



GOVERNANCE IN THE EUROPEAN UNION AFRICA STRATEGY: SUBMISSION FROM AFRIMAP

April 2007

This submission is a response to the European Union (EU) strategy for Africa adopted in December 2005,¹ the European Commission's August 2006 Communication on Governance in the European Consensus on Development,² and the current discussions about a new Joint EU-Africa strategy.³ It is focused specifically on the implementation of the proposed governance policies in relation to Africa, rather than Africa strategy more generally, or governance issues elsewhere in the world. The analysis and recommendations in relation to EU policy in this area are based on the experience of AfriMAP, the Africa Governance Monitoring and Advocacy Project established by the Open Society Institute's network of African foundations, in reporting on governance issues in Africa.

AfriMAP welcomes the European Commission (EC)'s focus on governance in the context of its development programmes in Africa and the earmarking of €2.7 bn 'additional financial support to countries adopting or ready to commit themselves to a plan that contains ambitious, credible measures and reforms' based on an 'enhanced dialogue' about governance issues. In relation to this initiative, we welcome *with two exceptions* the broad definition of 'democratic governance' given in the EC Communication on Governance in the European Consensus on Development, as including:

respect for human rights and fundamental freedoms (including freedom of expression, information and association); support for democratisation processes and the involvement of citizens in choosing and overseeing those who govern them; respect for the rule of law and access for all to an independent justice system; access to information; a government that governs transparently and is accountable to the relevant institutions and to the electorate; human security; management of migration flows; effective institutions, access to basic social services, sustainable management of natural and energy resources and of the environment, and the promotion of sustainable economic growth and social cohesion in a climate conducive to private investment.

The first and more important exception is the reference to 'management of migration flows' as one element of good governance: its inclusion in this list is clearly driven by domestic political demands from the EU side. While migration policy may form the subject of discussions between the EU and African states, as in the case of any other subject of concern to one side or the other, it has no place in a document of this type setting out general principles relating to governance. The second exception relates to the final phrase 'in a climate conducive to private investment'. At one level this concept is unproblematic; however, in the context of international trade and other negotiations where privatisation of utilities and other controversial policies have sometimes been forced on African countries, it should be avoided.

AfriMAP also welcomes the proposed shift in relation to governance from 'conditionality' to 'ownership', so that the EU should work with countries who decide and implement their own reforms

¹ The EU and Africa: Towards a Strategic Partnership, European Council document 15961/05; see also the European Commission Communication on EU Strategy for Africa on which it was based, COM (2005) 489.

² COM (2006) 421, and the Working Document that accompanied it, SEC(2006) 1020.

³ The consultation is being facilitated by the European Centre for Development and Policy Management (ECDPM): see <http://europafrica.org/2007/01/01/about-the-eu-africa-consultation-web-site/>.

— though we note that achieving this shift in practice may be difficult, and will require a profound attitudinal change among EC staff in country positions.

We agree with the statement that ‘All development partners must be able to assess the quality of governance in a country and gauge the ambition, relevance and credibility of a government’s reform commitments on the basis of suitable indicators’ and we support the focus on participation in conducting such assessments at national level.

However, we have concerns about the proposed ‘governance profile’ that will be developed for each country in the African-Caribbean-Pacific (ACP) grouping and guide programming for development assistance in relation to the €2.7 bn additional funds. Despite the statement that ‘national indicators must comply with the principles of ownership, participation and transparency and permit the necessary reforms to be identified’, it seems that the governance profiles that will be used by the EC and potentially also EU member states are in practice to be prepared by EC staff or consultants without any participatory element, although the ‘content should be shared’ with the partner country during the programming dialogue. Moreover, we think that the focus on providing quantitative indicators in these profiles is mistaken.

The governance profile for the ACP countries

The draft questionnaire to guide the preparation of governance profiles by EC staff⁴ appears to be loosely based on similar questionnaires devised by organisations such as International IDEA.⁵ AfriMAP has also developed more detailed questionnaires to guide research on its three priority themes,⁶ and thus has experience in the difficulties of preparing templates that can usefully guide research.

