

# THE AFRICAN PEER REVIEW MECHANISM

Lessons from the Pioneers



Ross Herbert and Steven Gruzd



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# FOREWORD

No publication could be as timely as Ross Herbert and Steven Gruzd's *African Peer Review Mechanism: Lessons from the Pioneer Countries*. This comprehensive and thought-provoking resource comes at a time of heightened interest in governance as a key element in African development strategy. A refreshingly candid, deeply penetrating and thoroughly informed account of the African Peer Review Mechanism (APRM) process, this illuminating volume is the first full-length book of its kind, indeed the first academic study to delve into this novel process so deeply. The sheer range is impressive, extending across all aspects of the APRM process. Herbert and Gruzd's work provides a well-researched look at the historical relevance, contextual background, theoretical constructs, and persuasive rationale for the APRM process.

Since the turn of the twenty-first century, Africa has been going through what may be termed a major governance revolution, a revolution that is quite different from the struggle for political independence. Political independence has always been viewed by African leaders as a vehicle for the development of the economies of their various countries. But as economic independence does not automatically follow political independence, there is a new struggle in governance to achieve this goal. For there emerged many post-independence leaders who typically believed that they could rule over societies on their own terms without having to consult and include their citizens in political governance. Some of them even turned the presidency into a lifetime position, while one-party political systems flourished on the continent. By the late 1980s, most African states found themselves caught in the grips of a crisis of governance and political legitimacy.

The need for a new governance regime in Africa to address these challenges led to initiatives in the areas of governance and democracy as reflected in the agenda of the New Partnership for Africa's Development (Nepad), which signified the advent of a new dawn in Africa's governance regime. To ensure that progress on democracy, human rights, good governance and sound development practices highlighted in the Nepad initiative become irreversible, the APRM has been adopted as an African self-monitoring mechanism. It is one of the most original concepts emerging from the Nepad

document, which has captured the attention of the Group of Eight (G8) and other aid donors at a time when the focus of the international community is shifting elsewhere, signifying the unique position of the APRM in African development discourse.

It is within this context that we highly commend Herbert and Gruzd's pivotal volume, which, among other things, analyses expectations, reality, challenges and experiences emerging out of the APRM process. This book's balanced representation of the critical issues of this extraordinary experiment, the scholarly assessment of the APRM institutions, national and continental, the focus on points of contention – which is of considerable interest to both veterans of the process and anyone new to the APRM – as well as the APRM comparative timeline make a significant contribution to the body of practical and theoretical knowledge that supports the APRM process.

Without any doubt, peer review is one of the boldest ideas that African leaders have come up with in the recent past. It is potentially the most important reform ever to emerge from the continent. Peer review may mark the start of a new kind of African diplomacy. Its success will determine whether Nepal remains a dream or becomes a reality. If African leaders fail to hold each other strictly accountable to the new principles they espouse, the renaissance of the continent will not take place.

The launch of the APRM and the completion of the first three country reports (on Ghana, Rwanda and Kenya) and their actual peer reviews, as critically assessed in this book, represent a transition to an important stage of Africa's commitment to the consolidation of political, economic and corporate governance as well as for the continent's socio-economic development. It is a landmark achievement for Africa.

The country case studies are particularly detailed and instructive. The study of Ghana, Africa's APRM trailblazer, is worth noting. For us, in Ghana, the APRM is seen as a major element in the country's quest for a democratic, accountable and transparent government, for fostering a more positive image of Ghanaian institutions and attracting much-needed private investment. We see the APRM process as having considerable potential for improving the quality of governance in all areas of activity, including better delivery to meet the valid and growing demand of Ghanaians for a share in accelerated and more effective development. It has provided investment opportunities as well as opportunities for increased aid flows, increased political and economic stability and increased job creation. Such stability would decrease the risk factor for investors, both local and international, implying that the country would become a more attractive destination for commercial and industrial investment.

Significantly, too, *The African Peer Review Mechanism: Lessons from the Pioneers* emphasises the crucial need for active participation of civil society organisations in the APRM process to make it viable and credible. It assesses

the extent to which the mechanism provides an opportunity for civil society and government to interact in order to achieve the desired objectives. For the first time, civil society is given a role in African governance systems. Similarly significant and instructive are the lessons learnt from experience about the dynamics of the APRM process thus far. These lessons help to improve the processes, procedures and rules that will enable government and civil society to make the most of the opportunity that the APRM provides.

The South African Institute of International Affairs (SAIIA) is so far the only institution in Africa to have conducted such a wide range of research, facilitation and training and actively to have participated in the series of workshops on the APRM process. The commendable pioneering efforts of SAIIA could go a long way to providing considerable assistance to both governments and civil society groups in meeting the challenges of the process.

While one may not necessarily accept every idea or rationale that the authors have proffered, we can all agree that Herbert and Gruzd have clearly and concisely articulated the main themes of the APRM process. Their approach will surely stimulate greater attention of scholars, researchers and policy makers, particularly the member states of the African Union, to further intellectual exploration of the prospects and the promise of the APRM process.

*Professor SKB Asante  
International Consultant  
Council Member, National APRM Governing Council of Ghana  
Fellow, Ghana Academy of Arts and Sciences*



# ACKNOWLEDGEMENTS

This guide book is based on a five-year research and training programme by the South African Institute of International Affairs (SAIIA). SAIIA has conducted African Peer Review Mechanism (APRM) training in over a dozen countries and interviewed civil society, government, research institutes and APRM governing council members in Ghana, Kenya, Rwanda, Mauritius, and South Africa.

The book has a difficult three-fold mission: to provide a concise overview of the APRM process, to explain how it unfolded in each of the five pioneer countries and to extract the key lessons from these early experiences. It is challenging because there are no textbooks yet written on the APRM. Only a few conferences and conference reports have offered critiques of the process, and the official APRM country reports offer little detail on the procedures used. The vast majority of the information and conclusions presented here had to be drawn from personal interviews with participants in these early processes, who have generously offered their time and insights. This volume tries to synthesise these insights in a simple and straightforward manner.

There are too many participants to name here and many offered information on a confidential basis. The authors would like to offer our thanks to all of those who lent their time as well as the many other individuals and organisations whose energy and commitment have helped the APRM become a reality. They include researchers, governing council members, civil society, Focal Points and government officials.

The continent as a whole owes appreciation to the thousands of participants in the Ghanaian, Kenyan, Rwandan, Mauritian, Algerian and South African peer reviews, as well as those in Nigeria, Mozambique, Uganda and many other places where the process is still unfolding. Their optimism that participation and dedication to peer review can make a difference has been inspiring to witness.

We would also like to express special appreciation to the APRM Panel of Eminent Persons and the continental APRM Secretariat, who deserve the continent's gratitude for keeping this important process credible and on

track, even when their hard work largely falls outside the public spotlight. The African Development Bank (ADB), United Nations Development Programme (UNDP), and United Nations Economic Commission for Africa (UNECA) also deserve credit as strategic partners to the APRM process, who have assisted greatly with country reviews, advice on the process and many other forms of support.

This book was a team effort. Its production pushed other responsibilities onto the rest of the SAIIA governance research team. And it required a great deal of fact checking, proofreading and editorial advice. We would like to thank in particular Terence Corrigan, who provided a wide range of editorial assistance. He also conducted in-depth analysis of the APRM Questionnaire and comparisons of the Programmes of Action, which informs the discussion of those subjects here. Corrigan played a key role in SAIIA's work on the South African APRM as did former project researcher Peroshni Govender. Faten Aggad played an important role in comparison of the Programmes of Action. Often under very tight deadlines, Corrigan, Aggad, Kwaku Asante-Darko and George Katito contributed to the analysis of various versions of the South African APRM report and Programme of Action and they allowed this book to go forward by continuing to provide training workshops to a variety of civil society organisations in many African countries.

The authors also thank the staff and management of SAIIA for their input and advice, and the Royal Netherlands Embassy in South Africa for their continued support of SAIIA's Governance and APRM Programme and for making this book possible.

# ABBREVIATIONS AND ACRONYMS

ACEG	African Centre of Economic Growth
ADB	African Development Bank
AGF	Africa Governance Forum
AGF-VI	Sixth Africa Governance Forum
AHSI	African Human Security Initiative
AICC	African Institute of Corporate Citizenship
AIDS	Acquired Immunodeficiency Syndrome
AIPA	Africa Institute for Policy Analysis and Economic Integration
APR	African Peer Review
APRM	African Peer Review Mechanism
ASDR	African Security Dialogue and Research
AU	African Union
BBC	British Broadcasting Corporation
BIS	Baseline Indicator Set
CACC	Commonwealth Association of Corporate Governance
CBS	Central Bureau of Statistics
CCOAI	Conseil de Concertation des Organisations d'Appui aux Initiatives de Base
CDD-Ghana	Centre for Democratic Development, Ghana
CDW	Community Development Worker
CEO	Chief Executive Officer
CEPA	Centre for Policy Analysis
CESTRAR	Centrale des Syndicats des Travailleurs du Rwanda
CLADHO	Collectif des Ligues et Associations de Defense des Droits de l'Homme au Rwanda
COPPER	Candid, Open, Participatory, Planned, Exemplary, Robust
COSATU	Congress of South African Trade Unions
CPIA	Country Policy and Institutional Assessment
CRM	Country Review Mission
CRT	Country Review Team
CSAR	Country Self-Assessment Report
CSM	Country Support Mission
CSO	Civil Society Organisation
DAC	Development Assistance Committee
DPSA	Department of Public Service and Administration
DRC	Democratic Republic of the Congo
ECOSOCC	Economic, Social and Cultural Council
EDPRS	Economic Development and Poverty Reduction Strategy
EISA	Electoral Institute of Southern Africa
FATF	Financial Action Task Force

Femnet	African Women’s Development and Communication Network
FODEP	Foundation for Democratic Process
GII	Global Integrity Index
GPRS	Ghana Poverty Reduction Strategy
GTZ	Gesellschaft für Technische Zusammenarbeit
HIV	Human Immunodeficiency Virus
HIV/AIDS	Human Immunodeficiency Virus/ Acquired Immunity Deficiency Syndrome
HSGIC	Heads of State and Government Implementation Committee
HSRC	Human Sciences Research Council
IASB	International Accounting Standards Board
ICT	Information and Communication Technology
Idasa	Institute for Democracy in South Africa
IDEG	Institute for Democracy and Governance
IDS	Institute for Development Studies
IERI	Institute for Economic Research on Innovation
ILO	International Labour Organisation
IMF	International Monetary Fund
ISS	Institute for Security Studies
ISSER	Institute for Statistical, Social and Economic Research
KANU	Kenya African National Union
KEPSA	Kenya Private Sector Alliance
KIPPRA	Kenya Institute for Public Policy Analysis
KIST	Kigali Institute of Science, Technology and Management
LDLG	Ligue des Droits de personne dans la région des Grand Lacs
LTA	Lead Technical Agency
MACOSS	Mauritius Council of Social Service
MCC	Millennium Challenge Corporation
MDG	Millennium Development Goal
MISA	Media Institute of Southern Africa
MOU	Memorandum of Understanding
MTEF	Medium-Term Expenditure Framework
NACTU	National Council of Trade Unions
NARC	National Rainbow Coalition
NC	National Commission
NCCE	National Council for Civic Education
NCS	National Co-ordinating Structure
NDPC	National Development Planning Commission
Nepad	New Partnership for Africa’s Development
NESC	National Economic and Social Council
NGC	National Governing Council
NGO	Non-Governmental Organisation
NNSC	National Nepad Steering Committee

OAU	Organisation of African Unity
OECD	Organisation for Economic Co-operation and Development
OSCI	Objective, Standards, Criteria and Indicators
OSSREA	Organisation for Social Science Research in Eastern and Southern Africa
PEF	Private Enterprise Foundation
PGC	Provincial Governing Council
POA	Programme of Action
PRSP	Poverty Reduction Strategy Paper
QAA	Quality Assurance Agency
RDP	Reconstruction and Development Programme
ROSC	Reports on Observance of Standards and Codes
RPF	Rwandan Patriotic Front
SACC	South African Council of Churches
SADC	Southern African Development Community
SAIIA	South African Institute of International Affairs
Salga	South African Local Government Association
SANCO	South African National Civics Organisation
Sangoco	South African Non-Governmental Organisation Coalition
SAQ	Self-Assessment Questionnaire
SAWID	South African Women in Development
Sonarwa	Societe nouvelle d'assurance au Rwanda
TRI	Technical Research Institute
TRT	Technical Review Team
TSA	Technical Support Agency
T-SA	Transparency South Africa
UN	United Nations
UNDP	United Nations Development Programme
UNECA	United Nations Economic Commission for Africa
UNESCO	United Nations Education, Scientific and Cultural Organisation
UNIFEM	United Nations Fund for Women's Development
WANEP	West African Network for Peacebuilding
WHO	World Health Organisation
WSSD	World Summit on Sustainable Development



# INTRODUCTION

This book is divided into five sections. Part I gives a broad overview of this unique and difficult undertaking and includes a concise summary of the APRM rules, with chapters on the stages and institutions of peer review. Part II looks at the governance of the process at national level, and the various research, public consultation and validation options used in the pioneer countries. Part III presents an analysis of the politics of peer review, how civil society can become involved and influence the process, and suggestions for the way forward. Part IV has detailed case studies of the Ghana, Rwanda, Kenya, Mauritius and South African processes. Part V consists of several useful appendices.

Throughout, we have sought to illustrate the human and political dynamics that animate the process. Understanding these dynamics is vital to any successful consensus-building exercise. Where possible, we have sought to make constructive recommendations for changes to the overall process and offer strategies that will enable future participants in peer review to get the most out of the opportunity it affords.

This book is part of a broader effort to improve understanding of the APRM to assist civil society and governments in helping the system live up to its promise. It is based on a five-year research project by the South African Institute of International Affairs (SAIIA). The conclusions expressed here are based on a detailed analysis of the founding APRM documents, discussions with various members of the APRM Secretariat, the Panel of Eminent Persons, national Focal Points and in-depth interviews with many civil society and governing council participants in Ghana, Kenya, Rwanda, South Africa and Mauritius. Ghana, Kenya and Rwanda have completed their first review and are involved in implementing and monitoring their Programmes of Action. South Africa was reviewed by heads of state in July 2007 and Mauritius, which got an early start, then stalled midway through the process, is regaining momentum.

SAIIA was actively involved with civil society in all five countries. The institute facilitated a civil society conference for Rwanda, conducted training workshops in Ghana and Kenya, worked with the Mauritius Council of

Social Services (an umbrella body of civic groups) to prepare a civil society submission, and at the behest of the Malawi government, conducted an assessment of the country's governance based on the APRM Questionnaire. In the South African process, SAIIA made a substantial written submission in conjunction with other research institutions, worked with other civil society organisations to press for a more open and inclusive process and later served as one of four research institutes commissioned to assemble various public inputs into the draft Country Self-Assessment Report.

The APRM has important ramifications for African diplomacy, aid and investment levels, and the long-term evolution of political and economic thought on the continent. Much academic, diplomatic and journalistic analysis has focused on the limits of the APRM: Is it too broad to be effective? Will it remedy the situations of nations embroiled in full-blown crises? Will it be credible and transparent? Those are important questions, but none should detract from recognition of the important opportunity that the APRM offers. Nor should such questions distract civil society and governments from studying how best to use the APRM opportunity to catalyse positive political and economic reform. That perspective – of the APRM as opportunity – informs the central purpose of this book.

## The Basic Stages and Structures

Our single most important challenge is therefore to help establish a social order in which the freedom of the individual will truly mean the freedom of the individual. We must construct that people-centred society of freedom in such a manner that it guarantees the political liberties and the human rights of all our citizens.

– Nelson Mandela

The APRM process is designed to be open and participatory. Through a participatory process, the APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increase the transparency of the decision making processes, and build trust in the pursuit of national development goals.

– APRM Guidelines

The citizen can bring our political and governmental institutions back to life, make them responsive and accountable, and keep them honest. No one else can.

– John Gardner, US politician  
and civil society advocate



# PERSPECTIVES ON AN EXTRAORDINARY EXPERIMENT



We must face the matter squarely that where there is something wrong in how we govern ourselves, it must be said that the fault is not in our stars but in ourselves. We know that we have it in ourselves, as Africans, to change all this. We must assert our will to do so – we must say that there is no obstacle big enough to stop us from bringing about an African renaissance.

– Nelson Mandela<sup>1</sup>

For decades, leaders in post-colonial Africa turned a blind eye to human rights abuses, corruption and *coups d'état* in obedience to a cardinal rule: sovereignty above all. Agreeing that a state's internal affairs were no one else's concern, many leaders plundered for personal gain, destroyed constitutional checks and balances and trampled on the rights of citizens.

Excessive executive power stifled debate, curtailed free speech, covered up misguided policies and allowed corruption to flourish and fester. Without sound governance to fight corruption, interrogate new laws and effectively manage public services, much of Africa was effectively bankrupt within 20 years of independence. Debt, which escalated recklessly after independence, hobbled Africa, as countries slashed services and took on more debt to service the old. Protests grew, conflicts – which might have been manageable with some fiscal room for manoeuvre – boiled over. The 1990s brought a parade of state dysfunction: Rwanda, Liberia, Sierra Leone, Ethiopia, Burundi, Somalia, Sudan, Democratic Republic of Congo (formerly Zaire), Republic of Congo, Chad, Niger and Central African Republic.

There were many contributing factors: ill-advised borrowing, falling commodity prices, oil shocks, Cold War intrigues, abrupt structural adjustment, lack of capacity, poor management, the regional struggle with apartheid and the historical legacies of colonialism. In every political, social and economic predicament, poor governance either caused or exacerbated crisis.

**The doctrine of non-interference began to give way to the policy of non-indifference – the recognition of an obligation not to ignore the plight of one's neighbours.**

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1. Mandela N, Statement of the President of the Republic of South Africa, at the Organisation of African Unity (OAU) Meeting of Heads of State and Government, Tunis, Tunisia, 13 June 1994.

**Nepad asserted that political stability and prosperity depend on security, fair trade, access to finance, sound public services and good governance.**

No continent speaks with one voice, but calls for change began to intensify by the mid-1990s. Ever larger majorities called for multiparty democracy. Even seasoned autocrats came to see the one-party state as unworkable. The expansion of democracy increased public debate and demands for transparency and accountability. While autocratic leaders once were free to focus resources on their pleasure and securing power, increased calls for democratic governance focused attention on the idea that state resources should be used wisely for public rather than private goals. Many autocrats remained in power but the shadow of state collapse in at least seven African countries focused minds.<sup>2</sup> A core of younger, more reform-minded leaders began to replace those who would prefer to look away from atrocity and abuse of power. The doctrine of non-interference began to give way to the policy of non-indifference – the recognition of an obligation not to ignore the plight of one's neighbours. Africa replaced the moribund Organisation of African Unity (OAU) with the African Union (AU), which for the first time embraced democracy and rejected undemocratic seizures of power. It launched the New Partnership for Africa's Development (Nepad) as a blueprint for the continent's renewal.

Nepad asserted that political stability and prosperity depend on security, fair international trade, access to finance, sound public services and good governance. It strengthened peacekeeping; intervened in conflicts; pressed for trade, debt and aid concessions from the developed world; and formulated plans to boost African infrastructure, agriculture, as well as health, education and other public services.

The most innovative and audacious element of Nepad was the effort to improve governance through the African Peer Review Mechanism (APRM), launched in 2002.<sup>3</sup>

The rest of this book will explain the formal processes of the APRM and the complex political and social dynamics that surround it. Before examining the detail, it is important to appreciate the broader historical context and the difficulties such an undertaking implies.

In its breadth and depth, the APRM is unprecedented. It seeks assessment of nearly the entire range of state activity under four broad but interlined themes: democracy and political governance; economic governance and management; corporate governance and socio-economic development.

2. In the 1990s Rwanda, Liberia, Sierra Leone, Central African Republic, Somalia, Republic of Congo, and Democratic Republic of Congo all collapsed in conflict propelled by massive social and economic mismanagement. Burundi, Sudan, Guinea-Bissau, Nigeria, Ivory Coast and many other countries illustrated other forms of poor governance leading to catastrophic results.

3. The starting date for APRM is open to interpretation. The protocol establishing the APRM was agreed at the Organisation of African Unity Summit on 8 July 2002 but other elements of the system took additional time to develop. The APRM Country Guidelines were finalised in November 2003 and the first meeting of the APR Forum occurred on 13 February 2004, at which time the Panel of Eminent Persons was announced. This could be considered the effective start of APRM, although Ghana had already begun its internal processes as the first APRM country.

The APRM is commonly discussed as an exercise among heads of state. But the system actually involves five forms of review, each building on the previous. First, each country to undergo review must conduct an in-depth self-assessment that involves broad public input. This is supposed to be directed by an independent board that has a majority of non-government members and a chairperson drawn from business or civil society. This step results in a Country Self-Assessment Report (CSAR) and Programme of Action (POA) to fix the identified governance gaps. Second, the country is reviewed by a team of eminent African academics, diplomats, business people and governance experts, who write the final APRM Country Review Report. Third, the head of state of the country under review must discuss the team's report and recommendations before a gathering of African heads of state. Fourth, the country under review must present annual reports to heads of state on progress in implementing the agreed Programme of Action. And finally, the cycle is meant to be repeated every two to four years with another self-assessment and country review.

At many levels, the APRM is an exceptional undertaking. For a continent that has jealously protected its sovereignty, it is diplomatically exceptional for nations to throw themselves open to outside scrutiny. Politically, it is unprecedented for incumbent governments to provide civil society and foreign experts a chance to write a definitive critique of national performance. Logistically, the APRM requires the involvement of thousands of people in assessments that cover almost all aspects of national governance.

The APRM is, however, most extraordinary for the opportunity that it presents to civil society and business to contribute to policy-making. Potentially, it can open a national conversation that moves beyond the cycle of blame and denial that characterises politics in many countries. By requiring broad public participation, the APRM has the potential to rebuild trust in politics and inject fresh thinking into national problem solving. Too often, politics is a game played by elites who can retain power despite poor performance because the public is insufficiently informed and mobilised. Politicians frequently compete by appealing to ethnic and regional biases rather than advocating particular policy changes. The APRM offers an opportunity to change this political dynamic and focus the national conversation on progress and policy.

As the official APRM Country Guidelines note:<sup>4</sup>

The organisation of public participation in the APRM process is in itself a central aspect of enhancing the state of governance and socio-economic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing engagement and empowerment of stakeholders.

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4. APRM Secretariat, 'Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM)', November 2003, paragraph 36, p.12.

Far from being a chastising and imprisoning device, its relevance and strength lie in its potential for imparting and conveying new values that are so crucial a part of the emerging African governance architecture.  
– Chris Landsberg<sup>5</sup>

The system requires civil society to participate at three main levels:

- in the National Governing Council (NGC), which sets the rules and plans for the APRM at the national level and supervises the research, consultation, writing and editing of the Country Self-Assessment Report and Programme of Action;
- through the Panel of Eminent Persons, which supervises the peer review system as a whole and guides individual country assessments; and
- in the Country Review Teams, which are interdisciplinary teams of experts from academia and business, who visit each country and write the final APRM assessment and recommendations.

However, the experience in the first states to undergo peer review – called the pioneer countries – makes clear that exploiting the opportunity offered by the APRM is challenging for governments and civil society alike. The system is complex, the rules are unclear in certain respects and little attention has been paid to training and advising the countries that sign up for review. Governments and civil society often do not fully understand the process, but more importantly lack information on the financial, logistical, research and political implications of launching such a large-scale public consultation.

Without sufficient planning and forethought, the process can be hamstrung by lack of funds or a smooth-running system of financial administration. Setting a budget, however, cannot be done properly without an appreciation of the logistical and research requirements. Before any of these more technical matters can be decided, participants in the APRM need to consider carefully the political management needed for peer review to succeed.

Although the APRM conjures up images of a bold national conversation aimed at improvement, the process is in practice deeply political. It touches on democratic and political systems, corruption, service delivery, respect for citizen rights and systemic gaps that contribute to poor governance. For the defensive-minded, the very existence of such discussions will induce anxiety and efforts to suppress information and stifle debate. However, the APRM is not merely an opportunity for civil society to gain access to governments. It represents a greater opportunity for governments to escape the political blame game and start afresh. Governments can use the APRM to reposition themselves as champions of reform and win political credit for fostering rather than frustrating reform. That is where the APRM requires a significant measure of political maturity and strategy on the part of all stakeholders.

Everyone comes to the APRM with a political history and with perceptions of the nature of governance problems and who is to blame. Civil society is, on balance, skeptical of incumbent governments, and in all the pioneer countries, it feared government would attempt to control the process. Governments have their own fears too. They are universally anxious about

5. Landsberg C, 'Looking for Peers to Pressure? The African Peer Review Mechanism as Democracy Promotion', unpublished paper, 2004, p.1.

what civil society, the media and the political opposition might do with the APRM. They worry about what impact a negative report might have on aid, investment flows and elections.

Governments, therefore, cannot simply declare that the past should be forgotten and the APRM is a completely positive, open exercise. They need to demonstrate that they have turned a new page by carefully managing the establishment of APRM institutions in ways that are fully transparent, fair, competent and free of political interference. But how, precisely, should governments send the right signals? Which forms of organisation will be welcomed by civil society and which will likely foster pessimism and protest?

This book attempts to answer these questions in an effort to assist the APRM in realising its purpose. We hope that readers in government, civil society and within continental institutions find value in the following pages as a constructive guide to the process. Its recommendations are meant to strengthen this endeavour in the belief that the APRM is immensely important to Africa's future. If the APRM is seen to fail, it could have devastating consequences for the continent.

## **Appreciating the complexity of the APRM**

Although the APRM offers a chance to reconsider how we govern ourselves, it is important to assess the complexity of the overall process and the challenges it poses for government and society.

In the official documents, the process sounds deceptively straightforward: establish and organise the relevant institutions, make a plan for research, write a Country Self-Assessment Report and define remedial actions for any governance gaps in a Programme of Action. Then submit to a further review by a panel of experts, implement the plan, and carry out subsequent reviews.

Experience in the pioneer countries has shown the process to be far more complex and time consuming than authorities imagined when they first asserted that each review should take six to nine months. For Ghana, Rwanda, Kenya and South Africa the process has taken 33 to 39 months, from the signing of the accession Memorandum of Understanding (MOU) until presentation of the final report before heads of state (see table below). For smaller countries the burden is greater because the process requirements are the same but civil society organisations and governments have less manpower and funding, and academic or policy research bodies are less numerous than in the larger nations.

The sheer magnitude of this undertaking is unprecedented. The Organisation for Economic Co-operation and Development (OECD) conducts peer reviews among industrialised countries, but confines reviews to one narrow subject,

**The sheer magnitude of this undertaking is unprecedented. The OECD conducts peer reviews among industrialised countries, but confines reviews to one narrow subject, such as foreign aid policy. The APRM, in contrast, examines nearly the full range of national government endeavour.**

such as foreign aid policy. The APRM, in contrast, examines nearly the full range of national government endeavour.

**The APRM is voluntary ... As a legal matter, the results of APRM reviews are entirely non-binding and advisory.**  
– Newell Stultz<sup>8</sup>

Although national resources vary considerably, the demands imposed by the Self-Assessment Questionnaire guiding the reviews are equally onerous for all countries. It is 88 pages in length, with 25 objectives, 58 questions and 183 indicators arranged in four thematic areas: democracy and political governance, economic governance and management, corporate governance, and socio-economic development. Many of the questions require in-depth research and are not easy to answer.

Quite understandably, the early countries to undergo peer review underestimated the difficulty of the task. Broad civil society consultation – the key requirement and the factor that sets the APRM apart from most other forms of governance assessment – cannot be rushed without generating protest and undermining efforts to build trust and consensus around the process. Kenya, for example, took eight months just to reach agreement with civil society over who would sit on the governing body. And more time was consumed resolving differences over how the country would conduct its public consultation.

A process designed to produce a report on governance in the most efficient way possible would be quite different from one that needs rigour and extensive public consultation. The former would take less time and money but would be unlikely to build the kind of broad public awareness needed to sustain governance reforms in a political arena.

Although the peer review process does represent an extraordinary opportunity for both governments and civil society, it also faces significant internal and external pressures. Because only three countries completed their reviews in the first three years of the process, pressure is growing to accelerate the pace. Unless the pace quickens, the credibility of the entire exercise is likely to suffer. Investors and development partners who eagerly hoped to consider the APRM reviews in their decisions have begun to look elsewhere for governance assessments because too few countries have managed to get through the process. But getting the job done quickly runs counter to obligations to ensure that the process is rigorous and broadly consultative. Public consultation takes time, money and ample support staff.

The remainder of this book is dedicated to assessing the challenges and opportunities of the APRM to give participants the tools they need to respond to anticipated problems, think clearly about benefits and, in so doing, make the most of the opportunity that the APRM offers.

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8. Stultz NM, 'African States Experiment with Peer-Reviewing: The APRM, 2002–2007', paper presented to the Africa Group Colloquium Series, Watson Institute for International Studies, Providence, USA, 22 February 2007, p.7.

APRM Country Comparison						
Milestone/Event	Ghana	Rwanda	Kenya	Mauritius	Algeria	South Africa
Acceded to APRM	9 March 2003	9 March 2003	9 March 2003	9 March 2004*	9 March 2003	9 March 2004
APRM Lead Ministry	Ministry of Regional Cooperation and Nepad	Ministry of Finance and Economic Planning	Ministry of Planning and National Development	Ministry of Foreign Affairs	Ministry of Foreign Affairs	Ministry of Public Service and Administration
Public launch of the process		Stakeholders workshop in Kigali 24-26 March 2004	National stakeholder forum in Nairobi 14 July 2004	May 2004	August 2005	13 September 2005, press conference in Pretoria
Inauguration of national governing body	18 March 2004	24 June 2004	25 October 2004	May 2004	March 2005	29 September 2005
Size and description of governing body	7 members, all civil society	APRM National Commission had 50 members (inc 14 ministries, 4 from parliament, 11 CSOs, 7 private sector).	Originally 25, 8 members of Kenya NGO Council added to bring total to 33, 26 civil society, 7 government. 24 voting members.	70 members: 14 government ministries, 13 other government entities, 14 business, 12 trade union & 17 CSO	99 members: 33 government (including local gov't), 33 business, 33 civil society	Originally 15, increased to 29. 20 civil society, 9 government
Head of governing body	Reverend Professor Samuel K Adjepong, Principal of Methodist University College	Dr Donald Kaberuka, Minister of Finance and Economic Planning; replaced by head of insurance body	Reverend Japheth Gathaka, replaced Mrs Grace Akumu, who was fired by the Minister	National Economic and Social Council, an autonomous body headed by Secretary General Jayraj Ramjada. It created the National Coordinating Structure with members above	Mrs Fatma Zohra Karadja, civil society	Minister of Public Service and Administration, Geraldine Fraser-Moleketi
Country Support Mission	24-29 May 2004, led by Dr Chris Stals	21-24 June 2004, led by Dr Marie-Angelique Savané	26-27 July 2005, led by Dr Graça Machel	28-30 June 2004, led by Mr Mourad Medelci	23-25 July 2005	9-11 November 2005, led by Professor Adebayo Adedeji

APRM Country Comparison (Continued)						
Milestone/Event	Ghana	Rwanda	Kenya	Mauritius	Algeria	South Africa
Country Self-Assessment Report (CSAR) submitted to the Secretariat	March 2005	March 2005	August 2005	not complete	Sept 2006, but strengthened on request from the Review Mission in February 2007	30 June 2006
Total time to complete CSAR, from public launch**	12 months	12 months	14 months	not complete	18 months***	9 months
Time from launch of council to heads of state review**	22 months	27 months	20 months	not complete	27 months	21 months
Country Review Mission	4-16 April 2005, led by Dr Chris Stals	18-30 April 2005, led by Dr Marie-Angelique Savané	3-14 October 2005, led by Dr Graça Machel	not complete	10 November – 4 December 2006 and 2-12 March 2007	11-25 July 2006, led by Prof. Adebayo Adedeji
Peer Review by APR Forum	January 2006, Khartoum, Sudan,	June 2006, Banjul, The Gambia	June 2006, Banjul, The Gambia	not complete	1 July 2007	1 July 2007, Accra, Ghana

Source: Compilation by authors from Nepad website, interviews and APRM country reports

\* The official APRM website lists the accession dates of South Africa and Mauritius as 9 March 2004, but both countries in describing their APRM activities confirm that 9 March 2003 is the correct date.

\*\* Count of months for Ghana, Rwanda, Kenya and South Africa exclude the month of launch but include the final month when the CSAR was submitted.

\*\*\* Algeria had set up its governing council and began work five months before the public launch of the process, which makes this measure of the time used less relevant. In addition, when the country review mission arrived in November 2006, it asked Algeria to revise and strengthen its self-assessment report and include a citizen survey. The review team returned for a second visit from 2-12 March 2007. The self-assessment report, however, was completed in February. Exact dates for its completion and acceptance were unavailable. Here we count 18 months from August 2005, when work began, to February 2007.

# RULES, PROCESSES AND INSTITUTIONS

# 2

It is obvious that the potential benefits of the Africa Peer Review (APR) process will unavoidably vary depending on the level of commitment of the participating country, and the effectiveness with which the process is managed, including the degree of coordination with existing activities at the country level.

– APRM Country Guidelines<sup>1</sup>

Every game has its rules. Players must master them before they can appreciate the more difficult aspects of strategy and counter-strategy. As it is with soccer or chess, so it is with the APRM. The system defines a variety of stages, rules and institutions. The founders of the APRM went to significant lengths to insulate the process from diplomatic and political pressures to ensure its results were widely perceived as fair and rigorous.

But the most intriguing and difficult aspects of the APRM, for both participant and analyst, play out in the social and political arena. How do the many participants with many points of view and institutional interests co-operate and contest within the rules? Where are participants tempted to bend or break rules? And what lessons were learned as the first countries conducted their reviews? Later chapters will discuss these questions of politics and strategy, but for now it is important to set out plainly the basic structures and processes involved in peer review.

## The official documents

The APRM process was established through a variety of documents. As experience accumulated, the documents grew more specific in their guidance. In some cases, later documents contradict earlier documents. Although they coexist; the older ones have not been repealed. Guidance also is dispensed to countries and civil society directly through the APRM officials. All of the following documents are important but none stands alone as the definitive rules. They must be assessed as a group in conjunction with the oral advice

**The most intriguing and difficult aspects of the APRM, for both participant and analyst, play out in the social and political arena.**

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1. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM),' November 2003, p.1.

from APRM governing officials such as the Panel of Eminent Persons and the continental APRM Secretariat.

- ‘The Base Document’ (2002) – This is the protocol that originally established the APRM in its broad outlines. It does not offer a detailed description of processes but does explain the purpose and intention of the system.<sup>2</sup>
- ‘Organisation and Processes’ (2002) – This document adds additional detail to the roles of the key continental institutions but does not offer guidance on the powers and processes required of national APRM institutions.<sup>3</sup>
- ‘The Objectives, Standards, Criteria and Indicators’ (2002) – Often referred to by its acronym, OSCI, this document provides the outline of the main areas to be examined in each review under a three-tier structure of objectives, questions and indicative criteria.<sup>4</sup>
- ‘The APRM Memorandum of Understanding’ (2003) – This is the document that a country signs to accede to the APRM. It defines the commitments countries make in joining the system. Another memorandum of understanding is signed to govern the conduct of the first actual review.<sup>5</sup>
- ‘The APRM Country Guidelines’ (2003) – Known informally as the ‘Guidelines’ or the ‘Country Guidelines’, this document offered the first detailed description of the processes countries are expected to follow in conducting a review and gathering public input.<sup>6</sup>
- ‘The APRM Questionnaire’ – Officially titled ‘Country Self-Assessment for the African Peer Review Mechanism’, this crucial document is the heart of the process. It expands on the OSCI document above, offering more detailed questions and indicators as well as guidance on the underlying concepts of governance. It is divided into four thematic sections. The document bears no official release date but was released in draft form in late 2003 and in final form in late 2004. It also referred to as ‘Self-Assessment Questionnaire’ (SAQ) or ‘The Questionnaire’.<sup>7</sup>
- ‘APR Questionnaire General Guidance’ (2003) – This document describes how the Questionnaire should be used in conducting a review but contains different language and process descriptions from the Questionnaire, particularly regarding the powers of the Focal Point.<sup>8</sup>
- ‘The Supplementary Document to the APRM Guidelines for Country Review – the APRM National Structure’ – This document produced by the

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2. More commonly associated with the African Union, the APRM protocol was issued on 8 July 2002 at the 38th Ordinary Session of the Organisation of African Unity. The protocol was officially named the New Partnership for Africa’s Development African Peer Review Mechanism (APRM).

3. APRM Secretariat, ‘African Peer Review Organisation and Processes,’ 3 March 2003.

4. APRM Secretariat, ‘Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism,’ 9 March 2003.

5. Nepad Heads of State and Government Implementing Committee, ‘Memorandum of Understanding on the African Peer Review Mechanism,’ 9 March 2003.

6. APRM Secretariat, ‘Guidelines’, *op. cit.*

7. APRM Secretariat, ‘Country Self-Assessment for the African Peer Review Mechanism,’ Midrand, South Africa, undated [2004].

8. APRM Secretariat, ‘APR Questionnaire General Guidance,’ Midrand, South Africa, 2003.

APRM Secretariat is undated. It first came to the authors' attention when it was distributed in February 2007 at a workshop in Ethiopia, but has not been released on the APRM website at the time of this writing. It offers detailed guidelines on the role and function of each of the institutions to be established by a country under review. It is the first document to clearly define the role of research institutions and assert that each country should manage the process through a National Governing Council led by civil society.<sup>9</sup>

- 'Prerequisites for Country Support Mission' – This document describes the institutions and activities that a country should have established or conducted before receiving a Country Support Mission. It was prepared by the APRM Secretariat, but contains no official release date. Like the Supplementary Guidelines, the authors first encountered it in February 2007. Its description of the Country Support Mission contradicts other official documents.<sup>10</sup>

Highlights of these nine documents are included in Appendix A and their full text can be found on the APRM Toolkit CD-ROM that is included in the inside back cover of this book.

## Continental institutions

The Committee of Participating Heads of State and Government is known as the 'APR Heads of State Forum', the 'APR Forum', or simply 'the Forum', which is the APRM's highest decision-making body. It includes the presidents or prime ministers of the countries that have acceded to the APRM.<sup>12</sup> It meets about twice a year, often on the margins of AU Summits. During these sessions the Forum reviews the APRM Country Review Report of countries that have completed the exercise. Six months later, this report can be released publicly through the Pan-African Parliament and other bodies at regional or continental level.

The APR Panel of Eminent Persons ('APR Panel', 'Panel') currently consists of seven Africans of high standing and integrity who were appointed by the APR Forum to five-year terms. The purpose of the Panel is to insulate the process from political interference and ensure its integrity. One member of the Panel is responsible for overseeing each country review process,<sup>13</sup> which

**The APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes. – APRM Secretariat<sup>11</sup>**

9. APRM Secretariat, 'Supplementary Document to APRM Guidelines for Country Review – The APRM National Structure,' Midrand, South Africa, undated [2007].

10. APRM Secretariat, 'Prerequisites for a Country Review Mission,' Midrand, South Africa, undated [2007].

11. *Ibid.*, p.12.

12. By July 2007, the following 27 countries had acceded to APRM: Algeria, Angola, Benin, Burkina Faso, Cameroon, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritius, Mozambique, Nigeria, Republic of Congo, Rwanda, São Tomé and Príncipe, Senegal, Sierra Leone, South Africa, Sudan, Uganda, Tanzania and Zambia.

13. In May 2007 interviews, Marie-Angelique Savané and Dr Chris Stals said the Panel was considering expanding the number of panellists and committing two of its members to each country to help speed up reviews.

includes supervising its Country Support Mission, Country Review Mission and the writing and review of the final country report. The Panel is currently chaired by Professor Adebayo Adedeji (from Nigeria), and its other members are Mr Mohammed Babes (Algeria), Ambassador Bethuel Kiplagat (Kenya), Dr Graça Machel (Mozambique), Dr Dorothy Njeuma (Cameroon), Mrs Marie-Angelique Savané (Senegal) and Dr Chris Stals (South Africa). The panellists gather periodically to discuss progress and how to handle particular country reviews.

The APR Secretariat lends administrative and research support to the Panel and the Forum. It is based in Midrand, South Africa. The Secretariat is funded by voluntary contributions from countries that have acceded and by a trust fund to which development partners have contributed. The Secretariat is responsible for preparing a background research report on governance in each country, this a paper outlining the main issues that will guide the Country Review Mission. It arranges logistics for missions and provides a variety of administrative functions. In this book, it is sometimes referred to as the 'continental APRM Secretariat' to differentiate it from APRM secretariats established within countries at national level.

The APRM has three Strategic Partners that provide support services, advice and assistance with reviews. They are the United Nations Economic Commission for Africa (UNECA), the United Nations Development Programme (UNDP) and the African Development Bank (ADB). Country Support and Country Review Missions frequently use African experts from these institutions.

A Country Review Team is a temporarily constituted group of African experts who participate in the Country Review Mission. The review team typically comprises 15 to 25 members, including eminent academics, business leaders, the APRM Secretariat, experts from the Strategic Partners and independent consultants. It visits an APR country for two to three weeks, to consult with a wide variety of stakeholders in civil society, business and government. The team is responsible for writing the final country report, under the supervision of the responsible member of the Panel and with assistance from the APRM Secretariat.

**Institutions and structures mandated to execute the APRM – on the continental and national level – need to be capacitated to manage the APRM process completely, effectively and efficiently in a reasonable period of time. – GTZ<sup>14</sup>**

### **National institutions**

The APRM Country Guidelines stipulate that each participating country must have an APR Focal Point, to act as a liaison between the continental Secretariat and the national APR structures. This Focal Point is usually a minister, diplomat or senior civil servant who should have direct access to the head of state.

14. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), 'The APRM Journey So Far', a summary of outcomes of recommendations from previous APRM review conferences prepared for the conference 'Africa's Bold March to Capture the 21st Century – The Role of the APRM', Accra, Ghana, 8–10 May 2007, p.9.

The country must also create a National Governing Council (NGC) or National Commission (NC). The council is responsible for managing an inclusive national process to produce two key documents: a Country Self-Assessment Report and Programme of Action. Although Ghana used a council exclusively composed of civil society members, The Supplementary Guidelines and Eminent Persons say that the council should include government, business and civil society members, and crucially it should have a non-government majority and a civil society or private-sector chairperson. The Country Guidelines say that the council should contain representatives of different national constituencies, including women, youth, labour unions, people with disabilities, and business organisations, among others.

Countries also are encouraged to establish a small local APRM secretariat to assist with administrative and logistical tasks.

The governing council is expected to appoint eminent academics, experts or Technical Research Institutions (TRIs) to conduct the public consultations, surveys and desk research, as well as compile the Country Self-Assessment Report and Programme of Action. Countries have given these research agencies different names (such as 'Lead Technical Agencies' in Kenya and 'Technical Support Agencies' in South Africa) but the APRM Supplementary Country Guidelines use the term 'Technical Research Institutes', noting that they:<sup>15</sup>

... assume the responsibility of executing the APRM Questionnaire. They should be well-known for their competence and technical capabilities to conduct sound and objective research in the four APRM thematic areas. The TRIs will be collating data, analysing and presenting the views of the general population. The research methodology should therefore rely on multi-method approach [*sic*] (qualitative and quantitative) to ensure comprehensive data collection. The final output should undergo validation to ensure that the report is representative of the public views. The TRIs are appointed by the NGC and report directly to it. A contractual agreement protecting the intellectual property of the self-assessment should be signed. The NGC has to protect the confidentiality of the self-assessment process so as not to prejudice or pre-empt the ensuing stages of deliberation of the report by the Panel and Forum.

