by large companies. These may be legal (such as structuring operations to take maximum advantage of tax loopholes, even where doing so violates the intention of the tax code), or illegal (such as false invoicing). Given the complexities of this manipulation and the sophistication of the companies perpetrating it, it requires a degree of forensic skill to detect and combat. These skills are in short supply in most African countries.³³¹ The recent report into illicit

³²⁵ Zambia CRR, pp. 81-82.
³²⁶ Zambia CRR, p. 82.
³²⁷ Sierra Leone CRR, p. 86.
³²⁸ Tanzania CRR, p. 226.
³²⁹ Mozambique CRR, pp. 175-176.
³³⁰ Tanzania CRR, p. 226.
³³¹ Africa Progress Panel, *Africa Progress Report 2013, Equity in extractives: stewarding Africa's natural resources for*

financial flows out of Africa estimates that such movements of funds amount to some \$50 billion annually.³³²

Survey results

Several responses claimed that foreign investors were given preferences over local firms. A respondent from Malawi commented, 'They favour foreign investors more by offering them tax breaks.' A respondent from Lesotho made similar observations. At the very least, this demonstrates that the question of undue advantage being accorded to foreign businesses is widely recognised, albeit not always in great detail.

The survey also asked respondents a set of questions about resource contracts. These included whether they were publicly available, whether they had stabilisation clauses and whether resource companies had used or threatened to take their host governments for arbitration to enforce the terms of stabilisation clauses. Interestingly, for the most part, the respondents – a well-informed group, active in the governance field – were unable to offer clear answers. On the issue of public availability of contracts, a few (such as a respondent from Sierra Leone) said confidently that contracts were available. More claimed that contracts were not publicly available. For example, a respondent from Togo said: 'Those contracts are not publicly available. There are no policy reasons behind their non-availability. The Secretariat of the Extractive Industries Transparency Initiative's Office in Togo recently (in March 2016) requested the Government to make those agreements available for people but there has been no official response from the government for the time being.' A respondent from Tanzania remarked: 'Contracts are top government secret. Even the parliamentarians do not know the content of the contracts.' And a respondent from Uganda noted: 'None of the contracts are public allegedly for security reasons.' (Leaked versions of contracts have, however, found their way into the public domain.)

Responses to questions about the involvement of resource firms in illicit financial flows produced a more definite set of answers, albeit with a large number of respondents claiming to lack knowledge of the issue. While few were able to provide any substantive details, the belief or assumption that firms were illicitly depriving the host society of resources was widespread. Several linked this to the complicity of national political elites.

The respondents' answers add an interesting dimension to this bottleneck. While the broad issue is recognised, it

is imperfectly understood. This makes public involvement in resolving it difficult. It is also notable that it is not only companies that are held responsible for this, but also national governments and politicians who are viewed as facilitating or even encouraging illicit financial flows.

What – or what more – can the APRM do about lack of domestic resource mobilisation

The APRM's utility as a research tool could be put to excellent use in this respect.

1. The body of knowledge on the state of resource contracts and resource governance is incomplete, and the APRM could play a valuable role in **collating country level information**. This would include the provisions of contracts, how they are operating in reality, and evaluating whether they are developmentally appropriate in the context of particular countries. This information would be included in the CRRs, and might also be made available to the general public in a spirit of transparency.
2. The APRM would also perform a great service by **giving citizens an opportunity to engage with the issue**. The survey conducted for this study showed significant information gap on this issue. The APRM could do this through the entire chain of APRM-related activities, from the CSAR to the deployment of the country review missions to the resulting country review reports that must be disseminated back in the countries. In respect of the latter, a good national-level media strategy would be an asset.
3. Given that managing resources is a challenge shared across much of the continent, this is an area where **information sharing could be of inestimable benefit**. Understanding best practices and mutual alignment of investment codes and incentives (in the context of regional integration) should receive attention. This could receive high-level guidance and endorsement by the APR Forum, while ongoing co-operations could be managed by the Committee of Focal Points and information dissemination by the proposed Knowledge Hub.

Bottleneck 13: Structural inequalities in access to opportunities

all (Geneva: Africa Progress Panel, 2013) p. 65.

³³² High Level Panel on Illicit Financial Flows from Africa, *Illicit Financial Flow, Report of the High Level Panel on Illicit Financial Flows from Africa* (UNECA 2015) p. 13.

Concept

It is important to remember that while Africa's societies may be afflicted by particular developmental problems, within societies these burdens are not carried equally. Some groups, however these may be defined, are hit harder than others by poverty and have less access to opportunities. Ensuring these differences do not become permanent blockages to mobility for the relatively less fortunate is a dimension of development that needs to be addressed. The focus here is therefore on the inclusivity of socio-economic development so as to ensure the "class" into which a child is born does not determine their destiny in life.

