African Union's institutional innovations for promoting good governance: A focus on the African Peer Review Mechanism (APRM)

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ABSTRACT

The African Peer Review Mechanism (APRM) is an instrument to monitor and evaluate African states' economic management, political, socio-economic, and corporate governance. The review mechanism is established against the relevance of institutionalising good governance in Africa. Within the governance structure of the APRM, substantial decision-making authority is delegated to the APR Panel and other bodies. This presents a puzzle for international relations theory in that the APR Panel has exhibited significant independence from member governments over the years. Using a principal-agent (P-A) theory of international organisations, this paper interrogates the rationale for the delegation of decision-making authority to sub-bodies in the governance system of the APRM. The paper adopts a qualitative approach using an extended literature review and primary documents from the APRM secretariat and advances an argument that member states decision to delegate decision-making authority to various bodies in the APRM structure empowers agents with the capacity to make decisions devoid of any contestations from member states, which results from the differentiation of functions among the organs of the APRM governance structure. The central finding is that while the differentiation of functions in the APRM governance structure leads to a rule-based decision-making process, the APRM process still suffers from a lack of political commitment from member states participating in the process. The study recommends more engagement of African citizens about the importance of the APRM and its potential to enhance governance processes among member states.

Keywords: African Union, APRM, Decision-Making, Delegation, Governance, Institutions, Peer Reviews

I. INTRODUCTION

One of the most significant institutional innovations of the African Union (AU) in the last two decades is the emergence of innovative continental programmes and arrangements to promote good governance in member states (Banchani, 2017). These programmes are set up in sensitive policy areas crucial for enhancing member states' governance processes. The African Peer Review Mechanism (APRM), adopted in 2003, is a prominent example of such institutional arrangements at the continental level, where the delegation of competencies to the institution has far-reaching implications for the domestic policy of member states of the AU participating in the review process. The APRM is a novel system that aims to improve governance, promote compliance with global and continental standards, enhance development and promote peace and security in the continent (Gruzd, 2007). Notwithstanding doubts expressed in the scholarly literature on the lack of capacity of these initiatives to induce good governance as a result of a confluence of factors, including the vulnerability of the projects to manipulation by African leaders (Chikwanha, 2007), the seeming preponderant disposition of African politics to patrimonial tendencies and the lack of commitment by Africa's key development partners (Akokpari, 2004), it still leaves unanswered how the institutional designed features of these initiatives can propel accountability among actors in the implementations of these initiatives.

According *to the Base Document of the APRM* (2003), the primary and fundamental purpose of the APRM is 'to foster the adoption of policies, standards and practices that lead to political stability, high economic growth and sustainable development'. The APRM programme also targets accelerated continental economic integration premised on the principle of experience sharing and learning through best practices of member states for capacity building. An interesting component of the APRM process is that it aims to reform African governance processes. An important point of interest in analysing the relevance of the APRM process to governance in Africa relates to the institutional design of the APRM process and how institutional features can serve as a mechanism to get recommendations from peer review reports implemented by member states. The question is, how can the governance structure of the APRM serve as an incentive to member states of the AU to participate in the review process to implement recommendations on various policy issues relevant to good governance and sustainable development in Africa? The paper argues that the differentiation of functions among various bodies in the governance structure of the review process contributes to creating and developing an administrative governance system that relies on expert and informed knowledge to shape the final recommendations in the country review reports. This functional differentiation primarily involves assigning different roles to various bodies in the institutional structure of the review process.

Puzzling enough, the APRM governance structure delegates decision-making authority to expert bodies acting as member states' agents. Within the APRM governance structure, the APR Panel appears to help overcome the credible commitment problems of the member states and aims at producing recommendations in country review reports that are based on a reason-giving criteria. Unlike traditional Principal-Agent relations, the delegation setting in the APRM is anchored on general decision criteria that serve as a point of reference for the expert panel besides the interests of the principals and the agents. The decision criteria in the form of guidelines generally reflect the long-term interests of the principals. This delegation structure enables the autonomy of the agent while at the same time making it accountable for its decisions.

Delegation follows two different logics (Majone, 2001). In one breadth, a principal may desire to reduce transaction costs and mobilise expertise so that the agent can decide as the principal would have done in the absence of the delegation contract (Hawkins, 2006; Koremenos, 2001). On the other hand, the delegation of decision-making competence to an agent may be for the sole purpose of enhancing the credibility of policy commitments. So, the agent is generally expected to decide differently from what the principal would have done for some reasons, including the inconsistent time preference of actors. Whereas in the former approach, control and oversight of the agent are portrayed as a theoretical dilemma, the latter emphasises the agent's independence.

Drawing on insights from modern institutional theory (Koremenos, 2001), the objective of this article is to contribute to bridging a gap in research on the APRM that has tended to overlook an inquiry into how the institutional design features of APRM create an accountable governance system within the APR process by assigning different functions to various bodies. We analyse primary documents and review secondary literature on the APRM process with the help of expert interviews that were conducted in the APRM secretariat. The article interrogates and critically analyses the APRM organisational structure to identify the incentives created for accountability among actors in the decision-making process of the APRM by examining the literature and analysing the founding documents of the APRM.

In what follows, the article is organised into five sections. First, the article outlines a functional theory on why states delegate to agents in institutional setups. Then, it proceeds to discuss the nature of the decision problem that the member state of the APRM encounters. This is followed by accountability measures that could be implemented to make agents accountable. Finally, the article describes the functions of each body in the APRM process and discusses incentives that could push each organ to make decisions in the interest of member states participating in the APRM process.

1.1. Research Objectives

The objective of the study is to explain how the institutional design features of the APRM create an accountable governance system within the APR process by assigning different functions to various bodies. It further interrogates and critically analyse the APRM organisational structure to identify the incentives created for accountability among actors in the decision-making process of the APRM.