**Given the differences of historical context and stages of development, countries are to start from different baselines and will not be expected to reach their highest level of performance at the same time. The rate of progress will also depend critically on the level of commitment and political will of each country to take deliberate steps to realise its vision.**  
– Tom Ojienda<sup>16</sup>

15. The roles of the Focal Point and National Governing Council are unclear in the various official documents, which contain a number of contradictions. Some refer to the Focal Point as an individual of ministerial rank, as a committee or as possessing a technical committee. The Questionnaire says that the Focal Point hands out the Questionnaire to a defined list of stakeholders and merges the responses into a self-assessment report. The Supplementary Guidelines document is the first to clearly state that responsibility for taking decisions on research rests with the National Governing Council. It is also the first document to note that responsibility for managing research and report writing should rest with Technical Research Institutions reporting to the National Governing Council or National Commission. See chapter 3 for a more detailed discussion of the differences between the guidance contained in various official documents.

16. Ojienda T, 'Implementing the New Partnership For Africa's Development (Nepad): Whither the African Peer Review Mechanism?' paper delivered at the Fifth All-Africa Human Rights Moot Court Competition, 2005, p.27.

## The stages of the APRM

The APR process is officially divided into five broad phases or stages of activity, as set out below.<sup>17</sup>

**Stage 1 – Preparation and self-assessment.** The great bulk of the APRM activity occurs during this stage on two parallel tracks organised respectively by the country itself and the continental APRM Secretariat. To get started, the country to be reviewed has initial consultations with the APR Secretariat, which can take various forms, including visits to the country by Panel members and the Secretariat or meetings in other venues. Next, the country hosts a formal Country Support Mission and signs a Memorandum of Understanding assenting to the specific terms of the review.<sup>18</sup> The country appoints a national Focal Point and National Governing Council or National Commission to oversee and drive the APR process, and develops its research and consultation programme that will culminate in the creation of a Country Self-Assessment Report and a Programme of Action, both of which are to be based on broad public and expert consultations. Simultaneously, the APR Secretariat writes a background research paper on the country. On the basis of the background research and the country self-assessment, the Secretariat writes an issues paper identifying the major issues that will guide the Country Review Mission.<sup>19</sup>

**Stage 2 – The Country Review Mission.** Using the issues paper and the country's self-assessment as a basis, a team of 15–25 African experts led by a Panel member visits the country for two to three weeks to conduct the Country Review Mission. The team assesses the integrity of the country process and conducts further research and interviews on key governance issues and evaluates the adequacy of the items included in the draft Programme of Action in addressing gaps in governance.

**Stage 3 – Preparation of the final country assessment.** Following the Country Review Mission, the review team compiles a draft Country Review Report based on the mission, the self-assessment, Programme of Action

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17. The headings and descriptions here are the author's paraphrase of the stages as defined in the APRM guidelines. To see the full official description of the stages of the APRM process, see the Official Documents section of the APRM Toolkit CD-ROM attached to the inside back cover of this volume.

18. This MOU is different from the accession MOU. The latter defines the broad obligations of participant countries, whereas the former includes specifics on levels of support the country must provide to the Country Review Team and timelines for completion of the stages of the process in the specific country under review. See Chapter 3 for further explanation of the Country Review Mission.

19. In practice the Secretariat has not waited for the completion of the self-assessment and Programme of Action before writing the issues paper. Pioneer countries also note that the background papers have been delivered to the Country Review Team only upon arrival for the Country Review Mission. This is a significant weakness in the system. Without the background research in hand, review team members are not able to prepare in advance of arrival. Each review is led by a different Eminent Person and each has managed the process slightly differently, but review team members note that the process has tended to rely on the government under review to organise the programme of the country review. Civil society organisations have noted with concern that without the background research, the review team may not be familiar with local issues, and may not know if any key issues have been excluded or given insufficient attention in the country self-assessment.

and background research. This report is sent back to the government of the country for comment and for government to make changes to its Programme of Action in light of the report's recommendations. The government may append its comments to the final report, but not amend it.

**Stage 4 – The peer review by heads of state.** The final Country Review Report is submitted to the APR Forum, and the head of state is 'peer reviewed' by fellow heads of state. This usually occurs in conjunction with an African Union summit. The total time scheduled for discussion by heads of state is very modest – only two hours were planned in Ghana's case (although the discussion ran to four hours).<sup>20</sup> In terms of the depth of analysis, the debates at national level and within the Panel of Eminent Persons are far more substantive than the heads of state discussion.

**Stage 5 – Presentation to the public and African institutions.** Six months after the report is discussed by the Forum, it is publicly released, after being tabled at institutions such as the Pan-African Parliament and regional economic communities.

Despite this official division into five stages, the process actually involves five different types of review. The Country Self-Assessment Report is the first. The background desk research by the Secretariat is the second. The assessment by experts during the Country Review Mission is the third. The review by heads of state is the fourth and shortest review. Finally, the cycle is meant to be repeated every two to four years with another self-assessment and country review. On an ongoing basis, civil society has an opportunity to monitor progress toward implementing the Programme of Action. Governments are required to provide six monthly reports to the Forum on their progress in implementing the Programme of Action.

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20. Rwanda's review had been scheduled to follow immediately after Ghana's but was cancelled. Discussion of Ghana's report expanded to fill the time slot.



# National Leadership and Research

Countrymen, the task ahead is great indeed, and heavy is the responsibility; and yet it is a noble and glorious challenge – a challenge which calls for the courage to dream, the courage to believe, the courage to dare, the courage to do, the courage to envision, the courage to fight, the courage to work, the courage to achieve – to achieve the highest excellencies and the fullest greatness of man. Dare we ask for more in life?

– **Kwame Nkrumah,**  
former Ghanaian President

The body implementing the APRM Programme should, as much as possible, be independent of the government [and] devoid of political interference to ensure its credibility.

– **Sixth Africa Governance Forum**

When the leader is morally weak and his discipline not strict, when his instructions and guidance are not enlightened, when there are no consistent rules, neighbouring rulers will take advantage of this.

– **Sun Tzu, Chinese general  
and theoretician**



# GOVERNANCE OF THE NATIONAL PROCESS

# 3

Decisions to let National APRM Governing Councils or Commissions be chaired by government ministers may seriously undermine the independence of the governing council and the integrity of the APRM process.

– GTZ, *The APRM Journey So Far*<sup>1</sup>

The organisation of public participation in the APRM process is by itself a central aspect of enhancing the state of governance and socio-economic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing engagement and empowerment of stakeholders.

– APRM Country Guidelines<sup>2</sup>

The official guidelines provide a simplified overview of the APRM process, but do not reflect the rich and varied interactions that occur when the process is set in motion in a dynamic world that is buffeted by elections, political rivalry, economic change and the tensions of poverty and globalisation. Because the process seeks to build consensus, how it is governed at the national level is crucial, practically and politically. It affects the rigour of the analysis and perceptions of the fairness and neutrality of the process. Given the complexity of the APRM Questionnaire, the process is not an easy managerial task. It must be managed in a way that is affordable, rigorous and broadly consultative. Civil society in Ghana, Kenya, South Africa, Mauritius and Rwanda have in varying ways and degrees protested when they perceived that government sought to control or dominate the process.

As the first country to undergo review, Ghana was first to recognise that the national APRM effort must be led by an objective, non-partisan body or board. Without such an institutional safeguard, political pressures could take hold. Politicians could be tempted to interfere or downplay evidence or issues

**Ghana was first to recognise that the national APRM effort must be led by an objective, non-partisan body or board. Without such an institutional safeguard, political pressures could take hold.**

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1. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), 'The APRM Journey So Far', a summary of outcomes of recommendations from previous APRM review conferences prepared for the conference 'Africa's Bold March to Capture the 21st Century – The Role of the APRM', Accra, Ghana, 8–10 May 2007, p.5.  
2. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism', November 2003, article 36, pp. 11–12.

The pervasive lack of democracy that makes mobilisation and effective accountability difficult in Africa ... is now taken much more seriously by Nepad, and institutional mechanisms proposed to deal with it. Among these is the APRM. – Peter Anyang' Nyong'o, former Kenyan APR Focal Point<sup>3</sup>

reflecting badly on the state. Just as the Panel of Eminent Persons was created at the continental level to insulate the process from political pressures, Ghana established a local equivalent to guide the process and supervise public consultation (see Chapter 10).

This chapter examines the lessons learnt in creating and managing the APRM institutions at the national level, while chapter 4 looks at the Self-Assessment Questionnaire, chapter 5 explores the specific methods used in pioneer countries to conduct research and public consultation, and chapter 6 examines the development of the APRM Programme of Action.

### **Benefits and costs of broad public participation**

Broad public participation is not only essential to a successful peer review, it is arguably the most important advantage of the APRM system. All of the benefits of the APRM hinge on it. Public participation can open a national conversation about priorities and principles that often is opaque to ordinary citizens. Without exposure to public debate, national problems – and particularly the weaknesses in the systems of government administration – can fester for years.

Governments already produce national development plans and budgets, which are meant to act on the national priorities. But those government-only efforts are tantamount to government evaluating itself, which is why myriad assessments by governments alone have had so little impact on the state of governance in Africa.

Particularly in an environment with inadequate fiscal provisions, the normal budgeting processes and development planning are frequently constrained by the available resources. This tends to focus effort on the bare essentials. But modest investments in improving systems, accounting, incentives and better anti-corruption investigations can reap significant positive benefits.

The ability of the APRM to re-energise national planning and produce creative new solutions depends on how open the participants are to self-examination. The trick is to break the system out of its business-as-usual dynamics and bring fresh eyes to national challenges.

Whether the Country Self-Assessment Report and Programme of Action are rigorous and candid will depend on the quality of the research and resources put into the process. Those in turn depend on the kind of system put in place to govern the process in each participating nation.

The experiences in the pioneer countries show that the process used to select the national APRM institutions – the Focal Point, Governing Council, Secretariat and Technical Research Institutions – will send very important

3. Anyang' Nyong'o, P, 'Unity or poverty: The dilemmas of progress in Africa since independence', in Anyang' Nyong'o P, A Ghimazion and D Lamba (eds), *Nepad: A New Path?*, Heinrich Böll Foundation, Nairobi, 2002, p.32.

signals to participants about government's receptivity to criticism. If the wrong signal is sent at the beginning, it can set in motion conflicts and distrust that carry through the entire APRM process. A government that attempts to stack the governing institutions with compliant non-governmental organisations (NGOs) will likely be greeted by protest. Conversely, a government can earn substantial goodwill if it offers early signals that it is willing to listen and is determined to make the process as open and transparent as possible.

Approximately every two years the United Nations Development Programme (UNDP) convenes the Africa Governance Forum (AGF) conference. In May 2006 in Kigali, Rwanda, AGF-VI focused on the APRM and the lessons from the early participants. In his analysis, Gilbert Houngbo, UNDP's regional director for Africa, noted a variety of challenges relating to the funding and implementation of the APRM. Of these, he said:<sup>4</sup>

None is more urgent than ensuring that the APRM implementation process at the country level is conducted in a transparent, inclusive and democratic manner for it to remain credible and inspire the confidence of the people it is intended to serve. This is why countries need to take the requisite time and care to prepare adequately and to consult broadly on the process. The citizens must be convinced that they own the process. A rushed process will do irreparable harm to [the] APRM.

### **What the guidelines do and do not say**

Although this emphasis on participation is repeated throughout the founding APRM documents, instructions on how to achieve it are remarkably absent.

At a 2004 review of the process, Dr Francis Appiah, executive secretary of the Ghana APRM Secretariat noted:<sup>5</sup>

[The APRM system] does not provide a practical guide on how to actualise the expectation set out in the country's guidelines. The institutional development, organisational processes, technical expertise, capacity and skills as well as funding are not provided beyond the requirement to set up a Focal Point.

The Eminent Persons and Secretariat do not offer training to the public, and have only limited interaction with the public during support missions. A key reality of the system as practised today is that countries continue to feel they are operating in an information vacuum, with the Secretariat and Panel unable to meet responsively the information demands of participating countries.

Several additional guidance documents have been released since Appiah's comment, but a number of countries have complained about the lack of

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4. United Nations Development Programme (UNDP), 'Implementing the African Peer Review Mechanism: Challenges and Opportunities, Report of the Sixth Africa Governance Forum (AGF-VI),' Kigali, Rwanda, 9–11 May 2006, report produced 20 June 2006, p.49.

5. Appiah F, 'Assessing Ghana and the APRM,' paper presented at the Workshop on Sharing National Experiences on the African Peer Review Mechanism Implementation Process, 20–21 November 2004, Algiers, Algeria, p.51 of the conference report.

support offered before, during and after the process. The Sixth AGF noted that:<sup>6</sup>

The APRM Panel and Secretariat lacked the requisite capacities to effectively provide leadership and technically manage the APRM processes. In this respect it was suggested that measures be undertaken to strengthen the capacities of these two bodies and to review the skills of the secretariat staff.

In his speech to the AGF conference, Rwandan President Paul Kagame noted:<sup>7</sup>

We need to take a more credible, empirical approach so that the whole process ceases to be seen as a subjective exercise. To that end, we will need to revisit the national institutional processes and devise acceptable common approaches, which until now have had little guidance. Right now, there is a proliferation of different national structures that require harmonisation. The role and capacity requirements of the APRM Secretariat, the selection of country review experts, as well as the depth of involvement of the panel members will have to be reassessed. The conduct of the peer review exercise itself needs clarification.

With time, such sentiments have been expressed more sharply. At a workshop held in February 2007 for Focal Points in Addis Ababa, Ethiopia,<sup>8</sup> the Ghana, Kenya and Rwanda representatives all complained to the Secretariat that it did not provide adequate support to countries embarking on the process. ‘We need a Secretariat that gives technical assistance,’ observed SKB Asante from the Ghanaian National Governing Council in remarks to the APRM Secretariat. ‘But do we even have regular communication from you? We don’t hear from you.’<sup>9</sup>

**The APRM Secretariat can contribute to more efficient implementation by providing guidance, templates and prototypes for the process management and the methodology including the research design and the revision of the Questionnaire in the light of experiences.**  
– GTZ<sup>11</sup>

After Kenya, Zambia and Rwanda expressed similar concerns, Dr Bernard Kouassi, executive director of the APRM Secretariat, said: ‘If you need assistance, let us know, but we can’t come and coach you.’<sup>10</sup>

The Secretariat does offer advance missions and a Country Support Mission to each country. But the pioneer countries have noted that these encounters lack the kind of practical guidance needed to accelerate the pace of reviews and assist with effective planning. This is compounded by confusion over the purpose of the Country Support Mission.

According to the Base Document, the Country Support Mission is supposed to convey the rules of the APRM and offer guidance on how national institutions and research should be conducted. But the APRM Secretariat has

6. UNDP, *op cit.*, p.17.

7. *Ibid.*, p.41.

8. ‘APRM Best Practices and Lessons Learned: Exploring the Process and National Experiences’ workshop for Focal Points, facilitated by SAIIA, UNECA and the APRM Secretariat, Addis Ababa, Ethiopia, 20–21 February 2007.

9. Asante SKB, remarks at the workshop for Focal Points, Addis Ababa, Ethiopia, 20 February 2007.

10. Kouassi B, remarks at the workshop for Focal Points, Addis Ababa, Ethiopia, 20 February 2007.

11. GTZ, *op. cit.*, p.5.

issued another document – ‘Prerequisites for a Country Support Mission’<sup>12</sup> – saying that a country must have sensitised its population and established its research plans and institutions *before* the support mission arrives. Countries note that they cannot get started until they get some counsel but they cannot get the counsel of the Country Support Mission until they have set up systems they do not understand. The problem is partly alleviated by other forms of communication in advance of the Country Support Mission. However, those communications are directed almost entirely at government, which leaves civil society disarmed because it does not have equal knowledge of the rules.

The lack of training is significant because it forces countries to try to educate themselves from written guidelines that are contradictory and lack practical operational details that would help to set realistic budgets, decide on research methods or manage public and media communications. So what exactly do the official documents say?

The Country Guidelines, issued in November 2003, emphasise the need for a broadly participatory process and refer to the Focal Point as an individual. They make no mention of a governing council or commission:<sup>13</sup>

each participating country must establish a Focal Point for the APR process, which should be at a Ministerial level, or a person that reports directly to the Head of State or Government, with the necessary technical committees supporting it.

It further noted that ‘it is critical that the work of the APR Focal Point is inclusive, integrated and co-ordinated with existing policy-decision and medium-term planning processes.’<sup>14</sup>

The emphasis is on the Focal Point’s *work* being inclusive, not the Focal Point itself. As a practical matter, all governments say their work is inclusive, which makes the guidelines rather weak because they do not make clear precisely how the Focal Point’s work should be managed. Later, the Questionnaire, which was released to countries in draft form in early 2004 and then in final form sometime later that year, changed the emphasis. It described the APRM as ‘a broad participatory process led by the government.’<sup>15</sup> It then confused matters by asserting that each country must establish ‘a national Focal Point comprised of representatives of all stakeholders to co-ordinate the APRM process.’<sup>16</sup> (This is what Mauritius followed, by making the National Economic and Social Council (NESC) the Focal Point, see chapter 13).

**Lack of training forces countries to educate themselves from written guidelines that are contradictory and lack practical operational details to help set budgets, decide on research methods or manage public and media communications.**

12. As noted in the previous chapter, this document is undated but was given to participants by the Secretariat at the February 2007 training workshop for national Focal Points, facilitated by SAIIA, UNECA and the Secretariat.

13. APRM Secretariat, ‘Guidelines’, paragraph 34, p.11.

14. *Ibid.*

15. APRM Secretariat, ‘Country Self-Assessment for the African Peer Review Mechanism,’ Midrand, South Africa, undated, p.7. This document, more commonly known as the ‘Self-Assessment Questionnaire’ or merely the ‘Questionnaire’, contains no publication or release date in its title page or headers and footers. The computer document properties of the version available on the APRM website is dated April 2004. It was posted on the website only in late 2004.

16. *Ibid.*, p.9.

Confusing matters further, the Secretariat issued the 'APR Questionnaire General Guidance' which included no publication date. It discusses a new institution mentioned nowhere else in the official documents, the Technical Committee of the APR Focal Point. This body would:<sup>17</sup>

... collate the responses [to the Questionnaire] and compile a consensus response to submit to the APR Focal Point for consideration. It would also use the responses and the available assessment reports to compile the country's Self-Assessment Report, based on the Questionnaire responses and other research.

Ghana was the first nation to initiate a review. Sometime after it had established the practice of putting the process in the hands of a council, the Panel began telling countries orally to create a National Governing Council that should have a civil society majority and a chairperson from outside government.

In a training videotape recorded for SAIIA in April 2006, Ambassador Bethuel Kiplagat, a member of the Panel of Eminent Persons and then Panel chairperson, explained the rules thus:<sup>18</sup>

The basic document clearly states that it should be a tri-partite arrangement of the civil society, the corporate sector and the government. I think the formula that we have been trying to encourage is one-third, one-third, one-third and that the leadership of that national commission or national committee or governing council, whatever name you want to call it, should come from the civil society or the corporate sector and not from the government because we don't want to see this as a government project. The government cannot be driving a programme for which itself [*sic*] is being evaluated. So this is why we want to make sure of its autonomy and independence, to make sure that there is no domination, the government is not saying we cannot do that or we cannot do this. If that is the case then you report to the Panel and the Panel is there to protect the independence of the committee itself so that it functions. Now there are difficulties sometimes, and one of the big problems is who chooses the members of the civil society to be on the governing council. This has been a problem. Everybody is fighting. There are so many organisations. If you do have a national NGO council, that makes it easier. That council should sit and determine or maybe vote and decide how they will be represented. It would be much easier ...

The governing council is like a board. All the major decisions will be taken by the council, of course with the support of the ministry concerned. Normally it may be in the ministry of planning or the ministry in charge of Nepal but it [the Focal Point] should not interfere. It is the council that will determine all the areas. That is the way it has worked for Kenya, Rwanda and even Ghana. It is that committee that will sit, will plan for example the civic education, the consultation throughout the country. It is that committee that will negotiate with the donors to raise funds for the actual evaluation. It is that committee that will also select the institutions

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17. APRM Secretariat, 'APR Questionnaire General Guidance,' Midrand, South Africa, 2003, p.4.

18. Videotaped interview with B Kiplagat, Nairobi, Kenya, 27 April 2006.

to carry out research, and will carry out the publicity. So for all the various programmes that committee will be responsible. You don't refer to anybody else. Of course there may be some financial aspects where you will have to refer to either the committee of the donors or to the ministry concerned.

The question of the composition and independence of the governing body was vigorously disputed at the Africa Governance Forum in 2006. Participants noted that when the review is completed, government must allocate the funds and implement the recommendations. If government does not accept the recommendations, the process will not deliver results. However, if government engineers a compliant National Governing Council and takes a heavy hand to editing the self-assessment, it will be unlikely to build consensus or find creative solutions to national problems. In the AGF, Rwanda argued that the governing council should be evenly split between government and civil society. But South Africa's Focal Point, Minister Geraldine Fraser-Moleketi, took the debate further by repeatedly challenging the very notion of independence as a reasonable criteria by asking 'independent from what?'

The four members of the Panel who were present were asked for a ruling. Each deferred to the next before Professor Adedeji gave a long indirect answer saying, in effect, that it would be nice if the council were independent but people should try to get along and not turn the issue into a point of principle.

The AGF's report summarised the controversy in this way:<sup>19</sup>

The acceptable level of APRM structures' autonomy from governments was seen as a challenge that is yet to be resolved in some countries. On the one hand, there was a strong argument for internalising the APRM processes within the government system as a way of securing its legitimacy and access to public resources. On the other hand, some countries argued for the exact opposite: the independence of the governing councils so as to secure freedom to effectively undertake the APRM reviews. This issue provoked considerable level of debate/reflection during the plenary sessions as well as during the Heads of State segment. It was generally concluded that 'absolute independence' from the governments was neither feasible nor desirable while there is value in ensuring that APRM structures at the country level retain significant professional leverage and freedom of action to manage the processes without undue state influence that could compromise professional judgement.

The AGF report also noted that 'The role of the Focal Point is not to make decisions but to serve as the co-ordinator and interface between the government, civil society and private sector entities with respect to the conduct of the APRM business.'<sup>20</sup> Its final presentation recommended that 'the body implementing the APRM programme should, as much as possible, be independent of the government, [and] devoid of political interference to ensure its credibility.'<sup>21</sup>

**The role of the Focal Point is not to make decisions but to serve as the co-ordinator and interface between the government, civil society and private sector entities with respect to the conduct of the APRM business.**

19. UNDP, *op. cit.*, p.18.

20. *Ibid.*, p.28.

21. *Ibid.*

**The African Peer Review Secretariat in South Africa sides with any African government. They do not criticise any African government, even those who have signed and ratified the Peer Review. So the Peer Review is actually an extension of African governments.**  
 – Grace Akumu, former Kenyan NGC Chairperson<sup>23</sup>

The ‘as much as possible’ phrase reflects the resistance from some participating countries to turn the process over to civil society leadership, notably South Africa, which combined the office of Focal Point with the chairperson of the Governing Council and drew the support Secretariat directly from the Focal Point’s Department of Public Service and Administration.

Adedeji was responsible for managing the South African APRM and he received vigorous complaints from civil society about government’s plans. He privately urged government to extend the process from its planned two months, stated publicly that he would rather have a rigorous process than a fast one and pressured government to reverse its decision not to use any academics or independent research institutes. However, he declined to comment publicly on South Africa’s placement of a minister in charge of the governing council.

In private interviews, members of the Panel have said that there was vigorous debate within the Panel about how to respond to South Africa. And not all members share the same view about the ideal arrangement for a National Governing Council. Adedeji argued for a conciliatory approach to South Africa and notably advised the President of Tanzania that following the South African model would be acceptable. In the case of Zambia, staff at the Secretariat advised that it would be acceptable for government and civil society to co-chair the council.<sup>22</sup>

Despite the urgings at the Africa Governance Forum and the earlier Algiers workshop in 2004, the Guidelines and Questionnaire were not revised to reflect the Panel’s oral advice. However, sometime in prior to February 2007, the Secretariat began using the ‘Supplementary Document to the APRM Guidelines for Country Review – the APRM National Structure.’ It is undated and was not posted on the APRM website (as of this writing in late 2007).

The Supplementary Guidelines document offers much clearer advice on the roles and functions of the Focal Point, Governing Council, local support Secretariat and Technical Research Institutes. It urges that the chairperson of the council should not be from government. But the wording stops short of making this a requirement: ‘Where possible, [the council] should be chaired by a non-state functionary.’ The Supplementary Guidelines document is unequivocal in stating that decisions on how the APRM should be conducted rest with the council and not the Focal Point. The document notes that the National Governing Council or National Commission:<sup>24</sup>

22. According to off-the-record interviews with participants in the Tanzanian and Zambian governments.

23. Akumu G, former Kenyan National Governing Council chairperson, quoted by J Butty, ‘African Peer Review Criticised for Inaction’, Voice of America website, [www.voanews.com](http://www.voanews.com), 3 May 2007. She was removed from the council after a series of disagreements about the conduct of the process, see chapter 11.

24. APRM Secretariat, ‘Supplementary Document to APRM Guidelines for Country Review – The APRM National Structure,’ Midrand, South Africa, undated [2007], pp.1–2.

... is the body that provides strategic policy direction to the implementation of the APRM. This body must contain upstanding citizens who command the respect of the general public. The Country Guidelines provide that the National Commission established to manage the process at national level should be autonomous from government and inclusive of all key stakeholders. In this context, membership must be diverse and representative to ensure to the spirit [*sic*] of the APRM – broad-based participation.

Both state and non-state actors participate in the process. This includes some representatives of key line ministries, civil society, parliament, media, private sector, youth, women groups, disabled, marginalised groups, rural populations, etc. The National Commission should offer a microcosm of the nation. Where possible, it should be chaired by a non-state functionary. If the commission is too small, it may bring perceptions of non-inclusivity. If too large, it may make decision-making cumbersome and would be encouraged to appoint an executive council from itself.

In addition to providing guidance in terms of policy direction, the Commission/Council is expected to ensure professionalism, credibility and independence of the process. The NC/NGC is also to ensure that the process is technical and free from political manipulation. The NC/NGC is supposed to lead the sensitisation programmes country-wide and ensure that all stakeholders participate in the process so as to create ownership.

While the above guidance does not strictly rule out government being in charge of the council, the requirements of independence, autonomy and freedom from political manipulation would seem to rule out the South African approach.

In interviews, Panel members have said the process of consolidating and revising the official documents into one set of rules would be too time-consuming and require approval of all participating countries, which would be difficult and would further delay and disrupt the review processes that have begun.<sup>25</sup> As the most recent official document, the Supplementary Guidelines clearly comport with the oral advice dispensed by the Panel in the Country Support Mission meetings. As a result, the Supplementary Guidelines should most logically be interpreted as the most authoritative, supplanting the earlier ambiguous texts.

### **Governing council considerations**

**Elections and the need for institutional independence.** The national election cycle can pose a particular concern for the APRM, depending on the timing of the two processes. If the APRM were to become politicised or if its research were drawn into political competition, it could have extreme negative consequences. Ghana recognised the risk that the APRM extreme might take longer than planned and could spill into the election season. As a result, they took several key steps to insulate the APRM process by making it

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25. Interview with C Stals, Pretoria, 15 May 2007.

institutionally independent. These steps included choosing highly respected non-partisan council members with solid management and research experience; allowing the council to run its own financial affairs and choose its own support staff outside any ministry; and using non-partisan research bodies to manage the consultation and report-writing processes. Ghana also helped de-politicise the process by consulting with political parties about the selection of members of the National Governing Council. And it halted the research process for three months during and after the parliamentary and presidential elections in November 2004 (see chapter 10).

**Eminent Persons vs. constituency representation.** Pioneer countries have used two main types of governing councils. The first is based on the Eminent Persons concept used to govern the continental APRM process, which sought older, non-partisan members who are widely seen as being people of integrity. Ghana followed this model and chose a small panel of seven distinguished citizens to act as the process's top decision-making body at national level. The second type bases membership on representation of key constituencies, such as business, labour, religious groups, women, non-governmental organisations and so on. Rwanda, Kenya and South Africa all used this approach in different ways. Because of the number of constituencies and interest groups, this approach leads to larger councils.

Ghana's approach resulted in members with stronger management skills and, because it was smaller, decision-making was at times more effective. A constituency-based council can be more representative but members are not always chosen for their management skills but for whom they represent. The larger size of constituency-based councils also can make them more unwieldy and expensive, if members are paid daily allowances for each sitting.

**To pay council members or not?** Some countries have chosen to pay members of their governing councils while others have not. In South Africa, members were not paid and found that the burden of attending meetings, often at short notice, was difficult because council members were senior people and had full-time jobs. Civil society members recommended that funding be provided to second civil society representatives to the process on a full-time basis. However, in Kenya some disputes arose around funding to civil society and some felt that decision-making was slowed down initially by the system of offering allowances for each meeting attended. But some have noted that such problems are less about the payment system and more about the need to select mature, distinguished citizens who put the process above considerations of personal gain.

## Key roles of Focal Points

The Focal Point plays a key facilitation and diplomatic liaison role in the APRM system. The Focal Point is the main point of contact for the APRM Secretariat and Eminent Persons and is responsible for providing needed documents and making logistical arrangements for the various phases of the APRM. Within the country, the Focal Point plays an equally important role in ensuring that government provides the needed financial support, spending approvals and policy input to the National Governing Council and its supporting research agencies.

Because the objectivity and independence of the governing council are paramount in the APRM system, the relationship between Focal Point and council is critical.

The national Focal Point has a number of critical roles:

**Signalling government intent.** Perhaps the most important role of the Focal Point is being the face of government in the process. Who the Focal Point is and how he or she acts to build trust and ensure rigour in the APRM process sends strong signals to civil society. If the Focal Point rather than the National Governing Council seems to be driving Peer Review, questions and doubts may be raised about the integrity and intent of the process.

**Building understanding and relationships with the National Governing Council.** The respective roles of the Focal Point and National Governing Council must be clearly delineated, and it is important for the Focal Point to allow the National Governing Council the space to manage the national process credibly and effectively.

**Ensuring effective government-civil society interaction.** In order to reach sound policy recommendations, the peer review process needs extensive interaction among government, the governing council, civil society groups and researchers, who must assess the validity of public submissions and recommendations. The Focal Point should be the key player in ensuring that key government staff – including senior political figures – remain abreast of the process and participate in conferences and expert workshops.

**Affording access to government and documents by research agencies.** The Focal Point can help the Technical Research Institutes to meet with and interview key government officials who hold information necessary to develop the Country Self-Assessment Report and Programme of Action, and assist with access to important documents (such as records of treaty compliance and accession to the APRM governance standards). Ghana appointed officials in each government department, ministry and agency as ‘APR focal persons’ to facilitate this process.

**Facilitating country missions.** The Focal Point is the key person responsible for the activities and logistics related to the APRM Country Support Mission and Country Review Mission, in collaboration with the APR Secretariat. He or

The Focal Point plays a key facilitation and diplomatic liaison role. The Focal Point is the main point of contact for the APRM Secretariat and Eminent Persons and is responsible for providing needed documents and making logistical arrangements for the various phases of the APRM.

**Government is by far the largest employer and could contain the technical professionals needed to assemble a report. But assigning the work to government would be fundamentally unacceptable to civil society and run counter to the advice set out by the Eminent Persons.**

she needs to plan these visits effectively, and budget for the in-country costs. An effective, inclusive country review requires good planning and allocation of sufficient time to ensure that the Country Review Team can conduct broad stakeholder consultations without being rushed. This planning should leave adequate time for travel.

**Providing effective budget management.** The APRM process involves considerable financial outlay and requires meticulous and transparent budget management. This is a major role of the Focal Point, particularly in managing the flow of funds from government and/or development partners to the National Governing Council, Technical Research Institutes and local Secretariat, as well as following transparent expenditure rules and procedures.

**Ensuring effective support for the Programme of Action.** Once the Programme of Action is finalised, it must be effectively implemented. The Focal Point's connections with and influence within government are vital to ensuring that there is political buy-in and commitment by all players, within and outside government.

## Technical Research Institutes

Ghana was the first to conclude that a National Governing Council itself could not manage all of the details of such a large process. Given the magnitude of the APRM and the difficulty in assembling an inclusive report from diverse information sources, there are only two institutional choices for most countries: use either government or research bodies, such as university departments or public policy institutes.

Government is by far the largest employer and could contain the technical professionals needed to assemble a report. But assigning the work to government would be fundamentally unacceptable to civil society and run counter to the advice set out by the Eminent Persons. Research bodies offer a credible alternative. As the Africa Governance Forum noted in its discussion of the APRM:<sup>26</sup>

Technical research institutes were also identified as possessing a reservoir of knowledge and experience in the administration of the Questionnaire and the unbundling of this and related research instruments in a manner that takes into account current shortcomings of such tools. These institutes' experience in the deployment of a wide range of survey techniques was also acknowledged as an important asset for the APRM process. Their deployment in the APRM process was, thus, recognised as being essential.

The use of Technical Research Institutes has become a standard element of peer review. The Supplementary Country Guidelines offer useful clarity on their role (see Chapter 2).<sup>27</sup>

26. UNDP, *op.cit.*, p.25.

27. APRM Secretariat, 'Supplementary Document to APRM Guidelines', p.2-3.

At a political level, the decision to turn report-writing and research over to private non-governmental bodies strengthened the credibility of the process by mitigating public concerns about how the APRM report would be written and edited. As the South African case illustrates, the use of research institutes alone does not ensure the soundness of the Country Self-Assessment Report (see chapter 14). If their conclusions are dramatically different from what government is prepared to accept, the process can culminate in an insightful report but a lack of consensus on how to fix problems.

The use and selection of Technical Research Institutes raises several important issues that should be borne in mind when planning a national review.

**Selection procedures.** To bolster the credibility of the process, Technical Research Institutes ideally should be selected based on a set of published criteria that look at their capacity, track record and independence. Where possible, research institutions should be invited to tender for the positions in an open and transparent process. In many countries, particularly smaller ones, there may not be many research bodies from which to choose. However, questions have been raised about the criteria used for selecting such bodies. Rwanda felt it did not have suitable candidates to be Technical Research Agencies and turned to institutions outside the country (from South Africa) for assistance. Ghana and Kenya all had numerous institutions that could have conducted the work but did not launch open public tenders to select them. In part, time is a factor in following formal public procurement rules, but, avoiding such rules opens the selection process to dispute and perceptions of unfairness.

**Capacity.** Institutional capacity of research bodies varies and some countries have very few institutions capable of undertaking the required analysis. Ghana, Kenya and South Africa each gave their four respective Technical Research Institutes the task of assembling a report for one of the four sections of the Questionnaire. The capability of these institutions varied considerably, which has meant that the quality of the report and Programme of Action varied considerably among subjects. As a result, it is important to assess carefully institutional capacity. Institutions need to have both the theoretical ability to conduct the analysis but also be able to take staff away from other work and commit them in sufficient numbers to the APRM. If research bodies overestimate their capacity or underestimate the difficulty of the APRM, they can compromise the quality of the process (see Chapter 4 and 5).

The APRM process has proven more difficult than originally envisioned and countries have not been able to complete the exercise in the six to nine months noted in the original Country Guidelines. This has been recognised by the Secretariat and Panel, as the introduction to the South African Country Review Report noted:<sup>28</sup>

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28. APRM Panel of Eminent Persons, *African Peer Review Mechanism Country Review Report of the Republic of South Africa*, May 2007, p.43. At the time of writing, this report was posted on the APRM's website, <http://www.nepad.org/aprm/> with a note saying 'SA Report 14 May 07 (Pre-7th Forum and before final published book)'.

The time line for the process is expected to vary considerably among countries, depending on each country's specificities. The anticipated duration of each peer review from the onset of Stage One to the end of Stage Four is 9 to 12 months.

Time pressures can be intense. As a result, it is vital that Technical Research Institutes that agree to do the work have sufficient staff that can be dedicated to the effort fulltime for the duration of the process. In some cases, some staff at research bodies had other duties that meant they were unable to devote sufficient manpower to the task, which can affect either the speed or quality of the work.

**Ability to subcontract.** Because the APRM Questionnaire is divided into four themes, Kenya, Ghana and South Africa each appointed four research bodies to compile one of the four sections of the report. However, many of the APRM questions are quite specialised and require the ability to use experts to answer certain questions, who may not be employed by that particular research body. For example, only a few people may know how monetary policy is set or be able to analyse trade, environmental or labour law. In case the Technical Research Institute does not have all of the requisite expertise in-house, its terms of reference and budget should allow it to subcontract other local experts to handle certain technical points. This was done with some success in Ghana.

**Remuneration.** When formal procurement rules are not followed, questions can arise about the fairness of compensation offered to research bodies. In the case of Nigeria, institutes were selected and agreed to contract terms, but then they rejected the amount of money offered for the work, which resulted in substantial delays, and eventually new institutes were chosen.

**Tone and use of evidence.** Unless substantial time is left for discussion of how reports should be assembled, a country may find reports by different research institutes follow a different style. In South Africa, all four research bodies were supposed to review the work of their peers but there was effectively no time allowed for this work in the schedule and it did not occur. As a result, the four technical reports were vastly different in tone and approach, ranging from 130 pages to more than 700.

Research institutions are different in orientation and with regards to efficiency, commitment and professionalism, which altogether impacts on the quality of their work. – GTZ<sup>29</sup>

**The local secretariat.** Finally, all pioneer countries have recognised the need for a local APRM support secretariat to assist with the many logistical and administrative tasks required during the APRM process. These tasks include sending invitations for workshops to delegates; arranging venues, catering and sound systems for these events; convening meetings of the National Governing Council; arranging logistics for Country Review Missions; and assisting with publicity and communications. However, who is chosen to work for such a secretariat and to whom it reports can significantly affect the integrity of the process. If the secretariat reports to the Focal Point and

29. GTZ, *op.cit.*, p.10.

not the National Governing Council, and the council meets infrequently, real decision-making power can rest with the Focal Point and secretariat. If the secretariat is composed of government workers under the control of the Focal Point, secretariat members may not be able to operate independently of government, which can be particularly important if final editing of the Country Self-Assessment Report is managed by the secretariat rather than by research institutes.

Ghana chose to relocate its secretariat from the ministry of Nepad into its own premises on the other side of the nation's capital. It also made the secretariat directly and solely accountable to the National Governing Council, which ensured that its independence from government was strongly upheld. In Kenya, Rwanda, South Africa and Mauritius,<sup>31</sup> the body performing the secretariat role was housed within a government ministry or agency and drew the bulk of its staff members from government. A more visibly independent secretariat would be an important step to improve trust in the APRM process.

**The quality of the outcomes of the self-assessment is significantly dependent on the quality of Technical Research Institutions utilised. – GTZ<sup>30</sup>**

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30. *Ibid.*

31. The Mauritius process was managed by its National Economic and Social Council, which is a quasi-independent body that deliberates on economic policy and involves labour and business representatives. However, the head of the council is a former government official as are many administrative staff. Civil society critics of the Mauritius process assert that the NESC is not an independent body, which had much to do with the lack of critical analysis in the country's self-assessment report. See chapter 13.



# THE QUESTIONNAIRE AND ITS IMPLICATIONS FOR RESEARCH<sup>1</sup>

# 4

The main purpose of the Questionnaire is to assist countries to undertake their self-assessment and subsequently draft their Preliminary Programme of Action. The Questionnaire is also intended to promote national dialogue on development issues and to facilitate the evaluation of countries on the basis of the realities expressed by all stakeholders.

– Marie-Angelique Savané, foreword to the APRM Questionnaire<sup>2</sup>

One of the most useful but also challenging resources in the peer review process is the Self-Assessment Questionnaire (also referred to simply as ‘the Questionnaire’). It provides the basic structure of a country review by stipulating the objectives of the review, questions to be answered under each objective and indicators useful in answering the questions or measuring performance in a given area. Several key points about the Questionnaire are important to planning and managing a peer review.

The Questionnaire was created to ensure that the APRM reviews are done in a consistent manner across countries. It was based upon the 25 original objectives set out in the Objectives, Standards, Criteria and Indicators (OSCI) document, which was one of the founding documents governing the process.<sup>3</sup> The Questionnaire adds significant explanatory material about good governance and it expands on the questions and indicators put forward by the OSCI document. In all, there are 58 questions and 183 indicators,<sup>4</sup> which are divided among four thematic areas or chapters:

**For both governments and civil society participants, the Questionnaire should be considered a guide rather than gospel.**

1. This chapter draws on two unpublished papers, an in-depth analysis of the APRM Questionnaire and the monograph ‘Ideas to Assist in Improving the APRM Questionnaire,’ both co-authored by Terence Corrigan and Ross Herbert of SAIIA.
2. Savané M-A, ‘Foreword’, in APRM Secretariat, ‘Country Self-Assessment for the African Peer Review Mechanism,’ Midrand, South Africa, undated [2004], p.5. References to the Questionnaire in this chapter are not footnoted individually, but all refer to this version.
3. Nepad Heads of State and Government Implementation Committee, ‘Objectives, Standards, Criteria and Indicators for the APRM’, NEPAD/HSGIC/03–2003/APRM/Guideline/OSCI, 9 March 2003.
4. The numbers referred to here are only for the questions and indicators numbered under the 25 objectives. Under these questions, there is one question at the start of each thematic section asking about the extent of ratification and implementation of relevant international treaties, standards and codes. In addition 18 standards-related indicators in total. Under standards questions in each thematic area, there are two additional requests for copies of official evaluations and other evaluations. It is unclear if these are questions or indicators. They number eight in total. Some indicators have multiple bulleted parts that might be considered as separate items.

- Democracy and good political governance;<sup>5</sup>
- Economic governance and management;
- Corporate governance; and
- Socio-economic development.

As the foundation of APRM analysis, the Questionnaire deserves special attention. For both governments and civil society participants, it should be considered a guide rather than gospel. The Panel has encouraged countries to translate the Questionnaire into local languages and add questions as needed to examine subjects neglected in the Questionnaire or specific to local circumstances.

On balance, the Questionnaire provides a useful framework for analysis, but a few aspects of reorganisation would make it significantly easier to use and this would make writing APRM reports and Programmes of Action easier as well. What follows are observations that may help countries better adapt the Questionnaire and help the Secretariat in its present efforts to redraft the Questionnaire. Our approach is based on the idea of researchability – examining how the structure of the overall Questionnaire and individual questions tends to direct the management of research and how changes might make the assignment of tasks simpler and the writing of reports more straightforward.

### **Researchability and the effects of structure**

The early written Country Guidelines envisioned a simple process by which the Focal Point handed out the Questionnaire to a list of individuals, gathered up their responses and collated them into a Country Self-Assessment Report. The Questionnaire is long, at 88 pages, and involves considerable technical language.

The rules clearly promote broad public participation in the APRM process, but the majority of the questions and indicators require technical knowledge to complete. For example, the Questionnaire asks for significant detail on how monetary policy is set, the nature and extent of consultation in economic and corporate policy-making, details on the extent of national compliance with international agreements, and the impact of regional trade arrangements. These and many other questions require research and consultation with experts inside and outside government, and are beyond the knowledge of the average citizen. As a result, the APRM Questionnaire requires nations to marshal a wide range of experts and policymakers.