Very little research appears to have been done on questions of social mobility in Africa. Research from elsewhere provides a general template for analysing the situation on the continent. A study conducted by the Pew Charitable Trusts identified three general groups of factors that encourage social mobility. These are:³³³

- Social capital: factors to do with socialisation, influences and networks;
- Human capital: factors that allow people to seize opportunities, with education and health being especially important; and
- Financial capital: factors such as monetary resources, whether gifts, transfers, or earned income.

A particular concern is that, while Africa's economies have been growing, the bulk of the benefits have gone to a relatively small portion of the population. This has been noted in research work on Asia, which has concluded that while economic growth is a necessary element of mobility, it is not a sufficient one.³³⁴ Growth has, in other words, not been 'broad-based'.³³⁵ This section is related to Bottleneck no. 7 on under-development of human resources.

³³³ Butler SM, WW Beach and PL Winfree, *Pathways to economic mobility: key indicators* (Economic Mobility Project: an initiative of the Pew Charitable Trusts, 2009).

³³⁴ Salze-Lozac'h V, 'Economic mobility and inclusive growth in Asia: the need for improved public-private collaboration', in Kim T and A Mulaka (eds), *Social Mobility: Experiences and Lessons from Asia* (Seoul: Korea Development Institute and the Asia Foundation, 2015) pp. 25-50.

³³⁵ See, for example, Ethiopia CRR, p. 131; Tanzania CRR, p. 183; Burkina Faso CRR, p. 310.

What the APRM does about structural inequalities in access to opportunities

The APRM looks at this issue indirectly. The closest, but by no means an exact match is to be found in the 3rd Objective of the Socio-Economic Development (SED) thematic area relating to poverty, unemployment and inequality. Even the standards do not address this bottleneck head-on, but those with some relevance include:

- International Conference on Popular Participation in the Recovery and Development Process in Africa, African Charter for Popular Participation in Development and Transformation (February 1990, Arusha, Tanzania);
- OAU, The New Partnership for Africa's Development (NEPAD) (2001); and
- OAU, Memorandum of Understanding, Conference on Security, Stability, Development and Co-operation in Africa (2002, Durban, South Africa).

These standards recognise the lack of equal opportunities many African children face and call for how to address them. This is, however, typically phrased in terms of broad policy objectives, such as poverty alleviation and employment opportunities – rather than the issue of structural inequalities per se.

Agenda 2063 deals with this somewhat obliquely. Poverty is to be addressed, as is inequality – which is presented as a major threat to Africa's stability.³³⁶ It demonstrates a clear concern for social exclusion and social mobility.³³⁷ The first 10-year implementation plan of Agenda 2063 is more direct and explicit, saying by 2023, "education as a main vehicle for *inter-generational social mobility* would have been expanded and improved."³³⁸

The persistence of severe inequalities in Africa is a common theme in many of the CRRs. The Tanzania CRR contains an elaborate discussion of this issue directly:

"Extreme inequalities in opportunity and life chances have a direct bearing on what people can be and what they can do – that is, on human capabilities. A growing body of evidence from around the world shows that:

³³⁶ Agenda 2063, p. 102.

³³⁷ Agenda 2063, p. 31.

³³⁸ AU Commission, *Agenda 2063: The Africa We Want: A Shared Strategic Framework for Inclusive Growth and Sustainable Development – First Ten-Year Implementation Plan 2014-2023*, p. 43 (italics added).

- Inequality wastes talent, especially if certain social groups, including women, are excluded from top jobs or economic activity;
- Inequality undermines society and its institutions, particularly where elites 'capture' governments and other institutions and use them to further their own interests, rather than the overall economic good;
- Inequality undermines social cohesion, with 'vertical inequality' among individuals resulting in increases in crime, while 'horizontal inequality' between different social groups in society increases the likelihood of conflict in society;
- Inequality limits the impact of economic growth on poverty, with the benefits of growth unevenly spread in society; and,
- Inequality transmits poverty from one generation to the next.³³⁹

The Zambia CRR focuses on the prevalence of 'horizontal inequality'. According to this Report, inequality is "also high within and across the regions and between urban and rural areas."³⁴⁰ Likewise, the Ghana CRR notes that, "Apart from the constraints of resources, illiteracy, inequality of access to development resources across gender, income and geographic lines pose a major challenge to the effort to accelerate socio economic development."³⁴¹ And the Kenya CRR remarks: "Income and social inequalities are pervasive, and access, or the lack thereof, to land, basic services and infrastructure reflects disparities between the rich and the poor."³⁴²

