

The African Peer Review Mechanism (APRM): Taking Peer Review to the Next Level

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The Organising Partners of the Seminar:

- ✓ African Governance Monitoring and Advocacy Programme (AfriMAP)
- ✓ Electoral Institute for the Sustainability of Democracy in Africa
(EISA)
- ✓ Africa Governance Institute (AGI)
- ✓ Kituo Cha Katiba (East Africa Centre for Constitutional Democracy
(KCK)
- ✓ South African Institute for International Affairs (SAIIA)

Distinguished Participants

Ladies and Gentlemen,

Firstly, on my own behalf and that of the APRM Uganda National
Governing Council, I welcome you to Uganda.

Secondly, I thank the Organising Partners for inviting me to give the
keynote address at this Workshop.

I draw my reflections from my experience and participation in APRM in Uganda since February 2007, when I was appointed, together with a team of eminent Ugandans, to serve on the APRM National Commission as its Vice Chair and Chair of its Programme and Contracts Committee. The National Commission completed its mandate in July 2008 – having lead and managed the Country Self Assessment, the preparation of the National Programme of Action (NPOA) and the process leading to the peer-review at the 9th APR Summit at Sham El Sheik on 29 June 2008. The National Governing Council was appointed and inaugurated, following release and launch of the Uganda Country Review Report (CRR), in March 2009. I now serve as the Chair of the National Governing Council.

The mandate of the National Governing Council is to provide leadership in ensuring firstly, that the Country Review Report is well disseminated and its content understood, appreciated and owned by all the key players. It is critical that implementing government Ministries, Departments and Agencies (MDAs) and other non-State actors own the actions in the National Programme of Action (POA). Secondly, it is the responsibility of the Governing Council to bring to the attention of the implementing institutions and policy makers the critical issues and actions in the NPOA. Thirdly, the Governing Council is mandated to be the overall monitor and to report on the implementation of the POA. Fourthly, the Council has to ensure that the general public is empowered to hold the POA implementing institutions and agencies accountable.

I should point out however, that the reflections I am sharing do not represent those of the National Governing Council as a body. I offer them with hope that they will stimulate discussion as you consider together how to input the process of taking APRM to the next level.

The Promise of APRM

The promise of APRM, under the overall framework of the New Partnership for Africa's Development (NEPAD), was that this time around the hope of the peoples and nations of Africa for political stability, for high economic growth and sustainable human development through sharing of experiences and reinforcement of successful and best practice across Africa, would be realized since APRM would address the key constraint – governance. APRM is grounded in the premise that good governance is an imperative and a fundamental pre-requisite for human security and political stability, high and sustainable economic growth, sustainable development and accelerated sub-regional and continental economic integration.

The July 2002 Durban NEPAD Declaration on Democracy, Political, Economic and Corporate Governance committed the states participating in NEPAD to just, honest, transparent, accountable and participatory government and probity in public life. The APRM was the space created for African Union member states to voluntarily subject themselves to peer scrutiny and to promote adherence to and fulfillment of their commitments, among other things, the rule of law; the equality of all citizens before the law; individual and collective freedoms; the right to participate in free, credible and democratic political processes; and adherence to the separation of powers, including protection for the independence of the judiciary and the effectiveness of parliaments. The APRM was built on the philosophy that African states take responsibility for their own compliance and development. The Durban summit adopted a document setting out the stages of peer review and the principles by which the APRM should operate.

It is not necessary to rehearse APRM principles, process and stages in detail, as we all must be conversant with them. Nor is it necessary to go into any detail concerning the leadership and management structures, at continental and national levels. It is important to observe, however, that the success of APRM was premised on the continuing commitment and good will of the participating Heads of State and Government as the first peers, trusting that, they and their governments, as the overall custodians of the management of public goods, would ensure that any Review carried out under the authority of the Mechanism will be technically competent, credible and free of political manipulation. The APR Panel was tasked with the responsibility of directing and managing the operations of the Mechanism.