When used to organise research, the Questionnaire's thematic divisions create several difficulties for researchers and report writers. Even when broken into

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5. The official APRM website has dropped the word 'good' in describing this thematic area. See [www.nepad.org/aprm](http://www.nepad.org/aprm). Most countries have referred to this thematic area as 'Democracy and political governance' the practice followed in this book.

the four thematic areas, the information requested in the Questionnaire is extremely diverse and thus challenging for research institutes to manage. For example, the economic governance section includes subjects as diverse as trade, monetary and macro-economic policy-making, fiscal management and oversight processes, anti-corruption efforts, and anti-money laundering systems. It is rare that one research institute possesses expertise in all of these areas. If countries assign an entire theme to one research institute, that institute may require authority to subcontract specialists. It is true that an economist, for example, could learn enough to manage the trade question, but it would be faster if the task were given to a researcher already familiar with the relevant rules and recent analytical reports. Moreover, experts in the field are more likely to know which other experts and government officials would contribute most in workshops.

The thematic structure of the Questionnaire has a significant effect on the management of each review because countries rely on it to organise their research efforts. Ghana, Kenya and South Africa assigned one research institute to each of the four thematic areas of the Questionnaire. Algeria and Rwanda did not use four research institutes, but did divide their efforts according to the thematic divisions. Rwanda drew on South African academic resources towards the end of its self-assessment phase to do a quality assessment on its report, and Algeria utilised two research institutes.

The division of the Questionnaire into four discrete thematic chapters also imposes artificial barriers between the economic, political, corporate and social spheres that have significant implications for how reviews are conducted. As the Sixth Africa Governance Forum concluded:<sup>7</sup>

The Questionnaire appears to be repetitive especially on cross-cutting issues, thus making the Country Self-Assessment Review tedious and difficult to follow and digest. This has implications for the Country Review Team (CRT) Report as well as the final Panel Report.

The Questionnaire attempts to weave cross-cutting material into each of the thematic sections. The intention was to draw more attention to these issues but the effect has been to make reports repetitive and the research more superficial because different researchers are dealing with the same issues separately under the four themes.

This effect is perhaps most notable in the treatment of corruption. The Questionnaire attempts to distinguish between corruption in the political and business realms. In reality, the two are inseparable. The same regulatory bodies are involved in oversight and prosecution, regardless of where the

**Since the APRM Questionnaire is a guiding document, countries need to adapt [it] to suit their own peculiarities in a way which does not compromise the overall objective of the APRM and the quality of the assessment. – GTZ<sup>6</sup>**

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6. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), 'The APRM Journey So Far', a summary of outcomes of recommendations from previous APRM review conferences prepared for the conference 'Africa's Bold March to Capture the 21st Century – The Role of the APRM', Accra, Ghana, 8–10 May 2007, p.11.
  7. United Nations Development Programme (UNDP), 'Implementing the African Peer Review Mechanism: Challenges and Opportunities, Report of the Sixth Africa Governance Forum (AGF-VI)', Kigali, Rwanda, 9–11 May 2006, report produced 20 June 2006, p.24.

The division of the Questionnaire into four discrete thematic chapters ... imposes artificial barriers between the economic, political, corporate and social spheres that have significant implications for how reviews are conducted.

corruption occurs. In this sense, the Questionnaire would be strengthened if separate sections were created that grouped the relevant questions that pertain to cross-cutting issues. The current version includes separate objectives dealing with the effectiveness of the civil service, corporate ethics and money laundering, which are directly related to corruption and should be dealt with in a section dedicated to accountability and oversight.

**Grouping related issues.** Another solution would be to remove the division into four thematic areas altogether, and bring all existing questions together in a single list with related items in groups. For example it would make sense to cluster gender, human rights and vulnerable-groups issues together. This would make it easier to split research into particular working groups of experts and interest groups who would work together on specialised questions.

Planning will be more effective and the research more efficient if participating countries studied the Questionnaire to determine what forms of expertise they would need beyond the four thematic divisions. Because of the breadth of the material covered in each theme, pioneer countries have found that research institutes do not always have the needed expertise in-house.

In attempting to define a model desk research process (see chapter 5), we identified at least 27 forms of specialised expertise required by the Questionnaire. If certain missing issues are included – such as media freedoms, crime, traditional rule, land – along with a more liberal view about what specialists are needed, this list of expertise may be as high as 35.

Replacing the four broad themes with smaller, more manageable clusters of issues would also help to make planning public consultations more focused and effective. Many countries have organised public events to discuss the four thematic areas, but found that the volume of material necessitated much longer events (to permit conversation on so many diverse subjects) and the events had to be much larger in scope to involve all of the needed experts, government officials and interest groups.

**Thematic versus institutional focus.** Many questions in the current Questionnaire are oriented around a theme but in some cases the quality of analysis and problem-solving would be improved if the questions were framed around diagnosing the strengths and weaknesses of particular institutions. For example, in the socio-economic thematic area there are six objectives, dedicated to self-reliance; accelerating socio-economic development; strengthening policy and delivery outcomes; ensuring affordable access to basic services; progress toward gender equity and broad-based participation of citizens in development and policy-making. The questions and indicators ask how these themes are treated in a wide variety of sectors, including health, education, infrastructure, energy and housing.<sup>8</sup>

8. The questions, indicators and the guidance make reference to a total of 11 sectors including health (including HIV/AIDS and other communicable diseases); education; food; shelter; information and communication technology; finance (including micro-finance); water; sanitation; energy; markets and land.

In practice, those who know about the management or affordability of health care will not necessarily know the issues that pertain to land, water, ICT or other sectors. To make it easier to assign questions to the right experts or interest groups, it makes sense to ask for an analysis of each sector using a standard set of questions. The present structure invites superficial generalisations. Alternatively, it requires a complex effort to pass out the six objectives to a variety of sectoral experts, obtain their answers under each objective, question and indicator and then assimilate these back into a coherent report. It would make more sense to treat the objective on self-reliance as a discrete subject, while the issues affecting basic services are better organised around particular sectors such as health, housing or micro-finance provision. The issue of gender could either be handled as a theme, or assigned to each sector as a line of inquiry.

The choice of institutionally versus thematically focused questions has relevance to other sections of the Questionnaire. Responsibility for different aspects of oversight and fighting corruption rests with the police, ministry of justice, auditor-general, anti-corruption authority, fraud and money laundering investigative units, tender boards and more broadly with parliament. The Questionnaire would be easier to answer and would be more likely to result in specific actionable improvements if each relevant institution were analysed to determine if it had adequate funds, staff, technical capacity, legal powers and independence. Reformulating questions where possible to evaluate institutions would make the Programme of Action easier to assemble and monitor because action items would be organised according to the responsible institution. This would make it easier for each public body to identify the portions relevant to their operations.

## The format of questions

**Challenges of a four-tiered structure.** The current tiered arrangements (themes, objectives, questions, and indicators) should be revisited. The use of this structure suggests that the various categories carry different degrees of importance. The use of indicators produces two problems. Firstly, while the indicators are meant to guide the respondent in answering the questions, there are instances where they do not seem to match the substance of the questions properly. For example, Question 2 under the second democracy and political governance objective reads: ‘What weight do provisions establishing the rule of law and the supremacy of the Constitution carry in practice?’

The question seems quite clear, asking for an assessment of the practical application of the legal and constitutional provisions. The indicators say:

- (i) Identify the relevant legal provisions that establish the rule of law and affirm the supremacy of the Constitution and describe the procedures for amending your country’s Constitution.

- (ii) List institutions tasked with enforcing these provisions and assess the effectiveness of these institutions, through recent cases/reports.

**Respondents may view the indicators as the lowest and therefore most dispensable elements of a hierarchy.**

The indicators therefore require the respondent to list legal provisions, describe relevant institutions and assess these institutions. The indicators lead the respondent in a different direction from the thrust of the question.

Secondly, it is not clear to what extent the indicators are to be treated as mandatory, or merely suggestive. In the case of the example cited above, respondents might spend a great deal of time researching the legal provisions and the institutions responsible without dealing with the question itself. Indeed, a respondent could believe that in responding to the indicators, he/she would be doing all that is required to answer the question, when this is not necessarily the case. Respondents could easily become focused on the indicators to the exclusion of the broader questions, or the overarching objectives.

An alternative consideration is that respondents may view the indicators as the lowest – and therefore most dispensable – elements of a hierarchy. However, some indicators pose especially important questions, and need to be addressed. For example, socio-economic development Objective 3, Question 1 reads: ‘What measures has government taken to strengthen policy, delivery mechanisms and monitor outcomes in order to make progress towards the social development targets?’ The associated indicator (iv) reads: ‘Outline the challenges faced and efforts to address constraints’.

Both the question and indicator are important, but if the indicator is ignored (on the basis that it is merely suggestive or less important than the broad question), a very important perspective would be lost. To achieve this, some indicators should be promoted to the level of questions.

**Value-neutral phrasing.** At times, the Questionnaire makes assumptions that a particular course of action will be beneficial, or phrases questions in a manner that assumes that policies are achieving their goals. Respondents may not agree, and should be able to voice their opinions. For example, in the democracy and political governance section, one of the indicators attached to Question 4 (dealing with decentralisation) reads ‘Provide evidence of improved broad participation of people at the grass root levels due to decentralisation’. Not all respondents may agree that decentralisation is an appropriate policy choice, but the question implies that it is. Another indicator, in the same section, Objective 3, Question 2, which deals with access to justice, asks the respondent: ‘Give details of measures taken to sustain progress (training, monitoring, evaluation, adjustment)’. The wording used assumes that progress has been made, and that particular measures are in place to facilitate it. This may not be the case. Respondents may feel that no progress has been made or that the measures taken have had no effect.

**Use straightforward, non-technical language.** The Questionnaire should be accessible to ordinary citizens as well as experts. Wherever possible, the questions should be phrased in plain language to avoid technical terminology, if more straightforward terms are available. This is especially important for ordinary citizens wishing to participate in the process.

Objective 1, Question 4 of the economic governance section asks ‘What has your country done to increase domestic resource mobilisation including public and private savings, capital formation and reduce capital flight?’ The first indicator asks about steps taken to ‘deepen financial intermediation.’ These ideas might be clear to economists but not students, ordinary citizens and even many MPs who are not from an economics background. Where possible, simpler terminology should be used and where technical terms must be used, they should be followed by clear definitions. In addition, even when an idea is so defined, people may not know what kinds of steps would be implied by ‘financial intermediation’ so it would be very helpful to have a paragraph of guidance that explains some elements of best practice or how some countries have sought to accomplish this and ways in which others have unintentionally worked against this goal.

The Questionnaire uses the euphemistic phrase ‘opportunity for choice’ when it should clearly say ‘multi-party democracy’ to reflect the idea as expressed in the governance standards. Terms such as ‘accountability’ and ‘ownership’ need to be explained simply through a guidance paragraph that gives examples of how such concepts would be translated into law and institutional design.

The concepts embedded in the discussion of human rights, separation of powers and the rule of law should be defined clearly. Some of the terms needing clarification include free speech, equal access to justice, separation of powers, independence of the judiciary, the rule of law and constitutional rule should be defined with examples in guidance paragraphs. These definitions should also give a sense of how such rights can be undermined at times. Addition of a glossary of terms could also be helpful.

The socio-economic section asks about ‘self-reliance’ but does not define this well. The questions and guidance should ask more explicitly what steps the country has taken to reduce its dependence on debt financing, to secure debt relief, to improve its revenue base and compensate for losses in customs revenue (which are falling as a result of trade liberalisation and regional integration.)

**Rationalise similar questions.** The socio-economic section of the Questionnaire utilises the terms ‘socio-economic development’, ‘social development’ and ‘sustainable development’ in very similar ways so that countries would largely utilise the same evidence to respond to multiple questions. For example, the first question under Objective 2 of the socio-economic section (‘Accelerate socio-economic development to achieve sustainable

**Where possible, simpler terminology should be used and where technical terms must be used, they should be followed by clear definitions.**

development’) asks ‘What is the country doing to accelerate socio-economic development and achieve sustainable development and poverty eradication?’

The first question under Objective 3 (‘Strengthen policies, delivery mechanisms and outcomes in key social areas’) asks, ‘What measures has government taken to strengthen policy, delivery mechanisms and monitor outcomes in order to make progress towards the social development targets?’

The measures that a country is taking to accelerate development and achieve sustainable development will largely be the same steps and delivery mechanisms that feature in the next objective. This produces redundancy in reports and could be avoided if (as noted elsewhere in this chapter) the questions were turned around to ask for a report on the key initiatives and obstacles in each of the key sectors.

**Attach guidance to each question.** In many cases, participants may not fully understand a given question, or may have difficulty deciding how to approach it if they have never attempted to evaluate that particular aspect of governance. To overcome this problem, each question should be paired with a guidance paragraph. These guidance paragraphs could contain an explanation of the types of information or factors that are useful in evaluating a particular area of governance. It would be suggestive, not prescriptive.

The Questionnaire should make clear that these guidance paragraphs are not intended to be mandatory, and are not comprehensive in respect of what respondents may wish to deal with. Rather they provide general advice to respondents to help them complete the Questionnaire in the best and most efficient manner. Respondents who feel that they would rather deal with a question in a manner not suggested by the guidance material should be free to do so. Some of these guidance paragraphs will be drawn from the indicators that exist already (which are, in a sense, already performing this role), while others will need to be created.

**One idea per question.** The Questionnaire frequently includes multiple ideas in one question. For example, the first question under Objective 4 in the democracy section asks: ‘What are the constitutional and legislative provisions establishing the separation and balance of powers among the Executive, the Legislature and the Judiciary branches of government?’ In practice, the issues affecting the judiciary are quite different from those affecting the legislature and different expertise would be needed for each component of the question. Dividing this question into two would improve ease of use and researchability. It would also make it easier to write the subsequent self-assessment and final country reports. Simplifying the questions in this way also makes it easier to adapt the base Questionnaire for purposes of a citizen survey.<sup>9</sup>

**A standardised question format.** In different areas, questions take different forms. Some questions ask for a list of positive actions taken while others ask for an assessment of accomplishments and challenges. The Questionnaire would be easier to use if questions, as far as practicable, adopted a more standardised structure that asks participants to do four things: analyse performance in the given area; identify systemic reasons for this performance – gaps in law, resources, technical capacity or constitutional powers; provide supporting evidence; and make recommendations to address any shortcomings.

This lack of a standard approach to questions can lead to disputes in the writing and editing of self-assessment reports. Governments can feel that the Questionnaire does not give space for their accomplishments or attempts at reform. They may be concerned that the whole report can read like a long list of problems. However, civil society is most concerned with getting into the report the most important items needing change. The Country Review Teams have mitigated this in the final reports by giving dedicated space to listing accomplishments and describing best practices. However, the Questionnaire would promote greater harmony and remove the temptation of editors to downplay problems if questions consistently made space to list both accomplishments and problems. The present mix of question formats never clearly establishes the need to give credit where it is due, but also is inconsistent in its requests for evaluation of governance.

**Create technical background sections.** The Questionnaire is meant to be accessible to ordinary citizens, but in some cases, the complexity of its language and its requests for technical detail can represent substantial barriers to participation. It would thus be an improvement if the more technical material were separated from more general purpose questions and put under a sub-section labelled ‘Technical Background’ under each objective.

The current Questionnaire requires respondents to describe in considerable detail the state of the country’s laws, the structure of its economy and numerous other details. For example, Question 1 of the corporate governance section reads ‘What are the main categories of commercial enterprise and what is their role in the economy?’ The indicators that follow read:

- (i) Please describe the main categories of commercial enterprise with reference to: The different types of enterprise, their ownership structures and their role in the economy including but not limited to public listed corporations, private listed companies, state owned enterprises, co-operative societies, family owned enterprises, informal sector, etc.; (and) The development history, current size and performance of the country’s stock markets (if any).
- (ii) Outline the key financial institutions that support businesses in

**Governments can feel that the Questionnaire does not give space for their accomplishments or attempts at reform. They may be concerned that the whole report can read like a long list of problems.**

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9. A citizen survey would require questions that test a single idea and ask the respondent to select a response from among a set of choices. Because the respondent may rate each idea differently, a question containing multiple ideas would have to be split. See discussion of surveys in the next chapter.

the country including but not limited to banks, building societies, government agencies, investment schemes, international finance, microfinancing etc

- (iii) Please provide an inventory of the domestic investment industry including but not limited to pension funds, mutual funds, banks and insurance corporations foreign investors and the extent of their equity holdings and involvement in the equity market.
- (iv) Enumerate the key professional and business organisations, e.g. chambers of industry, manufacturers' associations, institute of directors, institute of chartered accountants etc.

Where possible, the Questionnaire should be stripped of these requests for detail. The Country Review Team and continental Secretariat can and should conduct their own research, and if they require this information, they can request it from the government or research institutes.

The factual information is, of course, important, but the Questionnaire would be easier for citizens and non-technical people to use if questions focused on asking for an evaluation of governance. Ultimately, a separate 'expert' questionnaire should be produced, alongside a more generally accessible layman's questionnaire. Creating and validating two separate questionnaires will be time consuming and challenging. Until such an effort can be completed, attaching an appropriate label, such as 'technical background' to particular questions and indicators would help separate the questions intended for general consumption from those aimed at researchers.

**A single list of questions with one numbering system.** The use of thematic areas, objectives, questions and indicators could be improved with a common, simplified method of referring to the questions. The present Questionnaire structure forces participants to refer to questions in a cumbersome manner. For example, to identify a particular indicator in a workshop, one would have to stipulate the corporate governance section, Objective 2, Question 3, Indicator 2. A simpler and more direct way of asking for information would be to have a single list of questions that utilises one numbering system from top to bottom. To maintain the relationship between objectives and questions, this single list could use a decimal numbering system, where the first digit represents the objective, which could be numbered from one to 25 (which would remove the need to cite the thematic area for each). The second number, after the decimal, would represent the question. Removal of indicators and the numbering of questions and objectives in one continuous list would allow participants merely to refer to question 6.2. To designate linkages between related questions, the designation could be 6.2a, 6.2b and so on. Such a system would further simplify the process of formatting reports, would simplify the POA and location of particular action items and recommendations.

The structure of questions is inconsistent, with some asking for a list of positive actions taken while others ask for an assessment of accomplishments and challenges.

## Subjects left out or marginalised

A number of significant subjects are not mentioned at all in the Questionnaire. These include freedom of information laws and restrictions on media freedoms, such as criminal libel laws, publication and journalist licensing systems, and laws criminalising insults to or disrespect for heads of state or politicians. The Questionnaire also should include examination of the extra-legal arrest, detention, intimidation or violence against journalists.<sup>10</sup> The Questionnaire does not ask about traditional rulers and the relationship between their powers and those of democratic systems. Rules about land and inheritance, which are a source of conflict in many countries, are not explicitly dealt with in the Questionnaire (although pioneer countries have added discussion of these issues to their reports).

**Criminal justice.** Crime and the overall justice system are left out of the Questionnaire. Crime could arguably fall under the sections on sources of conflict or human rights, but it is an awkward fit in either section. One set of questions asks about the rule of law and the subordination of the security services to civilian rule, which might be used as a place to insert discussions of the police. Other questions ask about the independence of the judiciary and affordable access to justice, but nothing asks about the effectiveness and fairness of justice system as a whole. The effectiveness of the fight against crime depends on courts, prosecutors, detective services, the general police force, prisons and a variety of laws and constitutional rights. A set of questions is thus needed on criminal justice and the judiciary, which should deal with balance of powers questions, protection of human rights, crime, access to justice, adjudication of civil and commercial disputes, and detention systems (which have major human rights implications).

**Details of constitutional democracy.** The questions pertaining to political and democratic systems are not well structured to diagnose sources of poor political governance. The Questionnaire asks about the separation of powers, constitutional supremacy and protection of rights. Political systems experience dysfunction because political networks and power centres are deeply tied up in economics, corporate governance and socio-economic policies, which can be held hostage to political-economic struggles. In many cases, people with political power have been able to utilise extra-legal and extra-constitutional influence to seize economic power. That ability influences how economic and developmental choices are made. The Questionnaire does not address the means by which political power confers this kind of economic power and unless it does, it will not get to the root causes of political-economic dysfunction.

When the Questionnaire for the APRM was being devised there was a requirement for a free and independent media included in the good governance criteria but this disappeared without explanation shortly before the Questionnaire was published.

– Raymond Louw<sup>11</sup>

10. See, for example, Louw R, 'Media and "Good Governance" – A key feature of APRM glossed over,' paper prepared for the APRM Lessons Learned Workshop, South African Institute of International Affairs, Muldersdrift, 12–13 September 2006.

11. *Ibid.*, p.3.

Objective 2 in the political section contains five distinct albeit related ideas: ‘Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizen rights and supremacy of the Constitution.’ There are five very diverse questions ranging from electoral competition to civilian control of the security services to decentralisation. However the 15 indicators do not deal specifically with the fairness of electoral systems; the drawing of parliamentary district lines; the independence of electoral commissions; the fairness of access to electronic media for campaigning; the processes used for voter registration; the transparency and regulation of political party finances; and the regulation of the use of state and parastatal company assets in furtherance of the political objectives of incumbents. In addition, the Questionnaire does not address a variety of related political rights that are prominently mentioned in the international codes and standards that APRM has embraced. These include freedom of assembly (often violated during election seasons through requirements to obtain police permission to hold rallies), freedom of association (which affects the ability to freely form political parties, labour unions and activist associations), and freedom of speech (which is frequently limited through violence, arrest, licensing of journalists or media outlets, and laws criminalising defamation, libel, sedition and insult of politicians). Including these ideas as guidance on the question would be helpful to citizens who may never have attempted to measure governance and may not think of all of the essential factors involved in democratic fairness.

**Sub-national government.** The Questionnaire does not offer sufficient guidance about how to evaluate local government, even though it is very important to the quality of governance overall. In South Africa, for example, the majority of government spending is channelled through provincial and local governments. The Questionnaire only indirectly deals with local and provincial governments through the discussion of decentralisation, which is scattered in different parts of the Questionnaire. Each of these levels of government has the same kinds of issues that affect national governments – separation of powers, inadequate resources, fiscal management, corruption and socio-economic problems. The indicators and questions do not ask many questions that would be relevant to assessing sub-national levels of government. From a research point of view, the Questionnaire awkwardly splits discussion of decentralisation among the political, economic and socio-economic sections, which results in redundant or incomplete analysis. It would be easier to make local and provincial government a separate section that asks participants to list the major problems affecting them, evaluate the constitutional and legal frameworks guiding these levels of government and ask what provision national governments take to fight corruption and ensure effective socio-economic delivery at these sub-national levels and to identify needed solutions. Sub-national government also relates to land use, traditional rule and environmental management, which are not addressed adequately in the Questionnaire.

**The Questionnaire does not address a variety of related political rights that are prominently mentioned in the international codes and standards that APRM has embraced.**

**Gender.** Gender is another area given insufficient attention, in part because of the way it is divided across thematic sections. The quality of analysis would improve if all of the gender questions were grouped together and a team of specialists with knowledge of the particular legal and cultural issues was assigned the task of producing a dedicated gender analysis.

**Nepad.** The Questionnaire also fails specifically to ask about the implementation of Nepad policies and programmes.

**Evaluating compliance with codes and standards.** Each of the four thematic sections of the Questionnaire asks about whether the country has ratified a variety of international standards and codes, and the extent to which countries have operationalised these commitments in law and practice. This is an important line of inquiry. Unfortunately, none of the country reports have attempted to answer the questions about the extent to which countries comply with or have operationalised the international standards and codes, (although they have noted when codes have not been ratified and suggested that countries should have mechanisms to evaluate compliance).

Evaluating a country against the various codes and standards is difficult. The codes and standards run to several thousand pages and many are rather vaguely worded so it is not easy to determine precisely what they commit a nation to do. However, there are many clear and measurable commitments contained in the standards. They are quite clear and straightforward, particularly in the areas of accounting, auditing, fiscal management, banking regulation, central bank management, public participation, fighting corruption, money laundering and corporate governance. To assist countries in understanding the extent of their compliance, it would be helpful if the Questionnaire provided Internet links to the standards themselves.<sup>12</sup> It would also be a valuable improvement if the Questionnaire included in the guidance for each question a discussion of what the standards require.

These recommendations would make the Questionnaire more coherent and user-friendly, and enhance the research process, a subject discussed at length in Chapter 5.

None of the country reports have attempted to answer the questions about the extent to which countries comply with or have operationalised the international standards and codes.

12. Some of the standards are misnamed in the Questionnaire or are described in a generic fashion, making them difficult to find on the internet. The CD-ROM on the inside back cover of this book includes an indexed collection of APRM codes and standards and a set of analyses that highlight the key commitments contained in some of the most important standards.



# RESEARCH, CONSULTATION AND REPORT WRITING

# 5

[Of all the challenges involved in peer review], none is more urgent than ensuring that the APRM implementation process at the country level is conducted in a transparent, inclusive and democratic manner for it to remain credible and inspire the confidence of the people it is intended to serve. This is why countries need to take the requisite time and care to prepare adequately and to consult broadly on the process. The citizens must be convinced that they own the process. A rushed process will do irreparable harm to APRM.

– Gilbert Hougbo, UNDP regional director for Africa<sup>1</sup>

The APRM does not stipulate how the Country Self-Assessment Report should be assembled or what types of research should be used. The Country Guidelines include only four clear requirements: that the process should be based on broad public participation; that the work should be conducted by independent research institutions supervised by the National Governing Council; that the report should be based on the Questionnaire; and that it should involve a mix of quantitative and qualitative research.

The question countries often ask is how those requirements should be translated into a practical plan. As chapter 4 notes, the starting point is an analysis of the Questionnaire. It provides the main objectives and questions that are the starting point. However, strictly following the Questionnaire's structure can lead to inefficient and repetitive research. Some portions of the Questionnaire ask for too much detail whereas others are too rudimentary. If the end result is going to be a sound diagnosis of problems and the creation of effective policy remedies, the process requires much more than a simple fill-in-the-blanks approach to the Questionnaire.

The Panel and Secretariat recommend that research institutions synthesise a variety of forms of research – both quantitative and qualitative information – into the Country Self-Assessment. But how, exactly, should public input be gathered and how should hundreds or thousands of inputs – oral, written

**How should the evidence coming directly from the public be combined with information from research reports and government's own assessments of itself?**

1. Hougbo G, Speech at the Sixth Africa Governance Forum (AGF-VI), in United Nations Development Programme (UNDP), 'Implementing the African Peer Review Mechanism: Challenges and Opportunities, Report of the Sixth Africa Governance Forum (AGF-VI),' Kigali, Rwanda, 9–11 May 2006, report produced 20 June 2006, p.49.

and survey responses – be merged? How should the evidence coming directly from the public be combined with information from research reports and government’s own assessments of itself?

These are some of the key questions that arise in planning an APR assessment. This chapter will outline broad approaches to information gathering used by the early APRM countries, then consider some of the challenges involved in transforming that information into a Country Self-Assessment Report and Programme of Action.

## Forms of research

Citizens have a right to comment on all aspects of governance, but, as a practical matter, the vast majority of citizens will be unable to answer the kind of legal, constitutional and technical questions asked in the Questionnaire. How many citizens – even in the most well-educated industrialised countries – would be able to diagnose problems in monetary policy, trade, the details of compliance with treaties, and the regulations affecting corporations? Nearly all would be unable to cite specific problems, identify specific legal or procedural weaknesses or offer evidence of the nature or extent of problems. How then must the process balance the right to participate against the difficulty of doing so?

Clearly, citizens are the ultimate arbiters of the fairness of democratic practices, of the division of public goods across regions and between sectors of society. The impressions of citizens about the sources of conflict, corruption, crime and public service delivery – even if citizens cannot cite surveys and statistics to prove their claims – should be seen as a crucial measure of the performance of government. However, good policy-making should not be grounded only in impressionistic information.

Although the Questionnaire and Country Guidelines do not say so, the requirement of broad public participation in the APRM implies an iterative process. The public should make input in response to the various issues raised in the Questionnaire – through written submissions, at public meetings and in focus groups. But every public process will reveal new information or put forward assertions that need to be further interrogated and checked against other sources of information. In some cases, the public may be upset about a given issue and government may have initiated a public policy response that has not yet begun to bear fruit. In other cases, citizens may point out a problem based on its visible public impact but not have a clear idea of the root cause or know which arm of government is responsible. Such observations are legitimate and should be investigated.

**Civil society ... must still fight to ensure that it is adequately involved in the development and execution of development policies. – Ousmane Demé, Partnership Africa-Canada<sup>2</sup>**

2. Dème O, *Between Hope and Scepticism: Civil Society and the African Peer Review Mechanism*, Insights Series, Ottawa: Partnership Africa Canada, October 2005, p.2.

In practical terms, the requirement of broad public input and the technical nature of the Questionnaire has led pioneer countries to embrace two broad types of research and consultation. These can be described as technical and popular research methods. Many variations have been used in the pioneer countries and many as yet untried methods are possible. The pioneer countries have broadly utilised 15 types of research; not every country used every method and a variety of different names have been used to describe similar approaches. Below is a short list of them followed by an explanation of the best practices and lessons learnt in each area:

**A balanced mix of research methodologies including surveys and opinion polls is required. – GTZ<sup>3</sup>**

<b>Technical methods</b>	<b>Popular methods</b>
<ul style="list-style-type: none"> <li>• Desk research</li> <li>• Expert surveys</li> <li>• Focus groups</li> <li>• Expert workshops</li> <li>• Expert readers and editors</li> <li>• Validation processes</li> <li>• Government interaction</li> </ul>	<ul style="list-style-type: none"> <li>• Public conferences</li> <li>• Citizen surveys</li> <li>• Formal invitation to make written submissions</li> <li>• Civil society convenors</li> <li>• Parliamentary hearings</li> <li>• Outreach to political parties</li> <li>• Outreach to the media</li> <li>• Programme of Action workshops</li> </ul>

### **Technical research methods**

**Desk research.** This should be the starting point of any research plan – to gather what has already been written about the country. In many cases the reforms proposed through the APRM have already been proposed in other authoritative assessments. In some cases, reform programmes have been launched, which may have separate dedicated funding. While some of these reforms may have made progress, others may have stalled for lack of funding, because political commitment faltered or government departments were not committed, lacked co-operation with other departments or some needed expertise. More importantly, the Programme of Action (POA) will be less likely to succeed if it has not carefully assessed why some past attempts at reform have worked and why others have not. Because the POA is supposed to set out new commitments, it also needs to be informed by a self-assessment that clearly notes what has been tried in addressing a given problem and what additional measures are needed. This is a vital role of desk research. Ensuring that it clearly notes which national plans and reports recommended what actions also is crucial to conversations

3. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), 'The APRM Journey So Far', a summary of outcomes of recommendations from previous APRM review conferences prepared for the conference 'Africa's Bold March to Capture the 21st Century – The Role of the APRM', Accra, Ghana, 8–10 May 2007, p.5.

with foreign funders, who will want to know how new money will be spent and how it will avoid duplication of reforms that may just be starting (see Chapter 6 on the POA).

For governments, it can be difficult to keep track of the sheer number of reviews and development planning commitments. There are often sector plans for health, education and other areas. Agreements have been made with individual donors, the World Bank, International Monetary Fund and African Development Bank. And there are long-term strategy or national vision documents; Poverty Reduction Strategy Papers; national budgets; development plans; auditor-general's reports; parliamentary committee investigations and reports. There are also reports from civil society, various international governance ranking reports, the UN's Human Development Reports; and the UN Economic Commission for Africa's governance research. (See Appendix B for a list of sources that can be helpful in building up the self-assessment and Programme of Action.) If the APRM can synthesise all of these together and keep track of which recommendations and commitments were made when and in what forum, it will help prevent repetition and redundant efforts at reform.

Because the APRM Questionnaire is divided into four sections known as thematic areas, countries often manage research by handing each section to a different research institution. However, the range of subjects and the degree of specialisation in the questions means that research institutions rarely have the breadth of expertise required. To make the research effort faster and help assign the desk research to experts in the relevant fields, it can be helpful to divide the Questionnaire into clusters of related issues that would be suitable to assign to particular experts. For example, it can be more effective to hand all of the gender related questions to an expert who knows the legal and cultural issues and is familiar with the main assessments that exist in the area. If the desk research were handed to a social scientist who was unfamiliar with the field, she would spend much more time catching up and finding sources. Similarly issues such as trade, economic management, parliamentary powers, and human rights, among others, benefit by allowing specialists in those fields prepare the desk research. Dividing the desk research into smaller, more manageable parts will also allow the process to bring more expertise to bear and thus complete the work more quickly than if it were only divided into the four thematic areas of the Questionnaire.

In analysing the Questionnaire with the Lesotho Governing Council in November 2006, participants broke the Questionnaire into 27 issue clusters. The Lesotho process is not complete and some issues may be grouped together for simplicity and cost purposes, but the exercise offers a valuable starting point in identifying what forms of expertise and desk research are needed (see box below).

### Desk research clusters

#### Democracy and political governance

1. Managing conflict
2. Constitution/rule of law
3. Electoral systems and practices
4. Parliament
5. Judiciary and criminal justice (including crime, police, prosecution and detention services)
6. Human and political rights (including media freedoms and rights of children and vulnerable groups)
7. Gender (rights, fairness, socio-economic dimensions)
8. Media freedoms
9. Decentralisation (including questions in the economic and socio-economic sections. Also could include issues of traditional rule, service delivery, land and environmental issues)

#### Corporate governance

10. Business environment
11. Corporate behaviour
12. Corporate accountability

#### Economic governance and management

13. Economic and development strategy (to include questions on sustainable development from socio-economic section)
14. Sound administration, oversight, corruption and money laundering (including corruption questions from political section)
15. Regional integration and trade

#### Socio-economic development

16. Self-reliance
17. Environment
18. Education
19. Health (including HIV)
20. Water and sanitation
21. Housing/shelter
22. Land
23. Agriculture (including access to markets, inputs, supports, food security)
24. Finance (including micro-finance)
25. Transport
26. Energy
27. ICT

In order to begin building the national report and give participants in workshops something to which they can respond, it would be helpful to commission an expert writer in each of those issue clusters. Breaking the research into smaller, more manageable subjects would allow research to be done faster because more work would be conducted in parallel. Each writer would have six tasks:

1. Identify the existing reports that touch on the designated topic.
2. Prepare a bibliography of such reports and sources.
3. Prepare a list of key issues mentioned in those existing reports.
4. Under each issue, provide a list of supporting evidence from those reports, using footnotes to make it easy to find the relevant portions in future.
5. Extract from the existing reports a list of their recommendations and propose other solutions that are suggested by the evidence.
6. Depending on local languages in widespread use, each specialist researcher could also be asked translate his or her section into local languages.

Once these commissioned desk research papers are complete, Technical Research Institutes can use them to stimulate discussion in public meetings

and focus groups. They also can form an important foundation for both the country self-assessment report and the Programme of Action. By capturing existing reforms and recommendations from other reviews, desk research can ensure that the APRM adds to rather than merely repeats the conclusions of other studies.

**Expert surveys.** Ghana and Kenya performed surveys of several hundred experts, who were carefully chosen for their knowledge of the various thematic areas of the APRM. An expert survey is not representative of popular views but can provide an important measure of the problems affecting particular areas and can help to answer some of the highly technical questions in the Questionnaire, and identify potential solutions for the Programme of Action. Because it draws on more educated and well-informed respondents, it can help in identifying recommendations and details of problems, the causes of which are not widely known.

**Focus groups.** Surveys often raise questions and require further clarification. One approach to help explore particular problems or the views of key groups is to hold focus group discussions of five to 20 people. These allow participants to elaborate on issues and can help identify subtle problems, such as the causes of land conflicts or ways of harmonising traditional rule with local government. Kenya conducted focus groups based on age cohorts (with groups of younger men, younger women, older men, and older women) in all areas of the country. Ghana, on the other hand, convened different stakeholders to explore particular issues, such as chieftaincy and land, using a thematic rather than demographic approach.

**Expert workshops.** Less structured than focus groups, expert workshops should concentrate on a given theme and allow adequate time to fully debate issues and find or provide a critique on solutions. South Africa used this approach, but found that a one-day seminar for each of the four APRM thematic areas was too little to adequately cover the diversity of topics in each theme.

**Expert readers or editors.** Because the process of assembling a long report involves many people and many forms of input, there inevitably will be editing or grammar mistakes and potential misunderstandings about technical matters. To find mistakes and give the text a thorough reading, Ghana and Kenya established the best practice of turning over the four thematic reports to an expert reader for each section. This person was given the task of identifying both editing and substantive issues in the report. Rwanda also used academic reviewers.

**Validation processes.** Even when the research plan provides for extensive public input, there is inevitably a desire by all parties to see the text and comment on its conclusions before it is finalised. People and organisations will be concerned about whether their inputs were included or translated appropriately. It is also important to recognise that, as noted in the expert

editor's point above, there are many ways in which the point of a given submission could be subtly misconstrued or could tell only part of a complex story. Thus it is important to build robust processes to debate the report and leave sufficient time to have a full conversation on all of its elements. Distribution of the full text in advance enhances the transparency and legitimacy of the exercise.

**Government interaction.** The ultimate goal of the APRM is to make better policy and governance systems. One key lesson from all the early countries is that there is a tendency to make the process of preparing the Country Self-Assessment Report a technocratic exercise. Because top government officials have many duties, they tend to delegate to junior officials. Then the senior officials are surprised by the report findings and can reject the proposed solutions because they have not been briefed on the chain of reasoning leading to particular recommendations. However, if ministers were involved all through the process, there might be strong complaints that government was dominating or meddling. As a result, there is a need to engage senior civil servants and ministers in the processes of expert workshops so that they can hear about preliminary findings and comment based on their knowledge of existing government programmes and systems. It is important that the research agencies and lead writers of each section remain in charge of the editing process and consider government as one of the variety of constituencies to be consulted. In some countries, such encounters turned into sessions where government dictated what should be in the report, which is contrary to the APRM rules and the spirit of the process.

### Popular consultation methods

Broad public consultation sounds simple enough but can be one of the most challenging aspects of the APRM. Holding events that are open to the public does not guarantee that the final report reflects the views of the public or that those involved in any process are necessarily representative. Fairly capturing the views of the whole nation requires that a variety of outreach methods are used, which reflect the various rural, urban, geographic, ethnic, religious, business and other constituencies.

**Public conferences.** Public conferences can be held in a variety of regions and they can provide a convenient forum for key constituencies to make input. Such meetings lend important credibility to the process. They are public evidence that issues are being discussed and events are occurring. But they also have certain weaknesses. They are expensive and need to be factored into plans and budgets. They require renting facilities, sound systems, food, travel, accommodation for organising staff, and systems to publicise the meetings and send invitations to key organisations. The ideal size of meetings deserves careful thought. The larger the meeting, the more difficult it can be to manage a meaningful conversation that results in solid evidence and useful policy

**An important lesson is that no one method of research will suffice. Broad public participation alone cannot answer all parts of the Questionnaire.**

Public discussions allow people to set the agenda, name their problems and frame the issues and range of potential solutions in their own words rather than having them structured by questionnaire designers.

– Robert Mattes, Afrobarometer<sup>4</sup>

recommendations. In large meetings, not everyone will get a chance to speak. Inevitably, due to the complexity and length of the Questionnaire, many public meetings cover only a fraction of the material before time runs out. Allowing only one day to cover the whole of the Questionnaire will ensure that the conversation will be necessarily superficial. Smaller workshops focused on sections of the Questionnaire can go into greater depth on issues but more such encounters are needed for the process to gain credibility and visibility and cover all regions of the country. How conferences are facilitated also affects the quality of the conversation. Citizens often do not come armed with the specific facts to prove a case, so that issues raised in public events must be followed up by additional research and investigation. Effective note-taking is, therefore, vital.

**Citizen surveys.** To ensure that the views of a wide variety of constituency groups and regions are captured, the process needs some kind of structured approach. An opinion survey using a representative sample can provide this. The positives are that it is organised, reaches all regions and allows views to be quantified, i.e. in saying that x percent of people agree that a certain issue is a top priority or indicate the degree to which something is seen as a problem. Polling citizens also takes away the element of subjectivity that can affect what constitutes a major or minor issue. It also reaches a nationally representative sample of citizens with an equal chance for everyone in the country to be chosen. However, surveys take time, funds and specialised expertise to plan and execute. For a more detailed discussion of surveys, see 'Planning a citizen survey' later in this chapter.

**Formal invitations to make written submissions.** Inviting civil society to make written submissions on some or all of the issues in the Questionnaire can be a good way to signal that the process is open and transparent. And it can result in information from diverse groups that makes writing the final Country Self-Assessment Report easier and more thorough. For example, only a few experts may know about business regulations. Getting them to write an analysis can make the process easier. South Africa has by far been the most successful in soliciting submissions from a wide variety of constituencies and groups, with over 80 submissions.

**Civil society convenors.** Although countries appoint different civil society groups to the National Governing Council, their membership on the council does not mean that civil society views will necessarily be included in the final report. Governing council members do not write the self-assessment themselves and council members are often not professional writers or researchers. Because they also have full-time jobs, they can struggle to keep up with the demands of the process. In Kenya, certain members were designated as convenors, who were to call meetings of their constituencies

4. Mattes R, 'Using Representative Opinion Surveys in the African Peer Review Mechanism Process', paper presented at the APRM Lessons Learned Workshop, South African Institute of International Affairs, Muldersdrift, 12–13 September 2006, p.1.

and gather inputs for the self-assessment. The idea was a good one, but the process did not operate well because of insufficient funds or logistical staff to assist the convenors. In South Africa, the function was not given a name but funds were provided to civil society members of the National Governing Council to gather their membership and prepare written reports on areas of interest. This is a potential best practice but explicit steps and support are needed for this function to work, and many groups need the assistance of a writer or editor.

**Parliamentary hearings.** In every country so far, parliaments have expressed strong interest in the APRM and expected to be briefed and involved. Even where the executive and parliament are dominated by the same party, parliament wanted to express its views. Kenya and Rwanda included parliamentary representatives on their governing councils but this did not translate into broad engagement. The South African parliament chose to write its own APRM report and convened hearings to gather public and expert testimony, which provided valuable opportunities to the public and evidence to researchers who assembled the Country Self-Assessment Report. Inviting parliament to hold public hearings can be a useful way both to welcome parliamentary participation and to open another avenue of public participation.

**Outreach to political parties.** In all pioneer countries, leaders have expressed concern about what the political opposition might do with APRM reports. Ghana established a best practice by reaching out to the political opposition. Before publicly naming its National Governing Council members, Ghana consulted the opposition on the acceptability of those on its shortlist and criteria for selecting eminent, non-partisan people. Briefing parliament on the research plans before they are final and inviting its committee chairs to the expert workshops would be other methods to involve members of parliament. They will expect to be given ample time to read and comment on the draft country assessment through the validation processes.

**Outreach to the media.** The media are an important force in shaping public opinion. If they begin to take negative views on the process, that perception will be magnified throughout the citizenry. As a result, special care should be taken to brief the media as plans develop, so they know what to expect and are invited to make inputs. Media freedoms are a key part of political and democratic rights and the media should be actively engaged to gather their views on these points. Lesotho has a media representative on its National Governing Council.

**Programme of Action workshops.** An important lesson is that all early countries put off development of the Programme of Action (POA) until the end, which put them under intense time pressure. The process of drafting the self-assessment has taken much longer than the six to nine months envisioned in the APRM Country Guidelines. As a result, little time has been left for the POA. Given that good policy is usually not made in a rush, there is

a significant advantage in taking steps early in the process to begin building the POA. Chapter 6 explores the preparations for the POA in greater depth, but it is important to stress here that research into solutions should be joined with research into problems and not left until the end when time, funding and energies are short. As a result, various activities dedicated to the POA should be built into the research plan and an ample allocation of time dedicated to building consensus behind the POA.

### **The choice of research methods**

An important lesson from early country experience is that no single method of research will suffice and expert input is vital at all phases in the process. Broad public participation alone cannot answer all parts of the Questionnaire. Popular methods will need to be supplemented with experts and desk research. And different experts and interest groups will have to be engaged for many of the specialised aspects of the Questionnaire. In addition, many government plans and units will have to be consulted. For example, public and expert testimony may point to problems in health, education or human rights. But fairness requires that allegations should be discussed with the government units concerned to reach agreement on the nature of problems and to formulate appropriate policy responses for inclusion in the POA.