II. THEORETICAL LENS

2.1 Delegation and Principal-Agent Relations in International Organisations

A principal-agent (P-A) relationship arises when a principal contracts an agent to execute a task on their behalf. In performing the task, the agent chooses an action with certain consequences, an outcome that overall affects the welfare of both the principal and the agent (Petersen, 1993). The decision to delegate to an agent is mostly informed by the benefits that may accrue to the principal. P-A theory, therefore, assumes actors are rational and cost-benefit calculations inform their decision to delegate a task to agents and the motivations of the principal and the agent (Kipo-Sunyehzi, 2018). Actors in each issue area will, therefore, be more willing to delegate substantial tasks to agents if the outcome of the delegation will result in more benefits than costs to actors. In Hawkins' conceptualisation of delegation, principals, in most cases states, grant conditional authority to agents to enable them to act on their behalf (Hawkins et al., 2006). In empowering the agent, the principal puts in place control measures to ensure the autonomy and discretion entrusted to an agent. The overarching question in P-A theory is why states empower agents with decision-making authority and how principals can ensure that agents are properly kept in check to perform their chosen tasks.

The existing literature inspired largely by Hawkins et al. (2006), Epstein and O'Halloran (1999), Alter (2008), and Majone (2001) suggests cost-benefit analysis as a fundamental consideration by states to delegate decision-making authority to agents. One reason states may delegate to agents is when the benefits of delegating outweigh the costs. This is premised on the principle of the division of labour and gains from specialisation (Grant et al. 2005; Hawkins et al. 2006). Incentives to delegate to international organisations are rationally oriented, and all things being equal, as the benefits of delegation increase, principals may be willing to delegate decision-making authority to agents. However, these gains in all delegation situations interact with other benefits that might result from delegation. Hawkins identifies preference heterogeneity and power balances as two mitigating factors that can interact with the benefits of delegation to affect the decision to delegate to an international organisation (Grant et al. 2005; Hawkins et al. 2006). The argument is that though benefits may motivate states to delegate, they do not determine the outcome. States' preferences and power capabilities largely shape and affect the probability of granting conditional authority to international organisations. In the first place, all states do not share the same policy preferences; even if they did, they might have different strategies to achieve them. In situations where states must overcome collective decision dilemmas, the decision to delegate must be preceded by a resolution of the policy conflicts of states. The level and degree of preference heterogeneity among a group of states that decide to cooperate in each issue area are likely to affect the willingness of states to delegate to an international organisation. Nielson and Tierney postulate that the less similar the preferences of states in each policy area, the less likely states will be willing to revise an already existing delegation relationship (Nielsen & Michael, 2003). Greater preference heterogeneity within a group of states will likely lead some members to prefer to maintain the status quo in a delegation relationship instead of revising the relationship to produce a policy change (Lyne et al., 2006). Since states almost always weigh their capacity and ability to act alone to realise their goals vis-à-vis acting through international organisations, concerns of power, preferences and institutional rules will always influence the delegation outcome (Pollack, 2007; Hawkins et al., 2006).

The prospect of reaping specialisation gains may also influence the need to delegate. Principals may delegate to specialised agents with expertise and the resources to perform a particular task. Where gains from specialisation are greater, there will be greater incentives to delegate, and principals may be willing to face greater agency losses to capture the gains from specialisation. The benefits of specialisation are likely to be profuse when repetitive tasks require expert knowledge (Pollack, 2007). Tasks that do not require recurring decision situations and are performed in a single go are not likely to generate the need for delegation. The principal may incur the opportunity costs of having to perform the task about the costs incurred in creating and putting control measures for an agent in place. It follows then that tasks that depend on highly skilled and expert interventions will yield greater benefits if delegated. Delegation to benefit from specialisation can be seen in most international organisations where expertise is needed in day-to-day activities. In organisations such as the International Criminal Court and the International Monetary Fund, tasks are specialised, and delegations to such institutions are intended to take advantage of the tremendous expert knowledge and skills that abound in those institutions. The African Peer Review Mechanism largely relies on expert bodies at each stage of the peer review process to benefit from the specialised knowledge of such institutions. At the country level, Research Institutions with expertise in the key areas of political and democratic governance, economic governance, cooperative governance and socio-economic development are each delegated the task of oversight in a particular area of focus to produce expert recommendations of the current situation as it pertains in each country under review. Specialisation also allows states to take advantage of services they cannot provide due to a lack of expertise and resources to make policy on their own (Hooghe & Marks, 2014).

Another reason states may delegate to an international organisation is to mitigate large policy externalities (Milner, 1992). Principals generally benefit from cooperation, which can be further enhanced by delegating to an agent (Lake et al., 2006). Where externalities appear large, states are more likely to engage in mutually coordinated action (Hawkins et., 2006). Policy externalities arise under the conditions of coordination and collaboration dilemmas. In coordination dilemmas, agents help overcome mutually distasteful outcomes by enhancing actors' confidence in settling on a mutually desired outcome. Lake and McCubbins (2006) point out the need to delegate to agents to monitor the behaviour of states and provide information about various policy options since cooperation may fail due to informational problems (Lake et al., 2006). In coordination dilemmas, delegating to a neutral third party with wide discretion margins could help reduce transaction costs as agents can assess 'alternatives on more technical' or other 'social welfare criteria' (Hawkins, 2006).

In collaboration problems, the equilibrium outcome is suboptimal. To realise a mutual outcome and gain from cooperation in such circumstances, states must bind themselves to act against their usual tendencies. Notwithstanding, states will naturally have an incentive to defect from cooperation in the medium to short term, as in a Prisoner's Dilemma game. The provision of public goods constitutes a major class of collaboration problems. The main problem is with free riders knowing that they can benefit from a particular public good whether they contribute to it or not. In such dilemmas, principals may benefit from delegation by granting conditional authority to an international organisation to make such public goods available at a cost (Abbot & Snidal, 2000). Alternatively, states could pull individual resources together to provide the public good and create an agent to monitor the efforts of each member by collecting information on each member (Abbott and Snidal, 1998). The APRM is a good example among African states, where the APR panel monitors each member state's performance on key governance issues.