The Lesotho CRR links poverty and inequality to unemployment, noting that some people are able to take advantage of opportunities and wealth better than others.³⁴³ The Sierra Leone CRR draws attention to the importance of functioning land systems to give poor people access to this asset.³⁴⁴ The Burkina Faso CRR points to the basic structure of the economy and income generation, that is, the predominance of agriculture, and particularly low-value adding activity.³⁴⁵ The Ethiopia CRR notes inequalities in respect of access to education.³⁴⁶ The Mozambique CRR notes rising urbanisation coupled with a decline in manufacturing jobs – which is depriving the swelling urban population of opportunities for income and mobility.³⁴⁷ Each of these

have the implication that people in the lower rungs of the socio-economy hierarchy are likely to struggle to rise.

So, having accepted that many Africans contend with structural limitations to their life chances, the CRRs also show that action is being taken to improve the situation. Broadly speaking, the dominant type of intervention might be termed poverty alleviation. This involves attempting to increase access to goods and services for those in need. Another aspect involves investment in the single most important tool of social mobility, i.e. education.

Education can have a major impact on people's life opportunities. However, as has been pointed out previously, serious issues persist with respect to the suitability and marketability of education. And since a considerable lag may exist between completing studies and finding jobs that make use of graduate level qualifications, many graduates will be diverted into low-income work in the informal sector to make ends meet. The issue, then, is not simply the level of education received but the type of education and the extent to which it can be put to use.

³³⁹ Tanzania CRR, p. 221 (footnotes omitted).

³⁴⁰ Zambia CRR, p. 37.

³⁴¹ Ghana CRR, p. 228.

³⁴² Kenya CRR, p. 54.

³⁴³ Lesotho CRR, p. 189.

³⁴⁴ Sierra Leone CRR, p. 316.

³⁴⁵ Burkina Faso CRR, p. 310.

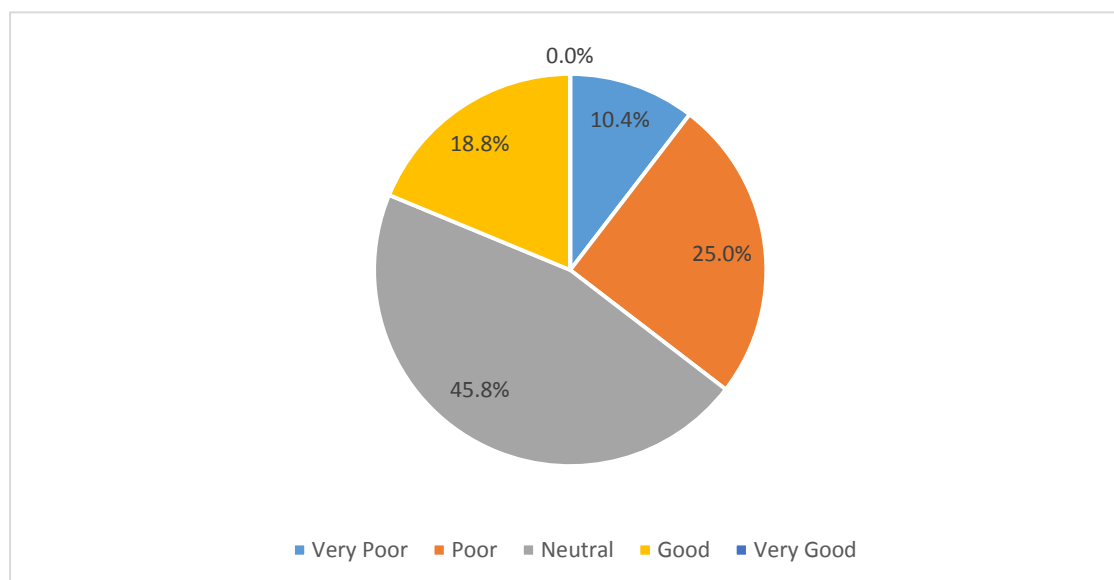
³⁴⁶ Ethiopia CRR, p. 216.

³⁴⁷ Mozambique CRR, p. 241.

Survey results

Responses to the survey offer a further valuable perspective. The results are shown in the graphic below.

Figure 5: Citizens' prospects for social mobility and moving out of poverty



Source: Survey of key African governance stakeholders, November 2016

It is noticeable that not a single respondent viewed the prospects for socio-economic mobility as 'very good'. The largest single response was that prospects were 'neutral' ('in our society, we have socio-economic cleavages and the disadvantages people inherit at birth are real, but there are opportunities for people to advance'), and around a third felt that prospects for this were 'poor' or 'very poor'.