Content of the questionnaire: the governance profile questionnaire covers a wide range of issues, as is appropriate in preparing a rounded assessment. However, there are many places where the particular focus of the questions could benefit from discussion and revision to ensure that they elicit the best quality information on the most important issues relating to governance.

It is our experience that very clear guidance is needed to assist those completing such a questionnaire in deciding what issues are appropriate to include in their analysis. Yet many of the questions included in the draft questionnaire are very open ended and no indication is given of the normative framework on which they are based or the types of sources that should be relied on. In the case of some questions it will be relatively easy to deduce what standards and sources are appropriate, but in the case of others much more difficult. For example, the question ‘is the national and local administration able to formulate and implement policy initiatives’ in section 4.1 of the questionnaire is so broad as to be almost unanswerable, and based on no clear reference to applicable standards.

As noted above, we think that the inclusion of a set of questions focusing on migration policy (section 8.3) is entirely inappropriate in the preparation of a governance profile. There are many other more appropriate subjects that could receive a particular focus (such as the ability of the state to deliver public services to all its citizens).

Capacity to complete the questionnaire: The questions being asked have very broad scope, and will require a high level of knowledge of the country concerned and of the issues under discussion. AfriMAP has found that even highly qualified national researchers working on a narrower spectrum of issues than those addressed by the EC profile face challenges in addressing all the questions asked in a broad-ranging questionnaire of this type. It is likely that the person responsible for preparing a

⁴ Annex 2 in SEC(2006)1020, 30 August 2006.

⁵ See <http://www.idea.int/democracy/index.cfm> for more on IDEA’s democracy assessment framework.

⁶ Available at: <http://www.afriMAP.org/questionnaire.php>.

first draft of the EC governance profile will be a consultant or a programme officer in the EC mission in each country. Consultants may be well informed, but their knowledge will not then be available to the EC mission when it comes to actual programming – a crucial step in the process. Meanwhile, the average EC mission has a fairly high level of turnover of staff (every 2-3 years), so that few will have long-standing and in-depth knowledge of the country enabling them to critique an externally prepared report. All EC mission staff have a large number of competing demands on their time. In this context, completed questionnaires are likely to be flawed and/or not easily usable to guide programming.

Scoring methodology: At the end of each section of the questionnaire, the proposed profile includes two proposed scores on the existing level of performance (on a scale of 1 to 4) and the trend (scale 1 to 3). If a country achieves a certain (unspecified) score in relation to the indicators, then it should be rewarded with additional aid; if there is any significant failure to meet an international profile of indicators, the deviation ‘must trigger an in-depth discussion for the purposes of explaining and justifying the deviation observed’. It is inevitable that the main focus in responding to or reporting on these governance profiles will be on these scores. Yet there is an extensive literature arising from the indicators prepared by Freedom House and others, on the problems of deciding what scores are appropriate in these contexts, on consistency in standards applied among different countries, and on the conflicts between the opinions of ‘experts’ or ‘ordinary people’ or between ‘external’ and ‘internal’ experts.⁷ There is no indication that a scoring methodology has been devised for the governance profiles that takes into account these criticisms. This is of all the more concern given the capacity issues in completing the profile in the first place.

While the quantitative indicators referred to in the document on Governance in the European Consensus on Development, including the aggregated scores the World Bank Institute has produced⁸, may be useful as ‘one-liner’ summaries of the situation in the country, they do not assist much, if at all, in devising reform programmes to address the problems that they identify. The questionnaire used to guide the governance profile is presumably aimed at providing such analysis. But its flawed focus on providing yet new scores, based on the views only of EC staff or consultants, will risk providing yet another apparently objective yet in practice highly subjective ranking that makes no contribution to any of the professed aims of greater participation in and ownership of programmes of assistance for governance reform.