In addition, states may also delegate agenda-setting authority to an international organisation where collective decision-making problems arise. In most situations, states have divergent preferences over certain policy issues, making it difficult to agree on a policy. The literature suggests delegating powers to an agenda-setting agent to induce stability (Pollack, 1997). It is not given that merely delegating agenda setting to an agent is proof of overcoming the collective choice dilemma since an institution's very selection is subject to such dilemmas.

Again, states may delegate authority to agents to help resolve disputes as they arise in their international interactions. As a result of an increase in international interactions among states, third parties have been increasingly used to resolve disputes to secure the social benefits of cooperation using arbitrating agents. When an agent serves as the arbiter, the delegation contract is designed to grant much independence to the agent since principals themselves cannot come to a mutual resolution. Alter suggests that principals, in agreeing that dispute settlement functions be referred to an arbitrating agent, may create and empower impartial agents with a high degree of autonomy (Alter, 2008). However, agents will almost always be guided by decision-making criteria designed by their principals.

A theoretical question in almost every delegation situation is how the principal can motivate agents to act on their behalf to minimise agency loss. Principal-agent models typically assume that agents may have different interests from their principals. For mutual exchange to be possible, the proposal is for the principal to design a contract that will align the interests of the principal and the agent (Huber, 2000). Typical control measures suggested in the literature include cutting budgets, re-contracting agents, using 'fire- alarms' or 'police patrols', and screening (Lake et al., 2006; Majone, 2001). In most instances, hierarchical control tools are counter-productive if the delegation's purpose is to demonstrate a credible commitment to long-term policy objectives. The logic of delegation in a case where principals need to demonstrate to third parties their commitments is to have an agent whose preferences differ from the agent's. Re-contracting tools are thus unsuitable, especially in situations where the purpose of delegation is to enhance the credible commitment of the principal. P-A theory generally suggests that the principal is conferred with exclusive privileges and hierarchical sources of leverage over the agent because the principal has the power to appoint, rewrite the contract, fire or cut the agent's budget (Alter, 2008). Though hidden action and information are central to the problem of any delegation relationship, employing strict hierarchical control measures on independent agents meant to enhance a credible commitment may be counter-productive.

III. METHODOLOGY

Methodologically the study employs a qualitative extensive literature review. The process consisted of in-depth desk research of existing literature through a search in data bases such as google scholar, web of science and Scopus with key words as defined in this review (governance, delegation, African peer review mechanism, decision-making). It utilizes a systematic thematic analysis of various articles with relevance to the study. The inclusion criteria were set to meet articles published in English with a focus on the APRM and delegation of decision-making authority in international institutions. On the contrary, materials outside the defined scope of the thematic areas of the study and non-published papers were excluded from the study. Qualitative content analysis was employed to thematically structure the arguments and themes in the articles of interest to the research. The findings of the study are presented thematically with discussions of various incentives created in the organizational structure of the African Peer Review process to push actors to make decisions in the interest of states participating in the review process to better their governance systems. The discussions equally identify areas for future research on the African Peer Review Mechanism process. This structured approach ensured a transparent, and reproducible methodology that underpins this paper's theoretical and analytical contributions.

IV. FINDINGS & DISCUSSION

4.1 Functional Differentiation and Accountability in the Governance of a Decision System of the APRM

Unlike principal-agent theory, functional differentiation sheds light on how the various systems of an organisation can be governed without being preoccupied with hierarchical control (Gehring, 1999; Gehring, 2003). It draws on social systems theory to elucidate the emergence of new entities from communication between actors in a cooperation project.

In a delegation situation where the purpose of delegating decision-making authority is to commit to future unknown cases, it is possible to protect the agent against the power and interest of the powerful principals by delegating decision-making authority to several committees to monitor the activities of the agent and shape its decision on a given issue. The agent is thus entrusted with the power to make decisions in the best interest of all the participating members at the instance. To prevent members from intervening in the day-to-day work of the agent, various institutional mechanisms could be installed in the decision-making system to push the agent to make decisions that represent the principal's best interest without necessarily using a hierarchical control mechanism (Banchani, 2017). Accountability mechanisms useful in this governance system include defining proper decision criteria, which serve as an external source of reference to the agent and establishing checks and balances among agents to make them horizontally accountable to each other (O'Donnell, 1999). Others include the involvement of a wider public in the decision-making system to hold the agent accountable for their action, giving reasons at each decision stage, and using re-contracting tools, especially in instances where the agent deviates from agreed-upon rules to decision-making.

These mechanisms help reduce the tendency of principals to intervene in case-specific decisions and reduce the margin of the extent to which the agent abuses their competencies. As a result, decision-makers within a decision system with these inbuilt features are systematically deprived of their ability to bargain or pursue their partisan interest. This is so because badly reasoned decisions would not pass the litmus test and may be detected by other agents within the decision process. If the decision system is well designed to avoid any distortions in the decision process by powerful stakeholders, these accountability mechanisms may be incorporated into the decision environment to enable the principals to abstain from the day-to-day monitoring of their agents (Gehring and Plocher, 2009; Gehring and Krapohl, 2007 & Gehring and Ruffing, 2008). In this respect, a decision system where the institutional design allows for internal accountability mechanisms where decision-makers are accountable to other actors ensures that the decisions taken are in line with the long-term interest of the principals as prescribed in the substantive rules to guide the agents in the decision-making process.

4.2 The Emergence and Function of the APRM GOVERNANCE SYSTEM

The presence and creation of various bodies to facilitate the process of the APRM establishes a complex governance system and introduces a functional division of labour among the various expert bodies that work to achieve the goal of the process.

Since its creation in 2003, the African Peer Review Mechanism has been dominated by the encompassing authority of the APR Panel and the APR Forum. While the APR Forum has the authority to appoint members of the APR Panel and supervise the activities of the APRM process, the Panel is envisaged as an independent agent with the authority to make recommendations in the country review reports for states under review. The authority supplied to the APR Panel makes it possible for the Panel to take control of its own activities and the power to directly see properly how its administrative procedures should proceed in the process of the peer review. The operation of the APRM system is characterized by the interaction of various autonomous units, each of which operates according to its rationale in making decisions.