APRM: A path of Promise?

It is too early to assess as to whether APRM is delivering its promise or not. However, at this stage, we are able to assess as to whether APRM is on the pathway to delivering its promise or to becoming another miscarriage of the hopes and aspirations Africa's peoples and nations. It is encouraging to see many studies assessing the process itself – both at continental and national levels. I indeed commend to your attention all these studies and the two books that are being launched as part of the programme of this Workshop.

In the case of APRM process in Uganda, there are both signs of hope and gloom. Some of the signs originate in the design of the APRM while the other signs take their bearing from Uganda's history and the current social-economic and political governance context.

There are at least four aspects of the process in Uganda that give hope. Firstly, the APRM right from its inception in Uganda had the tacit support of the President of Uganda, reflecting political will at the highest level. Secondly, there was a deliberate effort made to ensure inclusion of all critical actors in governance in the country both leadership and participation levels – including both state and non-state actors. About 50% of the membership of the National Commission was nominated by civil society organisations, giving it a sense of representation and therefore ownership by civil society. Others on its membership were eminent persons from public government service, others from the Private Sector, and two members of the Parliament of Uganda – one representing the ruling party and the other representing the Opposition in Parliament. This engendered full participation during the self-assessment stage and a sense of ownership of the Country Review Report (CRR) of all strategic governance actors in the country. Although the constituting of the National Governing Council did not involve soliciting for nominations from Civil Society organisations and other sectors, the same percentage levels were maintained in its membership.

The third sign of hope was the fact that the process of self assessment and preparation of the National Programme of Action was independent of any political manipulation. It is widely acknowledged that Uganda's Country Review Report delivered an honest assessment of country's state of governance. The 10 major cross-cutting critical governance issues that were identified that require immediate attention are:

- The ratification and domestication of standards and codes – Uganda lies behind in signing, ratifying and domesticating key internal codes and standards;

- The high population growth rate – that is unsustainable, as it seems to negate the gains made in economic growth;
- Policy implementation gaps – Uganda is a county of great policies and start up institutions, but lacks in implementation and institution building;
- Managing political transition – Regime changes in Uganda, since independence have been violent, among other concerns;
- The land question – a multifaceted issues, touching on the roots of conflict as well;
- Resolving the conflict in the north – a conflict that dragged on for over twenty years, with wider impact beyond just the North;
- Decentralisation – concerns that the gains made in the first phases of decentralisations are being eroded by tendencies towards recentralisation and district proliferation;
- Managing diversity – the challenge of managing the depth and breadth of diversity: political, religious, ethnic, regional and tribal;
- Corruption – reaching endemic and crisis level, eroding the gains and progress being made;
- Overdependence on aid – for social economic development;

There is wide consensus that should Uganda tackle all the above with resoluteness, progress will be realised in rapid social-economic development.

The fourth sign of hope is the deliberateness with which Government Ministries, Departments and Agencies have integrated the National

Programme of Action (NPOA) into Sector and Departmental budgets. Although we are yet to assess the extent to which the NPOA was integrated in the National Development Plan 2010/11-2014/15, the fact the Governing Council was invited to send representation to the various draft review meetings and that the Country Review Report is acknowledged as one of the primary base documents for the Plan is significant.

Three other signs point away from hope, towards gloom: firstly, an apparent diminishing of political will in supporting the APRM process, since the launch of the CRR in March 2009 and the inauguration of the National Governing Council. Not only was the launch ceremony presided over by a junior minister and not the President himself or a higher ranking Government official, numerous attempts by the National Governing Council to secure an appointment with the President have yielded no fruit since its inauguration. There are also major recommendations, whose implementation required political will at the highest level, that have fallen through the cracks.

The second sign is related to the first: dwindling resources allocated by Government to the National APRM. The Council has not received any financial resources to disseminate the CRR countrywide; and the technical support to the Council has been inadequate.