Links between the profile and financial flows: It is not made clear how the profile will guide the allocation of funding from the €2.7 bn fund. Will it be directed towards the critical areas identified by the profile; or will it be based purely on the score the country achieves? Our current understanding is that the extra funds will be released if the country scores above a certain level, but will then go to the priorities set by the existing EC country strategy papers, rather than to remedy the governance deficiencies identified by the governance profiles. Because of the problematic nature of the scoring process, we do not think that this approach would be desirable. This aspect of the policy needs to be properly thought through and wholly transparent, so that the money can work as intended as an incentive towards and to assist in achieving better governance.

The APRM

The EC’s proposals on Governance in the European Consensus on Development suggest that the reports of the African Peer Review Mechanism (APRM) could ‘provide a springboard’ for dialogue on governance issues in many countries, together with the poverty reduction strategy and joint assistance strategy processes, and propose that the EC’s governance profiles should be based on the APRM report, in those countries that have completed the process. Accordingly, the EC proposes that dedicated support be provided to the APRM process in each country, if requested, as well as to the

⁷ See, for example, Christiane Arndt and Charles Oman, *Uses and Abuses of Governance Indicators*, OECD Development Centre, 2006.

⁸ Available at: <http://www.worldbank.org/wbi/governance/govdata/>.

APRM secretariat and regional institutions involved in disseminating the reports, and that support for reforms identified by the APRM process be integrated into existing cooperation agreements.

AfriMAP welcomes the Commission's endorsement of the APRM. It is AfriMAP's view that the APRM is, despite some challenges and set-backs, the most serious effort yet by African leaders to improve governance on the continent. Both the country review reports adopted by the panel of eminent persons who are the guardians of the APRM and the plans of action for each country have been serious documents (though no doubt they can and will be criticised in terms of detailed content). Despite the varied quality of the national-level discussions and the methodological challenges, peer review has not turned out to be the whitewash that some feared it would be. Importantly, the APRM process is seen by African leaders to be an indigenous African one, rather than imposed by the World Bank or other donors.

The APRM was, at least in part, adopted as a result of a deal between African leaders and major donors to Africa (specifically the G8, but with relevance also to other entities such as the EU): the G8 promised in its 2002 Africa Action Plan that more development assistance would be made available, in return for African action to improve domestic governance to ensure that the new aid would not be wasted. From the African side the understanding is that insofar as it relates to donor programming, the purpose of the APRM is for each country to decide for itself in a process of self-reflection what its main challenges are, and that whatever the challenges identified, development assistance (as well as domestic resources) should be awarded to support the process of addressing them. Thus, the country plan of action, a costed list of priority areas to be addressed, is considered to be the most important aspect of the APRM.

This would appear to match the EC's professed support for national ownership and participation in the communication on Governance in the European Consensus on Development. However, the approach suggested by the EC in practice seems rather to be based on an EC-led external scoring of African (and other eligible) countries on their governance performance, which would imply somewhat minimal reliance on the APRM plan of action.

It is AfriMAP's view that the EC should adapt its methodology to follow more closely the first interpretation of the APRM process in those countries where it has been implemented. Thus, within the overall parameters of EU development assistance policy, funding should be offered to support the APRM plans of action, rather than on programmes identified through a parallel EC-led 'dialogue'.

Where a country has not yet implemented the APRM, we believe that the EC should advocate for it to sign up to the memorandum of understanding establishing it (if it has not done so), and at the same time aim to promote a dialogue on governance issues as close to the APRM model as possible, ensuring broad national participation and similar technical support.

- Development assistance from the EU should thus be directed to supporting the plans of action adopted by the APRM, as they become available, as already suggested. The modalities for this to happen would need consideration (EU taxpayers need assurances that money will be well spent, for example), but should not be insurmountable. Development partners should take seriously the country action plans and use them as a primary resource in the design of development programmes, rather than as a parallel process.