The institutional structure of the African Peer Review Mechanism is largely differentiated. The complex APRM system is made up of both continental and national APRM structures that work in tandem to produce the final decisions and recommendations of the APRM process. At the continental level, it comprises three bodies. These include the APR Forum, the APR Panel and the APR secretariat. At the national level, four bodies coordinate the activities of the APRM and these comprise the Focal points, the national commission/ national governing councils, the national APRM secretariat and the technical research institutions (TRIs). Each of these bodies performs distinct functions that together work for the proper functioning of the APRM system. Each body works in its capacity and authority to produce authoritative and legitimate knowledge for the process. The distinct status and authority accorded each of the bodies at the national level differs from state to state. The wide variations in the special recognition and level of autonomy invested in the national bodies may be important to explain the extent of seriousness and importance placed on the review process in the development planning of a state.

Most of the bodies in the APRM process produce expert knowledge to serve as the basis for the final recommendations and work of the other committees. The APR Panel, which has oversight of the process, makes its decisions based on the information that is provided by the research institutions and the initial self-assessment reports that are produced by officials of the state under review. The level of independence enjoyed by each of the bodies, especially at the state level, is contingent on the kind of task that it is assigned. The process of decision-making to a large extent may be understood in principal-agent theory terms as the task of making decisions on the propriety of policy decisions and programs of a state are delegated to an agent in the form of the APRM institution which further assigns various roles to different bodies within the institution to produce the best recommendations for the improvement of the states that participate in the process.

The governance system of the APRM distributes these distinct functions to the various bodies of the APRM to enhance the capacity of the system to produce the most adequate solutions for the deficiencies that might be identified in the process of the peer review. At both the continental and country levels, various activities and institutions are engaged in the process of evaluating and assessing various proposals that lead up to the final drafting of reports and decisions on how the deficiencies identified are to be addressed in a member state. The interest constellations of actors play out, especially between the activities and roles played by the APR Panel and members of the government under review. This helps in distinguishing the administrative levels of governance within the APRM decision-making system and how the composition of each level of decision-making helps promote accountability in the decision-making system.

4.3 Administrative Governance in the APRM: Development and Practice

Administratively, the APRM decision-making system is made up of various bodies. Each decision-making body has distinct functions that are designed to ensure the proper functioning of the APRM process. It is, however, important to differentiate between the administrative and political levels of interest in the decision-making process. Within this system, the political agent (the states) delegates various competencies to the administrative level, which fulfils its mandate by using its expertise to help the principals achieve their common goal, which is the promotion of good governance in individual member states of the African Union. While the political level might have case-specific interests to pursue, the administrative level is endowed with professional expertise with long-term interest and continuity in their mandate. In this sense, the administrative level provides administrative governance that seeks to make decisions according to established rules and within their defined mandate. In what follows, the paper describes the functions of each body within the decision-making process of the APRM and explains how this functional division of labour helps in making each body accountable for its decisions.

APR Forum (Committee of Heads of State and Government)

The APR Forum is the political arm of the APRM system. The Forum consists of Heads of State of participating countries in the APRM process. It serves as the supreme body of the APRM process. The overall responsibility of the APRM is vested with the Forum (Objectives, Standards, Criteria and Indicators for the APRM, 2003). The committee of Heads of State has overall oversight and authority over the APRM. The APR Forum as the hierarchical superior body of the governance system of the APRM process set the scope, mandate, objectives and structure of the APRM regime under the protocol and a document that emerged out of the sixth summit of the Heads of State and Government Implementation Committee (HSGIC) of the NEPAD in March 2003 (*Declaration on Democracy, Political, Economic and Corporate Governance,* 2002). The guidelines serve as the guiding framework for the operation of the various bodies that are created within the institutional setting of the APRM. In the absence of any specific provisions in the Constitutive Act of the African Union, the HSGIC broadly enjoy a large amount of discretion in the design of the peer review process. The HSGIC has the power to create such institutions and delegate functions to them when it considers it appropriate as the plenary body with the ultimate responsibility of defining the objectives of the review process (Chukwumerije, 2006). The overall responsibility of the APRM is thus vested in the APR Forum. The forum is entrusted with the ultimate responsibility for mutual learning and capacity building, and to exercise constructive peer dialogue and persuasion to member policies and country programs (*APRM Organization and Process*, 2003). The APR Forum serves as the avenue through which peer learning may take place through the sharing of best practices among member States (Grimm et al., 2009). Among other things, the APR Forum appoints members of the APR Panel. The APR Forum therefore delegates decision-making authority to the APR Panel to oversee the peer review process.

The Forum directs the activities of other bodies under the APRM through the adoption of protocols at their annual meetings which mostly take place at the sidelines of the AU Heads of States and Government annual Assemblies. Over time, the role of directing the activities of the various subsidiary organs of the APRM has been shifted to the APR Panel. The guidelines adopted by the HSGIC delegate the task of formulating rules for the conduct of country review visits to the secretariat and the APR Panel. Rules of engagement produced by the Panel receive the approval of the committee of Participating Heads of State and Government of the APRM (*APRM Guidelines for countries*, 2003). The Forum has adopted an increasingly dense set of procedural and substantive provisions that govern the conduct of the peer review process over the years. The Forum retains the right to approve any guidelines and rules that are set out by any of the organs to give direction to the operations and conducted of the review process. In general, procedural rules that are elaborated and adopted by the Forum are broad in perspective and may apply to unknown future situations. The Forum also serves as a platform where dialogue is generated among states participating in the APRM to discuss common and amicable policy options for lapses that are identified in the process of the peer review. Final recommendations are adopted at the APR Forum before they are published and made public at various regional institutions including the African Parliament and other sub-regional bodies and institutions.