Different sections of the Questionnaire will require different research and consultation approaches. For example, identifying the sources of conflict can rely on popular input through surveys, public meetings and focus groups, which will likely be needed to tease out complicated causes and the problems involved in government responses to conflict.

In general, a second round of technical research – from documents or experts – should follow public consultation methods to verify, corroborate or further investigate issues raised by the citizens. Research plans should allow several months to analyse and investigate the issues put forward in public consultations. In designing surveys and focus groups, expert input is also necessary for proper planning and formulation of questions. One cannot get information from the public without a well-informed and well-designed Questionnaire, which needs to be designed and tested by experts. But experts also are overwhelmingly based in capital cities and can be unaware of a variety of issues experienced in rural provinces. Thus, even with the most carefully designed surveys, the APRM must make provision for follow-up research at many stages. If citizens raise unexpected issues in public meetings or surveys, time and resources must be available to dig deeper into causes and cures.

The process also must be realistic about the cost of research. Public consultation and technical research are expensive and time consuming. The self-assessment process is estimated to have cost an average of \$1 million to \$2 million in each of the pioneer countries. The in-country costs of the country support and review missions are borne by the reviewed state.

## Planning a citizen survey

The APRM Country Guidelines require broad public consultation in the process of compiling the Country Self-Assessment Report and Programme of Action. While countries have used public meetings and invited citizens to make written inputs, these approaches have weaknesses. Written inputs may not come from all intended groups and are particularly challenging undertakings for rural constituencies and the poor. Conferences are useful because they can reveal unexpected issues, but they tend to be attended by elites and participants often do not come armed with evidence and clear solutions.

Professor Robert Mattes, deputy director of the Afrobarometer project notes in his recent paper on surveys and the APRM:<sup>5</sup>

Even the most well-funded public consultation exercise may engage the attention of only a small fraction of ordinary citizens, let alone get them to participate, especially if people do not see any real incentive in doing so.

Mattes continued:<sup>6</sup>

Any process of national self-review would be incomplete if it only included the assessment of elites (whether they be government officials, technocratic experts, or civil society stakeholders) and excluded the opinions of the mass public. The true state of political and economic governance in a given country cannot be assessed simply on the basis of an objective analysis of the rules, resources and behaviour of the economy, government institutions and large corporations.

Citizen surveys offer a structured approach to capturing the views of the mass public and are therefore a valuable complement to other forms of APRM consultation. When based on a representative sample of citizens they can fairly reflect the views of the rich and poor, women and men, young and old, urban and rural. And because answers can be put in a quantifiable format, a citizen survey can provide a clear picture of the location and intensity of governance problems or show the extent of citizen satisfaction, provided that it has been designed correctly and tested thoroughly.

Surveys require time, staff and resources and therefore must be built into APRM plans from the beginning. The following are key elements that should be considered in planning a survey. They are based on a paper for SAIIA by Mattes, and a presentation by Professor Wafula Masai, who helped design and manage the household survey for the Kenyan APRM process.<sup>7</sup>

- A survey that is representative of national opinions must be based on a sample set of individuals that accurately reflects the demographic, ethnic

**Citizen surveys offer a structured approach to capturing the views of the mass public and are therefore a valuable complement to other forms of APRM consultation ... a citizen survey can provide a clear picture of the location and intensity of governance problems or show the extent of citizen satisfaction.**

5. *Ibid.*, p.1.

6. *Ibid.*

7. Several institutions have developed concise and helpful guides to planning surveys, including 'Citizen Report Card Surveys,' by the World Bank and 'A Guide to Good Survey Design' by Statistics New Zealand. To see these and other guides, including the Ghana, Kenya and South African survey questionnaires, consult the APRM Toolkit CD-ROM attached to the back cover of this volume.

Doing a survey takes significant time that must be built into overall APRM plans.

and regional breakdown of the national population.

- Obtaining such a sample set can be aided by an accurate census system. If a survey team must develop its own sample set, the process takes additional time and money.
- Surveys that target the heads of households (as in Ghana and Kenya) can fail to account for the views of different social groups, such as women and youth. Furthermore, the opinion of the head of the household does not reflect the opinion of all individuals within the household.
- The APRM Questionnaire is designed for research and thematic purposes and is not suitable as an opinion survey instrument because it does not ask closed-ended or directly quantifiable questions. For example, ordinary citizens are unlikely to be able to critique details of how trade policy is set or the specifics of an independent judiciary. As a result, the concepts in the APRM Questionnaire would have to be transformed into concrete policy issues that citizens would be asked to rate and about which citizens can reasonably offer opinions. Language would have to be simplified and questions rephrased in a multiple-choice format. This also takes time, money and staff.
- Once the APRM Questionnaire has been converted into an appropriate survey format, it also must be translated into local languages. Given the technical nature of governance terminology, such local language translations would have to be tested with citizens to eliminate misunderstandings or ambiguities. This also adds time and expense to the survey plan.
- Sample size matters. Larger samples can give more accuracy but cost more. By using a sample size of 1,200 individuals, the sampling error is reduced to  $\pm 3$  points. Statistically the sample size has an impact on the sampling error. Doubling the sample size reduces the sampling error by 1 point. For instance, using a sample of 600 gives a sampling error of  $\pm 4$  points, while a sample of 4,800 gives a sampling error of  $\pm 1$  point.
- Once a survey instrument is ready, it must be administered by an adequate number of staff, who must be trained in how to interview the respondent, complete the form and how to capture the relevant demographic and location data.
- After all of the survey forms are complete, they must be analysed and conclusions drawn from the data.
- Conducting surveys is an expensive exercise. Depending on the size of the country and its infrastructure (e.g. roads to allow for the easy movement of fieldworkers), the cost may vary from US\$ 85,000 to US\$ 125,000 for a sample of 1,000 individuals, according to the Afrobarometer survey project.
- Conducting a survey takes significant time that must be built into overall APRM plans. Various approaches can shorten particular steps and countries – that already have trained surveyors, and have a statistically

valid sample that reflects their population can proceed more quickly. In addition to allocating time to complete the survey, countries must allocate ample time to analyse the results, incorporate them into the Country Self-Assessment Report and follow up on problems they reveal. The following table developed by Mattes reflects the time estimated for various tasks, although many of these elements can be done in parallel. It also may be possible to save time by adapting survey instruments developed by pioneer countries, particularly Kenya and Ghana.<sup>8</sup>

Activity	Advisable timing
Questionnaire design	4 weeks
Advertising and awarding bids to research providers	3 weeks
Questionnaire translation	1 week
In-house pilot of Questionnaire and redesign	2 weeks
Sample design and sample drawing	2 weeks
Training fieldworkers	2 weeks
Field pilot	1 week
Field work	4 weeks
Data entry, cleaning, presentation of marginal results	4 weeks

## The challenges of writing a self-assessment

Once research has been completed, it must be assembled into the Country Self-Assessment Report. But that process of writing the report requires clear guidelines, particularly when different institutions and authors are involved in writing and editing. Several key decisions will have to be made about the style, tone, structure and use of evidence and attribution.

**How big must an issue be?** Some participants in the APRM have argued that the issues discussed in the CSAR must be national in scope, affect large segments of the population or have been raised by the majority of stakeholders. But the Questionnaire is quite specific in discussing the need to protect minorities, and many of its technical issues are inherently subjects that only selected experts will be able to assess. For example, very few people will be in a position to point out problems with the mechanism used to set monetary policy. Similarly, if a problem specific to one region or constituency is identified only by that group, should it be excluded because it does not pertain to all citizens? Because the APRM is supposed to integrate with national planning processes and assist in setting priorities, inclusion of such issues can bring problems, that otherwise might be neglected, to national

No other continent or political or geographic entity has ever set itself such an ambitious programme of self-evaluation and reform. – Bernard Taylor, Partnership Africa-Canada<sup>9</sup>

8. *Ibid.*, pp.7-8.

9. Taylor B, Preface in Déme O, *Between Hope and Scepticism*, *op. cit.*, p.iv.

attention. Excluding them can perpetuate the marginalisation of such regional issues. Sources of conflict frequently are localised; they may not bring the risk of a national conflict but do reflect on the effectiveness with which units of local government deal with problems or effectively allocate resources to problem areas.

Protections for women, children and vulnerable groups may not affect a majority but require legal protections, according to the international standards embraced by the APRM. For example, some cultural practices may affect only a minority of women and girls but have a significant impact on their lives and deserve legal attention. Taking an inclusive approach that notes specialised problems in the report can reinforce perceptions that the process is open and inclusive.

**How long should the Country Self-Assessment Report be?** Ghana, Kenya and South Africa assigned a different Technical Research Institution to draft a technical report for each of the four thematic sections of the Questionnaire (although time pressures in Kenya meant that the four agencies did not complete a separate technical report on each theme, but all worked on the consolidated report together). These technical reports ran to hundreds of pages. In South Africa's case, the four technical reports together totalled more than 1,700 pages. Research institutions were then instructed to cut their reports to 40 pages, which resulted in the removal of many issues and a great deal of supporting evidence. National Governing Councils will have to consider the appropriate length of the Country Self-Assessment Report and what rules should apply in cutting down the technical reports. Ghana formally submitted all four technical reports to the Secretariat as supporting evidence for its self-assessment. South Africa did not do so initially, and the Country Review Team had to request these reports from the Focal Point during the mission.

**How to reflect the diversity of views?** The Questionnaire suggests that the process should 'consult with stakeholders to build a consensus response.' But segments of government, civil society and political parties inevitably have different views about whether problems exist and what will solve them. Regional and ethnic minorities particularly may express contrary views. Suggesting that there is one view about the fairness of democratic processes or economic policy can be unrealistic and raise accusations that criticisms were edited out of the report. It can be fairer and a more accurate reflection of society to note the major debates or particular key constituencies that disagree. To ensure that the final report is consistent in its treatment of such views, the National Governing Council and Technical Research Institutes should discuss the issue and agree on a report style and structure that notes key areas of disagreement.

**Suggesting that there is one view about the fairness of democratic processes or economic policy can be unrealistic and raise accusations that criticisms were edited out of the report.**

**How to cite evidence and identify sources?** Not all constituencies – and particularly governments – may accept that problems are real or serious enough to be included. As a result, if the CSAR is to achieve its goal of building consensus, it is important to the credibility of the final report that all arguments are supported by solid evidence and sources are properly footnoted. In many cases problems will be articulated in government’s own development reports or such official sources as PRSPs. But in other instances the evidence demonstrating the extent of a problem will come in the form of expert or personal testimony from informed sources. However, if Technical Research Institutes take the decision not to include direct quotations from participants or expert sources, indirect forms of attribution can open the process to charges that the report was edited to remove criticisms. This was a particular source of dispute in South Africa, where Technical Research Institutes identified the key sources who identified problems or who disagreed, using direct quotations from written submissions and other expert sources. But the final Country Self-Assessment Report removed these attributions and said only that ‘some submissions’ asserted this or that was a problem. This treatment raised accusations that the report was edited in a partisan manner that marginalised views with which government disagreed. This fed into perceptions that other aspects of the process were managed in a biased manner. Agreeing on a common approach to citing evidence (through bullet points, style of footnotes or use of direct quotations) as well as other aspects of formatting can ensure that the process goes much more smoothly in the final stages.

**South Africa’s final Country Self-Assessment Report removed these attributions and said only that ‘some submissions’ asserted this or that was a problem. This treatment raised accusations that the report was edited in a partisan manner that marginalised views with which government disagreed.**

**How closely should the self-assessment follow the Questionnaire structure?** Continental authorities expect countries to address all of the questions and indicators in the Questionnaire, but writing the Country Self-Assessment Report doggedly using the Questionnaire’s structure would be awkward and repetitive. For example, one could provide information on all of the indicators but still not have effectively answered the question to which they pertain. The questions are phrased in such a way that they produce a narrative explanation that cites a variety of available types of evidence. Countries must therefore decide whether the indicators are woven into these answers or placed in a separate list.

**How should researchers deal with cross-cutting issues?** The questions about the cross-cutting issues of corruption, gender, and decentralisation logically ought to be consolidated into coherent sections to avoid repetition and simplify research. However, if the four thematic areas of the Questionnaire are assigned to different Technical Research Institutes, decisions would have to be taken about collaboration on these cross-cutting issues.

Meetings open to the public and advertised in advance play an important role in signalling the openness of the process and affording citizens the opportunity to comment.

## Best practices

So far participants in the pioneer countries have been involved in at least seven major conferences aimed at critiquing the process and identifying best practices.<sup>10</sup> These reviews and SAIIA's research point to several important planning and administrative lessons that might be described as best practices in research, consultation and report writing.

**Consult before taking decisions.** The APRM experience in all the early countries shows that the public will be very interested in the process and expects to be involved in all phases. To allay concerns that the process will be managed behind closed doors and to signal openness, Kenya established a best practice of consulting about the process before decisions were taken about national governing structures or research. Consulting first can build instant credibility for government and lead to more harmonious relationships and richer public discussion of the process.

**Engage through the media.** While a later section offers strategies for engaging the media, it is important to note here that media should be considered a part of the consultation plan. Many citizens make their decisions about national events based on press coverage, so it is important to engage early and candidly with the media. Talk shows on radio and television can be particularly effective ways of starting the national conversation about how to manage the APRM. Such programmes can be used to inform the public about the process, and mention the different methods – surveys, public submissions, research strategies, and conferences – that are under consideration.

**Study the Questionnaire.** Before finalising consultation plans, it is vital that participants familiarise themselves with the kinds of questions asked in the Questionnaire. Identifying clusters of related issues and experts or institutions that can help to analyse them, can make the research phase proceed more smoothly. Such a list also is a useful planning tool to help match the issues with interested parties or experts who should be invited to participate.

**Identify experts.** In keeping with the notion that the Questionnaire requires both popular and technical inputs, the consultation plan should attempt to

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10. • 'Workshop on Sharing National Experiences in APRM Implementation Process', United Nations Development Programme (UNDP), Algeria, November 2004;  
 • Sixth Africa Governance Forum (AGF-VI) Implementing the African Peer Review Mechanism: Challenges and Opportunities', United Nations Development Programme (UNDP), Rwanda, May 2006;  
 • 'Making the African Peer Review Mechanism Work', Hanns Seidel Foundation, Kenya 25–27 April 2006;  
 • 'Strengthening Civil Society Monitoring and Evaluation of Compliance with African and International Standard', Institute for Human Rights and Development in Africa, Open Society Justice Initiative, Africa Office of Partnership Africa Canada, The Gambia, June 2006;  
 • 'APRM Lessons Learned: A Workshop for Civil Society, Practitioners and Researchers', SAIIA, South Africa, 12-13 September 2006;  
 • 'Peer Learning Workshop APRM Best Practices and Lessons Learned: Exploring the Process and National Experiences', UNECA, SAIIA, APRM Secretariat, Ethiopia, February 2007; and  
 • 'Africa's bold march to capture the 21st century – the role of APRM', GTZ, Ghana, May 2007.

identify key experts and opinion makers on the various specialised areas of the Questionnaire. Using a database to accurately collate this information is recommended.

**Plan an inclusive series of public meetings.** Meetings that are open to the public and advertised in advance play a vital role in signalling the openness of the process and affording citizens the opportunity to comment. It is important to ensure that such meetings include a balance of key groups such as those from urban and rural areas, different provinces or districts, and accommodate other aspects of diversity such as north-south, Christian-Muslim, coastal and inland. Gender balance, age and ethnicity are also important considerations.

**Add a well-planned scientifically based citizen survey.** While public meetings are important politically to the process, the conversations can be hard to manage and may not always provide enough time to discuss all of the issues. To ensure that consultation is more thorough and that the process cannot be accused of drawing its conclusions on a subjective or partisan basis, it can be considered best practice to ground the national self-assessment in a citizen survey based on a representative sample of different regions, incomes and religions, as well as gender and age. In planning for a survey, consult with survey experts about how much time, money, staff and training would be required to administer a survey.

**Consider how to get government and civil society to engage.** Because the end product of a national self-assessment is a lengthy report, the process can tend to become technocratic, with the report writing delegated to Technical Research Institutes and the National Governing Council. However, if the process reaches conclusions that government or political figures do not accept, there can be problems when it comes to implementing the recommendations. As a result, consideration should be given to how to get top government officials to read through the self-assessment and engage in discussion of issues without dominating the conversation. Government should leave space for alternative views to be expressed and dedicate time to absorbing the findings and discussing them internally. One approach would be to ensure that permanent secretaries or other top civil servants attend public meetings and experts workshops and participate in the debates.

**Ensure proper computer, e-mail, website and administrative support.** A smooth-running computer set up with e-mail and a website for the local Secretariat can make the consultation process much easier and more effective. There should not be software and connectivity problems when invitations have to go out. Relying on established research institutes that already have such infrastructure can be one way to get the operation up and running quickly.

**Dedicate staff and time to developing a database of CSOs.** Broad consultations present logistical challenges that require management. Invitations should be written and sent in good time. But that cannot be done without an accurate

list of contacts for key constituencies. Creating such a list is not difficult but takes time and attention to detail.

Civil society raises concerns that key decisions on the process – such as budget, staffing, and time frames – are taken before the national APRM oversight bodies have been established ... this often causes limited engagement. – GTZ<sup>11</sup>

**Identify key institutions and constituencies.** Governing councils should rather not rely on umbrella bodies to communicate with civil society. Umbrella organisations of non-governmental organisations or business can be very poorly funded and staffed and have limited capacity to inform members of events in a timely way. If they fail to communicate effectively, broader civil society might still blame the process and government. Instead of assuming that the vice-chancellor of a university will pass on invitations to the relevant academic departments, it is better to develop a discrete list of experts by asking around and holding brainstorming sessions with knowledgeable people. Building such a list will require many telephone calls and invitations for interested parties and groups to submit names and contact details for inclusion in the national APRM list. NGO councils can help but there are many key bodies and individuals for which they will not have details. The box below indicates just a few of the key organisations to find:

#### Key national stakeholders

- the judicial service commission
- retired judges
- retired diplomats
- the law commission
- parliamentary committee chairpersons
- regional organisations and governments
- religious federations
- gender organisations
- research institutes
- academic bodies
- tender board members
- the registrar of companies
- banking and stock market regulators
- labour unions
- experts on trade, economic policy, tax and other specialised aspects of governance
- industry groups
- student organisations
- youth groups
- political parties
- the human rights commission
- the electoral commission
- the auditor-general
- the chamber of commerce
- legal societies
- opinion columnists
- talk-show hosts and producers
- newspaper editors
- journalists focused on business, development or governance
- human rights, anti-corruption, press-freedom and anti-poverty advocacy groups

11. GTZ, *op.cit.*, p.12.

While research, consultation and report writing are critical elements of the self-assessment phase, they tend to be where the pioneer countries have placed the bulk of their efforts. But the Country Self-Assessment is not the only product of this phase – countries must also develop a sound and implementable Programme of Action to address deficiencies. This is discussed more fully in chapter 6.



# 6

## DEVELOPING THE PROGRAMME OF ACTION

The primary purpose of the National Programme of Action is to guide and mobilise the country's efforts in implementing the necessary changes to improve its state of governance and socio-economic development. In addition, the National Programme of Action is the key input delivered by the country into the peer review, and it, therefore, serves to present and clarify the country's priorities; the activities undertaken to prepare and participate in the APRM; the nature of the national consultations; as well as explicitly explain the responsibilities of various stakeholders in government, civil society and the private sector in implementing the Programme.

– APRM Country Guidelines<sup>1</sup>

Chapter 5 outlined the many complex tasks involved in building a sound Country Self-Assessment Report (CSAR). But the self-assessment, which defines the nation's governance problems, is only part of the challenge. Finding solutions is a potentially even larger endeavour – requiring as much planning and attention to detail as the research and self-assessment phase.

Under the APRM system, the Programme of Action (POA) lists the commitments that each participating country makes to address identified problems in governance. When subsequent reviews are conducted, they will not measure performance against the previous country report. Rather, they will measure the extent to which countries have fulfilled the promises articulated in the POA.

Just as the quality of the research and consultation affect the quality of the CSAR, the processes used to formulate the POA affect how useful it will be in guiding national efforts to solve the identified problems. But what factors make for an effective POA? What kinds of problems have derailed other planning exercises in the past? How should participants determine the right levels of funding, staff, management and technical inputs that will be needed to implement each POA action item? And how should countries go about building political support for the POA from political parties, parliament, the civil service and civil society? These are some of the crucial questions

**Just as the quality of research and consultation affect the quality of the CSAR, the processes used to formulate the POA affect how useful it will be in guiding national efforts to solve the identified problems.**

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1. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM)', November 2003, paragraph 32, p.10.

After the Country Review Team has visited and prepared the draft Country Review Report, the government is expected to modify the draft POA to take into account any additional recommendations.

participants should factor into their APRM plans. It is clear from early country experiences that of all the phases of the APRM process, the POA has so far received the least attention. While the self-assessment process is guided by the in-depth Self-Assessment Questionnaire, no similarly detailed questionnaire exists for the POA.

This chapter provides an overview of the POA process, assesses some of the key challenges evident from the pioneer countries, examines the political and temporal dynamics of the POA, and makes some recommendations for strengthening the approaches that have been used so far.

### **What do the official guidelines say?**

The POA is mentioned in a number of the official guidance documents, including the Questionnaire, the Supplementary Guidelines, the Objectives, Standards, Criteria and Indicators, and the Memorandum of Understanding. (For the full text, see the enclosed APRM Toolkit CD-ROM. The key extracts from the guidelines are available in Appendix A). The most detailed guidance on the POA comes from the ‘Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism’ (referred to as the ‘Country Guidelines’ in this chapter).

The Country Guidelines call for the country to draft its POA in response to the findings of the self-assessment. It notes that the POA should include ‘clear, time-bound commitments’, should be based on broad public consultation, and should note how POA items relate to actions underway in other major national plans. After the Country Review Team has visited and prepared the draft Country Review Report, the government is expected to modify the draft POA to take into account any additional recommendations. This final POA is presented to heads of state as the set of commitments against which the country will be measured in future reviews.

According to the Country Guidelines, in stage one of the process:<sup>2</sup>

- (i) The country will develop a self-assessment on the basis of the Questionnaire, and with the assistance, if necessary, of the APR Secretariat and/or relevant Partner Institutions.
- (ii) Having completed the self-assessment, the country will formulate a *preliminary* Programme of Action building on existing policies, programmes and projects.
- (iii) Both the self-assessment and the *preliminary* Programme of Action are submitted to the APR Secretariat, which, during the same period, has developed a Background Document on the country through desk research and gathering all available current and pertinent information on the country’s situation on governance and development status in economic, political, social and corporate areas.

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2. *Ibid.*, paragraph 21, p.5.

In stage two the Country Review Team visits, makes its assessment of governance and considers whether the proposals in the draft POA are adequate to address the nation's challenges. In stage three of the process, the Country Review Team prepares its draft report on the country. The guidelines note that:<sup>3</sup>

The draft report must take into account the applicable political, economic and corporate governance and socio-economic development commitments made in the preliminary Programme of Action [APRM Base Document, paragraph 19], identify any remaining weaknesses, and recommend on further actions that should be included in the final Programme of Action. The draft report will need to be clear and specific on the required actions in instances where outstanding issues are identified. The draft report is first discussed with the Government concerned. Those discussions will be designed to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the APR Team's findings and to put forward its own views on how the identified shortcomings may be addressed. These responses of the Government will be appended to the Team's report. The country at this stage finalises its Programme of Action taking into account the conclusions and recommendations of the draft Report.

The guidelines assert that countries are expected to modify their draft POAs to respond to recommendations in the APRM final reports. The APRM Protocol discusses the need to judge whether each country is taking the appropriate steps to respond to the Country Review Team's recommendations. It notes:<sup>4</sup>

21. The Team's report will need to be clear on a number of points in instances where problems are identified. Is there the will on the part of the Government to take the necessary decisions and measures to put right what is identified to be amiss? What resources are necessary to take corrective measures? How much of these can the Government itself provide and how much is to come from external sources? Given the necessary resources, how long will the process of rectification take? ...

23. If the Government of the country in question shows a demonstrable will to rectify the identified shortcomings, then it will be incumbent upon participating Governments to provide what assistance they can, as well as to urge donor governments and agencies also to come to the assistance of the country reviewed. However, if the necessary political will is not forthcoming from the Government, the participating states should first do everything practicable to engage it in constructive dialogue, offering in the process technical and other appropriate assistance. If dialogue proves unavailing, the participating Heads of State and Government may wish to put the Government on notice of their collective intention to proceed with appropriate measures by a given date. The interval should concentrate the mind of the Government and provide a further opportunity for addressing the identified shortcomings under a process of constructive dialogue. All considered, such measures should always be utilized as a last resort.

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3. *Ibid.*, paragraph 23, p.8.

4. Organisation of African Unity, 'New Partnership for Africa's Development African Peer Review Mechanism (APRM)', 8 July 2002, p.5.

## Strengths and weaknesses of pioneer country POAs

Experience from the pioneer countries suggests that the POA is the weakest link in the APRM system.

The APRM is a work in progress. The first reviews began before practical management guidance had been worked out. The methods used during Country Review Missions were literally worked out during the first reviews. The process also is far more interactive and intrusive than anything attempted by any other region of the world. The simple completion of the first round of reviews is a significant accomplishment despite any imperfections or difficulties encountered along the way. Such perspectives should be borne in mind when judging both the POA and the overall APRM process.

One of the most important considerations in judging the POA should be its comparative advantage. The APRM co-exists with many other national and international review and planning processes. Countries already have medium-term budget frameworks; Poverty Reduction Strategy Papers (PRSPs) that guide their debt relief agreements; Millennium Development Goal (MDG) reviews; International Monetary Fund (IMF) reviews of fiscal governance (which determine balance of payment support); bilateral and sectoral strategies that guide aid flows; and reviews by ministries of planning, auditors-general, and other departments or institutions. That the APRM is home-grown is extremely important. However, national budgeting and development review processes are also indigenous. If countries eventually come to see the APRM as just another burdensome process, it will falter. APRM participants in Ghana, Kenya, Rwanda and Lesotho have raised concerns over 'consultation fatigue.' Every national planning and review exercise, including the APRM, is a major challenge demanding months of difficult analysis. Thus it is important to ask what comparative advantage the APRM brings that those other processes do not.

The consultation processes and policy debates that the APRM brings are inherently valuable in helping to encourage political dialogue that accepts constructive criticism and focuses on progress rather than on ethnicity or maintenance of power. But the APRM was founded to do more than foster dialogue. It seeks to bring about specific reforms that are to be outlined in the POA.

With those caveats on the record, the experience from the pioneer countries suggests that the POA is the weakest link in the APRM system. A substantial number of the action items contained in POAs have been superficial. Many items lack the kind of detail that will be needed in future to determine the extent to which countries have lived up to their pledges. In the POAs of Ghana, Rwanda, Kenya and South Africa, many action items call for strengthening, improving or accelerating existing programmes without clarifying how those efforts would be improved. Compared to the level of detail about governance reforms proposed in PRSPs, MDG reports and other assessments, the POAs do not compare favourably. For example, a recent report of the Kenya Controller and Auditor-General found that government had committed

amounts equivalent to 16.9% of total annual government spending without authorisation from parliament or following national tendering rules. Such a finding suggests a dramatic problem with fiscal controls. However, under the APRM objective ‘promote sound public finance management’ of Kenya’s POA, there are only two action items. The first reads ‘implement strategy for public finance management.’ Under the column for ‘means of verification’ the POA says only ‘benchmarks.’ The second action item is equally vague: ‘strengthen the link between planning and budgeting,’ with two means of verification listed as ‘MTEF budgets’ and ‘agency.’

Such an example is not necessarily characteristic of all POAs or of the Kenyan POA. But it reflects serious questions about the quality of the reforms that are being formulated through the APRM process.

A contributing factor is the format used for POAs. They are presented in a grid or matrix format, which is an approach widely used in planning around the world. Each action item is typically described in a short phrase with only skeletal information provided on what the action would cost and who would be responsible for its implementation. A good planning matrix ought to break items down to discrete steps and use clear language so readers understand precisely what is to be done and can judge whether the time frames and costs are realistic. A matrix can be a useful way to summarise planning information but every action item listed requires a full planning document of its own. Each ought to set out

- the objective;
- detailed performance goals;
- numbers of deliverables that have cost and staffing implications;
- detailed estimates for capital and recurring costs;
- analysis of the ordinary, technical and supervisory staff required;
- an implementation schedule;
- an assessment of how long it would take to obtain any needed legislative changes and budget allocations;
- an estimate of how long it would take to hire staff and set up administrative systems;
- a description of any anticipated social, political or training obstacles that are likely to hinder implementation; and
- for each of these areas the detailed plan should set out a strategy or approach for getting around the identified obstacles.

Pioneer countries may have some of this detail in their files, but it is not part of the APRM record, on websites or in the final POAs, which fundamentally limits the utility of the POA as a guide to planning and budgeting. It also undermines the ability of the public or political leaders to judge the quality of POA plans or determine how well they have been implemented.

**It reflects serious questions about the quality of the reforms that are being formulated through the APRM process.**

Although there is substantial variation in quality across countries and within individual POAs, overall the POAs produced do not meet the tests set out in the Country Guidelines.

Some of the pioneer countries noted that they were repeatedly told to ‘sharpen’ their POAs but were not given advice on how to do so. Dr Grace Ongile, Chief Executive Officer of the Nepad Kenya Secretariat said, ‘This process [of revising the POA] took about five months, constantly revising. It was tedious, too long. The [continental] Secretariat kept telling us to make it sharper. To make it sharp within little matrix cells and boxes was not a one-week exercise.’<sup>5</sup>

Lack of detail is not a problem unique to the POA. It is one of the main weaknesses in the way planning documents are organised in many countries. When a business puts forward a plan to a bank or investor, it would be expected to provide the kind of detail described above. Governments fail to implement their plans precisely because they do not plan to this level of detail and consequently fail to anticipate the obstacles to effective execution.

The accuracy of cost estimates is an important issue that will affect the ability of APRM countries to implement their POAs in a timely way. Many of the POA action items require external financing but donors have said privately that the POAs do not provide sufficient detail or justification to be useful in making aid donations or loans. APRM participants in the pioneer countries have also questioned the accuracy of the costs in POAs. Many are round numbers that are not justified by details on the numbers of staff or other tangible elements that would enable one to work out the costs more realistically.

South Africa’s POA, for example, includes an item for R7.5 billion (about \$1.07 billion) over two years for ‘local, provincial and national consultative conferences on public health, HIV and AIDS strategies.’ This is an extraordinary sum for conferences. The only other action items call for R2 million (about \$285,000) to set up ‘monitoring, evaluation and learning systems’ for HIV/AIDS and another R2 million to set up the same type of systems for tuberculosis, malaria and other communicable diseases. The public submissions to the South African process overwhelmingly emphasised the need for energetic roll-out of anti-retrovirals, improvements in the provision of basic health services to the infected, particularly through more doctors, nurses and clinics deployed closer to where people live. However, the POA says nothing about higher spending for treatment or support services.

Ghana calculated that its POA would require \$5 billion to implement all the action items. Later, it studied the items in greater detail and determined that roughly half of the POA items could be accommodated through existing programmes and budgets. Foreign donors at the Sixth Africa Governance Forum in 2006 expressed doubt that the POAs created in the APRM process

**Governments fail to implement their plans precisely because they do not plan to this level of detail and consequently fail to anticipate the obstacles to effective execution.**

5. Ongile G, presentation at SAIIA ‘APRM Lessons Learned’ workshop, Muldersdrift, South Africa, 1. 2-13 September 2006.

were sufficiently detailed, linked up to other budgeting processes or costed with sufficient accuracy to be useful as viable planning documents or as guides to the allocation of aid resources.

The tables below were assembled to give a sense of the kind of action items contained in current POAs. The original POAs include other columns with costs, responsible agencies and a few other factors, but the columns here reflect the heart of the suggestions as articulated in the POAs. Space would not permit inclusion of the full POAs, so these tables contain all of the action items listed under particular APRM objectives as they were described in the Ghanaian, Rwandan, Kenyan and South African reports. The tables include the objectives concerned with constitutional democracy and elections; improving the management of the civil service; and the two objectives concerning corruption (which appear in two of the four thematic areas of the Questionnaire).

A comparison shows that they vary significantly in specificity. Some items are quite tangible, but many are not. Items such as enhancing the judiciary lack precision about how that would be accomplished. As a document that intends to encourage accountability and provide civil society with the tools needed to monitor commitments, the POA structure and level of detail used in the pioneer countries leaves a great deal of room for improvement.

Please note that this chapter continues after the tables on the following four pages. The objectives are presented in the order that they appear in the Questionnaire, with those in the democracy and political and governance section preceding those in the economic governance section.

**Lack of detail is not a problem unique to the POA. It is one of the main weaknesses in the way planning documents are organised in many countries.**

<b>Democracy and political governance objective 2: Constitutional democracy, including periodic competition and opportunity for choice, the rule of law, citizens' right and supremacy of the constitution</b>		
<b>Expected output</b>	<b>Activities</b>	<b>Indicators</b>
<b>Ghana</b>		
Enfranchised eligible voters.	<ul style="list-style-type: none"> <li>• Introduction of a National Identity system to ease periodic update of voters' register.</li> <li>• Number and distribution of registration points.</li> <li>• National computerised database of births and deaths registration.</li> </ul>	<ul style="list-style-type: none"> <li>• Accelerate establishment of National ID system.</li> <li>• Regularly revise Voters Register.</li> <li>• Decentralise births/deaths registry.</li> </ul>
More effective decentralised local governance system.	<ul style="list-style-type: none"> <li>• Increased number of decentralised MDAs [ministries, departments and agencies].</li> <li>• Increased broad based participation in local governance and development Improved levels of internally generated funds of MDAs.</li> </ul>	<ul style="list-style-type: none"> <li>• Acceleration of Decentralisation process.</li> <li>• Develop capacity of MDAs to mobilise additional local revenue.</li> </ul>
Increased capacity of legal sector to provide affordable and speedy access to justice.	<ul style="list-style-type: none"> <li>• Modernised Court system.</li> <li>• Revised rules and procedures for speedy administration of justice.</li> <li>• Increase in funding for legal aid and mediation/arbitration.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue Court Modernisation.</li> <li>• Provide more resources for legal aid and mediation/arbitration. Review existing costs, rules and procedures.</li> <li>• Harmonise relations between police, Attorney – General's Dept, Courts and prisons.</li> </ul>
Improved understanding of citizen civic responsibilities.	<ul style="list-style-type: none"> <li>• Number of civic education campaigns, publications, advertisements, workshops.</li> </ul>	<ul style="list-style-type: none"> <li>• Provision of logistical support to governance institutions for voter education.</li> </ul>
<b>Kenya</b>		
Legislation that prohibits registration of political parties based on regional, ethnic and religious considerations.	<ul style="list-style-type: none"> <li>• Speeding up the adoption of the Political Parties Bill.</li> </ul>	<ul style="list-style-type: none"> <li>• Legislation in the form of an Act of Parliament.</li> </ul>
Competent and independent administration of justice in Kenya.	<ul style="list-style-type: none"> <li>• Enhancing capacity of judiciary.</li> </ul>	<ul style="list-style-type: none"> <li>• Types of on going training programmes, and ICT, and research facilities.</li> </ul>
A coherent and effective civil service.	<ul style="list-style-type: none"> <li>• Coordination and speeding up of civil service reform efforts.</li> </ul>	<ul style="list-style-type: none"> <li>• The instituted reforms, and improved service delivery.</li> </ul>
Transparent and effective use of devolved funds.	<ul style="list-style-type: none"> <li>• Sensitisation campaigns on all devolved funds and limiting the role of MPs in the control of such funds.</li> </ul>	<ul style="list-style-type: none"> <li>• Sensitisation programmes, types of structures, and management, implementation and monitoring mechanisms, put in place.</li> </ul>
<b>Rwanda</b> – The country's POA did not include any actions under this objective.		
<b>South Africa</b>		
Forums and mechanisms for participation in the delivery and monitoring of services are built and strengthened.	<ul style="list-style-type: none"> <li>• Enhance and improve the effectiveness of national social dialogue forums.</li> </ul>	<ul style="list-style-type: none"> <li>• Improvements in the quality and quantity of agreements reached.</li> </ul>
	<ul style="list-style-type: none"> <li>• Enhance and improve the effectiveness of local social dialogue forums.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased participation in forums.</li> <li>• Improved forum functioning and impact measured.</li> </ul>
	<ul style="list-style-type: none"> <li>• Enhance and improve the effectiveness of government outreach systems and mechanisms.</li> </ul>	<ul style="list-style-type: none"> <li>• Increased frequency and number of interactions and subsequent follow ups.</li> </ul>
	<ul style="list-style-type: none"> <li>• Strengthen community radio stations and African language radio stations.</li> </ul>	<ul style="list-style-type: none"> <li>• Number of radio stations.</li> <li>• Compliance with their licensing requirements.</li> </ul>
	<ul style="list-style-type: none"> <li>• National conversation on the role of the media in reporting, discussions and debates based on factual, objective and verifiable sources of information.</li> </ul>	<ul style="list-style-type: none"> <li>• Report released.</li> </ul>

<b>Democracy and political governance objective 5: Ensure accountable, efficient public office holders and civil servants</b>		
<b>Expected output</b>	<b>Activities</b>	<b>Indicators</b>
<b>Ghana</b>		
Transparency, efficiency and effectiveness in public resource use.	<ul style="list-style-type: none"> <li>• MTEF framework indicating MDA priority programmes and activities.</li> <li>• Appropriate procurement, internal audit laws and financial regulations.</li> <li>• Enforcement and monitoring.</li> </ul>	<ul style="list-style-type: none"> <li>• Build capacity of MDA to formulate and implement programmes in MTEF.</li> <li>• Set up institutional structures to regulate public procurement, internal audit, and financial administration as provided in these laws and regulations.</li> </ul>
More accountable public and civil service.	<ul style="list-style-type: none"> <li>• Annual MDA reports.</li> <li>• Annual progress reports of GPRS citizen charters.</li> </ul>	<ul style="list-style-type: none"> <li>• Improve capacity of MDA to develop and implement strategic plans.</li> <li>• Build civil society capacity to monitor public policy.</li> </ul>
Improved service delivery and capacity of public servants.	<ul style="list-style-type: none"> <li>• Number of complaints received, investigated and resolved every year.</li> <li>• Public education campaign.</li> </ul>	<ul style="list-style-type: none"> <li>• Educate and sensitise public on their rights with respect to the provision of social service.</li> <li>• Establish clear public complaints mechanism and guidelines for investigating and resolving complaints MDAs to prepare citizen's charter of service delivery.</li> </ul>
A more engaged civil society.	<ul style="list-style-type: none"> <li>• Institutional structures that promote civil society involvement in public policy formulation and implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• Establishment of formal working groups with civil society representation at all levels of decision-making.</li> </ul>
Greater media specialisation and investigative journalism.	<ul style="list-style-type: none"> <li>• Revised curriculum in communications institutions. Number of specialist training programmes initiated. Number of specialist desks created at media houses.</li> </ul>	<ul style="list-style-type: none"> <li>• Review the curriculum in communications institutions. Provide specialist training Capacity Building Create specialist desks at media houses.</li> <li>• Ensure professionalism and high standard of ethics.</li> </ul>
Procedures of broadcast frequency allocations streamlined and made public.	<ul style="list-style-type: none"> <li>• Reviewed guidelines for the allocation of frequencies published.</li> <li>• Current time for processing frequency allocation shortened by 50%.</li> </ul>	<ul style="list-style-type: none"> <li>• Review guidelines on frequency allocation.</li> <li>• Re-examination of membership of Frequency Board.</li> <li>• Applications for allocations processed within set time-frame.</li> </ul>
<b>Kenya</b>		
Fully accountable and efficient public service.	<ul style="list-style-type: none"> <li>• Initiate a strategic plan to harmonise various reform programmes (GJLOS, ERS, NEC).</li> </ul>	<ul style="list-style-type: none"> <li>• Improved performance in the Civil Service.</li> </ul>
Successful implementation of the various reform programmes.	<ul style="list-style-type: none"> <li>• Align the enactment of laws, policies and programmes with adequate and sustained funding to secure implementation.</li> </ul>	<ul style="list-style-type: none"> <li>• Progressive and successful implementation of the policies and programmes.</li> </ul>
Improved service delivery and reduction in perceived favouritism, nepotism etc.	<ul style="list-style-type: none"> <li>• Ensure that all new recruitments are based on pre-defined qualifications and attributes in line with the organisational personnel needs.</li> </ul>	<ul style="list-style-type: none"> <li>• No of reported complaints and efficiency of recruited civil servants in service delivery.</li> </ul>
<b>Rwanda</b>		
Employee code of conduct for public servants.	<ul style="list-style-type: none"> <li>• A national document that lays down the employees code of conduct.</li> </ul>	<ul style="list-style-type: none"> <li>• Enactment of a legal instrument with a code of conduct to be respected and adhered to by public office holders.</li> </ul>
<b>South Africa – The country's POA did not include any actions under this objective.</b>		

<b>Corruption – democracy and political governance objective 6: Fighting corruption in the public sphere</b>		
<b>Expected output</b>	<b>Activities</b>	<b>Indicators</b>
<b>Ghana</b>		
Comprehensive anti-corruption legislation passed by 2007.	<ul style="list-style-type: none"> <li>• Law on anti-corruption.</li> <li>• Monitoring &amp; enforcement.</li> <li>• Passage of Freedom of Information and Whistle Blower Protection Bills.</li> <li>• Guidelines on conflict of interest.</li> <li>• Corruption reduced.</li> </ul>	<ul style="list-style-type: none"> <li>• Define and institute an unambiguous definition of bribery and corruption.</li> <li>• Pass the Freedom of Information Bill to enable credible public access to information.</li> <li>• Pass the Whistleblower's Protection Bill.</li> <li>• Define clear guidelines on conflict of interest.</li> </ul>
Current asset declaration regulations revised.	<ul style="list-style-type: none"> <li>• Revised guidelines on asset declaration to allow for easier investigation and prosecution of violators.</li> </ul>	<ul style="list-style-type: none"> <li>• Review law on assets declaration.</li> </ul>
All institutional structures of new Procurement Act duly established and operational by 2006.	<ul style="list-style-type: none"> <li>• Establishment of functioning public procurement entities as stated in the act.</li> <li>• Reduction in improper award of contracts and bribery.</li> <li>• Publication of successful contractors assessments of tender bids.</li> <li>• Merit selection procedures documented.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish all procurement entities as required by the law.</li> <li>• Award of public contracts strictly on the basis of the provisions of the Act.</li> </ul>
<b>Kenya</b>		
Significant reduction of corruption incidences and an inculcated national anti-corruption culture.	<ul style="list-style-type: none"> <li>• Launch a national campaign against corruption with along-term programme to promote positive values.</li> <li>• Accelerate and strengthen campaign against corruption with a long-term programme to promote positive values.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduced incidences of corruption.</li> <li>• Improvement in score in corruption perception surveys.</li> <li>• Improved information sharing among sectors.</li> <li>• IEC initiatives undertaken.</li> </ul>
Strong and unencumbered legal institutional mechanism(s).	<ul style="list-style-type: none"> <li>• Enhance operational capacity of legal institutional mechanisms for preventing and fighting corruption.</li> </ul>	<ul style="list-style-type: none"> <li>• Legislative amendment and enhanced institutional operations and powers.</li> </ul>
<b>Rwanda</b>		
Lowest levels of corruption.	<ul style="list-style-type: none"> <li>• Anti corruption task force.</li> </ul>	<ul style="list-style-type: none"> <li>• Establish an anticorruption body.</li> <li>• Public sensitisation on the dangers of corruption.</li> <li>• Surveys on the levels of corruption.</li> <li>• Experience sharing with other countries.</li> </ul>
<b>South Africa</b>		
Decreases in levels of corruption and building national values and integrity in all three spheres of government and in all sectors of society.	<ul style="list-style-type: none"> <li>• Awareness raising with respect to anti-corruption legislation, codes of conduct enforcement and implementation in all sectors and across all spheres.</li> <li>• Review Protected Disclosures Act.</li> </ul>	<ul style="list-style-type: none"> <li>• Regular monitoring of progress and results on national anti-corruption programme of the national Anti-Corruption currently under implementation.</li> <li>• Strengthened whistle blower protection legislation.</li> </ul>

<b>Corruption – economic governance and management objective 4: Fight corruption and money laundering</b>		
<b>Expected output</b>	<b>Activities</b>	<b>Indicators</b>
<b>Ghana</b>		
Improvement in service delivery.	<ul style="list-style-type: none"> <li>• Formulate and implement a fair wage policy.</li> </ul>	<ul style="list-style-type: none"> <li>• Comparable salaries across the public sector</li> </ul>
Improve in delivery of justice.	<ul style="list-style-type: none"> <li>• Provide courts with necessary facilities and personnel and update court procedures as necessary.</li> </ul>	<ul style="list-style-type: none"> <li>• Increase in number of resolved cases.</li> <li>• Increase in necessary facilities.</li> <li>• Increase in budget allocation by 30%.</li> <li>• Retention of skilled staff.</li> </ul>
Public awareness and education on what constitutes corruption is improved.	<ul style="list-style-type: none"> <li>• Pass the Whistle Blower Bill.</li> <li>• Pass a Freedom of Information Bill. Increase public education on corruption and its impact.</li> <li>• Increase public education and awareness on rights and responsibilities of citizens.</li> <li>• Enforce the various service codes of conduct.</li> <li>• Introduce stiffer punishments for offenders.</li> <li>• Appropriate use of public funds.</li> </ul>	<ul style="list-style-type: none"> <li>• Periodic surveys on public perception and knowledge on corruption.</li> </ul>
Updated guidelines for foreign exchange activities and payments.	<ul style="list-style-type: none"> <li>• Pass the Foreign Exchange Bill.</li> <li>• Implement the Payment Systems Act (Act 662) of 2003.</li> </ul>	<ul style="list-style-type: none"> <li>• Foreign Exchange Act in place.</li> <li>• Increase in bank transfers/remittances.</li> </ul>
A credit Reference Agency Established.	<ul style="list-style-type: none"> <li>• Provide a database where the identity of individuals and corporate organisations can be cross checked.</li> <li>• Discourage use of cash.</li> <li>• Closely work with foreign exchange bureau to check money laundering through exchange.</li> <li>• Encourage banks to operate foreign exchange bureau.</li> </ul>	<ul style="list-style-type: none"> <li>• A relevant law in place.</li> <li>• Initiative to set up database.</li> <li>• Increase demand for cheque books.</li> </ul>
<b>Kenya</b>		
Corruption cases prosecuted.	<ul style="list-style-type: none"> <li>• Control corruption and enhance rule of law.</li> </ul>	<ul style="list-style-type: none"> <li>• Number of corruption cases convicted.</li> <li>• Number of corruption cases investigated.</li> </ul>
	<ul style="list-style-type: none"> <li>• Enhance information availability on fight against corruption.</li> </ul>	<ul style="list-style-type: none"> <li>• Press releases.</li> </ul>
Security in the country.	<ul style="list-style-type: none"> <li>• Improved security.</li> </ul>	<ul style="list-style-type: none"> <li>• Number of criminal offences reported.</li> <li>• Security reports and public awareness.</li> </ul>
Clean money in the banking system.	<ul style="list-style-type: none"> <li>• Improve the legal framework for anti-money laundering.</li> <li>• Improve the banking system.</li> </ul>	<ul style="list-style-type: none"> <li>• Laws to curb money laundering.</li> <li>• Number of criminal offences reported.</li> </ul>
<b>Rwanda</b>		
Anti-money laundering law in place.	<ul style="list-style-type: none"> <li>• Draft law document.</li> </ul>	<ul style="list-style-type: none"> <li>• Formulate an anti-money laundering law.</li> </ul>
Effective measures to combat money laundering.	<ul style="list-style-type: none"> <li>• Report on the modalities adopted.</li> </ul>	<ul style="list-style-type: none"> <li>• Implement the anti-money laundering and detective system.</li> </ul>
<b>South Africa</b> – The country's POA did not include any actions under this objective.		
* The Ghanaian Programme of Action reproduced here is from the printed version released in June 2005. However, a subsequent version, obtained electronically, adds this item. 'Expected output: Built capacity of Agencies to investigate financial crimes. Activities: Organise training for the Financial Intelligence Unit of the Ghana Police Service and the other agencies fighting corruption; Educate the banks on how to detect money laundering and crimes associated with it; Provide the agencies with resources.'		