The key point after adoption of the plan of action is to ensure that its implementation is monitored. There are many national and international programmes that need such monitoring — poverty reduction strategy papers, the indicators for the millennium development goals and education for all programmes, and others — and the capacity is often lacking both at national and continental level to do this. Indeed, the APRM addresses this capacity issue by proposing the consolidation and rationalization of these various monitoring mechanisms. In particular, the APRM Secretariat based

in South Africa has very limited capacity to engage in such monitoring, especially as it takes on more countries for initial review; the danger is thus that countries that have already been reviewed will get a 'free ride' when they report back to the APR Forum of heads of state and present their implementation reports.

Weak capacity at the APRM Secretariat has also caused some delays and problems in the conduct of the initial country reviews. AfriMAP has discovered in the course of its own work that engaging in an audit of government performance that is genuinely participatory and consultative is difficult and time-consuming. The slow progress in adopting APRM reports should not thus be a focus of criticism in itself; at the same time, it is clear that strengthening the number and quality of human resources at the APRM Secretariat could help to ensure a more effective and speedy process.

- To assist the APRM to achieve its full potential, the EU should offer support to strengthen capacity both among those leading the process (the APRM Secretariat and its technical support teams and national governments) and those who participate in and monitor the reviews at national level and on a continent-wide basis (civil society organisations, parliamentarians, academia, the media).

Perhaps the most important achievement of the APRM process has been to open up a space for direct dialogue between government and citizens that is unusual in the African continent — especially in the more closed societies, such as Rwanda and Ethiopia. This aspect of the APRM has been broadly welcomed even where civil society has been most critical of the APRM, or perhaps itself ineffective in organising to take advantage of the opportunities offered. Parliamentary and civil society participation will also be critical when it comes to giving real life to the plans of action. OSI is also working with civil society groups eager to participate in this process, with a view to enabling the regular follow up that can make the APRM a real tool to improve governance.

- The EU should offer diplomatic and financial support to the concept and reality of parliamentary and civil society participation in the country self-assessment process and the monitoring of national plans of action developed during the APRM process.

Mutual accountability

AfriMAP's own reports consider the impact of development assistance in the various areas we have examined, as well as the government's own performance. Our reports so far have confirmed many of the problems already recognised in the Paris Declaration on Aid Effectiveness. The EU and other development partners need to take these issues more seriously. In particular, a critical area is the fact that lines of accountability too often run directly from national executives to development partners, bypassing any sort of parliamentary approval or civil society consultation about the agreements.

Our research supports the 'basket fund' model of development assistance, based on 'sector-wide approaches', which encourage greater coordination among development partners and with the receiving government. At the same time, there is a risk that such an approach can exclude civil society organisations and parliaments, and care should be taken to ensure that debates over development assistance are opened up to wider debate.

- The EU should engage more seriously in the effective implementation of the Paris Declaration. The principal monitoring body from the donor side is the OECD Development Assistance Committee, whose capacity and authority should be strengthened. Civil society engagement with debates over donor assistance should also be supported, and parliamentary approval of development assistance packages should be a requirement for disbursement of funds.
- The need for donor coordination includes coordination in relation to the various governance monitoring and promotion initiatives that are currently underway. While the EC communications suggest sharing information and strategies on these issues among EU member states, it is clear

that this is not currently happening in practice; moreover, the problematic nature of the EC governance profile means that it is likely that member states will continue to want to maintain their own documentation in this regard. Addressing the problems identified above will thus be critical to increasing donor coordination on governance issues.

Civil society access to African Union discussions

The effective functioning of the African Union itself is key to the effective implementation of the APRM and other processes to monitor and enforce respect for standards of governance. Progress towards such effectiveness will depend for the AU, as for other governmental and intergovernmental institutions all over the world, on scrutiny from those outside the bureaucracy and elite political circle of heads of state and government. However, as AfriMAP's recently published report on civil society interaction with the AU shows, the AU remains largely closed to civil society, while national parliaments are mostly excluded from debate over the AU's policies — even when these involve major new continental initiatives that could potentially have a real impact at national level, such as the creation of a 'Union government'. This is true also of the discussions of the APR Forum at which the country review reports and national plans of action are adopted. Just getting access to more than the most basic information about what is on the agenda of continental institutions is a major problem.