The code of conduct and the rules of procedure for both the APR Forum and the APR Panel are to be approved by the Forum and ensure that the various sub-organs within the institutional setting of the APRM are adequately resourced to manage the process to produce effective and efficient outcomes. All aspects of the APRM organization that set its code of conduct also need approval from the Heads of State and Government Committee. To ensure that reports and recommendations are communicated to the public and other institutions of relevance, the APR Panel according to the guidelines must make public all such reports pertaining to the review of a member state (*APRM Guidelines for countries*, 2003).

The incentive for the APR Forum to produce problem adequate decisions is as a result of the need to make country review reports public at the regional pan-African parliament. Country review reports are also published on the website of the APRM Secretariat. As a result, any badly reasoned decision by the APR Forum is made public and could receive criticism from wider interested parties in the review process. Since Heads of state of the APR Forum have an interest in demonstrating to international stakeholders the relevance of the review process in institutional building and the enhancement of the rule of law, an extra incentive is created to provide the best decisions devoid of power politics at Forum meetings. To prevent a situation where major stakeholders may perceive any attempt by the Heads of State forum to produce uncritical recommendations of the country review reports, the Forum may be pushed to not intervene at the Forum meetings with individual interests in the issue areas of the review process.

APR Panel (Panel of Eminent Persons)

Another important organ within the decision-making system of the APRM is the Panel of Eminent Persons. The APR Panel derives its mandate from the African Peer Review Mechanism base document (*APRM Base Document*, 2003). The base document establishing the Panel was endorsed by the African Union Summit in Durban, South Africa, in July 2002. The Panel supplements the governance system with its diverse distinct expertise. The APR Panel is appointed by the Heads of State and Government Committee of the APRM. It is an independent body of the APRM charged with the responsibility of organizing the peer reviews of member states. It engages in rulemaking alongside the APR Forum which is at the apex of APRM organisational structure.

The Panel develops its own rules of procedure that specify and elaborates on the more general directives enshrined in the APRM Organization and Procedure document (*APRM Organization and Process Document*, 2003). Rules and guidelines developed by the Panel need the approval of the Forum. The Panel is also responsible for approving any guidelines developed by the APR Secretariat and the APR Teams. As the main body that regulates the APRM process, it relieves the Heads of State and Government Committee of the need to provide comprehensive rules to ensure the proper functioning of the review process without undermining the oversight function of the Forum. It constitutes the main body set up by the Heads of State and Government Committee to exercise oversight of the APR process with a view of ensuring the credibility of the process (*APRM Organization and Process*, 2003).

The APR Panel consists of five to seven members who are nominated by a member state and appointed by the APR Forum. The chairperson of the Panel is appointed among the members of the Panel. The chair serves for a period of up to five years while the other Eminent Persons each serve for a period of up to four years renewable once. Members of the Panel do not represent their countries. They are appointed to protect the long-term interest of their principals (states participating in the APRM process). Though the Panel reports to the Heads of State and Government Committee, the APRM base document anticipates the general mandate of the APR Panel to be defined in a charter. By shifting the role of making rules and guidelines to the APR Panel and the Secretariat, the Forum hedges itself against any political situations of arriving at deadlocks in elaborating on rules and guidelines that consider the future success of the process. By extricating the APR Forum from most political tensions that are inherent in creating such guidelines and rules for the APR Panel and the secretariat, the option of strictly regulating the Panel becomes non-existent. The absence of a regulator in a strict sense in the APRM governance system prevents a situation where specific opportunity structures prevail for other bodies that have their decisions blocked from searching for alternative fora to advance their interest.

Members of the Panel of Eminent Persons are expected to be distinguished in careers that are relevant to the work of the APRM. Among some professionals who have served on the Panel are diplomats, academics and professional experts in the various areas of focus in the APRM. The *APRM organization and process* document is clear on the need for the composition of the Panel to reflect broad regional balance, gender and cultural diversity (*APRM Organization and Process Document*, 2003). The decision rationale for delegating decision-making authority of the APRM process to the APR Panel is to ensure that the long-term interest of states participating in the APRM is secured by depriving states of pursuing short-term interests in place of the long-term collective interests of members.

An important role played by the Panel is to oversee the overall APRM process and guarantee the integrity, independence and professionalism of the peer review process. To preserve the credibility of the process, the Panel oversee the selection of APR Teams. The Panel appoints members of the country review teams to conduct country reviews, therefore depriving the Heads of State and Government of the opportunity of introducing their parochial interest in the process of the review (*APRM Organization and Process,* 2003). In most instances, the Panel recommends appropriate African Institutions or individuals to conduct technical assessments that are required to produce the most informed country review reports to enable the Panel to make the most problem adequate recommendation to the APR Forum (*APRM Organization and Process*, 2003). The Panel develops tools, instruments, codes of conduct and guidelines to govern the country review process with approval from the APR Forum. The panel sets the guiding rules on how each country's review process must proceed in accordance with the guiding principles of the APRM documents.

The panel therefore plays a crucial role in the country review process and serves as the main anchor on how the process proceeds from the signing of the base documents to the final submission of the country review report and the program of action which is expected to be implemented by the country to realize the objectives of going through the peer review process. The Panel as an agent of the States participating in the APRM works to realize the long-term policy goals of the member States by making sure States do not take short cuts to formulate policies that may not inure to the long-term benefit of all actors involved. It is also expected of the Panel to coordinate visits by the support missions to countries that are to undertake a peer review process. Support missions generally assist a State in preparing to go through the peer review to put in place necessary structures and institutions at the national level for a smooth take-off of the process. It usually involves giving technical and administrative support to the officials in a member state to get the process started. For each country review, there is one Panel member appointed by the APR Panel to coordinate the activities of the process. The Panel selects the country review team that supports the APR Panel member that is appointed to lead the process in a member country. They make the assessment of and give recommendations on country review reports with a program of action on how to fix deficiencies that are identified. These final decisions are presented to the APR Forum, made up of the Heads of State of participating countries for adoption and implementation.