Those who offered comments on the issue tended to cite unemployment and a lack of education as the key issues retarding mobility. Many countries have embarked on initiatives to address this issue. Policy in Lesotho attempts to support the most vulnerable groups in society.³⁴⁸ Burkina Faso sells necessities to poor people at 'social' prices,³⁴⁹ and provides scholarships and support for university to poor candidates.³⁵⁰ Uganda provides equalisation grants to reduce the inequality between poorer and wealthier regions of the country.³⁵¹ South Africa has established an extensive system of social grants to support its poorer citizens. Mauritius has

put a great deal of emphasis on education as a means of reducing inequality.³⁵²

It is unclear how much these initiatives have improved the mobility prospects of Africa's poor in practice. The survey respondents' suggestions, unsurprisingly, focused heavily on education. Some called for policies that created employment without specifying what these should look like. In addition, there were a number of appeals to resolve governance problems, such as corruption in the administration of development programmes.

Durable and implementable solutions appear very hard to come by. The recommendations made in the CRRs are vague and at best conceptual, for example, calling for policies that deal with inequality and that foster broad-based development, but often without providing in detail what those policies should look like.³⁵³

What – or what more – can the APRM do about structural inequalities in access to opportunities

³⁴⁸ Lesotho CRR, p. 183.

³⁴⁹ Burkina Faso CRR, p. 311.

³⁵⁰ Burkina Faso CRR, p. 493.

³⁵¹ Uganda CRR, p. 154.

³⁵² Mauritius CRR, p. 144.

³⁵³ Zambia CRR, p.249; Mozambique, p. CRR, p. 156.

Social mobility is not covered adequately in the CRRs, at least not directly. Yet plenty of information has been collected in the APRM process that helps to explain the continent's deficiencies in this regard. This is an important issue for Africa, and it deserves more clear and direct treatment.

1. It may be of value for the APRM to devote some thought to how to **integrate this issue better** into its work. It is not clear if additional standards exist which could guide enquiries and future action (and the Sustainable Development Goals might be a good place to start).
2. Additionally, the APRM may also wish to **conduct research** on matters relating to social mobility so as to develop a deeper understanding of the issue and help generate concrete proposals for policy decisions. As part of this, comparative analysis of social mobility experiences elsewhere in the world might be considered as a basis for lessons that Africa might learn.

Conclusion

Need for an integrated perspective

This study has presented each bottleneck as a separate, discrete analysis. It is important to note that, in reality, it is very difficult to separate the impact that each has from others. For this reason, the same or similar concepts arise in respect of multiple bottlenecks. A corollary of this is that the bottlenecks have a cumulative impact on Africa's development that exceeds the 'sum of their parts'.

For example, the continent's infrastructure deficits have a strong bearing on the prospects of regional integration, on industrialisation, on the prospect of services (such as tourism but also others), etc. Issues of resource mobilisation and the efficacy of the civil service impact on the ability to roll out infrastructure and to provide the services that upgrade human capital. High-quality human capital, meanwhile, is a key enabler of an effective civil service. Weak states are a key element in the undermining of democracy and governance. In sum, these issues are so intertwined that only a comprehensive and integrated approach can deliver concrete and policy-relevant programmes of action.

The APRM's potential to make further contribution

If the APRM is to play a role in addressing these bottlenecks, it cannot continue with 'business as usual'. This is not to suggest that the APRM be completely overhauled; it already offers a sound methodology. The APRM was essentially a programme for achieving a number of interrelated goals: research, to establish a full understanding of the participating countries, and an evidence-rich foundation for future action; encouraging

policy formulation to address shortcomings; consultative policy-making; peer learning, peer assistance and peer accountability.

Thus far, the APRM has done well on the research side, but less than adequately on others. The full potential of the APRM as a platform for intra-African cooperation has not been fully exploited. The APRM has done a fine job of assembling information on the countries reviewed. It could improve on this by making a number of adjustments.