## Gaps between analysis and recommendations

In terms of structure, the APRM country reports follow the Questionnaire's objectives. Under each objective the report provides an analysis section and a list of bulleted recommendations. While analytical sections are generally sound and make many substantive points, there is frequently a significant gap between the analysis section and the bulleted recommendations. For example, the Kenyan report notes that the country suffers from an ineffective civil service that lacks capacity, fiscal and managerial discipline and is plagued by corruption. But the recommendations and the country's final POA are both not clear about how Kenya would deal with these issues.

Objective 5 in the Political Governance section of the APRM Questionnaire calls for countries 'To ensure accountable, efficient and effective civil servants and other public office holders.' In Kenya, under this same objective, the Panel made only four vague recommendations that provide an indication of the level of analysis produced by the APRM process:

- Kenya aligns the enactment of laws, policies and programmes with adequate and sustained funding so as to secure implementation. [Government of Kenya]
- Kenyan authorities initiate a strategic plan that would harmonise different initiatives. [Government of Kenya]
- Anti-corruption programmes, including the use of 'whistleblowers' and anti-corruption monitoring units in each Ministry, be stepped up. [Government of Kenya]
- The Attorney-General's office speeds up the strengthening of capacity for investigating and evidencing of cases. [Attorney-General]

In many instances the analytical portion of the report points out problems and urges action but the list of recommendations ignores the points in the analysis. For example, the Kenya report notes that:<sup>6</sup>

Legally, the Head of the Civil Service supervises public service human resources without the power to appoint or dismiss public officers. Under such circumstances, the Commission cannot authorise legal sanctions against civil servants whose performance is poor. In addition, the Public Service Commission itself should be reformed with the view to increasing the capacity of this important reform body to undertake Civil Service reform priorities and programmes decisively.

Although this call for reform of the civil service commission is in the body of the report, it does not feature in the report's recommendations or the POA. Elsewhere, the report notes that 'government agencies lack the necessary institutional infrastructure that should enable them to render services efficiently,' but offers no indication of what that missing infrastructure consists of or how it can be remedied. This too is not part of the recommendations. The report said that 'partisanship' has interfered with 'implementation of

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6. The African Peer Review Mechanism, 'Country Review Report of the Republic of Kenya,' African Peer Review Mechanism, September 2006, p. 93.

good policies’ and that the Public Service Commission had not been involved in civil service reform initiatives. These points did not feature in the list of recommendations to Kenya or in the POA.

The analysis and recommendations do not discuss the role of the Controller and Auditor-General, that instances of fraud or abuse found by that agency are frequently not investigated by prosecutors and the Controller and Auditor-General’s recommendations for needed reforms are frequently ignored.

**Rejected recommendations**

There are many instances in which clear recommendations were made by the final country report but the country declined to take any remedial action in the POA. Out of 105 recommendations made by the Panel of Eminent Persons in the Country Review Report of Rwanda, the government only included 10 in its final POA. Kenya included responses to only 102 of 230 recommendations put to the country. South Africa entirely ignored 97 recommendations put to the country by the final Country Review Report (see page 308). Such numbers would seem to meet the condition that ‘the necessary political will is not forthcoming.’

The table below examines the number of recommendations by the Panel that

**There are many instances in which clear recommendations were made by the final country report but the country declined to take any remedial action in the POA.**

<b>Non-response rates to APRM recommendations<sup>7</sup></b>			
<b>Country</b>	<b>Total number of Panel recommendations</b>	<b>Number of Panel recommendations not addressed in final POA</b>	<b>Percentage of Panel recommendations not addressed</b>
Ghana	196	135	69%
Kenya	230	128	56%
Rwanda	105	95	90%
South Africa	182	97	53%

Note: Items here are counted as non-responses if they are not dealt with at all in the final POA. This would therefore exclude any instance in which there is at least one related action item under the relevant objective.

were not addressed in the final POA by four pioneer countries.

A direct numerical comparison can be misleading. The absolute number of recommendations made by the Panel and then addressed or ignored by the reviewed country does matter. However, it is equally important to examine the quality of those recommendations themselves, and the quality of the action items proposed to address them. A robust self-assessment that covers

7. This analysis of the various APRM Programmes of Action is based on a draft paper by SAIIA researcher Faten Aggad.

the key issues solidly and incorporates them into the draft POA will leave less need for recommendations from the Panel.

**Behind the scenes the Panel applied pressure on countries to improve their POAs, but they did not insist that they respond to particular recommendations.**

Kenya's POA, for example, contains many instances where Panel recommendations have been repeated verbatim. This is perhaps a consequence of having repeatedly to revise and refine their POA. Ghana's POA tried to break down the Panel's recommendations into concrete achievable programmes and actions. Rwanda's POA omitted several critical areas including those dealing with the electoral system, separation of powers and the post-genocide social fabric of the country, and tended to concentrate heavily on legal reforms and institution building. It did accept to make some fundamental changes, such as in corporate governance and the creation of an anti-corruption authority.

However, where countries did not ignore recommendations they did, in many instances, offer very weak action items or actions that seem unlikely to make a significant difference to the underlying problem. In South Africa's case, many action items were only tangentially related to the recommendations and did not distinguish between existing and new programmes brought about by the APRM.

Behind the scenes the Panel did apply pressure on countries to improve their POAs, but they did not insist that they respond to particular recommendations, as suggested by the APRM Protocol.

In addition to lack of political will, time pressures (discussed in greater detail in the next section) account for some of the disjunctures between recommendations and the final POA. Participants are simply worn out by the end of the process and hope to wrap it up. Lack of broad participation in developing the POA is another important factor. Although the guidelines call for broad participation throughout the APRM process and specifically note that the Country Review Mission aims to 'build consensus' around solutions to governance problems, far less consultation has gone into POAs than has gone into self-assessment reports.

In South Africa's case, the final Country Review Report made many very fundamental recommendations about crime, the electoral system, private funding for political parties (which, contrary to the recommendations of various international standards embraced by the APRM, is unregulated and not transparent), local government, corruption, xenophobia, and other major social issues. Given the fundamental nature of these problems and the inherently political character of any potential solution, some civil society organisations on the National Governing Council requested a revision of the POA. Government showed the final country report to the National Governing Council, but declined to reveal its proposed responses until after the POA had been presented to heads of state. After two years, civil society had neither the opportunity nor, frankly, the energy to struggle further. As the profile of the South African process (chapter 14) makes clear, the lack of consultation at

the end reflected deeper problems with the South African process and the receptivity of government to criticism.

## Understanding the APRM's time dynamics

The POA ought to receive as much time and attention to detail as the phases of the APRM dedicated to describing problems. But in practice, this has not been the case. Countries have spent many months assessing their problems through the country self-assessment phase but comparatively little time on the POA. Such an allocation of effort has not been intentional, yet it is a very real and practical challenge to APRM participants.

The process requires that the self-assessment be done first so that the list of national problems is clear. However, pioneer countries spent a great deal of time getting started. The process of selecting a governing council and setting up the needed support services has taken more time than most countries envisioned, and the research, consultation and writing of the Country Self-Assessment Report can take from nine to 18 months. Only then does the process of writing the POA begin. The official guidelines suggest that the entire APRM process should be completed in six to nine months. By the time work begins on the POA, countries have substantially exceeded this target. In several instances, time simply ran out and participants were under pressure to conclude the process.

Funding for the APRM process is an important factor. Countries have not been very accurate in anticipating all of the steps involved in the APRM. By the time the self-assessment is complete, countries have found that funds can be running low and political pressures to wind up the process become intense. In theory, countries are free to manage the APRM themselves and allocate more time to the POA, but the process is expensive. The longer it takes, the more it costs.

The accuracy of national plans and the lack of sound advice on time management have also contributed to the tendency to rush the POA. Participating countries, in varying ways and with widely varying quality, have engaged in up-front planning. But those plans did not anticipate a variety of operational difficulties that cut into the time available for the POA.

One consequence is that the amount of time dedicated to consultation and consensus building on the POA has been reduced. As the Sixth Africa Governance Forum put it:<sup>8</sup>

The constraint of time during the assessment stages could result in inadequate involvement of a large number of stakeholders and, consequently, compromise the level of commitment of relevant stakeholders to the implementation process.

**Good policy is not made in a rush. And without consensus, APRM recommendations can easily go the way of many past reform efforts that lacked broad public and political support.**

8. United Nations Development Programme (UNDP), 'Implementing the African Peer Review Mechanism: Challenges and Opportunities, Report of the Sixth Africa Governance Forum (AGF-VI),' Kigali, Rwanda, 9–11 May 2006, report produced 20 June 2006, p.29.

Good policy is not made in a rush. And without consensus, APRM recommendations can easily go the way of many past reform efforts that lacked broad public and political support. The German technical cooperation agency, GTZ, and the government of Ghana conducted an APRM review conference in May 2007 that concluded:<sup>9</sup>

A constructive dialogue between all stakeholders is crucial. Space must be given and resources need to be allocated for this to happen regardless of any tense relationships which might often be experienced, particularly between civil society and government.

As mentioned above, the matrix format used for POAs has contributed to their superficiality. Countries have so far assembled action items in a table with columns designating the objective, description of the action, the indicator to be measured, the participants, cost and responsible agency or departments. Each action is described in a simple phrase, many of which give no clear indication of the means by which the programme would accomplish its goals (See tables above).

It is noteworthy that South African officials attended the review of Ghana by heads of state in the APR Forum held in January 2006 in Khartoum, Sudan. On their return, government officials argued in the National Governing Council's research sub-committee meeting of 14 February 2006 that the Programme of Action was 'not a detailed document.' The South African National Governing Council then concluded that there was no need for separate conferences to deal with the self-assessment and development of a Programme of Action (as research institutes had suggested). South Africa arguably missed an opportunity to engage in meaningful dialogue to develop solutions. South Africa held one-day workshops for each of the Questionnaire's four thematic areas. Hundreds of pages of material was prepared as draft text for each thematic area but was not presented to participants before the meetings. They were expected to comment on the details of the text and make recommendations. Later, much smaller one-day seminars were held on the POA, but given the wide variety of policy areas discussed in the self-assessment, this format allowed for only cursory discussion of proposals. Meaningful efforts were not made to understand the impediments to existing reform and civil service management programmes. Rather, attention was focused on filling the POA matrix as quickly as possible to meet the deadline for review.

### **Leadership and comparative advantage**

The APRM guidelines suggest that the POA should act as a master planning document that brings together the recommendations expressed in other

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9. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), 'The APRM Journey So Far', a summary of outcomes of recommendations from previous APRM review conferences prepared for the conference 'Africa's Bold March to Capture the 21st Century – The Role of the APRM', Accra, Ghana, 8–10 May 2007, p.6.

planning and review exercises. The ability of the APRM to do this has a major impact on its ability to remain central to national planning and budgeting exercises. The Country Guidelines urge participating nations to ensure that the APRM does not repeat other processes but brings them together:<sup>10</sup>

National ownership and leadership by the participating country are essential factors underpinning the effectiveness of such a process. This includes leadership in ensuring consistency with existing national efforts, like the Poverty Reduction Strategy Papers (PRSP) processes, other national poverty reduction strategies, Medium Term Expenditure Framework (MTEF), National Human Rights Action Plans, Millennium Development Goals (MDG) strategies, ongoing institutional reforms, and other relevant governance and socio-economic development strategies, programmes and projects. It also includes efforts by the participating country to address capacity constraints in an integrated manner within all of these activities, as well as facilitating and coordinating the alignment of international support behind the national Programme of Action that participating countries are expected to develop and implement.

Joining together so many diverse plans is not easy but is nevertheless essential if the APRM is to maintain a comparative advantage. The APRM is not in competition with other processes, but in a world of limited time, funding and human resources, it clearly competes for a slice of the nation's attention and resources. Unless it can show clear advantages, its novelty will one day wear off and countries will ask how the APRM fits among the variety of diagnostic and planning exercises already underway. Many of these other processes are either entrenched in national law or are tied to essential sources of development aid, which makes them necessary burdens.

The APRM does not have that advantage. It can, however, offer four potential advantages that should be factored into POA planning.

**Better quality.** The APRM should offer better, more realistic and well-planned solutions to problems than other planning exercises. It is vital that APRM authorities begin to assess the quality of the POAs and the Country Review Team's recommendations against the quality and specificity of recommendations coming from other processes. In addition to the IMF, PRSP and MDG consultations, there are a variety of specialised review processes, such as the World Bank's Cost of Doing Business review (which examines details of the business regulatory environment) and the Global Integrity Index (which provides very detailed guidance on what factors make for effective public financial management, anti-corruption agencies and judicial systems). If countries are able to get better counsel from other processes, the APRM should strive to improve the value it delivers. To do better, the APRM needs a two-phased approach. It must first study recent reform efforts to learn what has been proposed, what was tried, what succeeded or faltered and why. Armed with these lessons, the POA should draft meticulous plans for each

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10. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM)', November 2003, paragraph 12, p.2.

There is a tendency for national planning exercises to generate long wish-lists that offer no sense of priority and are too long to implement.

proposed action item. These plans should anticipate the likely political, social, managerial or resource obstacles and include strategies to overcome them.

**Clear prioritisation.** There is a pronounced tendency for national planning exercises to generate very long wish-lists that offer no sense of priority and are too long to implement. Many African nations hope that outside funding agencies will pay the costs of new programmes. Thus, there is a strong incentive not to distinguish between the essential actions and the merely ‘nice to have.’ Because the APRM does not bring its own funding for POAs, countries must fit POA actions into existing revenues. As a result, the process should go beyond the wish-list and assist in determining which items should be done first and which phased in later. The failure to prioritise and schedule activities in a realistic manner explains why other plans remain on paper and are not successfully implemented. A POA that offers clear reasons for prioritising certain items can help to secure funding, because it will make clear to donors or lenders why those actions will make impact.

Following a study of past reforms and recommendations, each proposed action item should be ranked according to its cost and likely impact. Because some implementing bodies may have more action items than others and may not be able to launch all at once, the POA process should produce a separate implementation schedule for each responsible implementing agency. The items assigned to that entity should be ranked and assigned realistic starting and completion dates. A detailed implementation schedule also should be prepared for each action item. The ideal initial actions should be those with low difficulty or cost and high impact. Where reforms are already proposed or underway, participants should make an assessment of progress and identify what obstacles need to be removed or what additional measures or resources may be needed to enable existing reforms to fulfil their purpose. Such a process would be far more involved than the present methods, but also more likely to succeed because it would have more thoroughly anticipated and planned for the challenges to implementation.

However, a word of caution is needed. In many planning and reform exercises, lack of capacity has been frequently misused as an excuse for failure to implement reforms that would increase accountability. Civil society and continental authorities should interrogate prioritisation plans to ensure that items are delayed or not adopted for valid reasons. At present, POAs do not explain why recommendations are ignored. This is a serious loophole in the APRM system.

**Stronger consensus.** Lack of political consensus and support is another reason why past reforms have stagnated. Because of its consultative nature, the APRM can be used to build consensus among groups that disagree on the appropriate solutions. But this takes time and requires the same kind of research and consultation techniques used in the self-assessment phase. Building consensus also will require different techniques, depending on the political sensitivities and resource challenges associated with a particular

issue. In modest ways, countries have engaged with parliaments and political parties over the APRM, but could do much more to schedule parliamentary hearings around each of the major reform proposals put forward in the POA. The APRM also could be used to convene specialist meetings in areas where problems clearly exist, but where solutions have so far been elusive.

**Integration with other plans.** Lastly, the APRM can offer an important advantage by tying together all of the other national plans and linking them to budgetary processes. The Kenya APRM report provides a glimpse of the budgeting and planning realities that many countries confront. It reflects the extent of the benefits that a well-conceived POA could provide. In discussing how past reform efforts faltered in Kenya, the report noted that:<sup>11</sup>

National priorities are not the primary consideration where the Government frequently adopts externally driven initiatives that have the added attraction of financial resources to implement them. Once the resources are depleted, the project is forgotten and Government moves on to new policies and starts exploring for new funding. Additionally, policies are usually unfunded in the National Planning process. Parliament or the Executive enacts laws without securing funding for their implementation. For instance, laws passed by the Parliament in the year after the national budget has been adopted would not be implemented unless funded from external sources. Without adequate resources for implementation, the laws will most likely be put on hold until the next fiscal year, or be simply forgotten. There is a risk that, with all the policy reforms taking place, new policies will arise that will lack a coordinated approach, leading to incoherence in implementation and expected results.

Many countries experience similar problems because there is no consistent process used to keep a running list of necessary but as yet unbudgeted action items. The APRM could play this role. Building such a list is both an informational and political challenge. On the information side, the APRM process would have to take a much more structured approach to research so that the institutes involved have time and clear instructions to assemble a comprehensive list of all the recommendations that have already been put forward in other planning processes, including those within ministries. For each, they should be tasked with determining the extent of implementation and the obstacles that still need to be overcome. At the political level, the APRM would have to fight its way into the inner sanctum of planning and budgeting, which is usually jealously guarded by the ministry of finance. Some countries also maintain ministries of planning and ministries concerned with the economy, which also contest with finance for influence over planning.

Having a comprehensive national to-do list would be valuable but it would require resolving some deeper problems, such as lack of co-ordination with parliament and unrealistic budgets. Many African parliaments pass spending authorisations that are not realistically based on available revenues. Aid

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11. The African Peer Review Mechanism, 'Country Review Report of the Republic of Kenya,' African Peer Review Mechanism, September 2006, p. 93.

funding often is managed under separate budgetary processes that leave some functions funded and others unfunded, as Kenya experienced.

Those four goals – better quality solutions, more useful prioritisation, stronger political consensus and improved integration with existing systems – should be the watchwords of the POA phase.

Those four goals – better quality solutions, more useful prioritisation, stronger political consensus and improved integration with existing systems – should be the watchwords of the POA phase. They are the ingredients that can give the APRM a real comparative advantage over other processes that implicitly compete with it for national attention.

### Practices to build a better POA

Participating countries can implement a number of strategies to ensure that POAs are specific, measurable, realistic, integrated with existing plans and offer sound comparative advantages. These strategies will find more ready acceptance if the official APRM guidance is revised accordingly. This section includes several practical suggestions to help strengthen the POA process as well as a short questionnaire and checklist to help participants plan a more structured approach to the formulation of a POA.

#### *Stronger continental guidance*

As discussed elsewhere in this book, the APRM Panel and Secretariat do not deliver sufficient quantity or quality of written or oral guidance.<sup>12</sup> Both have opted not to organise accessible public information or training workshops outside of the very limited encounters that occur during Country Support Missions. Pioneer countries have privately expressed significant frustration with both institutions. Better quality guidance could contribute to better POAs. In particular, pioneer countries have requested that the Secretariat provide a written overview of the different research methods employed so far and advice on planning, budgeting and management of research, consultation, surveying, and report writing. They also have requested guidance on how to manage the POA process, how to evaluate proposed actions and prepare the final POA report. The May 2007 APRM review conference by Ghana and GTZ concluded:<sup>13</sup>

It is recommended that Continental APRM institutions (Forum, Panel, Secretariat) should:

- Strengthen their capacity to provide better and more frequent information, research and specific advice;
- Facilitate a dialogue (Workshop) on structures, roles and functions of the National APRM oversight body vs. the engagement of the respective governments;
- The APRM continental structures, in particular the APRM Secretariat, can contribute to a more efficient implementation by providing guidance, templates and prototypes for the process management and

12. See chapter 3 and UNDP, *op. cit.*, p.17.

13. GTZ, *op. cit.* p.5.

the methodology including the research design and the revision of the Questionnaire in the light of experiences.

The guidelines should be revised to provide clear guidance on how to write a Programme of Action, how to deal with existing programmes that are inadequate and how to monitor and evaluate progress over time.<sup>14</sup>

Although the continental Secretariat is seen as the best source of information on the APRM process, the pioneer countries themselves have much more direct and first-hand experience of trying to formulate a POA and integrate it with national budget processes. What follows reflects interviews with participants as well as the authors' experiences as one of the four research institutes employed on the South African self-assessment.

To improve the POA, participating countries need to have a much more realistic sense of the organisational challenges involved in conducting an APRM review. This realism should be built into a written plan that divides time equally between the self-assessment and POA processes. An effective plan should allocate funds and time to specific POA consultation exercises, to desk research into reform programmes that have already been attempted and outreach to other countries that may have attempted similar action items. Countries must both allocate sufficient time but also defend that allocation when schedule slippages occur so that delays in other phases are not allowed to consume the time set aside for the POA.

### *Improved desk research*

As discussed in the previous section, the value that the APRM brings depends on its ability to deliver action items that have been thought through carefully, that have learnt the lessons from past reform efforts, that are realistically costed and build into plans means of coping with or counteracting the major challenges to implementation. Such challenges include issues of funding, staff, technical expertise, equipment, training, and political support, among others.

The process needs to be candid about the difficulties of addressing some problems, particularly those with social and political roots. Gender equality is a good example. It is tempting to offer a series of workshops or sensitisation advertisements to address the issue. But experience suggests that cultural traditions change only slowly. Legal changes that lack social backing will falter without careful and long-term efforts to build support within the population and political classes.

Improving the quality of research into solutions is a crucial next step. Many, many reforms have been attempted in the past and many have not succeeded.

**The guidelines should be revised to provide clear guidance on how to write a Programme of Action, how to deal with existing programmes that are inadequate and how to monitor and evaluate progress over time.**

14. Participants at the Sixth Africa Governance Forum urged that 'The APRM Secretariat should give a prototype research design, drawing on the collective experience of Rwanda, Ghana, Kenya and South Africa. By defining the general guidelines, countries would be assisted in avoiding the possibility of ending up with a lopsided survey that could favour one group (say, the elite) to the disadvantage of other social groups.' (See UNDP, *op.cit.*, p.26).

Unless participants study those past efforts in detail, they are likely to repeat previous errors. Building a better POA should start with comprehensive desk research to find and assess written documentation on past reforms. Because people are often reluctant to candidly explain why previous plans were not implemented, those assembling POAs need to seek out participants in past reforms and interview them personally to gain insight into the managerial, technical, social and political problems that intervened. This kind of research should be built into the tasks given to research institutes at the start of the process. It should result in a comprehensive report that incorporates all of the recommendations made from recent national and departmental strategies as well as PRSPs, MDG reports, national vision reports and other reform efforts that are underway. Doing it properly requires allocating funds and adequate time and empowering government employees involved in those past efforts to speak freely.

Once such a list of recommendations and reform efforts has been assembled, researchers should determine the extent of implementation and the reasons for lack of progress. Such a structured exercise would help the APRM complement rather than repeat earlier analyses.

### *Building consensus*

Many past reforms in Africa have failed at the implementation stage because insufficient attention was paid to building consensus among political leaders, civil servants (who may be disadvantaged by particular changes), business and interest groups.<sup>15</sup> The POA processes to date have focused on creating the POA document as quickly as possible but have not spent time trying to understand the political, social and practical problems that might impede adoption of the POA.

Kenya took an important step in discussing the POA with the principal secretaries (the top civil servants in each government department). The attitude of the principal secretaries, according to participants in the meeting, was substantially hostile. Some questioned the validity of the data used in explaining problems. Others seemed to reject the POA because it was not drafted with the buy-in of the principal secretaries. Others undoubtedly disliked the implication that work in their area of responsibility needed improvement. Change also can mean additional work, new responsibilities and tighter operating restrictions. Managing such sensitivities is an inevitable part of reform. The incident highlights the reality that the POA is not merely a technocratic exercise, but one with substantial social and political dimensions where diplomacy and consultation can be as important as having the 'right' solutions.

Ghana took a different approach to the APRM exercise, turning the

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15. As Emmanuel Gyimah-Boadi notes in *Democratic Reform in Africa – The quality of progress*, US: Lynne Rienner, 2004, p.127: 'Recent African history is replete with examples of well-intentioned reformers who, unable to mobilise supportive constituencies, faltered because they could not neutralise resistance.'

management of the entire process over to a small panel of eminent, non-partisan civil society representatives. They wanted the process to be seen as credible and not to stand accused of being manipulated by government. Implicit in this approach was the notion that government would agree to take action on whatever findings the civil society panel made. Such an approach has tremendous advantages in helping position government as a committed supporter of reform. But it requires very strong political leadership. In Ghana's case President John Kufuor took his entire cabinet on a three-day retreat to consider the APRM report and devise solutions to the identified problems. Such firm leadership from above removed the kind of resistance that came in Kenya. There, the job of selling the POA to the civil service was left to the national APRM/Nepad office, which in bureaucratic terms is an advisory service lacking the clout enjoyed by ministries.

It is important to stress that both the extended desk research mentioned in the previous section and efforts to build consensus take time and, consequently, money. As the Africa Governance Forum noted:<sup>16</sup>

In order to secure the requisite resources that are essential for the successful fulfilment of the APRM process, countries need to budget ahead of the process. This would avoid compromising quality on grounds of cost.

### *A Programme of Action checklist*

The existence of the Self-Assessment Questionnaire is a great aid to the APRM research process. It offers guidance and helps ensure that participants take a structured approach to their work. Remarks from a variety of participants suggest that the POA process would similarly benefit if a section were added to the APRM Questionnaire that was specifically designed to guide countries through the POA process. The following steps and questions represent an attempt by the authors to define such a structured POA process. This approach is aimed principally at the self-assessment phase, when the POA is first drafted. The same ideas would need to be applied later in modified form when the country receives the final APRM report, which will necessitate additional modifications to the draft POA.

**Establish working groups.** Good policy-making requires input from interested parties and the experts and officials familiar with particular institutions and sectors. The size and focus of such working groups can determine their effectiveness. Including too broad a list of topics in one workshop will require many participants and more time. A workshop that is too small can provoke complaints that the policy-making was not inclusive. The four thematic areas are too broad to use as a basis for organising POA events. The list of expertise needed for desk research can provide a useful starting point in establishing these groups (see Chapter 5).

**List policy alternatives.** For each identified problem, list possible alternative solutions. These should include ideas put forward through the APRM consult-

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16. UNDP, *op. cit.*, p.26.

ations, those advanced by experts and those in the self-assessment or final APRM reports. Note the source of each recommendation so that at the end of the process, parties can be notified of the decisions taken on their suggestions.

**Just because a problem does not have an immediately obvious solution does not mean it should be left out of the POA and forgotten.**

**List problems that lack clear solutions.** Make a separate list of problems for which there were no solutions immediately apparent or for which solutions would require additional study and discussion. Just because a problem does not have an immediately obvious solution does not mean it should be left out of the POA and forgotten. This is particularly true of larger social problems that may have many contributing causes and need many related interventions. Crime, unemployment, and gender bias are examples. For each such problem, formulate an action item that would define a research and policy development process to produce alternative solutions. This may entail a commitment to fund research, engage legal experts in proposing alternatives or consultations with experts or constituencies concerned with the issue.

**Questions to assess each alternative action.** Hold a working group meeting with each responsible ministry or unit to assess the management implications of all of the proposed actions and what phasing in of solutions would be required, if any. Assess each alternative solution in light of the following questions. The answers should be arranged in a project management document that outlines each solution and provides the detail needed to manage and monitor implementation. All of the project management documents should form part of the POA report.

- What constituencies within government, parliament or society should be consulted to build consensus around the planned action or reform and what form should that consultation take?
- What key staff, managers or technical experts will be required to manage the action effectively?
- What likely social or technical obstacles need particular attention to ensure the successful implementation of the idea?
- Which department or entity of government will have overall responsibility and what mechanisms or instructions will be given to ensure that the needed cooperation from other units is given in a timely way?
- What physical inputs must be acquired before start-up, such as office space, computers and reference materials?
- What funds will be required, with separate allocations for capital costs (equipment, furniture) and recurring costs (office space, staff, expenses, legal drafting)?
- What is a reasonable time to complete start-up activities such as hiring staff, securing funding and assets?
- What is a reasonable time by which the action item should be completed or, in the case of ongoing items, be fully operational?

- What aspects or indicators should be examined to determine whether the proposed action was successful in solving the identified governance problem? For more subtle or complex problems, such as improving the quality of education or the effectiveness of an organisation, describe what type of formal evaluation is planned in future, how long such an evaluation would take and what it would reasonably cost (where necessary, add such costs of evaluation to the overall cost analysis of the action item).
- For proposed new laws, regulations or constitutional amendments, are there any aspects that could conflict with human or political rights or cause problems with the separation of powers or principles of transparency and accountability?
- What steps are planned to subject proposed new rules to public and legal scrutiny to ensure that they conform to good governance principles and constitutional imperatives?
- If new regulations, constitutional amendments, laws or funds are required, how long would it reasonably take to draft the relevant bill, amendment or budget? How long might it take to reach political agreement within parliament? And how long might it take to get the new laws on the parliamentary agenda and pass the item into law? Are there any actions that might accelerate these processes?
- For existing institutions or programmes that need strengthening, list what additional legal powers, management or specialist staff, or funding would be required to raise performance or speed to the desired level.

**Select needed solutions.** Where alternatives exist to solving a given problem, consider whether one approach alone is sufficient or if multiple steps are needed to achieve a comprehensive solution.

**List reasons for rejection.** Where proposed actions are deemed inappropriate or unrealistic, add to its project management sheet a note outlining the reasons for rejection. This will add transparency and trust to the process by making clear the obstacles to certain proposed solutions. Providing explanations will also address the expectations of the public and institutions who put these ideas forward that their suggestions would be fully considered.

**Group solutions by responsible agency or ministry.** Organise the potential solutions in groups according to which arm of government would have the lead in implementing the proposed solution.

**Prepare an implementation schedule.** Based on the answers to the questions used to assess alternative actions, evaluate whether the responsible organisation has the necessary capacity and management to embark on all the proposed actions at once. If not, in what order should reforms be prioritised or phased in? Place greater emphasis on high-impact, low-cost actions. Where high-impact ideas would require additional financing, add them to a separate list of items requiring funding. For each responsible agency, prepare a set of notes reflecting the discussions on priorities and phasing in action items.

**Number and bind recommendations.** Assign each proposed action a reference number to appear on the top of the project description sheet. All such sheets should be organised in a bound volume with a summary sheet at the front. The summary sheet should follow the existing POA tabular format, which lists each APRM objective, action, method of measuring implementation, responsible agencies, timeline, budget and other particulars. A final column could list the cross-reference or page number directing the reader to the full project description for each POA action item. Organising such an appendix of project management summaries according to the implementing agency will assist in making clear who is responsible for what actions. Providing such detail will be valuable in both implementation and ongoing monitoring and evaluation of the POA.

**Prepare an explanatory summary.** For each objective in the Questionnaire, write an explanation of why the particular action items were chosen and why certain suggestions were not included.

**Hold public validation exercises.** Once the proposed POA has been drafted using the steps above, it should be presented to the public through validation workshops, to parliament through public hearings and to senior civil servants.

**Build consensus.** Reaching political agreement on the need for reform is as important as the details of the POA. Once the POA has been examined and validated, separate measures should be taken to ensure that the government, parliament, particular ministries and agencies and interested parties support it. Because of the breadth of the subject matter, it would not be effective to try to present the entire POA at one hearing. Different subsections and recommendations should be presented and debated in different fora, such as parliamentary hearings, chambers of commerce, inter-ministerial briefings and in cabinet.

### *Improving ongoing monitoring and evaluation of the POA*

Finally, it is important to consider the challenges that countries face when it comes to monitoring and evaluating implementation. Countries are required to report back to the APRM Forum of Heads of State every six months.

Pioneer countries have struggled with this task. As the Ghana, Kenya and Rwanda case studies demonstrate, six months appears to be too short a time to show any real progress on POA action items. As a result, much of the reporting is about intention rather than actual implementation. There are also variances in the ways that states have proceeded in this post-review phase. The guidelines call for civil society and National Governing Councils particularly to remain involved in ongoing monitoring and evaluation.

Six months appears to be too short a time to show any real progress on POA action items.

This is problematic in several respects. Kenya, for example, officially disbanded its National Governing Council and made POA implementation the responsibility of the Nepal Kenya Secretariat and the Ministry of Planning. South Africa had asked its unpaid National Governing Council to remain

engaged with monitoring and evaluation, but it was unclear at the time of this writing how that interaction would occur. Government intended to place responsibility for monitoring, evaluation and report back under a unit in the Department of Public Service and Administration, the minister of which was both APRM Focal Point and chairperson of the National Governing Council.

Conflating the roles of management and reporting arguably poses a conflict of interest. For civil society, remaining engaged in monitoring and evaluation is a difficult challenge. Under the South African model, there is no payment to civil society representatives for their participation. The vague descriptions used for many action items and the failure to distinguish previously existing government initiatives from new APRM activities combine to make meaningful evaluation very challenging for civil society.

A process that was designed from the start to be more closely integrated with existing budget and monitoring processes would be both more effective and easier to monitor on an ongoing basis. Two recommendations were put forward in the South African process, which were not taken up by government but which nevertheless could be useful in monitoring as well as sustaining political commitment over the long-term.

The first suggestion was to use the auditor-general to monitor APRM implementation. The auditor-general has the institutional mission to audit government performance as well as its accounting for funds. In South Africa's case, the Auditor-General's Office had stated its intention to steadily increase its involvement with monitoring the quality of government delivery and management, although it only dedicated a minority of staff time to this. It would thus make sense to utilise the monitoring and evaluation skills in the auditor-general's office for the APRM and avoid creating two separate monitoring agencies. It would further make sense to give the auditor-general the responsibility to bring together the various national development plans and commitments and keep track of the extent of their implementation and their relationship with established budget line items. Using the auditor-general in this way would capitalise on the skills in that institution. The fact that it is an independent body also would provide the APRM monitoring reports with a greater degree of credibility than if they were written by the very agency responsible for implementation.

The second, related suggestion was made by civil society in South Africa to establish a standing committee in parliament to monitor implementation of the APRM commitments. This committee would be the natural place to receive the APRM reports of the auditor-general and to hold hearings on them, as necessary.

Although the analytical portions of final APRM country reports have contained many good insights and have not overlooked major national challenges, their recommendations have been far weaker. Where countries have not responded to the APRM recommendations, the reports have been silent. As

**It would further make sense to give the auditor-general the responsibility to bring together the various national development plans and commitments and keep track of the extent of their implementation and their relationship with established budget line items.**

the culmination of the APRM process, the POAs have not measured up well to the declared APRM guidelines and need substantial improvement if the process is to make a significant impact on the quality of African governance.

## Lessons and Recommendations from the Pioneers

APR is a 'learning by doing' process. By sharing experiences and lessons, beginners (in the Peer Review Process), can learn important things as how to sensitise the population, how to bring as many stakeholders as possible on board.

– **Aimable Kabanda,**  
**Rwanda APRM Coordinator**

Hunger, war, AIDS ... Epidemics that destroy Africa will not disappear while the power is in hands of corrupted official governments. They are the main obstacle to get the whole continent out of the tunnel.

– **Kofi Annan,**  
**former UN Secretary-General**

Sharing of information will result in increased adoption of best practices and standards and also accelerate the integration of the economies of participating countries.

– **APRM Base Document**



# THE APRM AS POLITICAL PROCESS



The APRM process is designed to be open and participatory. Through a participatory process, the APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increase the transparency of the decision-making processes, and build trust in the pursuit of national development goals.

– APRM Country Guidelines<sup>1</sup>

The APRM, if someone is still in doubt, is not an instrument for punishment or exclusion, but rather it is a mechanism to identify our strong points, share them and help rectify our weak areas.

– Ambassador Bethuel Kiplagat, Panel of Eminent Persons<sup>2</sup>

The APRM has come about because Africa recognised that its political systems were not always producing the quality of governance needed to ensure stability, economic growth, protection of rights and, in many cases, basic political fairness.

In Africa as in the rest of the world, political systems can stagnate in a cycle of decline, blame and denial. Such an atmosphere can be both cause and consequence of economic and social decline. When decline and non-performance reach a certain level, politicians can find it politically impossible to be candid about the extent of problems or to take decisions that would be disadvantageous to their short-term political interests. Political stagnation in that environment can begin to reinforce failure, which further strengthens the desire to hide or deny problems. Consequently, political systems can fall into 'a vicious cycle, in which economic decline, reduced capacity and poor governance reinforce each other,'<sup>3</sup> as the Nepad framework document put it.

**Political systems can stagnate in a cycle of blame and denial ... And when decline and non-performance reach a certain point, politicians can find it politically impossible to be candid about the extent of problems or to take decisions that bring short-term political disadvantage.**

1. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in The African Peer Review Mechanism', November 2003, article 2, pp.2–3.
2. United Nations Development Programme (UNDP), 'Implementing the African Peer Review Mechanism: Challenges and Opportunities, Report of the Sixth Africa Governance Forum (AGF-VI),' Kigali, Rwanda, 9–11 May 2006, report produced 20 June 2006, p.44.
3. African Union, 'The New Partnership for Africa's Development (Nepad),' Addis Ababa, October, 2001, p.6.

**Where politics is involved, fears and apprehensions exist. Governments and civil society will inevitably approach the APRM with different assumptions, particularly about what the other might do with the process.**

The APRM has political ramifications on six different levels:

First, it produces a high-profile report discussing national problems, which has the potential to embarrass politicians and thus makes the process politically charged. This is despite the fact that the APRM is not meant to be a scorecard on an incumbent government, or a rating system to compare countries, but an evaluation of the overall political, economic, and corporate governance systems and the socio-economic strategies in the country. Nevertheless, APRM reports must cite evidence of how systems are faulty and how people are bending rules or acting for personal gain. Such evidence has a great potential impact on politics.

Second, in discussing political systems and the allocation of economic goods, the APRM is political because changing such things can affect the methods that political parties use to campaign, to raise funds for their parties, and to win elections.

Third, the choices of who gets consulted, invited to meetings, appointed to governing structures or chosen to write and edit reports are highly political. Decisions over personnel and consultation affect decisions about the content of the Country Self-Assessment Report and Programme of Action. Selection for these functions also can bring public prestige and offer opportunities for honoraria, which can lead to competition and controversy among politicians and civil society organisations.

Fourth, in discussing corruption, the APRM affects political fortunes. Corruption is the single most potent political campaign issue in many countries. And for those who profit illicitly from corruption or use it to generate the political party funds needed to win elections, the APRM's focus on corruption is political in more than one sense.

Fifth, parliaments, the judiciary and autonomous government entities – such as human rights, constitutional reform or anti-corruption commissions – as well as planning ministries all feel that they have a vital stake in the topics covered in the APRM. These include discussions about the independence of separate branches of government, and their powers, accountability and relationship to the national political structure as a whole. For instance, the executive branch can tend to take a proprietary approach to the APRM process, but excluding or marginalising it can raise the political stakes.

And sixth, the APRM process calls on participants to build trust and national consensus around the exercise, national self-assessment and Programme of Action. However, trust and consensus can only be built if one understands the forces working against them and the dynamics of the national political climate.