The APR Panel has been described as a credibility buffer between the country review and the APR Forum (Grimm and Mashele, 2006). The Panel is expected to mediate and filter any tendencies by member states to insist on having their parochial interest highlighted in the production of the final recommendations and program of action to the APR Forum. This role thus may help in preserving the sanctity of the process from any political manipulations and may push any tendency by member states to introduce their preferences in the decision rationale of the Panel. The Panel of Eminent Persons therefore engages in rule-making alongside the Heads of state and Government Committee. The Panel sets the guidelines, and the Forum approves or adopts them to become operational. They submit recommendations to the APR Forum on measures that could be taken to assist the country in the improvement of socio-economic development and governance performance (*APRM Organization and Process*, 2003).

The APRM Secretariat

The Secretariat supports the APR Panel and the country review teams in accessing information on a State undergoing the review process. The Secretariat gathers background information on the political and socio-economic development on the participating State. The Secretariat coordinates the administrative and technical exigencies of the peer review process. In this respect, the Secretariat together with the APR Panel set the guiding rules and criteria of indicators for country assessment. The guiding rules and criteria are issued at the beginning of each process of the review to serve as a guide to the country on how data and information at the county level is expected to be organized. A variety of documents serve as the guidelines for the conduct of a peer review among member states. The APRM base document which was adopted by the Heads of States of participating countries serves as the main document that gives directions on how the process may proceed. Other documents emerge during the process and some directives issued by the APRM Panel and Secretariat have served as the guide to most member states in their country review process.

The degree of access to a State's institutions as envisaged by the APRM base documents will enable member states to gather sufficient information to aid in the process of making the best recommendations for the problems that are currently faced by the country. Some member states stand to gain in the whole process since the full implementation of the recommendations may create political and economic situations where restrictions to some sectors of the economy no longer pertain because of subscribing to the key protocols of the African Union which looks to all member states adopting the new protocols for better governance in the continent. The substance of a properly conducted review at each level of the sub-institutions of the APRM may be a bases for most governments to either respond to the recommendations with a program of action that responds fully to the recommendations or otherwise. In instances where recommendations are focused on issues regarded by a member state as sensitive to the national security, states are likely to adopt an attitude of not fully responding to the recommendations with appropriate and adequate programs on how to deal with the deficiencies. This may however show how the APRM system is strong in its task of getting to the core of the main strain in a country's political, social and economic system.

APR partner institutions

The APRM works in collaboration with institutions with expert knowledge in the various areas of interest to the APRM process. Each peer review sees the composition of a country review team which includes members of the strategic partners of the APRM. The country review teams inspect the proceedings of countries during the peer review. Each country review team led by a member of the APR Panel is responsible for drafting the country review report that forms the basis for the deliberative review among the Heads of State Committee. The country review teams are specifically assembled for each review process by the APR Panel and their task usually takes three to five weeks. The NEPAD document calls for a balanced, integrated and technically competent composed country review team, that is professional in the conduct of the country review process (*APRM Organization and Process,* 2003).

The partner institutions play a major role in assessing the technical viability of the program of action that is compiled at the end of the process. They give expert advice on modalities of planning and implementing the PoA at the end of the peer review process. Members of the partner institutions participate in deliberations of the country review teams and they also take part in the meetings of the APR Forum which meets to adopt the final reports. The idea of the involvement of the partner institutions raises the issue of the need for competent expertise to be at the forefront of the peer review process to make the work of the institution more credible. The presence of the partner institutions mediates any attempt by states to pursue their self-interest and not work to achieve the general objective of the peer review process of enhancing the governance process in the country under review.

APRM institutions at the country level

Participating countries in the APRM process in addition to the continental structures set up additional coordinating institutions at the country level. The official APRM base document does not categorically specify which structures are to be established at the national level. Participating states are largely left to their own devices in defining which institutions to set up at the national level to coordinate the process of the peer review (Herbert, 2004). However, the common feature among all states participating in the process is the creation of similar coordinating institutions at the national level. The difference in institutional structure from one country to another is in the operational capacity of the institutions established. While in some states these institutions operate as independent departments, in some countries they are under the oversight of a government ministry. These differences could account for the level of independence and efficiency of the structures at the national level.

A common institutional structure common to member states of the APRM is the establishment of a Focal Point. The Focal Point serves as a crucial interface and coordinating vehicle among various stakeholders in the APRM. The base document of the APRM foresees the Focal Point as an institution at either the ministerial level or an independent individual who reports the activities of the peer review process directly to the government. Most focal points have technical committees supporting the work of the national APRM process. It coordinates the peer review process at the national level and serves as the link between the APR Forum and APR Panel on the one hand and the national institutions on the other. The nomination of personnel to the focal point is done by the government and the process varies from country to country. While some countries have the Focal Point reporting directly to the Head of State or Cabinet, other countries have the Focal Point reporting to a Minister. Herbert and Gruzd (2008) argue that the appointment and composition of the Focal Points in some countries is an issue of debate and that an understanding of the independent role of the Focal Point might be in contention. As a result, they propose a situation where the Focal Point could be independent and out of reach of governmental influence in reporting the real facts on the ground (Herbert and Gruzd, 2007).

National governing councils and steering commissions are also common institutional features at the national level. At the start of the peer review process in 2003 there were no templates for the pioneer countries on how to model the steering commissions and the governing councils. Besides the Focal Point which had an individual appointed by the government to coordinate the APRM process at the national level, the governing councils were created in some states to serve as a buffer from political manoeuvring in a country. The governing council in most countries managed the process and reported to the Focal Point. In such instances, it helped to disentangle the whole process from the trappings of parochial political interests that were likely to be generated at the country level. The relationship and composition of the governing councils to the focal points generally touches on the question of the independence and autonomy of these institutions at the national level and how far they could function to produce recommendations and decisions that do not reintroduce the short-term interest of states of violating the guiding codes of conduct and the criteria set to go through the peer review process.