- Many of the CRRs correctly identify the existence of problems, but fail to delve into the dynamics behind those problems. As has been noted, 'intuitive' understandings are not always accurate guides to solutions. To mention just one example, in the fields of infrastructure provision, 'resource constraints' tend to dominate public conversations, although they far from the only issue. The APRM could perform a great service by delving deeper in to the factors behind those problems and providing constructive critiques and alternative perspectives to what countries may be attempting.
- Some of the issues discussed in the study – notably the question of resource mobilisation through resource rents – have been thinly dealt with by the APRM. They might be studied in greater depth.
- Some of the material that could explain particular trends on the continent need not be gathered through a formal review. One thinks here of contracts dealing with extractive industries. These could be collated and analysed. It is essential that some national-level institutions continue to operate after the reviews have been completed, and that they maintain contact with the continental Secretariat. The goal would be an ongoing process of information collation and exchange.
- The APRM Secretariat intends to set up a 'knowledge hub'. This would be a facility where the APRM's work can be archived and which researchers could access. This should be established and popularised among African governments, academic institutions and think tanks. Following the practices of prominent academics who donate their 'private papers' to their institutions on retirement, perhaps field notes and personal reflections on CRMs by participating team members could be stored there too.
- To the above ends, the APRM might cooperate with external researchers and with think tanks to enhance the work it is doing. One idea is to commission in-depth analyses of important cross-cutting issues to help inform national, regional and continental responses to them.

- The presentation of its work needs to be improved. The CRRs, for example, have been described as ‘user unfriendly’. Better narrative structures (what does a given point imply?) would be optimal, but even relatively small additions like an index would make a big difference.

In terms of policy, the APRM was intended to spur the adoption of alternative approaches to deal with identified governance shortcomings. Examination of policy initiatives to remedy these was meant to be achieved through National Programmes of Action (NPOAs), NPOA Implementation Reports and through the APR Forum.

- The NPOAs themselves could be improved. They need to reflect more detail about what is to be done and what benefits the proposed interventions would bring. They must be carefully and realistically costed, and information on their progress must be freely available.
- The Implementation Reports tend to lack the sort of information that would make them usable. Some tend to be very broad and impressionistic, while others refer to reforms in specific programmes which are difficult for members of the Forum to follow. None seem to offer particularly robust frameworks for monitoring and evaluation. The Implementation Reports often fail to refer to specific commitments in the NPOAs. Many are not available publicly. Addressing these shortcomings and making them true tools to track progress would enhance their value enormously. They would also benefit from a stronger narrative structure that helps the reader to understand what the particular importance or intention of initiatives is. They need to be submitted regularly and timeously, made available online and physically archived within the APRM Secretariat.
- The proposed Knowledge Hub – both as a physical repository and as an online resource – should be realised. The enormous volume of information that the APRM has collated needs to be made available to the continent’s policy communities and the public at large. This will most probably imply a significant outlay, but as an investment in well-evidenced policy, it will be well worth it.
- The question of reliable data has been a theme throughout this report. The need for countries to develop capable statistical authorities has been noted. The APRM could also fruitfully draw on the various governance indexes – such as that produced by the Mo Ibrahim Foundation – to help make the individual reports consistent with one another.
- Work on best practices should be enhanced. The CRRs contain a large number of them,

and they are valuable sources for peers to learn from. Collating them need not, however, be limited to the reviews. Contracted research work might examine the experience of other countries to seek paths for Africa.

In terms of cooperation, the APRM was meant to be a collaborative effort for mutual support among the countries involved. While there are reports of informal agreements for mutual assistance, these need to become public commitments and public knowledge. Not only would this bolster the utility of the APRM, it would also serve as a concrete expression of intra-African cooperation.

- Finally, monitoring of the process – keeping abreast of efforts to meet NPOA commitments, and aligning policies with the standards – must receive priority. The APRM’s success hinges on it being an ongoing process that attracts continuous input and comment.
- The APR Forum needs to interrogate CRRs and Implementation Reports properly. While heads of state cannot be expected to do so, examination of reports could be done by aides or government researchers beforehand. Alternatively, the Committee of Focal Points might provide a platform for extended, in-depth engagement on APRM-related policy issues. The object should be to spur real, substantive interrogation and debate at meetings of the APR Forum.
- Cooperation on solutions – especially where problems are common to various countries, or where they cross borders – must be aggressively pursued. Once again, the convening power of the APRM is a powerful asset, as is the information it has assembled over time
- Following on from the above, the APRM has done very well in collating information. What is less obvious is the extent to which this is translating into real policy change, and to what extent countries are being held to account for reluctance to do so (and indeed, assisted in achieving change). The critical role of the Forum needs to be examined and possibly strengthened. No other part of the system can prompt the governance change that the APRM was intended to bring.

Next Steps

The next steps in taking forward this study and its recommendations include the following: (i) to develop indicators along the lines of APRM tools, and then pilot them in selected countries. The target should be to follow up this study with a report on how the pilot countries are performing in each of the 13 bottlenecks; and (ii) to integrate the lessons learnt under each of the bottlenecks into the ongoing renewal of the APRM tools

and processes, including the country self-assessment questionnaire and the review processes.





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