Thirdly, it remains to be seen how the new institutional arrangement, whereby the Secretariat of the National Governing Council is the Governance department in the National Planning Authority (NPA), will impact upon the independence of the National Governing Council and the quality of the reports.

At the continental level, there are also both signs of hope and of gloom, and questions remain as to the efficacy of APRM. As in the Uganda

situation some of the signs derive from the architecture of APRM – the way it was designed and structured; while others have to do with the particular governance challenges and opportunities of the particular countries. And the latter is often impacted by the former. Situations such as South Africa's descent into xenophobia in May 2008 and Kenya's post-election violence in January 2009 – in spite of these countries participation in the APRM, heighten the demand for an honest appraisal of the fortunes of Mechanism.

APRM: Taking Peer Learning at the next level

I submit that before we take peer learning at the next level, a critical appraisal is necessary to assess what it is that is being achieved or lost by APRM in the way it was designed and is being implemented, at both continental and national levels. This is what should inform the shape and direction of APRM into the future. I am informed that there has been a process of review of APRM, both at the structural and institutional level, as well as substance. This review needs to be vertical and horizontal, wide and deep.

It is my considered view that a major binding factor lies in the assumption that predicated the success of APRM on the continuing commitment and good will of the participating Heads of State and Government, trusting that they and their governments, would ensure that any Review carried out under the authority of the Mechanism will be technically competent, credible and free of political manipulation. This coupled with the fact that the structuring of the institutional mechanisms at national level was left to the discretion of the governments allowed for processes that compromised, and in some cases, contradicted the values of APRM. The guidelines for setting up national mechanisms and structures for the delivery of APRM were not comprehensive enough to

mitigate any tendencies to political manipulation. These two areas: the role of the Heads of State and Governments, and the structuring of institutional mechanisms at national level, should be the first issues to attend to. These are both design questions.

The role of Heads of State and Government needs to be reviewed with a view to providing checks and balances that will ensure that they are held accountable to maintain the standards and values proclaimed in the APRM. The principle of monitoring progress at national levels should be applied as well to the Heads of State and Government as a body corporate. National institutional mechanisms for operationalising APRM should provide for space for all critical players in the governance agenda in the country. The Uganda model is commended.

Three other areas that demand critical attention, in addition to the two above: Firstly, there should be built within the Mechanism a way in which one of the outcomes of the process is growing the capacity for the demand side of governance. The way the APRM is designed and structured is biased more to enhancing the supply side without commensurate emphasis on the demand side. APRM should enhance citizens' demand for good governance. This is one area in which Civil Society Organisations can make substantial input in the appraisal process.

Thirdly, there needs to be inbuilt into the Mechanism certain sanctions against non-compliance, which would ensure that participating Heads of State and Government and their countries adhere to the standards and values of APRM. One of the pillars and foundations for APRM is the voluntary participation of Heads of State and Government and their countries. They voluntarily accede to participate by signing the Memorandum of Understanding. The Memorandum has the status of a

treaty. Like other international treaties, there should be provided within it clear terms of reference stipulating what are considered to be minimum standards of compliance with the process and implementation of the NPOA, which each participating Country must be seen achieving.

Fourthly, attention should be given to the funding question. There is no doubt that some of the issues and recommendations that arise from the process at national levels are often critical of the Government in power at the time. Therefore, there should be a way in which the work of the national processes for disseminating the recommended governance actions and monitoring implementation of the National Programmes of Actions are not dependent only on the resources from the governments. It is conceivable that Governments may have difficulty to justify processes that seem may be deemed to be undermining their credibility. This is a matter that could be included as one of functions that the APRM Secretariat – ensuring that national institutional mechanisms implementing the APRM are well resourced.

Conclusion

I fully concur with the Workshop Conveners that the APRM still holds much promise and potential for political stability and sustainable social-economic development for the nations and people of our beloved continent. However, the APRM story thus far is chequered with signs of hope and of gloom, with the latter beginning to overshadow the former. This is the time to appraise its capacity and re-work it to ensure that it deliver its promise.