If the APRM is contested political terrain, then how specifically should civil society and governments factor these six levels into their planning for peer review?

Where politics is involved, fears and apprehensions exist. Governments and civil society will inevitably approach the APRM with different assumptions, particularly about what the other might do with the process. Angry debates have erupted in some of the early APRM countries as a result of the high political stakes, and the fears and suspicions that they arouse. If ignored or suppressed, such concerns can cause real damage to the process. Instead of helping to build trust and catalyse change, a poorly managed APRM process can increase political tensions and increase distrust. Therefore, the first step in planning for the political dimension involves assessing the kinds of concerns that various groups may have.

### Civil society concerns

The early APRM countries highlighted a variety of civil society concerns surrounding peer review, which have grown out of recent political history. The African Charter on Popular Participation in Development and Transformation – one of the standards adopted by the APRM – puts it this way: ‘The political context of socio-economic development has been characterised by an over-centralisation of power and impediments to the effective participation of the overwhelming majority of the people.’<sup>4</sup>

Despite decades of multi-party democracy, many states are yet to fully overcome that legacy, and it will affect the perspective of any civil society body asked to participate in the APRM. Civil society is affected by its own institutional self-conception. Many civil society groups and the media conceive of themselves as watchdogs for the public interest. Governments, particularly those that see themselves as liberators fighting in the public interest, often resent the civil society presumption that governments need to be monitored. For the APRM to work, governments need to put that resentment aside and accept that it is healthy and appropriate for civil society to want to verify what government says and what it does.

Indeed, modern democratic theory is built on the assumption that unchecked power will result in abuse of rules and resources, and all sectors of society – citizens, business, the police, military, parliament, executive and judiciary – all require legal restraints and oversight institutions. The APRM acknowledges this through the Questionnaire’s call for effective separation of powers, oversight, transparency and accountability. The best way to ease civil society concerns over real or perceived government domination of the process is for each participating nation to incorporate those same principles of separation of powers, oversight, transparency and accountability into the governance of the

**A constructive dialogue between all stakeholders is crucial. Space must be given and resources need to be allocated for this to happen regardless of any tense relationships which might often be experienced, particularly between civil society and government. – GTZ<sup>5</sup>**

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4. African Charter on Popular Participation in Development and Transformation, Arusha, Tanzania, 1990, p.4.
  5. Deutsche Gesellschaft für Technische Zusammenarbeit (GTZ), ‘The APRM Journey So Far’, a summary of outcomes of recommendations from previous APRM review conferences prepared for the conference ‘Africa’s Bold March to Capture the 21st Century – The Role of the APRM’, Accra, Ghana, 8–10 May 2007, p.6.

review process itself. The most important initial provision needed to ensure a constructive and rigorous review is the structure and composition of the National Governing Council or National Commission. As the Supplementary Country Guidelines note: 'the National Commission established to manage the process at national level should be autonomous from government and inclusive of all key stakeholders.'<sup>6</sup>

In every pioneer country, three main clusters of concerns mattered to civil society. The biggest area of concern was over how the governing council would be chosen.

Civil society in these five countries expressed strong concern that government would either numerically dominate the council with government officials or would fill it with civil society representatives allied to government. Civil society also expressed concern about whether government would unilaterally name pliant civil society representatives or allow civil society to nominate its own participants. In several instances, civil society observed that even though it had a nominal majority on the council, government – through its nominees and control of overall timing and financial resources – can retain effective control through a variety of means.

In some countries, civil society representatives must manage full-time jobs in addition to duties on a governing council. But government officials can be allocated to the APRM full time. Without rules about a council quorum, complaints can emerge over decisions taken in the absence of civil society. This tendency is made more pronounced because the division of labour and responsibility is unclear between the National Governing Council, Technical Research Institutes and the local support secretariat. If the local secretariat is drawn from government and the council meets infrequently, the government, working through the secretariat, can end up making many crucial decisions about how public consultations are conducted. This tendency was a key factor in both Rwanda and South Africa.

The size of the governing council also can subvert civil society control. Large governing councils tend to be unwieldy, even if they are nominally more representative. Without clear voting and decision-making rules, control in larger councils can shift toward the council chairperson or an executive committee. The scheduling and management of public consultations and the processes to be used to create the Programme of Action and Country Self-Assessment Report can require many fast decisions. Unless a clear and detailed research and consultation plan is put to the council for debate, such decisions will tend to be taken unilaterally by the secretariat or research institutions, which may not reflect informed decisions of the council. The formation of an executive committee within the governing council may speed decisions but it can easily undermine the representivity of the council. South

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6. APRM Secretariat, 'Supplementary Document to APRM Guidelines for Country Review – The APRM National Structure,' Midrand, South Africa, undated [2007], p.1.

Africa formed different subcommittees within the council, some of which were numerically dominated by government despite the overall composition of the council favouring civil society. Rwanda similarly used subcommittees. Lesotho, which is still in the early stages of its process, set up an executive committee which gave rise to concerns that some key decisions were taken without full debate in the overall council.

These issues will be dealt with more fully later, but for the moment it is important to note that they consistently spark public complaint and have not been dealt with adequately by the written guidance given out by the APRM Secretariat.<sup>7</sup>

A second cluster of concerns relates to how the research should be conducted, how and by whom the report should be actually written and edited and whether the text fairly reflects the views of all the nation's various regional, ethnic, religious, business and other constituencies. Again, these will be dealt with in greater detail later, but governments should note that civil society will be legitimately very interested in the mechanics of the process. Reactions will be particularly sharp if government is seen to be dominating the decision-making or is dismissing public inputs about the process.

The third cluster of concerns relates to timing and lack of information. With some variation, all of the early governments have officially signed up to the APRM without substantive public consultation or advance warning. That decision was followed by a long period during which government said little about its APRM plans. Neither the media nor civil society did much to fill this information vacuum. Then abruptly, from civil society's point of view, a plan was released for the conduct of the review and appointment of a governing council. Kenya did the best job among the early countries of engaging in pre-consultation about the process before taking key decisions about how to form the council. It established a large task force to discuss how to choose a council and allowed civil society to choose its own representatives. But Rwanda, South Africa and Mauritius took major decisions on the process and appointment of council without public debate or transparency.

Governments should acknowledge that the public will expect to play a prominent role in the process and expect to be consulted *before* decisions are taken about the process and governing structures. To announce a process without first publicly consulting on alternatives will inevitably arouse concerns over manipulation and lack of consultation. Extensive public consultation, transparency and candour go a long way to alleviating civil society complaints.

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7. The Country Guidelines note: 'The APRM process is designed to be open and participatory. Through a participatory process, the APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increase the transparency of the decision-making processes, and build trust in the pursuit of national development goals.' And it notes that, 'Every review exercise must be technically competent, credible and free of political manipulation.' See APRM Secretariat, 'Guidelines for countries to prepare for and to participate in The African Peer Review Mechanism', p.3 and p.22.

## Government concerns

So far, the discussion has focused on civil society concerns. But governments themselves bring significant apprehensions about this process. Many governments and APRM proponents argue that governments have shown themselves to be fully committed to Nepal and the APRM simply by signing up for review.

In the sense that they have no intention of backing out, that is true. But the decision to undergo review is far more politically complex than official statements imply. Despite public professions of commitment to the process, many government participants interviewed for this book expressed concern about how criticism might be directed at incumbent administrations through the APRM. Others have made significant efforts to control the national process and particularly the editing of the Country Self-Assessment Report. South Africa's first official response to the final APRM Report on the country gave expression to such fears, implying that the APRM process was playing into the hands of racist critics, that some of its assertions were ideologically driven, poorly researched and risked reaffirming negative images of Africa.<sup>8</sup>

In a passage challenging the evidence behind the report, the South African government argued:<sup>9</sup>

The risk is that general perceptions, often essentially racist, about the hopelessness of the African situation are all too easily confirmed by statistical constructs that have a very tangential relationship to the actual universe.

In the early stages of the process the minister in charge of managing the process asserted that it was inappropriate for civil society to question who was on the National Governing Council or how the process would be managed as such questions would introduce 'negative elements.'<sup>10</sup>

In a different way, Rwanda's APRM co-ordinator, Aimable Kabanda, explained that doubt about the APRM affects not only top government officials but also

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8. South Africa submitted its official response to the report of the Panel on 18 January 2007, but its review by the heads of state Forum was postponed for six months. This allowed the South African government the opportunity to amend its initial comments. The country later submitted a revised set of comments that has not been released at this writing, but the original comments are telling in their accusations and undiplomatic language. They were posted on the *Sunday Times* website, [www.sundaytimes.co.za](http://www.sundaytimes.co.za), on 27 May 2007. The South African *Sunday Times* editor, Mondli Makhanya wrote in 'Shred the peer review and you will trample Africa's best hope,' 20 May 2007: 'Ghana, Kenya and Rwanda were the first to be reviewed and were uncomfortable about some of the findings. Nonetheless, they accepted the findings and the recommendations and are in the process of implementing them. The speed and effectiveness of their implementation is another story, but the bottom line is that, for their own good, they have put themselves at the mercy of the APRM. Then came South Africa, which for some reason saw the APRM process as a school exam. Because we believe we are Africa's shining example, we expected the examiners to give us top marks. When the report came back with red marks all over the show, the government balked. "How could they?" we screamed, and effectively told Africa's Eminent Persons to shove their stinky report in the incinerator.'
9. Makhanya M 'Shred the peer review and you will trample Africa's best hope,' *Sunday Times*, Johannesburg, South Africa, 20 May 2007
10. Videotaped interview with G Fraser-Moleketi, Midrand, 28 September 2005.

the mid-level civil servants whose information is vital to making an accurate assessment of problems:<sup>11</sup>

Some people think this mechanism is going to appraise them, to review their performance and may lead to them having bad grades so they become quite defensive. It is very necessary to create awareness that assures [people in government] that this process will not have an impact on their jobs. It is quite a sensitive thing. They need to be reassured on it so that the people who are going to provide data to you are not going to have any problem if the review points out a problem ... It is a quite delicate thing.

On the positive side, participating countries can use the APRM to demonstrate their sincerity to lenders, aid donors and investors who may curtail support if they do not see tangible commitments to improved governance. Participating governments can use the process to show the public that leaders intend to entrench a new era of responsive democratic governance. They can use it as an opportunity to uncover neglected problems, which, if fixed, would improve national development and political support. And they can use it to forge a new tone in politics.

The architects of African Peer Review hoped the process would facilitate more open and constructive national conversations about national problems and potential solutions. As the Self-Assessment Questionnaire notes, the process is:<sup>12</sup>

intended to promote national dialogue on development issues and to facilitate the evaluation of countries on the basis of the realities expressed by all stakeholders. It is therefore important that there be broad based representation at the National structure co-ordinating the APR Process as well as wide dissemination of the Questionnaire and active participation of all stakeholders in providing responses to the Questionnaire.

This sees the process as a way to strike a new, more co-operative, consensus-seeking approach to solving problems. Through the demand that the APRM incorporates broad public input and its embrace of the African Charter on Popular Participation in Development and Transformation, the process recognises that decision-making is more effective when it involves those concerned. As the Country Guidelines note:<sup>13</sup>

Participatory processes can reveal information about the needs of people and their reactions to policy proposals, and thus provide information about the effectiveness of different strategies. Negotiation between different stakeholders over priorities can broaden the ownership, and thus strengthen the commitment and buy-in to implement the strategy.

At the same time, the designers of the APRM hoped the public nature of the process would help to hold leaders accountable by ensuring that everyone

**Those countries that bare their souls should be recognised. Peer review brings risk and that risk should be met with the reward of the early flow of capital to states that have signed up.**  
– Trevor Manuel

11. Videotaped interview with A Kabanda, Kigali, 15 May 2006.

12. APRM Secretariat, 'Country Self-Assessment for the African Peer Review Mechanism,' Midrand, South Africa, undated [2004], p.5.

13. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in The African Peer Review Mechanism', paragraph 34, p.14.

would know clearly what the problems are and what promises are made to rectify them. Theoretically, civil society, local and global media and other heads of state all would add pressure on governments to fulfil the promises made in national action plans.

That theory is sound, but the fears that drive the blame game will not vanish overnight. Some governments have recognised the positive potential of the APRM and embraced it as a more effective means of identifying and solving problems. However, the APRM system has not made adequate provision for how to reassure and inform governments who could see the APRM predominantly as a threat.

In practice, governments are neither wholly enlightened nor wholly suspicious of the APRM. They contain both tendencies in differing measures. Participating governments, to one degree or another, all have expressed concern that the media or political opposition may use the APRM revelations to score political points. In one of its earliest public discussions of the APRM, top Ghanaian officials expressed concern over how foreign reviewers may misunderstand the country during its review.<sup>14</sup>

South Africa's finance minister, Trevor Manuel, also noted that government sees risk in the APRM:<sup>15</sup>

I don't want the African Peer Review Mechanism to become a new set of conditions, but it is important that those countries that bare their souls should be recognised. Peer review brings risk and that risk should be met with the reward of the early flow of capital to states that have signed up.

### **Answering concerns, building trust**

Acknowledging that both government and civil society have anxieties and fears is a crucial first step in forming an effective national plan for the APRM. The next step is finding specific actions and institutional arrangements that build trust and allay fears.

For government, the best advice is to follow Ghana's example, as outlined in the country case study in chapter 10. More than any other APRM country, Ghana saw the process as an opportunity to position government as an advocate of reform rather than as its opponent. Its response, broadly speaking, has been to welcome suggestions for change and to openly brand policy changes as outgrowths of the APRM. They did not worry about whether suggestions came from an outside body or whether accepting an outside recommendation represented a loss of face.

South Africa, in contrast, went to great lengths to deny and minimise problems or argue that the draft APRM Country Review Report compiled by the

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14. Appiah F, remarks at the conference 'African Peer Review: Building a Civil Society Response Strategy', Accra, Ghana, 13 November 2003.

15. Manuel T, 'More Production, More Growth', interview in *eAfrica* magazine, South African Institute of International Affairs, April 2005, p.11.

Panel was misinformed. It consequently incurred near continuous negative publicity. In conferences, diplomatic briefings and the media, its conduct of the APRM has been carefully scrutinised, and the resulting discussions continue to cause the government diplomatic embarrassment. Perhaps the best way to alleviate government concerns is for leaders to reflect on the need and value of constructive criticism to a democracy. Without criticism, sycophancy gradually takes over, and problems get swept under the carpet. Criticism, particularly through the media where all can see and debate its merits, ought to be something to be embraced rather than fought against. It represents an opportunity to build momentum for positive change and focus on neglected systems of governance.

Such reflection on the value of constructive criticism is a useful first step. Second, it is important to consider what the APRM would be without public input. It would be no different from the many reports and analyses that are produced to fulfil legal or aid requirements but which make little impact. Without public involvement, there is no collective memory of conclusions and no debate about priorities or alternative solutions. And without public discussion, reports are all too easily left on shelves to gather dust.

Civil society in all the early APRM countries recognised that the APRM without public input is tantamount to government reviewing itself. As a result, civil society has shown itself to be as concerned with the fairness of the APRM process as it is with the content of its outputs. That includes how the process is governed, who is selected, who is consulted, how much time and money is allocated to activities, who attends conferences, which experts are chosen, how questionnaires are structured and who writes and edits the final reports.

Running through all these concerns is the fundamental fear that government will attempt to control the process to produce a more favourable review or to keep sensitive issues out of the report. If that concern is not addressed, it can permeate all facets of the APRM and limit its ability to build trust and policy consensus. However, a few basic ideas can contribute to a more active, empowered and committed civil society participation in peer review. And many of the same approaches to addressing civil society concerns also ease government fears by ensuring fairness to its interests.

## Effective planning for the APRM

The nature of the APRM – with its many steps, complex Questionnaire and myriad participants – tends to focus minds on the logistical and technical considerations. The who, what, where and when loom large.

**The problem in Africa is that there is no communication between civil society and the government or between the government and the private sector, and even less among the three stakeholders together. – Marie-Angelique Savané<sup>16</sup>**

16. Savané M-A, quoted in Déme O, *Between Hope and Scepticism: Civil Society and the African Peer Review Mechanism*, Insights Series, Ottawa: Partnership Africa Canada, October 2005, p.37.

**As with many public processes, there can be a temptation to measure success by the quantity of inputs but quantity is no substitute for quality.**

As with many public processes, there can be a temptation to measure success by the quantity of inputs. For example, a country might say that it held 50 consultation meetings, 10 expert workshops, a citizen survey, provincial meetings, a validation meeting and spent \$1 million. All of that entails much hard work, but quantity is no substitute for quality. Rushing to establish institutions and host meetings will not guarantee success. As this chapter has outlined, hasty preparation can spark controversy and feed cynicism. Worse, it can detract from the quality of the solutions produced by a review. In the end, the ability of the APRM to bring about constructive change depends on its ability to accurately identify problems, find long-term solutions and build consensus on those solutions inside and outside government. If any of those three – defining problems, crafting solutions, building consensus – are poorly managed, the process will not live up to its potential.

How can a country plan for an effective APRM review? Good management of any process requires both accurate anticipation of problems and clear thinking about goals. It depends on four things:

- studying and learning from the past;
- developing a clear understanding the objectives or benefits desired;
- anticipating likely challenges or obstacles; and
- implementing appropriate strategies to realise the benefits while avoiding the obstacles.

The bulk of this chapter has examined the political concerns surrounding the APRM. This section examines how to realise the benefits inherent in the APRM process, and how to begin planning for an effective review.

In workshops and research interviews, SAIIA has frequently asked participants what an ideal APRM process ought to be like. Identifying the positive traits that a review should possess is a valuable first step in understanding one's APRM goals and anticipating some of the political challenges and anxieties that can sidetrack the process.

In the APRM, how the journey is managed can determine whether the process reaches its destination – consensus on clearly defined problems and effectively designed solutions. It takes political skill to bring people with diverse concerns to a common view about problems and solutions. Governments particularly need to be attuned to the sensitivities of diverse stakeholders; they should build trust through transparency and set up governing bodies and procedures that are widely seen to be professional, inclusive, fair and rigorous.

After holding more than 25 workshops in 15 countries, the authors have synthesised the answers into an acronym – 'COPPER' – which summarises traits most often cited (see box below).

### The COPPER principles for an effective APRM process

<b>Candid</b>	The end result should be a report and Programme of Action that both discuss problems, solutions and best practices honestly and frankly. Describing problems in candid terms reinforces perceptions of honesty, which adds positively to internal and external perceptions of the process.
<b>Open</b>	The process used to develop the report and Programme of Action should be open and transparent. Openness and transparency are the best ways to build trust and the only ways to deflect concern over political manipulation. Citizens readily conclude that the only reason processes are not open is if there is something to hide. Keeping it open pre-empts criticism.
<b>Planned</b>	The process should be well planned, anticipate problems and incorporate the lessons from the APRM pioneer countries. The better the planning, the more likely the results will achieve the country's goals.
<b>Participatory</b>	The process should involve broad participation from the public, business, government and different regions, ethnic and religious groups. The more participatory the process, the more likely civil society will remain supportive and the more likely the process will produce a comprehensive report that all parties support.
<b>Exemplary</b>	A process that reflects well on government and the nation should strive to incorporate the best practices from other APRM nations and bring some innovations to strengthen the APRM system. Actively seeking out best practices can demonstrate sincerity and credibility.
<b>Rigorous</b>	The research and analysis should be of a high quality, be systematic and objective. The more robust the research, the more likely the process will result in reforms that make fundamental improvements to governance.

If the process used to build a Country Self-Assessment Report and Programme of Action is robust and consultative, it will result in good analysis and consensus. Unfortunately there is no short cut that can bypass the hard work of thorough research and widespread public consultation. If the process is designed to limit negative comments or result in a report that says mostly favourable things, it will fail to build consensus or find new, durable solutions to the nation's systemic problems. But a process that strives to learn from the past and follow best practices from the early countries will succeed.

## Planning for the benefits of the APRM

So far the discussion has been focused on process. This section looks more closely at the destination. To better understand this aspect, SAIIA frequently asks APRM workshop participants to write anonymously on small slips of paper the three main things they hope their country will achieve by undergoing peer review. When they finish, facilitators cluster the results in logical groups on a flip chart. While their words differ, the exercise highlights the areas of common understanding. Participants across the continent are remarkably consistent in citing five main things that they hope the APRM can achieve:

1. Improve the quality of governance;
2. Find solutions to problems that might be neglected or marginalised;
3. Deepen democracy and strengthen national institutions;
4. Build national consensus and political trust needed to find new solutions; and
5. Boost the image of the nation and continent with investors and development partners.

The first three are direct benefits and closely align with the official APRM goals. The fourth, (also mentioned in the Base Document and Country Guidelines), building consensus and political trust, is both a strategy for APRM success as well as an indirect benefit to democratic and economic life. For any reform drive to be sustained, it needs broad political consensus behind it, which benefits from trust. The extent to which trust is built will depend on the extent of success at the first three goals.

But the ability of a country to reach the first three goals depends on the APRM process being broadly seen to be fair, open, candid and impartial. In effect, the process must be managed in such a way to build trust in all its participants. If any seek to score political points or manipulate to control the results, trust can dissipate quickly and be replaced by acrimony. As the Country Guidelines note:<sup>17</sup>

The organisation of public participation in the APRM process is in itself a central aspect of enhancing the state of governance and socio-economic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing engagement and empowerment of stakeholders.

A process that focuses only on the mechanics of generating a Country Self-Assessment Report without taking active steps to build trust can easily become mired in conflict and accusation that can undermine the APRM's ability to achieve all its goals. Instead of portraying the nation under review as an innovator, a disputed APRM can highlight negative perceptions. Instead

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17. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM)', November 2003, paragraph 36, p.12.

of acting as a catalyst for a new kind of open politics that reflects well on the incumbent government, the APRM – if managed without due regard for trust building – can simply become a battleground for the same old factional divisions that play out elsewhere in political life.

Thus a very important conclusion from SAIIA's work on the APRM is that the fifth benefit – improvement of the national image – depends on the extent of success at obtaining the first four. There is no shortcut that can avoid public debate on the shortcomings of government. Typically, and quite correctly, workshop participants assert that the first four goals are by far the most important and the fifth is a welcome consequence, not a prime mover.

However, for governments, concern over the national image is a much bigger force in the APRM than participants often acknowledge. The desire to boost the national image is understandable but comes with a dark side: fear that the APRM will bring embarrassment by documenting governance problems. That fear, in turn, has led to some important instances of governments trying to control or limit what a Country Self-Assessment Report says and what solutions the Programme of Action will include. Such a fear grows from a misunderstanding of the process, but it is real nonetheless.

The process is definitely not a scorecard or a ranking of the nation. It produces no ratings that could be used to say one country is better than others. The reports are long narratives that describe what is commendable and what needs work. Nevertheless, the perception of the APRM as a scorecard remains an important factor in the political-social dynamics of the APRM.

As the country case studies illustrate, the more open governments have been to civil society involvement and the more candid and rigorous the process, the more governments benefited in all five areas. Ghana and Kenya were much more comfortable with public involvement and criticism and turned much more decision-making over to civil society. They embraced the process and used it to position government as a champion of reform, in some cases openly branding new laws as APRM legislation. As a result, they realised substantial internal and external reputational benefits.

Participants in the early reviews identified a number of important measures that help address government and civil society fears and thus contribute to a more constructive review process:

**Assert presidential leadership.** It is easy for the APRM process to be delegated to a small group of mid-level officials, who can be afraid of embarrassing their superiors and attempt to guess at the least controversial approaches. If the president signals that he or she wants a rigorous, open and candid process and stays engaged with the process, lesser officials will follow this lead. If the president is detached or suspicious, officials will follow this approach.

By clarifying the objectives and mechanisms for participation, an environment for frank and open dialogue can be created to ensure transparency and legitimacy and minimise misconceptions.  
– UNECA<sup>18</sup>

18. UNECA, Report on the Third Meeting of the Committee on Human Development and Civil Society, 4–6 May 2006, p.16.

Without clear signals of openness from the top, lower level officials can be defensive.

**Commit to fair principles.** To reassure both government and civil society, particularly in situations affected by substantial political tensions or distrust, it would be useful – before any governance structure is chosen – for all parties to commit publicly to a set of principles that all pledge to uphold in the conduct of the process. These should include a commitment to fairness, openness, accuracy, consideration of all views, actively seeking consensus, and, where agreement cannot be reached, a commitment to include in the report the various viewpoints on all controversial issues so that no party feels its perspective is ignored or marginalised. (See box below for statement of principles proposed by civil society organisations in Congo-Brazzaville. See also South African civil society principles in Chapter 14 and Appendix E). Government should commit publicly at the beginning of the process to debate fully all solutions offered by the public and government should agree to report back in writing the reasons why particular proposals have been deemed inappropriate or excluded from the Programme of Action.

**Ask civil society before committing to specific processes or governance structures.** In all the pioneer countries, controversies erupted over how the process itself should be governed. Some participants and governments have dismissed arguments about the process as a sign that civil society is quarrelsome by nature. But having a robust, transparent, inclusive debate about how peer review will proceed is absolutely essential to the credibility of the process. Without an open conversation about how the APRM should be conducted and governed, public trust in the process will decline. And distrust limits the ability of the process to build consensus and break out of the acrimony that characterises politics in many countries. Kenya defused initial complaints and helped build public support for the process by permitting civil society organisations to propose how the process should be governed and to elect their own representatives. This process took time and had its problems, but in a political environment often characterised by distrust, the investment of time helped pre-empt complaints.

**Choose eminent, non-partisan council members.** By choosing its National Governing Council from distinguished citizens known both for their competence and non-partisan character, Ghana imbued the process with credibility and pre-emptively minimised civil society and opposition concerns.

**Allow non-government leadership of the National Governing Council.** To both build trust and ensure the process delivers a rigorous report, it is crucial that the National Governing Council elects its own non-government leader. Announcing this policy early will more effectively allay fears.

### **Congolese CSOs set out principles for the APRM process**

Having participated in a training workshop on 'civil society and the African Peer Review Mechanism (APRM)', organised in Brazzaville from 18 to 19 May 2007, by the comité de liaison des ONG du Congo, (CLONG), in collaboration with Partnership Africa-Canada (PAC) and the South African Institute of International Affairs (SAIIA), the Congolese civil society organisations:

**Welcome** the political engagement of the Congolese government in light of its accession to the APRM;

**Convinced that** the APRM, as a participatory, inclusive and transparent process contributes to the consolidation of good governance;

**Firmly committed** to engage in a constructive citizens' dialogue with government and the private sector;

**Determined** to disseminate information on the APRM;

**Undertake to:**

1. Reinforce existing dialogue between civil society organisations interested in the APRM;
2. Identify and integrate civil society organisations working on the four areas highlighted by the APRM;

**Demand** that the government of the Republic of the Congo:

1. Clearly identify the government structure housing the APRM Focal Point and provide it with adequate resources;
2. Ensure that the mandate of the Focal Point is limited to liaison as stipulated by the APRM guidelines;
3. Allow civil society to comment on the proposed text on the establishment of an 'APRM National Commission';
4. Share information on the APRM with civil society and the private sector;
5. Ensure that a third (1/3) of members of the national commission are drawn from civil society;
6. Allow civil society to choose its representatives;
7. Follow on the Ghanaian experience by ensuring that the National Commission is headed by a distinguished person;
8. Ensure that consultation plans and the budget of the Commission are prepared by the Commission itself, once it is operational;
9. Facilitate the creation of an independent and autonomous Secretariat to serve the National Commission;

**Invite** the Congolese private sector to collaborate with government and civil society to make the APRM a success.

**Call on** the APRM continental Secretariat to:

1. Take the necessary steps to allow the launch of the national process; and
2. Engage with the Congolese civil society by providing it with the necessary information on the functioning of the APRM.

Signed in Brazzaville, 19 May 2007

**Caucus with parliament, opposition.** Government will inevitably be concerned about how the APRM reports will be used by the political opposition, particularly if the APRM process overlaps with an election period. The APRM could usefully take a page from Ghana's approach. To avoid criticism that government might manipulate the National Governing Council, the Ghanaian government reached out to opposition political parties and briefed them on its plans and possible choices of people for the council. Making the council fully independent and filling it with people widely accepted as competent and non-partisan reassured the opposition. Reaching out to the opposition can be an important gesture that will signal to the broader public that government intends to run an open, transparent and candid process. Parliaments have felt left out of national decisions to undergo peer review and have complained that the executive branch has failed to consult them. Government could increase buy-in and lower public anxiety about the APRM process by holding an informal retreat for parliamentarians and members of the executive.

**Commit research and consultation plans to paper.** Consulting on APRM plans is important, but only a few can attend such planning meetings. Those outside such consultations may still have doubts and comments. Ghana and Kenya were credited for the best practice of formally committing their initial research, consultation and validation plans to paper and then circulating them for comment before finalising them. Specifying how many consultations, when, where, with whom and by what methods will also help in planning an accurate budget.

**Agree on a fair report structure.** One way to address government concerns is to offer much greater clarity about how a report should be structured. Governments broadly accept that the reports must identify problems but they are concerned that they will give an overall negative view that fails to give credit to government for its attempts at reform and development. Consequently, the written guidance for the APRM should include a section on how to write and structure reports. Governing councils should also discuss it and commit to a set of principles in writing. By clearly and prominently setting down some rules about how reports should be structured to ensure that they are fair, the process can help significantly reduce government concerns that it will be treated unfairly.

Nothing prevents participant countries from releasing the report early and doing so would speed the reform process by allowing parliament to begin acting on the Programme of Action immediately.

**Recast the Questionnaire.** Questions in the existing Questionnaire are inconsistent. Some call for a list of government efforts in a given area and others do not. Recasting the Questionnaire so that every question asks for both strengths and weaknesses would signal to government that participants and research bodies will follow a fair format (see chapter 4).

**Set clear rules at continental level.** Government concerns could be substantially allayed if the quantity and quality of communications from the APR Panel and continental Secretariat are enhanced. This communication should include clearer rules and more practical guidance on how to handle

public consultations, the media, budgets, surveys and research methods. In the same way that civil society anxieties increase in the absence of clear communication from government, government's own concerns are compounded by a lack of clear, early communications from the APRM Secretariat and Eminent Persons. The APRM system does involve a support mission to each country that is supposed to offer guidance. However, some early APRM countries have said that these encounters have been too short, lacked clarity on key points and often came after countries themselves have committed to certain APRM processes. Critically, each country process is led by a different member of the Panel of Eminent Persons, who decides what to say and how the various missions will be conducted. As a result, there has been different advice offered to different countries and different approaches applied to Country Review Missions. But participants in at least four major APRM review conferences have pointed to inadequate support and lack of clarity on the rules and procedures. As Dr Francis Appiah, executive secretary of the Ghana APRM Secretariat noted:<sup>19</sup>

[The APRM] does not provide a practical guide on how to actualise the expectation set out in the country's guidelines. The institutional development, organisational processes, technical expertise, capacity and skills as well as funding are not provided beyond the requirement to set up a Focal Point.

**Make the governing council process transparent.** Holding open governing council meetings or making the minutes public demonstrates there is nothing to hide.

**Include the media on the National Governing Council.** Having media representation on the National Governing Council would also signal inclusiveness and sincerity. Lesotho, for example, has a member of the Media Institute of Southern Africa (MISA) on the National Governing Council.

**Regularly brief the media.** Officials on National Governing Councils should frequently engage with newspapers, magazines, radio and television. A good way to get the public talking and to start getting civil society ready to provide well-formed submissions is to put government, business and civil society representatives on radio or television talk shows that debate the various options for organising and conducting the APRM. This kind of media intervention takes time and planning but can diffuse tensions and establish public buy-in.

**Communicate early, often and candidly.** The APRM is designed to help nations break out of the business-as-usual mode that can grip national planning and budgeting processes by bringing fresh voices into the national policy conversation. The public will examine early communication around the APRM to determine whether it truly signals a fresh start. If it suggests a

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19. Appiah F, 'Workshop on Sharing National Experiences on the African Peer Review Mechanism Implementation Process', Algiers, Algeria, 20–21 November 2004, p.51.

closed, government-controlled process, distrust can begin to build very early. However, if government uses public debates to signal that it has not made up its mind and that it is comfortable with civil society leadership, the APRM will be far more likely to achieve its goal of forging consensus and breaking out of the point-scoring and acrimony that characterises many political systems. Good public communication cannot be done once, but must be continuous.

**Allow ample time for consultation.** Time pressures are a reality of the APRM, but most anxieties about the process can be defused if ample time is allocated for consultation at each phase of the process.

**Post draft texts on the Internet.** Transparency is enhanced when the National Governing Council makes copies of public submissions, research plans, survey results, conference reports, meeting minutes and draft versions of reports available on the Internet. Even if public use of the Internet is low, it signals that authorities welcome comment and are not trying to hide material or monopolise information. South Africa did this to good effect with the public submissions and four technical reports produced by the Technical Support Agencies.<sup>20</sup>

**Circulate the Country Self-Assessment Report and Programme of Action widely.** Both of these are public documents that should be publicly validated. Some countries have argued that once these have been finalised and submitted to continental authorities, they should be confidential. But this is contrary to the spirit of broad public consultation and represents a missed opportunity to stimulate public discussion. Particularly the Programme of Action should be widely circulated, and the process would benefit if it were serialised in newspapers.

**Circulate the final country report as soon as it is presented to heads of state.** The rules allow countries to delay the public release of the final report for six months after the heads of state review. But the rules do not say the country must delay. Delaying the public release can slow the momentum of the reform process and reduce the political impetus for action, given that it often takes more than a year between completion of the Country Self-Assessment Report and the review by the heads of state. Releasing the report earlier would allow parliament to begin acting on the Programme of Action immediately. Announcing this policy at the beginning of the process will further build trust. As the report 'The APRM Journey So Far' prepared for an APRM conference in Ghana in May 2007, notes:<sup>21</sup>

The Peer Review reports should be released simultaneously to the public and to the APRM Heads of State and Government so as to both minimise negative speculations and to satisfy the 'transparency and ownership' criteria.

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20. See the South African APRM website, [www.aprm.org.za](http://www.aprm.org.za).

21. GTZ, *op.cit.*, p.10.

## Balancing time and trust

Politics is an inescapable part of the APRM process. It is not part of the official guidelines, but it is ever present. If Africa had highly effective governance systems that delivered fairly and efficiently, it would not need the APRM. While it is not the kind of thing heads of state would wish to emphasise in speeches, the APRM fundamentally exists because of the inability of political systems to deliver the kind of progress that Africa seeks. The APRM does not mean that the political and economic order is without merit, but the essence of the process is identifying shortcomings, which makes it inherently, if unwillingly, political.

If handled well, the APRM can help make constructive criticism a more normal part of political life. It can support the idea that critics and debate are indispensable parts of healthy democracy that help societies identify and start fixing their problems sooner.

Because the APRM seeks to document problems rigorously and commit to solutions, political leaders may see in it as many risks as benefits, which can lead to the temptation to keep the analysis superficial. Civil society so far has been on guard against efforts to step back from the APRM's promise of open and participatory processes. Governments should consider that in order to realise the benefits of the APRM, they must manage the process in such a way that builds political trust. That means particular attention must be paid to ensuring that the establishment of the national institutions to manage the APRM is seen to be fair and transparent, and the personnel that fill the governing council are competent, non-partisan and representative. Open communication and candour are vital to all phases of the APRM and the research, editing and final reports should reflect that ethos.

Other factors may distract attention from careful management of the political sensitivities surrounding the APRM. The sheer complexity of the process and the breadth of its Questionnaire naturally focus attention on the mechanical aspects of the process. The difficulty that all nations have had in completing the process in the intended time frame has worked against the goal of broad consultation and rigorous research. And lack of adequate funding and realistic activity plans can make trust-building more difficult. But a process that cuts corners and results in superficial solutions will only deepen public cynicism in the long-term.

**Governments should consider that in order to realise the benefits of the APRM, they must manage the process in such a way that builds political trust. That means particular attention must be paid to ensuring that the establishment of the national institutions to manage the APRM is seen to be fair and transparent.**



# THE KEYS TO CIVIL SOCIETY INFLUENCE

If you go to one demonstration and then go home, that's something, but the people in power can live with that. What they can't live with is sustained pressure that keeps building, organisations that keep doing things, people that keep learning lessons from the last time and doing it better the next time.

– Noam Chomsky<sup>1</sup>

The chapters so far have focused on how the APRM process should be run and could be improved, which implicitly takes the perspective of those with the direct power to set its rules – governments and the continental authorities. However, the role of civil society in APRM deserves special attention.

As noted in the introduction to this book, the APRM represents a valuable opportunity for civil society to get key problems and solutions onto the national agenda. It can be a useful advocacy tool to usher in a more inclusive national conversation on policy and to ensure implementation of government pledges. However, the APRM is also complex and demanding. While governments can dedicate staff and funds to the process, civil society participants have other work commitments and limited financial resources. Because the process can take a year or more to complete a national review, it can be extremely challenging for civil society to exploit the opportunities offered by the APRM.

Given its limited time and resources, civil society organisations must focus particular attention on how to efficiently and effectively influence the process. 'Influence' is the key word that civil society should bear in mind.

Government, as the signatory to the APRM, has the power to initiate action and can choose whether to run an open and transparent process or one more heavily controlled by government. Civil society has many options to persuade government to manage the process in particular ways, but it cannot set the rules or force government to adopt particular approaches. Indeed, government holds most of the important cards. It controls the timing of the APRM, the funding, the leadership and selection of the governing council and, through a

**Given its limited time and resources, civil society organisations must focus particular attention on how to efficiently and effectively influence the process.**

1. Chomsky, N, *What Uncle Sam Really Wants*, 1993, <http://www.zmag.org/chomsky/sam/sam-4-2.html>.

**In as much as possible we would like civil society in all African countries to bloom like flowers and express themselves fully to the APRM. The reality is that this is not going to happen.**  
 – Peter Anyang' Nyong'o, former Kenyan APRM Focal Point<sup>2</sup>

variety of strategies, can control how the research is conducted, and what the final Country Self-Assessment Report and Programme of Action say. But civil society is not without options. It has the power to influence public opinion, to lobby, and reach out to the media. It can influence – through evidence and persuasion – the continental institutions and Country Review Teams that write the final national report. And civil society can continue to monitor the APRM commitments set out in the Programme of Action.

This chapter focuses on how civil society can cope with the institutional challenges posed by the APRM, increase its influence with key organisations and thus use the process to contribute to positive political and economic change.

### **Assessing the political dimension**

It would be desirable, from a civil society point of view, if every country were to follow the Ghanaian model and turn the process over to an exclusively civil society National Governing Council. But faced with deviations from the rules by South Africa, the APR Secretariat and Panel of Eminent Persons made clear they were unwilling to censure or attempt to change the intended course of a determined government.

Governments may be open minded about the APRM and untroubled by the criticisms that will be expressed in its reports. But governments alternatively may be anxious and seek to control the process and its outcomes. As commendable as it is, Ghana's example seems unlikely to be emulated in many other countries. Regardless of the format used to govern the national process, civil society must expect government to be assertive.

'Let us look at the APRM as contested terrain. Let's not be very romantic about it,' argued Peter Anyang' Nyong'o at a UNECA-SAIIA training workshop for national Focal Points.<sup>2</sup> The former Kenyan APRM Focal Point and Minister of Planning, Anyang' Nyong'o argued that neither civil society nor government can expect to command the APRM stage without the other. 'In as much as possible we would like civil society in all African countries to bloom like flowers and express themselves fully to the APRM. The reality is that this is not going to happen.'

If his view prevails, some governments will inevitably attempt to take a more controlling approach to peer review. Nevertheless, the process represents an opening that civil society can and should utilise to good effect. The more robust and thoughtful that civil society engagement, the more elements of reform are likely to make their way onto the national agenda through the Programme of Action.

2. Anyang' Nyong'o P, remarks at 'APRM Best Practices and Lessons Learned: Exploring the Process and National Experiences', training workshop for APRM Focal Points by United Nations Economic Commission for Africa, the South African Institute of International Affairs and the APRM Secretariat, Addis Ababa, Ethiopia, 20–21 February 2007.

In previous chapters, the goal has been to objectively analyse the APRM process and the social and political dynamics that surround it. However, here it is important to examine the tools of advocacy to assist civil society in playing a full and constructive role in the process.

A variety of valuable lessons are evident in the experiences of civil society in the early APRM countries. The process is significantly more difficult and lengthy than the guidelines suggest. Government has great power to set the rules and shape the process. With limited funding and staff, civil society can make greater impact if it seizes the initiative. However, in most countries civil society has had a tendency to sit back and wait for government to announce the National Governing Council members and a timeline for the process. This is an important mistake. Once the plan has been announced, governments can be very reluctant to change it, if for no other reason than the desire to avoid the embarrassment of admitting to an error. By waiting for government, civil society also misses a crucial opportunity to influence government's formative thoughts on the APRM. Putting ideas and demands into the public domain can signal that civil society is serious about the APRM and conveys a crucial message: if government opts for a controlling approach, it will face months or years of public criticism as a result. By sending signals that civil society is well informed and determined, it can change government calculations about what the public will and will not accept in the process.

Exploiting the opportunity offered by the APRM requires applying pressure and persuasion in many forms by many people over a long period of time. One overture or public statement will not be sufficient. Civil society organisations (CSOs) must build flexible coalitions and alliances to bring pressure and persuasion from multiple directions and on a variety of institutions. During such a sustained process, civil society must know when to persuade and when to protest. At times both are necessary. Persuasion is preferable but some governments will make concessions only in response to concerted pressure and complaint through the media.

The APRM is a multi-dimensional process involving many organisations and individuals – government, the National Governing Council, Technical Research Institutions, and many civil society constituencies. Each has separate priorities and approaches. Achieving the best outcome requires that civil society think not only about what the APRM report should say, but also how to influence these various participants and the decisions that must be taken at key stages of the process. That requires constantly thinking ahead and planning for the next phase.

Civil society will find that the sheer number of meetings and potential targets of influence will strain time and resources. Therefore it is vital to set priorities and build alliances. And if the APRM is to result in long-term change to the systems of governance, civil society must see it not as an opportunity to score political points but to broaden consensus behind various reform proposals. It must attempt to bring government and political parties around

to its way of thinking. Ultimately, neither the national APRM process nor continental authorities can force governments into decisions with which they are uncomfortable. Persuasion is the answer.

Once government concludes that civil society will not be quiet and go away, it is likely to take civil society proposals more seriously.

What follows is an APRM strategy guide for civil society, based on discussions with civil society activists in the APRM pioneer countries. The next section describes some of the overall strategies that apply to a variety of situations. Later sections go into greater depth about the goals or objectives of influence and key elements to bear in mind pertaining to the media and other key institutions.

## Overall strategies for influence

**Talk to all who will listen.** The APRM is a new process and all participants will be trying to make up their minds on the best way forward. Thus government officials may be open to influence. In many cases, they have not thought through the implications of their proposals and can be persuaded to make alternative arrangements. But remember that persuasion requires more than one conversation. CSOs will have to persuade a variety of influential persons to change policy. Government does not have one mind and not all politicians or civil servants have the same views.

**Target key decision-makers and those who can influence him or her.** Civil society organisations should seek direct meetings with the Focal Point and Governing Council, but should also persuade other individuals and institutions that may have influence on the Focal Point, including presidential advisors, ministries of communication, the foreign ministry, retired heads of state and influential persons. Communicating with many people takes time, so CSOs must prioritise and they must tailor their message to each unique audience.