Technical Research Institutes (TRI)

The use of research and technical organisations is institutionalised in the APR process (Gruzd, 2009). The research institutes are tasked with developing instruments to collect data on the key areas of the peer review process. This involves extensive consultation with various sectors of society and making their information-gathering task broadly inclusive. The technical institutions are appointed by the national governing council, with the key point of reference being the competence and expertise of the institution with respect to the main issues of interest in the APRM. The TRIs administers the peer review questionnaires on various aspects of the process. The work of the TRIs serves as the basis on which the country self-assessment report is drafted and then forwarded to the APRM continental Secretariat and the APR Panel for the country visits to take place.

The differentiation of functions among various bodies within the governance structure of the review process contributes to creating incentives to make decisions that are devoid of the interest constellations of member states. Since each of the bodies operating under the APR Forum decides based on agreed criteria, the tendency to pursue individual parochial interests in each of the issue areas is diminished (Banchani, 2017). Even if member states seek to pursue their interest, they are forced to do so by providing convincing scientific arguments that are problem adequate to the entire decision-making process.

V. CONCLUSION & RECOMMENDATIONS

5.1 Conclusion

Assigning decision-making competence to agents to solve a credible commitment problem creates a constellation that is characterized by a need to make the agent accountable for its decisions without short-chaining its independence. As a result, agents in a delegation relationship that is characterized by such features are mostly protected from direct interventions by their principals in their day-to-day activities. Since they are charged not to deliberately follow the preferences of their principals, a governance structure that is marked by hierarchical control mechanisms will undermine the autonomy of agents to make decisions that are in the long-term interest of their principals. The APRM governance structure has therefore assigned different functions to various bodies within the organisational structure of the review process to enhance the credibility of peer review reports produced to proofer recommendations on issues of democratic and economic governance to member states participating in the APRM process.

5.2 Recommendations

Accountability mechanisms should be built in decision-making processes geared towards preserving the agent's autonomy from the principal’s interference. Institutional mechanisms in the case of the APRM governance structure should rely on internal accountability mechanisms that do not diminish the agents’ ability to disregard the externally given criteria for decision-making. This will contribute to building a robust and credible decision-making process for formulating recommendations for African states participating in the APRM process. Measures such as the need to give reasons, division of labour in the decision process, accountability to the public and reporting on implementation progress are potent tools to make decision-makers accountable in the decision process. The APRM decision-making process should use these tools regularly in producing country review reports to shape the discourse on issues of governance and socio-economic development.

The presence of the APR Panel, the Forum, the research institutes, and the wider public in the APRM process contributes to strengthening the accountability mechanism and preventing as many interventions from member states as possible to pursue their parochial interest in the process. The Forum, the political body in the decision system, has assigned the task of overseeing and making expert decisions to the Panel, a repository of expert knowledge within the APR system.

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REFERENCES

Abbott, K. W., & Snidal, D. (1998). Why states act through formal international organizations. *Journal of Conflict Resolution, 42*(1), 3–32. https://doi.org/10.1177/0022002798042001001

Abbott, K., & Snidal, D. (2000). Hard and soft law in international governance. *International Organization, 54*(3), 421–456. https://doi.org/10.1162/002081800551280

African Peer Review Mechanism Secretariat. (2002). The New Partnership for Africa's Development (NEPAD): Declaration on democracy, political, economic, and corporate governance. Johannesburg, South Africa. http://aprm-au.org/view-publication?nxtpbdi=31&&pubId=153

African Peer Review Mechanism Secretariat. (2003). *African Peer Review Mechanism organisation and process*. Johannesburg, South Africa: NEPAD. http://aprm-au.org/view-publication?nxtpbdi=31&&pubId=155

African Peer Review Mechanism Secretariat. (2003). *APRM base document: The New Partnership for Africa's Development (NEPAD)*. Johannesburg: NEPAD. http://aprm-au.org/view-publication?nxtpbdi=31&&pubId=152

African Peer Review Mechanism Secretariat. (2003). *APRM base document: The New Partnership for Africa's Development (NEPAD)*. Johannesburg, South Africa. http://aprm-au.org/view-publication?nxtpbdi=31&&pubId=152

African Peer Review Mechanism Secretariat. (2003). Memorandum of understanding on the African Peer Review Mechanism. Johannesburg, South Africa. http://aprm-au.org/view-publication?nxtpbdi=31&&pubId=154

African Peer Review Mechanism Secretariat. (2003). Objectives, standards, criteria, and indicators for the African Peer Review Mechanism. Johannesburg, South Africa. http://aprm-au.org/view-publication?nxtpbdi=31&&pubId=156

Akokpari, J. K. (2004). The AU, NEPAD, and the promotion of good governance in Africa. *Nordic Journal of African Studies, 13*(3), 243–263. https://doi.org/10.53228/njas.v13i3.286

Alter, K. J. (2008). Delegating to international courts: Self-binding vs. other-binding delegation. *Law and Contemporary Problems, 71*(1), 37–76.

Banchani, J.-P. S. (2017). *The role of functional differentiation in the governance of the decision-making process of the African Peer Review Mechanism: Merit-based decision-making or power politics?* (Unpublished doctoral dissertation). University of Bamberg. https://fis.uni-bamberg.de/server/api/core/bitstreams/08703b57-c004-4a4f-b3fc-46604c5ba666/content

Chikwanha, A. B. (2007). The APRM: A case study in democratic institution building. *ISS Paper Series, 151*, 1–16. https://issafrica.org/research/papers/the-aprm-a-case-study-in-democratic-institution-building

Chukwumerije, O. (2006). Peer review and the promotion of good governance in Africa. *The North Carolina Journal of International Law and Commercial Regulation, 32*(1), 47–114. https://scholarship.law.unc.edu/ncilj/vol32/iss1/2

Epstein, D., & O'Halloran, S. (1999). *Delegating powers: A transaction cost politics approach to policy making under separate powers*. Cambridge University Press.