The EU has a major programme of support to the African Union, and one of the effects of this assistance has been greater inclusion of civil society in some discussions, such as those of the Peace and Security Council. EU funding could be used to widen this access to other debates also.

- The EU should indicate in conversations with the AU that assistance for its programmes will be dependent on greater access of Africa's citizens to the debate. The Pan-African Parliament should in due course be critical to an increased democratic accountability of the AU institutions.
- The EU should offer funding to assist the AU Commission in its outreach to civil society, including support to the AU's civil society organ, the Economic Social and Cultural Council (ECOSOCC) and the holding of the AU-civil society fora in advance of each AU summit.

Concluding thoughts

OSI welcomes the initiative of the EC to solicit civil society views on the Joint EU-Africa Strategy. However, this consultation has come very late in the day. The EU Africa Strategy was adopted in 2005 without in-depth consultation with African governments or among EU member states and with the total exclusion of civil society. This existing strategy has largely dictated the issues that the proposed new Joint EU-Africa Strategy will address, even though the rhetoric is that the new strategy will be negotiated on an equal footing between the European and African Unions and their member states. The EC Communication on Governance in the European Consensus on Development was also adopted in 2006 without the broad consultation that could have improved its content and addressed many of the problems identified above. Yet with the Governance Profiles for all 78 ACP countries reportedly already completed, and the Joint EU-Africa Strategy due for adoption under the Portuguese EU Presidency, before the end of 2007, these problems have effectively been institutionalized in EU development assistance.

The European Commission must therefore grasp the opportunity presented by a review of the governance profile approach that we understand is proposed for 2008 :

- to listen to the views of governance experts from European and African civil society organisations, as well as member states and African governments, and adapt its governance approach accordingly;
- to move away from an approach in the governance profiles that is overly reliant on a quantitative and mechanistic 'score card', towards a more qualitative approach that can inform intelligent programming of development assistance.

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AfriMAP

AfriMAP, the Africa Governance Monitoring and Advocacy Project, was established in 2004 by the Open Society Institute (OSI)'s four Africa foundations — the Open Society Foundation for South Africa and the Open Society Initiatives for Southern, West and East Africa (OSISA, OSIWA and OSIEA) — as a response to the transformation over the previous few years of the Organisation of African Unity into the African Union (AU), and the AU's adoption of new commitments to standards of democracy and governance, in particular the APRM. AfriMAP is based at OSISA in Johannesburg, South Africa.

AfriMAP's main mandate is to work with the OSI foundations' national partners to produce systematic audits of government performance in three areas — the justice sector, democracy and political participation, and an effective public service — in countries that have signed up for the APRM. To date, AfriMAP has worked in Malawi, Mozambique, South Africa, Ghana and Senegal, and is just beginning its monitoring in Kenya. The reports are written by nationals of the countries concerned working with civil society organisations interested in the issues, and are revised and finalised after discussions that have mobilised a wide range of interested parties, including civil society, academia, government and donors. We see them both as a tool to catalyze national dialogue and mobilise action to address the problems identified, and as an information resource for use by the APRM, Africa's development partners and others. In addition to this work, which can be seen as complementary to the APRM's own reporting, AfriMAP has commissioned reviews of the first APRM processes in Kenya, Mauritius, Rwanda and Ghana, and will be doing so in other countries on an ongoing basis. On 24 January 2007, AfriMAP also launched a report — prepared jointly with Oxfam and AFRODAD, the African Network on Debt and Development — on civil society access and influence at AU summits.

The Open Society Institute (OSI), a private operating and grantmaking foundation, aims to shape public policy to promote democratic governance, human rights, and economic, legal and social reform.

For more information about AfriMAP and OSI see www.afrimap.org and www.soros.org.