Also make an effort to communicate with parliament. While decisions about the APRM are made by the executive branch, parliaments often feel marginalised. Even when they are dominated by the president's party, parliamentarians do take pride in their institutional role and have expressed an active desire to be more involved in the APRM. Thus parliament can be an important point of influence as well as a back-channel that may be able to influence the executive branch. Parliament has an important institutional interest in governance, and parliament itself features prominently in the APRM Questionnaire. However, when the Eminent Persons and continental APRM Secretariat visit, their focus in the early countries has been on communication with the executive branch and Focal Point. As a result, parliament may well appreciate information on how the process is supposed to work, on how other country's parliaments have become involved or on proposals to host public hearings. And parliament can be an influential ally in convincing the executive to open the process up or in ensuring adequate funds are allocated.

**Apply persuasion privately and publicly.** It is important to attempt to persuade, but also consider what to do if the target does not adopt the CSO's view. He or she may not be quite persuaded by reasoning but can be swayed by the extent to which an activist's views seem to reflect a broader public opinion. Thus it is important to encourage many civil society actors to speak out through personal meetings, letters, radio call-in shows, newspaper editorials and interviews with news reporters. The media can be a particularly effective means of pressing for changes to the process or report. Using the media in conjunction with a variety of other forms of influence will reinforce key messages and signal to government that civil society is informed about the rules, will not accept simplistic answers and is determined to follow through with the APRM until the end. Once government concludes that civil society will not be quiet and go away, it is likely to take civil society proposals more seriously.

**Stay informed, network and continue to lobby.** Once the formal processes are in place for managing the APRM, there will be a great many further decisions to be taken by the governing council. At times, civil society members of the council may find themselves outnumbered or at odds with other council members on questions of how the public will be consulted, how surveys will be managed and how the report and Programme of Action will be written and edited. Thus it is important that civil society members form an active network, stay in touch on the key developments and events and collectively continue to influence the process as it moves along.

**Attend all public consultation meetings.** All countries so far have used a combination of public and expert consultations. Attending every event can be taxing but can be worth the effort. The more frequently the Technical Research Institutes hear the same messages, the more likely those messages are to be incorporated into the country self-assessment.

**Put views in writing.** Focusing on process is important, but civil society also must find ways to influence the heart of the APRM – the analysis of problems and the formulation of solutions. Many countries have offered civil society the chance to speak in public meetings, but these have proven to be fairly ineffective at capturing substantive critiques of governance. Often dozens or hundreds of people attend, but government officials may dominate the conversation and an individual may find she has only one brief moment to speak. More importantly, governments will, justifiably, be reluctant to change major policies based only on expressions of opinion. They will need solid evidence and compelling reasoning. Preparing a written list of issues and solutions can be influential at several levels:

- For the research teams that are assigned to write the Country Self-Assessment Report, answering all the parts of the APRM Questionnaire can be very difficult. If they have a well-written document by authoritative groups within society, the job of identifying priorities and finding evidence

Often dozens or hundreds of people attend, but government officials may dominate the conversation and an individual may find she has only one brief moment to speak.

can be much easier. The views of a Specialist in a particular field, such as human rights, agriculture or gender – among many others – will have particular influence because they come from someone well informed and may well be cited in the final report as evidence that a given problem needs attention.

- Most countries have left the Programme of Action until the end and have been under great time pressure to assemble solutions to the problems noted in the self-assessment. However, this time pressure can work to the advantage of civil society if it submits sound written recommendations. As the country rushes to finish its process, strong recommendations would assist those drafting the Programme of Action.
- The media will be looking for ways to determine whether the final self-assessment is considered to be a good reflection of civil society comments. Providing the media with copies of the inputs given by civil society can allow them to compare the submissions with the final product.
- The country self-assessment is not the final word. After the country submits its Country Self-Assessment Report, the Panel of Eminent Persons makes up its own mind about the national issues. If CSOs take the time to write their views, they have something that can readily be submitted directly to the Eminent Persons, which allows them to judge public opinion directly. In South Africa's case, the self-assessment document compiled by the Technical Support Agencies was heavily edited and many issues were removed or marginalised. However, civil society made a point of providing written documents directly to the Eminent Persons, who read them carefully and incorporated nearly all of the problems articulated by civil society in the final report. Thus civil society reports provided an important check on the government, which sought to minimise discussion of problems.

## Targets for influence

To translate the APRM opportunity into real impact on the outcomes requires a strategy that seeks to influence how the process is managed, by whom and what it concludes. To ensure a fair and credible process, civil society should keep in mind seven key targets for influence. In addition, Appendix D provides a more detailed checklist of factors that can be important considerations for civil society at each stage of the process. (See also the sets of principles articulated by civil society groups in South Africa in chapter 14, Congo-Brazzaville in chapter 7 and Appendix E.)

**How the National Governing Council is selected and led.** Because the National Governing Council should be the key decision-making body for the APRM, it is the first and perhaps most critical target of influence. The council can decide exactly how broad public consultations are, what methods are used, and how the Country Self-Assessment Report is written and edited.

As long as civil society has clear ideas about some problems that need fixing, can provide evidence and offer recommendations, it has the ingredients needed to get those problems and solutions into the final APRM report.

Thus civil society should seek to influence its membership and leadership. The extent of the council's control of the support Secretariat and its independence from the Focal Point can be particularly important to the objectivity of the final Country Self-Assessment Report and Programme of Action.

**How the National Governing Council makes decisions.** Establishing clear rules for the council can make it more effective and avoid questions about fairness and transparency.

**How research and consultation are conducted.** There are many options for conducting the technical and public aspects of APRM research, each of which has implications for the time, cost, thoroughness and credibility of the process. Once the National Governing Council is in place, civil society should shift its attention to influencing its decisions about the research and consultation methods to be used. A more rigorous process will likely produce more sound analysis and stronger supporting evidence that is harder for opponents of reform to ignore.

**What the Country Self-Assessment Report and Programme of Action say.** The process issues above are crucial, but civil society can have perhaps the greatest influence on content – what the Country Self-Assessment Report and Programme of Action say about problems and solutions. To make a case for changes to the systems of governance, civil society must find compelling evidence of the need for change and organise it in a written submission.

**What like-minded groups do.** Coalition building is essential. A lone voice making a suggestion in a conference – no matter how logical – is not as powerful as a variety of voices making the same point. Thus it is important that civil society groups seek out like-minded allies and urge them to make APRM submissions. Civil society also should reach out to parliament, business, the media, academia and other key institutions and urge them to express their views in writing and in public meetings.

**What the Country Review Team concludes.** The final APRM report on a country is written by a team of 15–25 outside experts and supervised by the APRM Secretariat and Panel of Eminent Persons. They do not blindly accept the country self-assessment but conduct their own evaluation based on a two-to-three week visit to the country. The short duration of their visit can limit their ability to consult, but it can also represent an opportunity for a well-organised civil society to get their views across. Thus it is crucial that civil society seek opportunities to talk to the Country Review Team and assist it by providing written evidence on areas that may have been left out of the Country Self-Assessment Report or draft Programme of Action.

**How the APRM is institutionalised and monitored.** The APRM is not a once-off event but an ongoing process of evaluation, monitoring and reporting back. Countries are required to submit reports on the status of implementation of their promises every six months and the entire review is supposed

**You have to run an introductory programme on the rules of the APRM. When you don't have understanding and haven't engaged with the rules, you just believe what government says is right. – Zanele Twala, SA NGO Coalition**

to be repeated every three years.<sup>3</sup> The APRM ought to be established in a sustainable way so that its pledges are regularly monitored and are central to national budget and planning processes. However, in some countries the governing council, which had provided an avenue for civil society input, has been disbanded after the first review was completed. Civil society should seek to influence where the APRM is lodged in government and how it is monitored. Civil society also should consider establishing its own APRM monitoring and tracking mechanisms.

## Key civil society strategies

### *Preparing a written submission*

To assist civil society, SAIIA has developed a simple eight-step process for preparing a written APRM submission. It is based on the idea that the APRM is about identifying problems and finding solutions. Although the Questionnaire is a daunting 88 pages and even well-staffed Technical Research Institutes struggle to answer all of its questions in a reasonable time, civil society should not feel obliged to try to answer it directly. Civil society should think instead about creating a list of problems and possible solutions. Whether those particular problems fit neatly into the Questionnaire does not matter. As long as civil society has clear ideas about some problems that need fixing, can provide evidence of them and can offer recommendations to fix them, it has the ingredients needed to get those problems and solutions into the final APRM report.

Although the process for preparing a submission is straightforward, it does require effort and teamwork. Civil society must recognise that changing the systems that run a country is not an easy task and will not happen by showing up at a few meetings and offering one's opinions. Preparing a written submission will take several weeks of dedicated work, collaboration with other organisations and searching for evidence. The first hurdle is reaching the conclusion that a solid, influential submission is possible but it will not happen without dedication and perseverance. It is not expensive but may require the purchase of five or 10 key documents and a few trips to libraries and key organisations.

Civil society should not feel obliged to answer the APRM Questionnaire directly, but rather create a list identifying problems and recommending solutions.

**Identify authoritative reports on governance.** Governments and the Country Review Team can be persuaded but require solid evidence from reputable sources. Dozens of reports and analyses of governance have been written about every country on the continent. Many are written by government itself and provide the evidence to prove the case that certain problems deserve

3. This schedule was articulated in the APRM Country Guidelines but looks increasingly improbable as of this writing. Accepted by the African Union in 2002 and established as a programme in 2003, the APRM system succeeded in completing reviews for only five countries by 1 July 2007 – Ghana, Kenya, Rwanda, Algeria and South Africa. Thus the pace of reviews would have to accelerate dramatically to reach the goal of a reviewing each country every three years.

more attention. Thus an easy first step involves identifying the major written reports that may touch on subjects of concern to civil society. These may include reports from human rights organisations, from various arms of government, from the auditor-general, public protector, police, parliament or university research. Most will be available for purchase from the government printing office. Local World Bank and IMF offices may have copies that can be photocopied. Do not forget to include publications or reports by one's own organisation or international bodies that have studied the country. A report from a government source can be particularly persuasive because it is government acknowledging or defining the problem in its own words. Useful government reports can include the finance minister's budget speech, central bank assessments of economic management, national development plans, long-term documents setting out the national vision, the text accompanying the national budget, parliamentary committee reports on investigations, and reports of special commissions dedicated to gender, human rights, corruption or local government. (See Appendix C for a list of useful sources.)

If civil society members find themselves unable to complete all of the steps below, simply gathering together a set of persuasive reports and handing them over to the Country Review Team and research institutes can have enormous impact.

**Find descriptions of problems, evidence and recommendations from each report.** Read each report and highlight key paragraphs that either define problems or offer evidence of the extent or impact of the problem. Also highlight recommendations from such reports. Mark each highlighted page with a paper clip or post-it note.

**Type and footnote the evidence.** Once the key passages in each report have been highlighted, create a separate word processing document for each report. Type in the key quotations, evidence and recommendations, placing footnotes at the end of each. Footnotes should include the exact document title and page number. Once documents for all the key reports have been created, merge the separate documents into one.

**Label and sort the issues.** To be useful, the evidence must be sorted. An easy way to do that in Microsoft Word is to ensure that each piece of evidence, quotation or recommendation is a separate paragraph. As the first word in each paragraph place a one-word label or tag, such as corruption, gender, rights, or parliament. Once every paragraph or piece of evidence has been tagged, highlight them all with the cursor, select the Table pull-down menu and choose sort. All of the paragraphs and their accompanying footnotes will be sorted according to the tag word or label inserted as the first word in the paragraph. Once sorted, the evidence will need to be further grouped according to more specific problems. Place all of the evidence pertaining to each problem under a separate heading, using bullet points to list evidence such as surveys and direct quotations.

A report from a government source can be particularly persuasive because it is government acknowledging or defining the problem in its own words.

The media can help spread information to civil society, rally support and signal that civil society will insist on an open and transparent process.

**Describe each problem.** Once all the evidence has been sorted, examine the evidence and write a short paragraph describing the problem under each heading. Mention the main factors that cause the problem and recommendations for fixing the problem. To make it easier at the end to find the recommendations, set each recommendation off in its own paragraph with a separate heading that says 'Recommendation'. When the report is complete, use the sorting technique above to bring all of the recommendations to one place in the document. This constitutes an issues list.

**Organise problems under the relevant APRM thematic area and question.** In order for Technical Research Institutes and the Country Review Teams to place evidence in the right part of the APRM report, it can be helpful if issue areas are organised under main headings corresponding to the four thematic areas of the APRM: democracy and political governance, economic governance and management, corporate governance and socio-economic development. If you have time, you can note to which specific APRM questions your issues pertain.

**Prepare an executive summary.** After creating the issues list and organising it, print out a copy and write notes in the margins to designate problems that are major and minor. From these notes, prepare an executive summary listing the issues considered most important. Follow this summary with a list of the most important recommendations.

**Build consensus among civil society.** Once the issues list is complete, circulate it for comment and ask other influential organisations to add to it and comment on its wording. If possible, try to build a coalition of like-minded organisations that are prepared to sign their names to the report, which will give it added influence with government and the Eminent Persons.

### *Influencing through the media*

In all of phases of the APRM process, the media can be an extremely valuable ally to civil society and a vehicle for influencing outcomes. Particularly in the early phases when government has not made up its mind on how to conduct the APRM, the media can be a useful way to spread information to civil society, to rally support for joint civil society initiatives and to signal to government that civil society is aware of the APRM rules and will insist on an open and transparent process. If government senses that civil society is poorly informed or uninterested, it may choose to cut costs by reducing the amount of public consultation and the openness of the process. And once the process begins, civil society organisations, individuals and the governing council can use the media to raise awareness and broaden the public conversation about governance. However, civil society should bear in mind some key opportunities and challenges.

In terms of the opportunities presented, newspaper articles or broadcast talk shows represent useful ways to signal to government that civil society is serious about the APRM, knows what the rules are and intends to play

an active role. Sending that signal early, through a variety of media, can positively change the course of the APRM in a country. Writing and sending opinion articles to the print media can also help inspire broader public debate about and awareness of peer review. And when the process is complete, the media can be used to raise awareness of the commitments to reform that were undertaken through the Programme of Action.

But there are challenges in this area too. While the media will likely be interested in the peer review, many newspapers, radio and television stations are thinly staffed and consequently may not have the time or experienced journalists needed to handle complex topics. Here are a few pointers that can make the process more effective.

**Understand the media emphasis on events over analysis.** It is important to understand that many media outlets are very focused on covering events and do not always have the staff or time to analyse complex developments. In the early APRM countries, journalists have tended to cover the official launch, the announcement of the governing council, the first public consultation meeting, the hand-over of the Country Self-Assessment Report, the arrival of the Country Support Mission and Country Review Mission, among other key events. However, these stories have often been very shallow, short and focused only on the occurrence of the event, not the substantive issues of how particular aspects of governance should be changed. To get journalists to report on controversies in the formation and conduct of the APRM, develop a programme of outreach to provide reporters and editors with information on what is at stake and whom to approach for comment. Given a choice between an article that is easy to write or one requiring lots of thinking and digging, reporters will often, of necessity, favour the simpler story. By offering assistance and pointers, civil society can help ensure that the APRM gets better and deeper news attention.

**Influence editors.** In many media establishments, journalists are assigned to stories by their editor, who is the decision-maker about how to deploy reporters. Thus it is a useful strategy to phone key editors and ask to brief them on the process and provide them with insights about how the process is working and where the problems or opportunities lie.

**Reach out to different types of editor.** Publications may have different editors for different sections. There will be an overall editor, who can be fairly detached from day-to-day news decisions but still someone worth speaking to because he or she sets the overall tone of the publication. In addition there can be an editor in charge of news, the opinion section and of a feature or analytical section of the publication. Each of those editors will have particular spaces to fill and different interests, so stories need different angles to interest each of them. News editors can direct stories about particular events while opinion page editors look for outside writers from NGOs or academia to make contributions.

If government senses that civil society is poorly informed or uninterested, it may choose to cut costs by reducing the amount of public consultation and the openness of the process.

A lot will depend on the quality of the APRM Secretariat... No matter how technically competent a staff is, if it is asked to do too much and it is stretched too thin, it will become incompetent to deliver what is asked.  
– Ravi Kanbur<sup>4</sup>

**Seek experienced reporters.** Though editors can be key decision-makers, it is helpful to identify and send information to the more senior reporters who cover politics and government.

**Submit opinion articles.** While news stories may quote CSOs on a subject, the opinion pages of newspapers offer a chance to put views forward in a coherent way that will get significant public attention. To get an opinion article printed, it generally should be 600–800 words in length but it is best to check with the editor about what word length he or she has to offer.

**Use opinion articles early in the process.** While some governments may be open to active civil society leadership in the APRM, others may be tempted to control the process and limit criticism. However, if civil society signals that it takes the APRM seriously, that it knows the rules and intends to engage, government can be persuaded to conduct a more open, consultative process. This happened in Ghana, Kenya and South Africa. The best time to influence the process is before the national structures and processes have been announced, while government is still making up its mind.

#### *Influencing the Panel of Eminent Persons and APRM Secretariat*

All of the ideas above are aimed at influencing the Country Self-Assessment Report and Programme of Action. But these are not the last word. They are only the building blocks that the Panel of Eminent Persons, the continental APRM Secretariat and the Country Review Team use to write the final country report. The review team is a group of 15-25 experts drawn from universities, research institutes, business, international agencies as well as former politicians. Even if CSOs fail to get certain issues into the Country Self-Assessment Report or Programme of Action, there is still opportunity to influence the final report on the country.

The country self-assessment consumes a great deal of time and in early countries, some civil society members have thought that once it was done, the APRM is effectively over for civil society. But there are still several crucial opportunities to influence the process and get civil society concerns reflected in the final report. A country review is based on three main inputs: background research by the APRM Secretariat; the Country's Self-Assessment Report and draft Programme of Action; and the information gathered by the Country Review Team during a two-to-three week Country Review Mission.

The Eminent Persons assign a member to lead each country review and that person plays an influential role in assessing issues and solutions in that country. Ultimately, the whole Panel will debate the country's report and the recommendations that they feel should be added to the Programme of Action. If they are aware of neglected issues, they can and do insist on changes to the report or revisions to the Programme of Action. Providing information to both the Panel and Secretariat thus can be valuable.

4. Kanbur R, 'The African Peer Review Mechanism (APRM): An Assessment of Concept and Design', Ithaca (United States): Cornell University, SAGA Working Paper, 2004, p.9.

The continental APRM Secretariat plays a crucial co-ordinating and research role and thus should not be ignored by civil society. The APRM Secretariat is responsible for preparing a background report and an issues paper that together guide the Country Review Mission. Getting issues into the background report and issues paper is a crucial step to alerting the Country Review Team about key priorities in your country. Because the Secretariat is small and has to do research on many countries, it may be limited in how much time it can dedicate to background research, and it may not have access to some of the key documents that are available in your country. Therefore, key strategies can help:

**Send in written submissions.** When CSOs complete their written issues list and recommendations, they should not only submit it to the National Governing Council and Technical Research Institute, but also send it along to the Secretariat.

**Send key reports.** Even if there is not time to write an issues report, CSOs can make a big difference by sending copies of key national governance reports to the Secretariat and the Eminent Person who will lead the country's review. Because they work from far away, they may not be able find or even know about many documents. Purchasing the documents and mailing them may cost a bit of money, but it can be a very beneficial investment in the cause of good governance. (See Appendix C for examples of these documents).

**Send in lists of experts.** Although the Eminent Persons have the right to speak to anyone in the country, in practice the organisation of the country review visit has been left to the government in the early APRM countries. And because of time pressures and limited research staff, the Secretariat may not know who the best people are to speak to about certain key issues. As a result, it can be very beneficial to prepare a list of contact details for key experts and civil society groups and forward this list to the Eminent Persons and Secretariat. It can help them do their jobs better and make it easier for them to get candid views.

**Send a critique of the APRM process in your country.** The APRM is about learning from the past and sharing experience, but the APRM Secretariat will not be as familiar with the details of any national process as civil society. If there are problems, it can help the broader cause of the APRM to send comments on the process to the continental authorities. If issues, recommendations or complaints are not documented, they cannot be acted upon in future country reviews.

**Send a critique of the Programme of Action.** In the early APRM countries, the Programme of Action was left until the very end of the process and was often prepared in a rush, which means the initial draft Programme of Action may not include some needed solutions or it may be unrealistic in some facets. It is important to remember that the Programme of Action outlines the steps the country is actually committed to implementing. The assessment report is

**The continental APRM Secretariat plays a crucial co-ordinating and research role and thus should not be ignored by civil society.**

useful to outline problems but the Programme of Action is how progress will be achieved. If CSOs see inadequacies or would like to see certain laws or policy changes included in the Programme of Action, it can be helpful to point these out to the Eminent Persons. They ultimately make recommendations and tell the country whether its Programme of Action is acceptable or not.

### *Influencing the Country Review Team*

If civil society prepares for the Country Review Team, it can still make a big impact, even if key problems and recommendations have not made it into the Country Self-Assessment Report. A number of factors combine to make the Country Review Visit an opportunity for civil society. Country Review Teams have so far been independent minded and have striven to produce fair and credible reports. However, the APRM Secretariat has an enormous workload in preparing background research on 27 countries. On early review missions, the Secretariat provided its background research to the review teams only after they arrived in-country. This is a shortcoming of the system but an opportunity for civil society to make sure that the review team is aware of any issues left out of the Country Self-Assessment or Programme of Action. The review team examines the self-assessment, but is not bound by it.

It can be extremely useful for civil society organisations to gather copies of key national reports and pass them on to the review team. These can include the national development plans, corruption surveys, reports of the parliament and auditor-general, governance surveys, reports of human rights or corruption commissions, news articles and written civil society submissions.

Civil society can also be influential at another level. In the first four countries, the review team effectively relied on the government to set the agenda for the country review and arrange meetings. Because background research was not distributed prior to the country visit, the team members had limited opportunity to determine who they should interview in-country. Thus it can be useful to provide the Eminent Persons, the Secretariat and the review team members with contact details for key constituency representatives, experts and NGOs knowledgeable about certain issues. These should include unions, academics, business, trade experts, banking and financial representatives, independent review boards, judges, parliamentarians, human rights groups, election observer organisations, corruption monitors and others.

**If civil society prepares for the Country Review Team, it can still make a big impact, even if key problems and recommendations have not made it into the country self-assessment.**

Getting these lists of contacts and reports into the hands of the review team can require persistence and a bit of investigation. Country review visits have not always been publicised well in advance and it can be difficult for civil society to find out when the team arrives, who is on it and where they will visit. Providing information to the Secretariat is a valuable first step. Each country review is led by one member of the Panel of Eminent Persons. Finding out who and making e-mail or telephone contact can be very valuable. Preferably it should be done at the earliest stages of the APRM.

Because information sent by post or e-mail may not get to all review team members, it is advisable to find out which members are working on which of the four thematic areas of the APRM and provide them with paper copies of key documents. Given the length of some documents, it may not suffice to provide the team with electronic versions because the review team may find it prohibitively expensive to receive material by e-mail, which would have to be printed in expensive hotel business centres.

Making personal contact also is an advantage, because individual review team members will likely have myriad questions requiring follow-up, or they may need assistance in finding the right experts on specialised subjects. Offering to assist them with information can make sure that they access needed information in a timely way.

### *Influencing how the APRM is institutionalised and monitored*

After the Country Review Report and Programme of Action are discussed at heads of state level, and their contents are made public, countries must implement the reforms outlined in the Programme of Action. Again, civil society organisations should seek to influence which organisations put the Programme of Action into practice, who monitors its implementation, and how. The APRM Country Guidelines note that reviews should be conducted every three years and reports on progress toward implementation should be filed every six months. Is there a suitable system to independently monitor progress on the Programme of Action? Has authority for such monitoring and appropriate funding been provided to an appropriate institution? Does the national budget cater for APRM reforms? These are some of the important questions for civil society to ask.

The APRM is a challenging process with which pioneer countries are currently struggling. While many governments already have or are developing monitoring and evaluation systems, many CSOs lack this capacity and expertise. But the same principles of building trust and exercising transparency should be applied when reporting on progress or delays. Citizen surveys and report cards are being used by Ghana to gauge public perceptions of the success of APRM-inspired reforms. Parliamentary public accounts committees and the auditor-general should be involved in monitoring the APRM. And CSOs should know the time commitments stipulated in the Programme of Action, and raise questions when implementation begins to lag. The methods of influence outlined above can be used at this stage of the process as well.

### *Seizing the initiative, raising funds*

Finally, civil society should consider the advantages of being proactive. In several early countries, civil society was aware that government had acceded to peer review but took no action until government announced its plan for the process and the appointments to the governing council. Only after the

**The success of the APRM depends on the seeds of its assessment of a country falling on the fertile soil of a vibrant civil society dialogue in that country. This requires a civil society that is itself competent to understand and respond to the APRM assessments.**  
– Ravi Kanbur<sup>5</sup>

5. *Ibid.*, p.11.

process began, did organisations attempt to raise funds to make civil society input. However, the process gathers pace quickly after the governing body has been formed and the process of raising funds can take months or years.

**Funding can be useful, but a great deal can be accomplished for very little. In several APRM countries, civil society neglected to seize the initiative because it sought to first raise donor funds.**

If civil society wishes to influence how the governing council is created, how its membership is chosen and its level of independence from government, it must begin raising awareness of the APRM and seeking influence early, through the media, personal contacts and conferences. Similarly, writing compelling written submissions take time and preparation. Hence the sooner civil society mobilises, the more impact it can have.

Funding can be useful, but a great deal can be accomplished for very little. In several APRM countries, civil society neglected to seize the initiative because it sought to first secure very substantial grants. In Kenya, many of the disputes in the governing council grew from the desire of some civil society representatives for government to fund an entirely separate civil society report. A strong submission can be created without spending funds, if organisations are willing to put in the time and effort without expecting personal payment. In South Africa, civic organisations produced more than 60 major written submissions without outside funding, and these reports dramatically changed the course of the national APRM, influencing both the national self-assessment and the final country report.

The APRM is hard work but it has great potential to improve Africa's governance and thus its economic success. Countries – both governments and civil society – will get out of the process only as much as they put into it.

# THE WAY FORWARD

The organisation of public participation in the APRM process is by itself a central aspect of enhancing the state of governance and socioeconomic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing engagement and empowerment of stakeholders. These processes will be most effective if they build on existing structures, rather than duplicating or creating parallel processes such that learning becomes cumulative.

## – APRM Country Guidelines<sup>1</sup>

This book is intended as a guide that would both analyse the internal dynamics of the African Peer Review Mechanism (APRM) and offer concrete proposals to help participants make the most of the opportunities it offers. This focus on the practical details of the APRM process grew directly from feedback by government and civil society groups in numerous conferences and interviews. Participants in the pioneer countries frequently observed that the formal structures of the APRM do not offer enough guidance in how to plan and manage an APRM review.

They noted that, given the complexity of the process and the Questionnaire, it is difficult for first-time participants to anticipate all of the issues that will arise. Governments do not always allocate sufficient time and funds to the right areas, which has contributed to the slow pace of the early reviews. In focusing on the details and internal dynamics, it is hoped that this book has helped to fill this important gap and thus assist APRM participants in making the process more meaningful and effective.

As important as it is to understand the details of the APRM, it is equally important that participants and architects of the process consider several larger questions. The limitations of time and space necessarily mean that one volume is insufficient to deal with both the detail and the strategic issues. However, those larger questions deserve some discussion and offer useful points of reflection on the future of the APRM system.

**Given the complexity of the process and the Questionnaire, it is difficult for first-time participants to anticipate all of the issues that will arise.**

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1. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM),' November 2003, article 36, p.12.

The APRM process is far more difficult, costly and time consuming than its architects imagined.

## Strategic trends

Research for this book revealed five overarching trends, which deserve particular attention. They all are interrelated and affect the ability of the APRM system to realise its goal of catalysing fundamental governance reform.

**Time pressure.** The APRM process takes longer than anticipated, which has a variety of knock-on effects.

**Planning and organisation.** Pioneer countries have not always anticipated what funds, staff and logistical considerations the APRM would require and frequently express the desire for more detailed and practical guidance on research, surveys, consultation, budgeting, drafting Programmes of Action (POAs) and other key elements.

**Research methods.** Countries have not always appreciated up-front the many technical questions posed by the Questionnaire or the challenges of assembling a fair and rigorous Country Self-Assessment Report and a POA that contains sound policy recommendations. Nor have they foreseen the particular difficulties of trying to do so within a short time frame.

**Consultation systems.** The ability of the APRM system to find effective solutions and foster consensus depends on the quality of public and government dialogue but getting civil society and senior politicians to engage in a rigorous way is expensive, and politically and logistically challenging.

**Comparative advantage.** The APRM is one of many national planning and budgeting processes and its relationship to other processes needs additional clarity to ensure that it improves upon rather than repeats other processes.

## Time pressure

The speed of the process is a very basic but important indicator deserving attention. The APRM process is far more difficult, costly and time consuming than its architects imagined. The guidelines suggest the process should take six to nine months from public launch to heads of state review, but many participants at the Sixth Africa Governance Forum and other APRM conferences noted that such a target has proven substantially over-optimistic. As noted in the table below, it has taken countries from nine to 18 months from the public launch to complete the national self-assessment phase of the process. Scheduling the heads of state review has taken even more time. The Panel and Secretariat seem to have extended this period for Stages One to Four to nine to 12 months, according to the introduction to the South African Country Review Report.

A slow process is not necessarily bad if it results in substantive improvements to governance. If countries took two to three years to give substantial thought to how to solve governance problems it would be of great value. But that is not how the process unfolds. The pioneer countries

### How long does the APRM take?

The APRM Guidelines note that a review should take six to nine months, but no nation has so far come close to this target.

Ghana took 12 months to complete its Country Self-Assessment Report from its public launch of the process, and another 10 months before the report was presented and defended in front of heads of state.

Rwanda took 12 months from launch to completion of the self-assessment, and another 15 months before its heads of state review.

Kenya took 14 months from the public launch to completion of the self-assessment, and it took another 10 months before its heads of state review.

South Africa publicly launched its process at the end of September 2005 and completed its Country Review Mission in July 2006. The final presentation to heads of state occurred on 1 July 2007, 21 months after the official start. If one considers that the government instructed different ministries to begin completing the Questionnaire seven months prior to the public start of the process, it took South Africa 28 months.

have all spent significantly more time getting organised and setting up APRM governance structures than on actual research, and they have spent significantly more time on researching problems and comparatively little on formulating solutions or building political support for particular reforms. The allocation of time is different in each country, but the South African example is illustrative. Out of a total of 52 months, government spent a long time getting organised before the public launch of the process. The self-assessment phase took nine months. The country review phase, including the writing of the final country report, took approximately four months. An additional seven months passed from the time the country report was handed to South Africa for comment before the heads of state review. Out of the nearly three years that were spent on APRM, only five weeks were allocated to research.<sup>2</sup>

If governments and civil society had no other challenges before them, the length of the APRM would matter less. But the APRM comes with a significant opportunity cost as it draws a considerable number of people away from other activities. This is true of both government officials and civil society. Over time, if the process does not become more efficient, participants will begin to make calculations about whether it is really worth the effort. There are signs that such calculations are already being made, with some

**The APRM comes with a significant opportunity cost as it draws people away from other activities.**

2. The process officially began with a national conference on 28–29 September 2005. But official briefings by the Department of Public Service and Administration note that government began organising for the APRM a full year before publicly announcing the process and inviting public input. If this earlier date is taken as the start, the process took 33 months from start to finish and a total of 39 months from signing the accession documents until the end of the first review.

**As succession battles intensify, issues of political survival can push the APRM and its recommendations far from centre stage.**

governments worrying that the APRM brings substantial risks of public criticism and no real certainty that the process will facilitate greater aid or investment. This perhaps explains why some countries have not established a governing council or begun writing their self-assessments, even several years after acceding to the APRM. This is, of course, a narrow way of looking at the process and one that does not fully grasp the opportunities offered by the APRM. But it is nonetheless a very real political reaction.

The slow pace of APRM reviews reduces their political impact. The more time that passes between the self-assessment phase – when public discussions are concentrated – and the implementation of the POA, the more likely it is that political momentum will dissipate. With most governments sitting for four to five years, the two to three years that the APRM takes means that there is a high probability that the process will be interrupted or affected by an election cycle. This has already happened, to varying degrees, in Ghana, Mauritius, Nigeria, Lesotho and South Africa. In the case of Nigeria, the 2007 elections contributed to substantial delays and in Mauritius the change in administrations in 2005 and inadequate initial funding plans resulted in a multi-year delay that has, at the time of this writing, not yet been rectified.

Even where there is no direct conflict with elections, succession battles often begin a year or two before the end of a president's term in office. As those battles intensify, the political class can be distracted by issues of political survival, which can push the APRM and its recommendations far from centre stage. This can not only undercut the ability of the APRM to build consensus, but also weaken implementation. This is not a uniquely African phenomenon. It afflicts nearly all democracies and derives from the very human problem of politicians having limited time in office and too many issues competing for attention.

The overlap with the election cycle can also add to the political fear within the administration that opposition parties or the media will use the APRM to discredit it. That in turn can undermine the government's willingness to be open and candid or consider certain reforms that might disadvantage the incumbent party. If an election results in a change in the governing party or a new leader of an incumbent party, the new administration may not have as great a commitment to the APRM or may view the country-self assessment as the product of the previous leader, which can make the APRM's conclusions more politically difficult to embrace.

For civil society, time also is a key factor. The length of the process and its many steps make it gruelling, particularly for civil society representatives on the governing council. With limited funds and staff, civil society organisations struggle to attend the many APRM meetings, review draft texts, prepare written submissions, offer a critique of the Country Self-Assessment Report and POA, and attend the Country Review Mission workshops. Civil society organisations have their own activities to manage and must raise funds to

ensure their own organisational survival. The APRM pulls the most senior staff away from these vital tasks. Sustaining that commitment over two or more years can be exceptionally difficult for many organisations.

## Getting organised

The early countries all spent many months considering how to organise the process, what kind of governing council to appoint, selecting research institutes, writing contracts, finding facilities for events, office space for a local administrative secretariat and sourcing funding. These tasks are necessary but could have been greatly accelerated if the written guidelines were more clear, detailed and practical. A second important factor in the speed of the APRM is the operation of the continental Secretariat, which was slow to get itself organised and remains inadequately staffed, given the great demands on its time. Country Support Missions theoretically address this issue but they often come after countries have taken key decisions. Participants have noted that the Country Support Missions also do not offer sufficiently specific advice on the process and at times offer very unrealistic counsel on the time required. In Lesotho, the Country Support Mission advised that the entire process could be done in a few months. Given that costs are directly related to the length of the process, such advice can encourage under-funding, which can create additional delays. Algeria noted that it was only asked to do a citizen survey after the Country Review Team had arrived, and the deadline given by the Panel was inadequate to conduct a proper survey and incorporate its results in the self-assessment. Such guidance should have been delivered at the start of the process, which would have prevented the need for staging two costly Country Review Missions.

The official guidelines, which ought to explain the process and make clear the key research requirements, are inadequate. They offer little guidance on specifics and include a number of crucial contradictions that lead to governments and civil society squabbling about the form, composition, leadership and powers of the governing council, Focal Point and national support secretariat (which has often been staffed with government appointees). The lack of clear guidelines also contributes to indecision and faulty financial and logistical planning. The pioneer countries all have routinely noted that they would like to have a guide to a model APRM research process, which sets out the advantages and disadvantages of different approaches to research, expert testimony, surveys and public consultations.

The Panel has decided not to thoroughly revise and reissue the guidelines to clarify such matters, which the authors believe is a strategic mistake. Panellists have explained informally that they feel that redrafting the guidelines would be too time consuming for already overworked APRM structures and potentially introduce delays for countries that have already begun. However, the APRM is about good governance and one of its most elementary tenets

**Participants have noted that the Country Support Missions also do not offer sufficiently specific advice on the process and at times offer very unrealistic counsel on the time required.**

is that processes should have clear rules. The clarity is valuable because it helps the uninitiated plan more effectively, it avoids disputes and speeds up the process. The system should also make provision for countries that approach the APRM with less than complete sincerity. There are many ways for governments to consult superficially without really taking on board public criticisms. Clearer rules for how consultation should be managed and a clear requirement for an independently managed citizen survey would strengthen the process and remove the temptation to go through the motions without engaging in substantive self-reflection. Offering clear guidelines on consultation and the use of surveys would give civil society some leverage to push for a more open, candid and inclusive process.

The lack of clear guidelines also puts the Panel in an awkward position. Countries do not get effective or realistic guidance on the timing, cost, research methods or consultation systems. They make their plans largely on the basis of the contradictory written guidelines that appear in a variety of different documents, and once these decisions are announced, governments find it politically embarrassing to change plans. Thus the Panel can be forced, by its own lack of clarity, to stand toe-to-toe with governments and attempt to force changes. That is diplomatically difficult at the best of times.

Any large scale process with as many participants and stages as the APRM would present a planning and organisational challenge. As noted in earlier chapters, effective management of any process involves anticipating the likely challenges and designing strategies to overcome them. The lesson from the pioneer countries for civil society, government and the APRM authorities is that participants need to build their APRM plans around a well-considered list of potential problems and challenges, which draws on the lessons evident from the pioneer countries. Assuming that it will all work itself out is a sure recipe for delays, controversy, unanticipated problems and, as a consequence, a weaker process. The Panel has correctly tried to avoid giving the APRM a punitive ethos. Clear rules and effective guidance are not punitive and would be appreciated by civil society and governments alike. At present, each country must, to a great extent, reinvent the wheel on questions of research, consultation, and report writing.

### **The dynamics of research and consultation**

Even if the organisational side was made more efficient – through better written guidelines, more and better direct guidance from continental authorities and better foresight among participants – time would affect other critical aspects of the APRM.

**The Panel can be forced, by its own lack of clarity, to stand toe-to-toe with governments and attempt to force change.**

The technocratic nature of the process tends to focus too much attention to the difficult task of writing a report. If the APRM process were to be judged only according to the quality of the final report, the time factor would not be that important. But writing a report is only a means to an end. The process is

supposed to galvanise enduring change, which depends less on what reports say and more on how the process changes perceptions about issues and builds consensus around solutions. It takes a great deal of time and plenty of face-to-face consultation to change views.

If the APRM is to catalyse fresh thinking on governance, greater care needs to be given to how public consultations are managed. The report writing process gives civil society, government, opposition parties and various technical or industry experts an opportunity to work together and debate. Just being in the same room is no guarantee of success. Countries should focus attention on how best to manage the personal and political relationships to build trust and commitment to reform. The process will achieve more if it is managed with due regard for the anxieties and concerns of civil society and government.

In the pioneer countries, there has been a particular emphasis on consultation with the public through conferences and workshops. In some cases, these are spread geographically around the country. In others, seminars and focus groups have been held with particular interest groups on key issues. Typically, researchers take notes and attempt to feed public comments into the country self-assessment analysis. Providing opportunities for broad public comment lends the process important credibility, but public meetings are usually inefficient means of gathering information or finding solutions to problems. The APRM covers so many areas of governance that seminars often allocate very little time to any particular issue. Average citizens may be able to relate personal experiences, but it is difficult to gauge how typical their testimony is, or what remedies would change the situation.

Surveys offer a structured way to gather public input that addresses some of the weaknesses of large public conferences. Well-structured surveys that randomly select a representative section of the population give every citizen an equal chance of being polled. They allow opinions to be gathered across ethnic groups, regions, sexes and ages to provide a fair picture of national opinion at a particular point in time. However, continental authorities have not been clear about whether surveys are required – as was discussed previously. Nor have they provided realistic counsel about the amount of time and money a statistically valid survey would require.

In addition to consultations aimed at the broad public, countries have experimented usefully with other more directed forms of consultation. These include small focus-group discussions, workshops aimed at particular issues or involving particular constituencies.

Pioneer countries note that no single method of consultation is sufficient to capture all views. Countries should plan to use a variety of methods that reach out to different regions, religions, ethnic groups as well as the many forms of expertise required by the more technical questions in the Questionnaire.

**Continental authorities have not been clear about whether surveys are required, nor provided realistic counsel about their cost and time implications.**

**What kinds of arrangements can cast the APRM in a non-threatening light and foster more open and thoughtful discussion that brings citizens, politicians and experts together?**

The media has so far been underutilised in the process, although it has the potential to dramatically enlarge the public conversation around governance. Part of the problem derives from the economics of publishing. Most print and broadcast media are thinly staffed and poorly paid. Editors assign reporters to the biggest stories and concentrate on events rather than analysis and investigation, which take more time. That is why the media has, with a few exceptions, focused articles almost exclusively on APRM events – the official start of the process, the arrival of the review team, the completion of reports – and dedicated very little attention to the substantive issues of how to address various gaps in governance, which are much harder for reporters to understand and write about.

As a result, the APRM conversation has been confined to the few conferences and workshops, which are attended by a very select group of civil society organisations and researchers. Getting the media to dedicate time and space to governance would require granting reporters free access to governing council events and APRM workshops. As public submissions and expert workshops are completed, research institutes could be encouraged to summarise the arguments for and against certain key reforms, which could be printed in the newspapers. Such articles need not take a final position but in reflecting the nature of the debates going on, they would raise awareness and keep the APRM firmly in the public mind.

### **Consultation with senior politicians**

Consultation in the pioneer countries has focused much time and money on consulting with the public. But if the process aims to galvanise commitment to reform, the recommendations that come out of the process must be supported by political leaders. How, exactly, should that happen? What kinds of arrangements can cast the APRM in a non-threatening light and foster more open and thoughtful discussion that brings citizens, politicians and experts together?

Although this is a clear goal of the APRM process, insufficient attention has been paid to the mechanisms needed to achieve such constructive dialogue with elites. The process stipulates that the national Focal Point should be of ministerial rank to provide direct access to the president. That is a good start, but is not enough to ensure the breadth and depth of dialogue required to make enduring change to political and economic systems.

Experience from the structural adjustment era shows that when outside powers – whether bilateral donors or the International Monetary Fund (IMF) – attempt to force through reforms that are not energetically supported by political leaders, such reforms fail. They are implemented in a half-hearted manner or obstructed and delayed. Unless leaders understand fully the recommendations coming out of the APRM and are convinced of their correctness, the process will suffer a similar fate.

There are two broad options for such elite consultations, which depend on how the president of the country under review intends to manage the APRM. Governments can either allow the APRM process a free hand to make recommendations and promise to implement them, or government can actively engage throughout the process, participating in debates and learning from the discussions. Both these approaches have advantages and disadvantages.

Ghana adopted the first approach. The Ghanaian government wanted to ensure that the APRM analysis was seen by the public and the outside world as fair and credible. The president turned the entire exercise over to a small governing council composed only of civil society representatives. This approach requires strong presidential leadership to push cabinet ministers and civil servants to accept the criticisms contained in the APRM self-assessment.

Other countries were much less willing to give research institutes or civil society this kind of pledge that government would implement anything recommended by the process. In South Africa, civil society, governing council members and the final country report all recommended that the country regulate private funding to political parties in line with African Union, United Nations and other anti-corruption codes to which South Africa was a signatory. Government simply ignored the recommendation along with about half of the recommendations put to it in the final country report. The South African process failed to engage adequately with senior politicians able to make decisions. The process seemed to be treated as something necessary to meet the nation's diplomatic obligations and not as a process that could be useful in gauging public sentiment or finding problems otherwise marginalised by government processes.

Getting cabinet ministers into a dialogue is not easy. Scheduling alone is a problem. But once political heavyweights enter the room, the dynamics of conversation can shift. In South Africa's provincial consultations, the meetings were largely organised by government and frequently involved a panel with senior officials talking at citizens with very little sustained debate or genuine interaction. The deference that citizens grant to senior politicians can stilt the conversation further.