Gehring, T. (1999). Arguing, bargaining, and functional differentiation of decision-making: The role of committees in European environmental process regulation. In C. Joerges & E. Vos (Eds.), *EU Committees: Social regulation, law and politics* (pp. 163–189). Hart Publishing.

Gehring, T. (2003). Communicative rationality in European governance. In O. Eriksen, C. Joerges, & J. Neyer (Eds.), *European governance, deliberation and the quest for democratisation* (pp. 83–101). ARENA and EUI.

Gehring, T., & Krapohl, S. (2007). Supranational regulatory agencies between interdependence and control: The EMEA and the authorization of pharmaceuticals in the European single market. *Journal of European Public Policy, 14*(2), 208–266. https://doi.org/10.1080/13501760601122407

Gehring, T., & Plocher, I. (2009). Making an administrative trustee agent accountable: Reason-based decision making within the Kyoto Protocol's Clean Development Mechanism. *International Studies Quarterly, 53*(3), 669–693. https://doi.org/10.1111/j.1468-2478.2009.00551.x

Gehring, T., & Ruffing, E. (2008). When arguments prevail over power: The CITES procedure for the listing of endangered species. *Global Environmental Politics, 8*(2), 123–148. https://muse.jhu.edu/article/242701

Grant, R. W., & Keohane, R. O. (2005). Accountability and abuses of power in world politics. *American Political Science Review, 99*(1), 29–43. https://doi.org/10.1017/S0003055405051476

Grimm, S., & Mashele, P. (2006). The African Peer Review Mechanism: How far so far? *German Development Institute Briefing Paper, 2*, 1–4. https://www.idos-research.de/fileadmin/migrated-News-Assets/Files/2_2006_EN.pdf

Grimm, S., Nawrath, K., Roth, R., Triebel, S., & Utz, B. (2009). The African Peer Review Mechanism (APRM) as a tool to improve governance? Experience in Ghana. *Bonn: German Development Institute*. https://www.idos-research.de/uploads/media/Studies_45.2009.pdf

Gruzd, S. (2007). Peace, security, and the African Peer Review Mechanism: Are the tools up to the task? *African Security Review, 16*(3), 53–66. https://doi.org/10.1080/10246029.2007.9627432

Gruzd, S. (2009). Institutionalising governance evidence: Experiences of think tanks in the African Peer Review Mechanism. *Oslo Governance Centre Discussion Paper, 8*, 1–13.

Hawkins, D. G., & Wade, J. (2006). How agents matter. In D. G. Hawkins et al. (Eds.), *Delegation and agency in international organizations* (pp. 199–228). Cambridge University Press.

Hawkins, D. G., Lake, D. A., Nielson, D. L., & Tierney, M. J. (2006). (Eds.), *Delegation and agency in international organizations*. Cambridge University Press.

Herbert, R. (2004). The survival of NEPAD and the African Peer Review Mechanism: A critical analysis. *South African Journal of International Affairs, 11*(1), 21–38. https://doi.org/10.1080/10220460409545441

Herbert, R., & Gruzd, S. (2007). Taking stock of the African Peer Review Mechanism. *South African Journal of International Affairs, 14*(1), 5–28. https://doi.org/10.1080/10220460709545480

Herbert, R., & Gruzd, S. (2008). *The African Peer Review Mechanism: Lessons from the pioneers*. Johannesburg: South African Institute of International Affairs.

Hooghe, L., & Marks, G. (2014). Delegation and pooling in international organizations. *Review of International Organization*. https://doi.org/10.1080/13501763.2015.1022206

Huber, J. D. (2000). Delegation to civil servants in parliamentary democracies. *European Journal of Political Research, 37*(3), 397–413. https://doi.org/10.1111/1475-6765.00519

Kipo-Sunyehzi, D. D. (2018). Principal-agent problems in the implementation of Ghana's health insurance scheme. *Journal of Operations and Supply Chain Management, 11*(2), 59–74. https://doi.org/10.12660/joscmv11n2p59-74

Koremenos, B., Lipson, C., & Snidal, D. (2001). The rational design of international institutions. *International Organization, 55*(4), 761–799. https://doi.org/10.1162/002081801317193592

Lake, D. L., & McCubbins, M. D. (2006). The logic of delegation to international organizations. In D. G. Hawkins et al. (Eds.), *Delegation and agency in international organizations* (pp. 341–368). Cambridge University Press.

Lyne, M., Nielson, D. L., & Tierney, M. J. (2006). Who delegates? Alternative models of principals in development aid. In D. G. Hawkins et al. (Eds.), *Delegation and agency in international organizations* (pp. 41–76). Cambridge University Press.

Majone, G. (2001). Two logics of delegation: Agency and fiduciary relations in EU governance. *European Union Politics, 2*(1), 103–122. https://doi.org/10.1177/1465116501002001005

Milner, H. (1992). International theories of cooperation among nations: Strengths and weaknesses. *World Politics, 44*(3), 466–496. https://doi.org/10.2307/2010546

Nielsen, D. L., & Tierney, M. J. (2003). Delegation to international organizations: Agency theory and World Bank environmental reform. *International Organization, 57*(2), 241–276. https://doi.org/10.1017/S0020818303572010

O'Donnell, G. (1999). Horizontal accountability and new polyarchies. In A. Schedler, L. Diamond, & M. Plattner (Eds.), *The self-restraining state: Power and accountability in new democracies* (pp. 29–52). Lynne Rienner.

Petersen, T. (1993). The economics of organization: The principal-agent relationship. *Acta Sociologica*, *36*(3), 277–293. https://doi.org/10.1177/000169939303600309

Pollack, M. A. (1997). Delegation, agency, and agenda setting in the European Community. *International Organization*, *51*(1), 99–134. https://doi.org/10.1162/002081897550311

Pollack, M. A. (2007). Principal-agent analysis and international delegation: Red herrings, theoretical clarifications, and empirical disputes. *Bruges Political Research Papers*, *2*. https://papers.ssrn.com/sol3/papers.cfm?abstract_id=1011324