Kenya recognised the need to build consensus and support within government. To do this, Kenyan APRM leaders arranged a meeting to brief permanent secretaries (the top civil servant in each ministry) on the APRM report and its recommendations. The idea was sound, but the reception from the permanent secretaries was substantially hostile towards the report. This grew in part from the 'not-invented-here' syndrome. Some civil servants may have thought that because they were not personally consulted, they did not have to accept the APRM conclusions. And undoubtedly passages suggesting that certain departments or units were not performing well were greeted with hostility because such statements reflect poorly on those



**Strong presidential leadership is needed to push cabinet ministers and civil servants to accept the criticisms contained in the APRM self-assessment.**

**Bureaucracies inevitably defend their prerogatives and resist reforms pushed from the outside.**

in charge. Others doubted whether problems were real and questioned the validity of the citizen survey that supported the APRM conclusions. This reaction reflects the kind of dynamics other APRM countries should consider when laying their plans. Bureaucracies inevitably defend their prerogatives and resist reforms pushed from the outside, unless presidential leadership is firmly asserted and sustained over a long period.

The Kenya experience suggests it is important to bring senior civil servants and politicians into the APRM consultations before the report is complete. South Africa attempted to engage government by inviting experts, including mid-level civil servants, to four one-day workshops each of which discussed the draft report for one of the thematic areas of the APRM.

The conversation in these events was constructive, but two clear lessons emerged. First, one day per theme was far too little to discuss adequately all of the issues raised. It takes time to build consensus. People disagree on facts and interpretations and they spend a lot of time debating word changes. Although these South African workshops were filled with well-informed people, almost no one came with specific suggestions about how to respond to problems. At best, comments on the nature of a problem were suggestive of a solution but much additional research was needed to transform open conversation into actionable policy initiatives.

Second, although the one-day workshops had a constructive tone and participants were largely in agreement with the text and discussions, there was a big difference apparent between what was acceptable to senior political leaders and what was acceptable to civil society and civil servants. Senior political leaders did not participate in all the discussions and did not hear and engage with the evidence and arguments. Once the draft text was complete, South Africa embarked on an extensive editing process of its self-assessment. Much of the evidence cited in the draft report was removed and large sections of analysis were compressed into mere phrases or allusions. As editors marginalised discussion of problems, they added large sections praising government performance. This is an indicator that dialogue failed to build consensus.

The processes required to facilitate consensus can vary depending on the issue. For example, people in the capital city can talk endlessly about how to settle problems with nomadic cattle herders who periodically engage in bloody raids and reprisals against other groups. Unless the participants in such conflicts are part of the conversation, durable solutions are unlikely to be found. The right choice of mediator and meeting location can affect the outcome.

With many problems, attempts to build consensus around solutions are already underway when the APRM starts. Each of these processes has a history, logic and location of its own. For example, the chamber of mines or the ministry of commerce may be leading talks with unions and business to agree on new worker safety or retirement benefits. Such delicate talks cannot be stopped and abruptly relocated to the APRM. The APRM should make reference to ongoing efforts and contain pledges to ensure that such negotiations will be brought to a constructive conclusion, but it would be wrong for the APRM POA to prescribe a solution based on superficial analysis.

There are no easy answers to these questions about how to build consensus. But it is clear that a simplistic plan for APRM consultations will fail to engineer substantive dialogue.

The Panel and Secretariat have taken a hands-off approach to public consultation, leaving it up to each country to decide how to manage the details. It is important for the process not to be so rigid that it prevents adaptation to local circumstances. But it is equally important that Africa studies the detailed human and political dynamics that make for effective consultations. Getting the policy dialogue right is essential for the APRM to be able to achieve its mission of catalysing change. At present, each new country reinvents the wheel, reproducing the same forms of very basic public conferences, which have not achieved meaningful dialogue between senior politicians, civil society and experts.

There is no real mechanism for learning and information sharing across countries. A variety of private organisations have organised conferences to review the APRM but the continental authorities have generally opted not to attend such functions. Nor have they staged sufficient training events of their own. For the APRM to live up to its potential, new participants need to have intensive training and access to very detailed comparisons of the strengths and weaknesses of what has occurred so far. Ideally, the Secretariat should have a dedicated learning unit that attends many events in every APRM country and prepares notes and comparisons that highlight creative new ideas, and particular changes that would strengthen public consultation and dialogue.

### **Comparative advantage**

The APRM process aims to direct attention to governance and development challenges. But it is one of several planning and review exercises that African governments undergo. Participating countries also have their own national development planning processes, medium- and long-term spending plans, reports by oversight bodies and review processes focused on health, education and other sectors. Many also are called upon to report on their progress toward the Millennium Development Goals (MDGs), to create a Poverty Reduction Strategy Paper and track its implementation to qualify for debt relief, create plans to justify and manage development aid, and

to engage with the International Monetary Fund over fiscal and macro-economic management issues. They also are drawn into discussions about how they rate according to the World Bank's Cost of Doing Business index, credit rating agency ratings and rankings for the US Millennium Challenge Corporation, among others.

All of this planning and reporting comes at a cost. Across the continent, governments and civil society groups in the APRM process have mentioned consultation fatigue. Implicit in this sometimes flippant comment is the question of whether these grand planning exercises produce real benefits that are greater than their cost.

This does not at all suggest that Africa should abandon its own home-grown governance improvement system in favour of foreign instruments. But governments should be more discriminating with their time and be aware of the toll all of this consultation and analysis can take on civil society organisations as well as the distractions it brings to ongoing government business. It makes sense to look for ways to rationalise different reporting and planning requirements.

The APRM system itself cannot change or remove these other planning processes, but its leaders should consider how to give the APRM a clear comparative advantage that makes the time and money invested in it worthwhile. Time pressures have a direct affect here. The less time that is available for research, the more the APRM process will tend, of necessity, to reflect existing analyses and conventional approaches. Researchers working on the country self-assessment or on the Country Review Mission do not have time to conduct original research into problems or new solutions.

It is undoubtedly galling to many Africans that the home-grown APRM process must compete for attention with many externally-driven processes that are effectively mandatory (because refusal to conduct them can result in a major loss of funding). But time and human resources are finite, which means that participants and the APRM authorities should strive to ensure that the APRM delivers real benefits or higher quality analysis that the other processes do not deliver.

Giving the APRM a stronger comparative advantage requires devoting much more attention to the POA, which is one of the weakest components of the peer review system. Participants in the pioneer countries have frequently noted the tendency to spend substantial time on organisation and the self-assessment but comparatively little on the POA, which is developed at the end of the self-assessment phase. Unfortunately the mechanical steps of the APRM – the need to deliver a self-assessment report, find funding, conduct surveys and organise consultations – consume a lot of time and attention. By the time countries are ready to formulate the POA, they are frequently behind schedule and under intense pressure to wrap up the process. As a result, POAs have not received the attention they deserve.

Instead of leaving the POA until the end, participants would achieve stronger results if they planned their way backwards from the POA, asking what kind of research and consultation would result in a more effective and realistic POA that offers clear advantages over existing planning and evaluation exercises?

Allowing enough time is a crucial first step. Countries ought to spend as much time finding solutions as they do defining problems. Policy formulated in haste is often bad policy that either brings unintended consequences or fails to make a meaningful impact.

Pioneer countries have so far struggled to find an efficient approach to the POA. The present template is a table with columns showing the objective, action, indicator, timeline, budget, participants and other particulars. This structure does not allow sufficient space to detail how reform programmes will work. In many cases, action items are mere phrases to strengthen or improve some programme.

This kind of superficial treatment prevents effective monitoring and makes it nearly impossible for civil society to judge whether a promise has been fulfilled or not. It does, however, suggest an opportunity. The Secretariat could commission a web design firm to create a system that would allow each country to organise action items in the current table format. Then behind each action item could be stored a full set of related documentation. Where the action calls for a new law, its text could be posted. Where it focuses on a policy development conference, the particulars could be attached. Giving countries this kind of systematic capability would help make the POA more accountable through use of a more rigorous, detailed and standardised approach.

Another idea for strengthening the POA would involve taking a more structured approach to the desk research that guides the early phases of the APRM. If researchers first culled all of the descriptions of major problems and proposed solutions from existing planning and review documents, they would have a single report synthesising all other major national reviews. If each problem and solution were footnoted, the report could present a clear consensus of what needs to be done from which the APRM could build. Working from such a foundation would allow the APRM to strengthen its comparative advantage. Adding more action items through the APRM can create additional confusion, because some of the other review plans have their own monitoring and implementation systems. But if the APRM dedicated time to keeping track of various reforms that were planned or begun under other reviews, it would act as a master plan. To fulfil this role, researchers would have to footnote or otherwise annotate APRM Country Self-Assessment Reports and note which organisation and funding sources were being used for which actions.

**Superficial treatment of the POA prevents effective monitoring and makes it nearly impossible for civil society to judge whether a promise has been fulfilled or not.**

**Evaluating fully past reforms failures would greatly increase the APRM's power as a learning system.**

Many of the problems pointed out in APRM reports are not new. Indeed, most will have been identified through earlier review exercises, which included recommendations. The POA process could be improved if researchers made a conscious effort to evaluate the extent to which those earlier reforms had been implemented and if not, precisely what obstacles intruded. Those could include political factors, bureaucratic infighting, lack of funds, staff, legal authority or technical capacity.

Evaluating such factors would require leaving time to interview participants in those past reform efforts. Doing so would greatly increase the APRM's power as a learning system and result in more realistic reforms. This kind of study of the obstacles to reform has been chronically lacking in African development plans, and would be time consuming. The APRM system is arguably already too long and complicated. But adding such a phase would ensure that the APRM would produce much more effective POAs than is currently the case.

The APRM would also benefit from studying the weaknesses of other governance reviews, such as national development planning efforts and the Poverty Reduction Strategy Paper process, which is used to say how debt relief funds will be spent. Both the APRM and PRSP tend to result in very long lists of actions, often without sound cost estimates or realistic assessments of the time, staff, funding, technical capacity and management required. Malawi completed a national development strategy in 2006 that included 547 action items. Although it contained many good ideas, it remained a wish list because there was no indication of how so many projects could be practically launched and managed.

To avoid this problem, countries participating in the APRM should establish a set of criteria that would be used to determine which actions will make the most impact or deliver value for money. Efforts to tighten budgetary controls and fight corruption would seem to be the highest priority because they can directly save money and ensure that more funding goes to its intended purposes. Next, many laws and regulations can be improved at little expense to tighten up management and send important signals that inappropriate behaviour will not be tolerated. Closely related would be actions to make the key agencies involved in auditing, oversight and prosecution of corruption have the funding, technical staff and legal powers needed to function efficiently and swiftly.

One of the most common governance problems is a lack of effective mechanisms for measuring the quality of government service delivery, particularly in the social sectors. Accountants keep track of what money is spent, but little effort goes into determining if services were well designed or effective in realising their goals. A great deal can be done to improve the quality of health care, education, road maintenance or other vital services through attentive, disciplined management control systems that include performance audits, performance goals built into contracts for senior civil

servants and contractors, and regional and district reports showing which schools and clinics have the best and worst service delivery rates.

Such efforts to concentrate on low-cost, high-impact reforms should not mean that complex, long-term problems are ignored. The pressure to assemble the POA matrix rapidly tends to bring out quick fixes. One unintended consequence of the present approach to the POA is that inadequate attention is directed at complex structural problems that do not lend themselves to the sort of action items that can be described in the tiny cells of a POA table.

A great advantage of the APRM is its use of a questionnaire, which gives structure to analysis and can assist in planning and organisation. This same approach could be taken with the POA. A POA questionnaire need not get into detail on particular solutions but it could usefully guide participants in creating a POA and asking thoughtful questions. Such a process would have to be applied to the Country Self-Assessment Report in preparation of the first draft POA. Once the final country report is received, the process should be repeated because the final country reports invariably make a variety of recommendations not covered by the national self-assessment.

At present, too many POA items call for non-specific efforts to strengthen, improve or accelerate existing programmes. They frequently lack meaningful detail about how such changes would be achieved. Without detail, such commitments are impossible to measure, and without the ability to clearly determine if a pledge was fulfilled or not, the APRM system will lack the accountability needed to sustain reforms.

Thus, revised guidelines and/or the Questionnaire should ask countries to prepare a summary document on each proposed initiative in the POA. For each item they should be required to answer some basic management questions about required staffing; technical expertise; enabling regulations or legislation; capital and recurrent costs; whether the given reform can be expected to fully or partially solve the underlying problem; accompanying reforms that may be needed to achieve success; and the likely start-up time needed to get staff, laws and offices in place.

Once each potential solution is documented in this way, they should be ranked according to difficulty, cost and impact. For important problems for which no solutions are immediately apparent or where the recommendations put forward would not fully address the problem, the POA should include an action item that commits the nation to an extended period of research, consultation and policy experimentation to find better solutions.

### **Options to strengthen the APRM**

One question frequently asked in APRM review conferences is whether it would not be better to split the APRM into smaller reviews, each covering a section of the Questionnaire. The Organisation for Economic Co-operation

**Inadequate attention is directed at complex structural problems that do not lend themselves to the sort of action items that can be described in the tiny cells of a POA table.**

and Development – a club of the 30 most developed democratic nations from which the APRM drew some inspiration – conducts peer reviews of members, with each review focused on a narrow area, such as development aid policy. Splitting the APRM into smaller reviews would enable a faster process but could detract from the quality of analysis because many of problems in the political realm overlap with problems and causes in the economic, corporate and socio-economic realms. Having said that, most countries manage the process by assigning a different research institute to handle each of the four thematic sections of the APRM Questionnaire. In practice, this division tends to balkanise analysis. Thus, dividing the APRM into smaller thematic reviews would not be appreciably different from the current mode of analysis.

An arguably stronger reason not to divide the APRM relates to capacity and the amount of attention any reform process can attract from senior political figures. Smaller APRM reviews would presumably come more frequently and require the nation to be continuously under review, which could drain participants of the energy and commitment needed to sustain the process on an ongoing basis. On balance, splitting the APRM is not the right approach to making it more manageable.

Instead, the speed of the process (as well as its impact) can be greatly improved by making the self-assessment phase more efficient and productive and the organisational phase shorter. Of all the detailed recommendations in earlier chapters, seven key reforms are offered here that can help strengthen the APRM system.

1. **Clarify the ambiguous rules.** The guidelines contain a number of important inconsistencies that should be removed. The present system relies heavily on person-to-person communication through Country Support Missions, but countries often have made key decisions about how to manage the process based on reading (or potentially misreading) selected parts of the guidelines.
2. **Improve the capacity and responsiveness of the Secretariat.** Many participants and APRM review conferences have called for a larger Secretariat that has enough staff to be more active and responsive to requests for guidance.
3. **Build a best practices unit with the Secretariat.** Part of the APRM mission is to study best practices and share information with other countries about how to improve governance as well as how to better manage the APRM reviews. With the existing APRM staff overstretched and heavily reliant on outside consultants, it is difficult for staff to take time away from existing reviews to observe APRM processes and interview participants about what has worked and what needs changing. The Secretariat could provide a more valuable and responsive service to member states if it established a unit that was not involved in overseeing reviews but given the task of observing, learning and spreading information on alternative approaches and best practices.

Too many POA items call for non-specific efforts to strengthen, improve or accelerate existing programmes. They frequently lack meaningful detail about how such changes would be achieved.

4. **Publish operational advice.** Several conferences have called for written documentation on lessons learned in budgeting for the APRM, conducting surveys, managing consultation processes, preparing realistic POAs, reconciling POAs with other national strategy and budgeting processes, writing the Country Self-Assessment Report and managing communications. There are a variety of approaches to all of these tasks and there may not be one answer, but participants could plan and manage the process more effectively if they had a regular flow of advice in writing, through a newsletter, monographs or printed debates about contrasting approaches.
5. **Analyse compliance with African and international standards.** The APRM cites a variety of international codes and standards, and the Questionnaire asks about the extent to which countries have operationalised these commitments. However, the reports so far have made little attempt to make such an assessment nor have they required countries to answer these crucial questions. This is a major lapse and retreat from the process as outlined in the APRM guidelines.
6. **Focus greater attention on the POA.** The ultimate strength of the APRM process depends on the quality of policy making that goes into the POAs. However, POAs have been weak in many cases, unrealistic and superficial in their policy responses or neglected some of the more difficult national problems. Countries have spent much more time on the self-assessment phase than in developing the POA. With the POA left until the end when the country is already past its deadline, pressure to wrap up the process is intense. Also, the matrix format used for the POA allows little space for detail. Every major action should be supported by a full document outlining the solution to be pursued. Countries should be encouraged to make provision in the POA for ongoing research, peer learning and policy experimentation to deal with systemic or intractable problems. To strengthen this area, clear guidance should be issued and a section of the Questionnaire dedicated to how to build an effective POA.
7. **Revise the Questionnaire.** Having a standard Questionnaire is a valuable tool in helping countries plan their APRM research processes, in assisting citizens with factors to consider when making input, and in ensuring that the APRM process is consistently rigorous in its analysis. However, the current Questionnaire is long, awkward in structure, missing several crucial areas and repetitive. Several adjustments, as discussed in chapter 4, could significantly improve its ease of use and assist countries in managing the process more efficiently.

When the authors began researching the APRM system five years ago, it was clear that this process offered great potential to change the nature of debate within individual countries and within the African Union. It established a valuable ongoing conversation about how to improve governance. Taking advantage of the opportunities offered by the APRM has proven much

The APRM is part of a struggle to expand accountability, transparency and democratic participation. That struggle will not be easy, but it can be won.

more difficult than its proponents or the authors believed at the start. But even when the practical difficulties are accounted for, the system remains a very positive development in Africa. Like every institution, it will continue to face pressures from members wishing to pull it in particular directions. Some participants will want to sign up to pretend to embrace reform without really wanting to follow through with a robust review. The strength of the process and its ability to inspire thoughtful, durable reforms will depend on the commitment shown by heads of state and the tenacity of civil society organisations to insist on rigorous, fair, and transparent APRM processes. Civil society faces many limitations in its ability to influence the APRM, but evidence from the early countries shows that when civil society is determined, vocal and willing to stand its ground, it can make a difference. In this, the APRM is part of a broader long-term struggle to expand accountability, transparency and democratic participation. That struggle will not be easy, but it can be won. The enthusiasm and determination of the many thousands of participants in the APRM process has been an inspiration. If that spirit can be sustained, there is no doubt that the APRM can live up to its great potential and Africa will claim its rightful renaissance.

## Country Case Studies



Democracy is not something you put away for 10 years, and then in the eleventh year you wake up and start practicing again. We have to begin to learn to rule ourselves again.

– **Chinua Achebe, Nigerian writer**

Democracy, good governance and modernity cannot be imported or imposed from outside a country.

– **Emile Lahud, Lebanese politician**

Our continued prosperity as nations, communities and ultimately as individuals is closely linked to our ability to create and maintain profitable, competitive and sustainable business enterprises.

– **Karugor Gatamah, Centre for Corporate Governance, Kenya**



# GHANA

# 10

In keeping with its tradition of 'firsts' on the continent, and as the first country to be reviewed in the APRM, Ghana is leading by example in the process. The National APRM Governing Council was granted autonomy in executing its mandate, which it discharged resolutely. The Technical Review Teams chosen to undertake the exercise were credible and competent research institutions, renowned both nationally and internationally. The Mission notes with great appreciation the high quality of the reports prepared by the four technical advisory teams.

## – Ghana APRM Country Review Report<sup>1</sup>

In every country that undergoes peer review, the specific political context influences the organisational structures set up to guide the process. After 22 years of Jerry Rawlings's rule ended in 2000, Ghana's new president, John Kufuor, sought to position the government as an enthusiastic democratic and economic reformer. The African Peer Review Mechanism (APRM) was seen as a vehicle for demonstrating greater transparency and candour in public policy to various audiences — domestic groupings, other African states, and, not least, international donors, which support about 40% of Ghana's budget.

According to Dr Baffour Agyeman-Duah, associate executive director of the Ghana Centre for Democratic Development (CDD-Ghana), one of the four think tanks that conducted research for the APRM report:<sup>2</sup>

John Kufuor believes that he is a democrat, and APRM was a way to demonstrate his personal commitment to promoting good governance in the country. He had already embarked on a policy of transparency and accountability in his administration, and APR [African Peer Review] was a mechanism to further this approach. ... No doubt part of Kufuor's thinking in being first was to attract investment and aid. If Ghana was perceived to be open and transparent, it would be seen as a good place to do business. The G8 will use how a country does in peer review to influence its decisions, whether formally or informally.

**The APRM was seen as a vehicle for demonstrating greater transparency and candour in public policy to various audiences.**

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1. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Ghana', Midrand, South Africa, June 2005, p.xii.  
2. Telephone interview with B Agyeman-Duah, Dar Es Salaam, 10 February 2006.

But, given Ghana's competitive politics, and the fact that it faced a national election in the middle of the peer review period, Kufuor believed the APRM and its findings could become a political football. Opposition parties could use the APRM report to criticise the incumbent government and gain an advantage in the elections, while Ghana's vocal and vibrant civil society would demand an objective, transparent, and fair APRM process, and a candid report. Therefore, the government chose to insulate the process from the acrimony of party politics, and make it visibly non-partisan.

### **APRM structures and institutions**

Ghana showed its enthusiasm for peer review from an early stage. In November 2002, even before the process had been fully designed, Ghana became one of six countries that declared a desire to accede to the APRM. 'When Ghana signed up, they said, "We're ready," even though the preparatory phases for the institutionalisation of APRM were still under way,' recalls Evelynne Change, coordinator for corporate governance at the continental APRM Secretariat in Midrand, South Africa. 'The APR Panel [of Eminent Persons] still had to be put in place, and the documents for APRM implementation developed.'<sup>3</sup> Ghana formally acceded to the APRM on 9 March 2003, but several more months elapsed before it started to work on the process.

With no road map to follow, Ghana would inevitably develop a precedent, and set the standard for future reviews. 'We had no template,' Professor SKB Asante, a member of Ghana's National APRM Governing Council, recalled in 2005. 'We were a forerunner, and so we had to break new ground and be innovative.'<sup>4</sup> Ghana established several institutions to manage the various aspects of peer review, including a Focal Point, a National Governing Council and a Secretariat.

**Focal Point.** Each participating APRM country must establish a national Focal Point as a conduit for communications between the APRM Secretariat in Midrand, the government, and local APRM institutions. According to a communiqué issued after the first meeting of the APR Forum:<sup>5</sup>

The APRM National Focal Point should be at ministerial level or a high-level official reporting directly to the head of state or government and with access to all national stakeholders.

Ghana chose to locate its focal point outside a government ministry, and selected Dr Francis Appiah, former senior technical adviser to Ghana's minister of regional co-operation and Nepad, who became the executive

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3. Telephone interview with E Change, 10 February 2006.

4. Asante SKB, remarks made after a presentation entitled 'Ghana's Implementation of the APRM: Lessons Learnt', hosted by the Southern African Regional Poverty Network (SARPN) at the Pretoria Country Club, 5 September 2005.

5. Communiqué issued at the end of the First Summit of the Committee of the Participating Heads of State and Government in the African Peer Review Mechanism (APRM) Forum, issued in Kigali, Rwanda, 14 February 2004, cited in *Rwanda Nepad Magazine*, 1, May–July 2004, p.6.

secretary of Ghana's APRM Secretariat. Subsequently, the National Governing Council was designated as the Focal Point.

**National Governing Council.** According to Appiah, Ghana's national APRM structures were developed in June 2003, and presented to cabinet for approval.<sup>6</sup> Ghana pioneered the creation of a National Governing Council, outside government, to act as the board of directors and driving force for APRM at national level. Ghana created a seven-member National APRM Governing Council (NAPRM-GC), comprising respected non-partisan figures.

### **Ghana's National APRM Governing Council<sup>7</sup>**

The seven members of National Ghana's Governing Council were:

The Reverend Professor Samuel K Adjepong, former vice-chancellor of the University of Cape Coast, and current president of the Methodist University (chairperson);

Alex Ntim Abankwa, former ambassador to Belgium, the Netherlands, Luxembourg, and Canada;

Professor Samuel K Botwe Asante, professor in international relations, international consultant, and former principal regional adviser to the UN Economic Commission for Africa (UNECA);

Bishop Paul Bemile, Catholic Bishop of Wa and director of the Inter-Region Dialogue;

Professor Miranda Greenstreet, leading educationist, former director of the Institute of Adult Education of the University of Ghana, and chairperson of the Coalition of Domestic Election Observers in the 2001 and 2004 Ghana elections;

Nutifafa Kuenyehia, lawyer and past president of the Ghana Bar Association and Media Commission; and

Gloria Ofori-Boadu, former executive director of the International Federation of Women Lawyers (FIDA) in Ghana, and current president of the Women's Assistance and Business Association (WABA).

Headed by the president of the Methodist University, Professor Samuel K Adjepong, it included retired diplomats, distinguished lawyers, international consultants, and senior religious leaders (see box above). In choosing this type of management structure, Ghana emulated the continental APR Panel of Eminent Persons.

Ghana decided to make its governing council functionally and constitutionally independent of government, thus insulating it against accusations of political bias and affiliations with party politics. Kufuor argued that opposition

**Though created by government, the Ghanaian national structure was made independent of it in order to ensure broad-based participation. - Dr Francis Appiah<sup>8</sup>**

6. Appiah F, Ghana's Experience and Lessons Learnt in the Implementation of the APRM, report for the Pre-Africa Governance Forum, Algiers, Algeria, 20-21 November 2004, p.7.

7. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Ghana', June 2005, pp.5-6; UNECA Economic and Social Planning Division (ESPD), 'Implementation of the African Peer Review Mechanism in Ghana', ESPD/NRP/01/05, October 2005, p.8.

8. Appiah, *op. cit.*, p.8.

Having no active politicians or government officials sitting on the governing council helped to counteract suspicions that the incumbent government might influence the process in its favour.

parties could undermine the ability of the APR to forge national consensus by using its findings as political ammunition. That risk would be compounded given that the country faced national elections in December 2004, just a few months after the start of the review. A defeat for his party could also derail the process.

According to Dr Chris Stals, member of the Panel of Eminent Persons responsible for Ghana's review:<sup>9</sup>

When we were there for the APR support mission in May 2004, the President told me that there would be an election at the end of the year, and rather than delaying APR until after the vote, Ghana would design a system that would not be affected by the election result.

The governing council was therefore given the same status and legal protection against government interference as the Electoral Commission and the Commission for Human Rights and Administrative Justice. Its members were not required to swear the customary oath of allegiance to the president or government when they were inaugurated by Kufuor on 18 March 2004.

Having completed all the stages of the APRM process, Ghanaian officials believe even more strongly than before that the peer review process should be separated from government, and managed by civil society instead. They further argue that active steps should be taken to pre-empt suspicions that government will attempt to control the outcome, or soften the conclusions. In Ghana's case, the fact that there were no active politicians or government officials sitting on the governing council helped to counteract suspicions that the incumbent government might influence the process in its favour.

The United Nations Economic Commission for Africa (UNECA) has noted that Ghana's choice of an independent governing council, consisting solely of civil society representatives, 'helped in reducing the scope for political interference while strengthening stakeholder ownership and leadership of the process'.<sup>10</sup>

Appiah recalls:<sup>11</sup>

The argument all along was that since the governing council members were chosen by the president, they could therefore be influenced by government. It was critical, therefore, to create confidence in the council, its members, and the process as a whole. And that's also why we chose respected independent think tanks to do the technical review – it would reassure the people about the work being done at an operational level.

However, initial government thinking about the process did shift, partly due to vigorous comments from civil society. When the government first announced its plans, the APRM Questionnaire and procedures had not yet been published. Yet at an APRM workshop for civil society organisations (CSOs) coordinated

9. Telephone interview with C Stals, Pretoria, 10 February 2006.

10. UNECA ESPD, *op. cit.*, p.13.

11. Telephone interview with F Appiah, Accra, 28 July 2006.

### **Ghana advocates an independent governing council**

A report on the APRM process in Ghana prepared for the Sixth Africa Governance Forum (AGF-VI) held in May 2006 in Kigali, Rwanda, made the following recommendations about governing councils:

- To ensure its credibility, the council should be independent of government, and devoid of any governmental or political interference.
- African countries must utilise autonomous and credible institutions to conduct the assessment surveys.
- Technical committees should refrain from making any public pronouncements during and after the study.
- Members of the public always find it difficult to believe that government appointees can act in a neutral manner. Therefore, governments should ensure that all its appointees are people whom the public can trust.
- The governing council should have an effective public relations officer who should ensure that all the findings are presented in a consistent way.
- The governing council should verify the political orientations of all prospective members of technical committees before appointing them.<sup>12</sup>

by SAIIA in Accra in November 2003, a government representative stated that the country had nearly completed its public consultations and was ready for review. The assertion that a wide range of stakeholders had already been consulted sparked off a very animated debate. Representatives of Ghanaian CSOs claimed that decisions about the process and the selection of governing council members had not been transparent. They also asked how consultation could have been completed if the Questionnaire had not been finalised.

Appiah acknowledges that by making its dissatisfaction with the proposed process known early on, civil society signalled its seriousness, influenced the choice of council members, and helped to bring about more extensive consultations than originally planned. He recalls:<sup>13</sup>

The strong reactions of civil society raised the alarm. They all indicated that they wanted input. This delayed the selection of the governing council for about three months, as we developed criteria for the council members that would be acceptable to the opposition, parliament and civil society – for instance they had to be non-state actors, not public servants, show public spiritedness, demonstrable non-partisanship and professional competence. They also needed skills covering the four areas of review, and take into account gender and regional representation. Civil society made it very clear that they wanted people who would not be easy to manipulate politically. Once these criteria were spelled out, we went round to parliament,

**In a highly politically contentious country like Ghana you need to be able to convince all political parties that the process is non-partisan, all-inclusive and indeed it embraces everybody.**  
– Dr Francis Appiah<sup>14</sup>

12. Team Consultancy, Report on National Stakeholder Consultations: Implementing the APRM in Ghana – Challenges and Prospects, Africa Governance Forum Stakeholders' Consultative Workshop, October 2005, p.iv.

13. *Ibid.*

14. Videotaped interview with F Appiah, Nairobi, 27 April 2006.

opposition parties, the major CSOs and came up with a long list of eminent Ghanaians, and the President appointed seven of them.

In September 2005, three regional workshops were held in Ghana to review the APR in that country, in preparation for the upcoming Africa Governance Forum (AGF-VI) in Kigali, Rwanda. Delegates were asked: ‘What, in your estimation, could have been the impact if the APRM process had been led, for example, by a government minister?’ The responses were unequivocal: Ghanaians felt strongly that if the government had controlled the review process, citizens would not have trusted the outcome. They used phrases such as ‘poor participation and non-acceptance by people’; ‘perceived to be politically biased’; ‘inundated by partisan issues which would have marred the process’; ‘politically manipulated’; ‘loss of credibility’; and ‘no government should be allowed to chair the APRM’.<sup>15</sup>

**National APRM Secretariat.** The APR process would involve holding many workshops and conferences, managing surveys, and compiling an extensive report, all of which would require competent support staff. Ghana chose to establish an independent APRM Secretariat, not attached to any ministry or government department, to further insulate the APR process from government interference. The Secretariat was therefore made responsible only to the governing council, and moved from the Nepad ministry to offices elsewhere in Accra. Professional staff members were recruited from the private sector. The United Nations Development Programme (UNDP) paid the salaries of two of the Secretariat’s six staff members.

However, whether the Secretariat was entirely separated from government is questionable. Ghana’s Country Review Report stated:<sup>16</sup>

The core running costs of the Secretariat are borne by the government, which has seconded a further six support staff to provide secretarial, technical, coordinating and administrative support services to the Council.

Furthermore, the Secretariat is headed by an executive secretary, Dr Francis Appiah. Appiah was previously an adviser to Ghana’s Nepad minister, and therefore has some links with government.

Ghana chose to establish an independent APRM Secretariat, not attached to any ministry or government department, to further insulate the APR process from government interference.

## Features of the review

### *Research methodology*

As noted in chapter 4, the existence of an APRM Self-Assessment Questionnaire — covering the four broad thematic areas of democracy and political governance; economic governance and management; corporate governance and socio-economic development, and their many subsidiary objectives, questions, standards and indicators — has led to the notion that peer review is a relatively straightforward matter of responding to the questions. That

15. Team Consultancy, *op. cit.*, p.22.

16. APR Panel of Eminent Persons, Country Review Report of Ghana, p.6.

simplistic initial view created various complications, as countries only belatedly appreciated that the political dimensions of APR, and the need to consult civil society, required a far larger and more complex process, attuned to the political atmosphere and national sensitivities. If the APRM is to help forge national consensus, and result in a reform plan to which all parties are committed, reports must be written as fairly and inclusively as possible.

Ghana's critical contribution to the APRM was to realise the importance of this political dynamic, and to devise ways to pre-empt doubts or suspicions about the fairness of the process. The Questionnaire required in-depth research about various technical questions, such as the level of treaty ratification; assessments of the effectiveness of constitutional and legal instruments; and a detailed analysis of governance strengths and weaknesses. Equally, the report would have to incorporate the views of various sectors of society, including the business sector, youth, women; as well as modern and traditional leaders, and rural and urban constituencies. All this would have to be done in a manner perceived as fair, reflected in both the content of the report and the process that produced it.

Ghana selected a mix of instruments to gather input from these sources, but its approach might be usefully dubbed a 'survey and think tank' model.

**Technical Review Institutes.** To gather all the technical information required, Ghana commissioned four leading independent research organisations or think tanks, known as 'Technical Review Institutes (TRIs). While sometimes referred to as 'Technical Review Teams' (TRTs), the term 'TRIs' is used in this chapter. Each was assigned to head one of the four thematic areas of the APR, to compile the relevant portion of the Country Self-Assessment Report and to develop a draft Programme of Action.

**Ghana's most important contribution... to the development of the APRM was to devise ways to pre-empt doubts or suspicions about the fairness of the process.**

<b>APRM thematic area</b>	<b>Technical Review Institute</b>
Democracy and political governance	The Centre for Democratic Development (CDD-Ghana)
Economic governance and management	The Centre for Policy Analysis (CEPA)
Corporate governance	The Private Enterprise Foundation (PEF)
Socio-economic development	The Institute for Statistical, Social and Economic Research (ISSER)

According to Appiah, the choice of institutions was obvious, and each was a leader in its field, with proven expertise:<sup>17</sup>

When we designed the APR process in Ghana, for it to be civil society driven, it would be a contradiction to use government machinery to do the job.

17. Telephone interview with F Appiah, Accra, 28 July 2006.

We wanted research institutions that were locally reputable, internationally recognised and had a solid track record.

Asante observes:<sup>18</sup>

**Using Ghana's appointment process elsewhere could be problematic if competing research bodies believe there has been favouritism.**

When we got the Questionnaire from [the APRM Secretariat in] South Africa, we knew we would need help. We knew the reputable institutions, and that they would do a good job. We went to see them, and engaged them.

While these think tanks were well known, vocal, and not connected to government in terms of funding or reporting obligations, their selection was not put out to tender. In some countries, engaging service providers without a tendering process could contravene procurement rules. A tendering process also allows research institutions to develop a budget for their services. Using Ghana's appointment process elsewhere could therefore be problematic if competing research bodies believe there has been favouritism or other unfairness in the selection process.

For example, Dr Emmanuel Bombande, executive director of the West African Network for Peacebuilding (WANEP) – one of two Ghanaian think tanks involved in a parallel review called the African Human Security Initiative (AHSI), co-ordinated by the South Africa-based Institute for Security Studies (ISS) – acknowledges that, although the research and overall track record of the four think tanks was excellent, they were not the only, nor the obvious, choice to do the technical work.<sup>19</sup>

Dr Kwesi Aning, formerly associated with African Security Dialogue and Research (ASDR) – the other Ghanaian research body involved in AHSI – and now head of the AU's Common African Defence and Security Policy in Addis Ababa, goes further, and suggests that the choice of think tanks was influenced by a common political outlook:<sup>20</sup>

There were other equally competent and critical institutions, such as the Institute for Democratic Governance (IDEG), which is scholarly, transparent and does excellent policy research. The organisations chosen share common political thinking and background with the incumbent government. They share the same political values and norms, and have similar ideological perspectives.

The introduction to Ghana's Programme of Action maintains that competent government bureaucrats could have produced a sound and professional self-assessment, but that these particular organisations were chosen because of their demonstrated leadership qualities within civil society, with proven lobbying skills that would help them to bring other civil society groups into the process.<sup>21</sup>

18. Telephone interview with SKB Asante, Accra, 28 July 2006.

19. Telephone interview with E Bombande, Accra, 1 September 2006.

20. Telephone interview with K Aning, Addis Ababa, 1 September 2006.

21. Ministry of Regional Co-operation and Nepad (MRCN) and NAPRM-GC, Republic of Ghana APRM Ghana National Programme of Action 2005–2008, November 2005, p.9.

Choosing think tanks was only part of the challenge. Another was developing a robust, objective, and defensible research approach. Ghana's research methodology was modelled on that developed by UNECA for its annual African governance report. CDD–Ghana conducted the UNECA study within Ghana, and Agyeman-Duah confirms that the UNECA instruments made available to them were slightly adapted for use in the APR.

Agyeman-Duah stresses that the reports had to be seen to be fair. He recalls:<sup>22</sup>

Fairness was one of our key criteria. This was impressed on us right from the start. The reports had to be broad-based, regionally inclusive and use objective, standard research approaches. Where we had different views on the same issue – for instance on conflicts about land – we convened a 'focus group' of chiefs, department of land officials, land owners, tenants, experts to brainstorm on the issues and attempt to mitigate differences. But when we could not reach consensus, the report expressed that different views could not be reconciled.

The TRIs developed a research process with four phases: pre-field methodology, field methodology, in-house methodology, and post-field methodology.

### *Pre-field methodology*

The pre-field methodology had five 'strands': (a) staging an education and sensitisation drive to inform and excite Ghanaians about the APRM, and foster a sense of national ownership; (b) coordinating and harmonising the approaches of the four teams; (c) identifying stakeholders; (d) adapting the self-assessment questionnaire into a scientific survey instrument; and (e) gathering information and data for use by the APR Secretariat and Panel member who would eventually conduct the external review of Ghana.

To popularise the complex and unfamiliar concept of APR, and inform the public of progress made, the governing council published a monthly newsletter. It also held a series of country-wide meetings and workshops in order to solicit input from Ghanaian society at large. Sensitisation workshops were held for police and the army, trade unions, youths and children, the physically challenged, professional bodies, the media, and the National Commission on Civic Education, among others. During the Country Support Mission, in May 2004, a four-day workshop was held for various stakeholders. During the workshop, the TRIs were charged with familiarising participants with the APRM, and redefining research and consultation methods.<sup>23</sup>

According to Adjepong, rapporteurs took notes of the proceedings of all stakeholder meetings, and the Secretariat set up a documentation centre to make all APRM material available to researchers.<sup>24</sup> 'Focal persons' were designated in particular ministries, government departments, or agencies

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22. Telephone interview with B Agyeman-Duah, 18 July 2006.

23. UNECA ESPD, *op. cit.*, p.9.

24. Videotaped interview with S Adjepong, Nairobi, 27 April 2006.

to provide information to researchers. Also, a simplified questionnaire was translated into indigenous languages, and an APRM jingle was developed. Seminars were held to educate the media on APRM, and an APRM website was launched.<sup>25</sup>

Ghana used a variety of methods to identify the groups with information needed for the Country Self-Assessment Report. The secretariat appointed a stakeholder liaison officer, who travelled to Ghana's ten administrative regions to identify individuals and groups who would form part of the consultations, and the technical teams identified various stakeholders. Members of the governing council also toured the country on an outreach and education campaign, and the secretariat estimates that the National Governing Council and Secretariat interacted with 18,000 to 20,000 people.

Dr Stals singles out Ghana's effective sensitisation efforts, and notes that every time he visited that country, his arrival was prominently covered in the print and electronic media.<sup>26</sup> Kofi Yeboah, a journalist at Ghana's *Daily Graphic* newspaper, confirms that 'there was a lot of interest when he was here', and says the Ghanaian Secretariat had generally been good about keeping the media informed of APRM events.<sup>27</sup> But Kojo Kwarteng, a journalist at the same newspaper, says:<sup>28</sup>

APRM is still seen very much as an academic exercise, within the elite. It has not really descended to the people – it's so full of political jargon. It needs to be translated to local dialects and simplified for people to understand it. A public relations company can make sure the room is filled with people when there is a high-profile visitor, and a few will ask questions. But do they know the issues and the right questions? And what's the quality of what they eventually write or broadcast? I really don't think APRM is a household term yet in Ghana, in the same way that poverty is, for example.

Dr Rose Mensah-Kutin, director of Abantu Development for Women, concurs:<sup>29</sup>

I would agree that APRM was not very well publicised. Yes, some publicity went on, but we advocate on a wide range of issues and only attended one workshop. The country could have done a lot more in this regard; it did not really touch the ordinary person's life.

As with all APRM countries, it is extremely difficult to measure the effectiveness of outreach and communication efforts. Eric Opoku of the UNDP, in a case study of stakeholder involvement in Ghana's APRM, concluded that lack of overall planning on public education and sensitisation 'resulted in illogical sequencing of activities', which affected the cumulative effects of the process. He characterised the education programme as 'low intensity' and

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25. Ghana's APRM website can be found at [www.naprm-gc.org](http://www.naprm-gc.org).

26. Stals led three missions to Ghana: a Country Advance Mission in February 2004, a Country Support Mission from 24–29 May 2004, and a Country Review Mission in April 2005. He also attended a final workshop on the programme of action in June 2005.

27. Telephone interview with K Yeboah, Accra, 1 September 2006.

28. Telephone interview with K Kwarteng, Accra, 1 September 2006.

29. Telephone interview with R Mensah-Kutin, Accra, 1 September 2006.

noted that the timing between the sensitisation and the commencement of research was 'inadequate.' He also observed that most activities were centred on regional capitals and urban areas, and that budget constraints meant that most events were by invitation rather than open to the public.<sup>30</sup>

The governing council's website claims that the governing council and partners, including the National Commission on Civic Education, 'interacted with about 50,000 people, in all regions of the country'. But Aning asserts:<sup>31</sup>

I think such a figure is wildly exaggerated. Ghana has ten regions, some sparsely populated, and underdeveloped. Was it 5,000 in each region? Which towns, exactly, held these events? And what exactly was discussed, and how? When we delve into that, the figure will begin to unravel. Go 100 kilometres out of Accra or Kumasi or Cape Coast and it's obvious that at the grass-roots level, knowledge about Nepad and APRM is virtually non-existent, and there is very little buy-in. APRM was a process that circulated among elites, the upper political and economic classes. I would have really wanted wider inclusion and better use of local languages.

Participants in the workshops for the AGF-VI report pointed to weaknesses in the education of ordinary people and the media, which led to political point-scoring:<sup>32</sup>

The public was not well informed about the entire process, hence the politicisation of the outcome of the report, especially after the Abuja Conference [i.e. presentation to the APR Forum in Nigeria in June 2005] ... either journalists did not understand the entire process or did not have access to the right information, hence their comments on the report, especially after the Abuja Conference.

### *Field work*

The field work involved: (a) distributing elite surveys among 250 experts from government, academia, the private sector and civil society, considered to have in-depth knowledge about key governance issues in all 10 administrative regions of Ghana; (b) surveying 1,200 randomly selected households in all regions to gather representative views;<sup>33</sup> and (c) holding focus group discussions with targeted groups (such as women, youths, or people with disabilities) on particular issues or themes.

Dr Peter Quartey, director of the Institute for Statistical, Social and Economic Research (ISSER), which was charged with writing the section on socio-economic development, explains why a variety of research tools was necessary:<sup>34</sup>

**As with all APRM countries, it is extremely difficult to measure the effectiveness of outreach and communication efforts.**

30. Opoku E, 'Effective Stakeholder Participation in the APRM Process for the Promotion of Democratic Governance (Case Study: Ghana)', unpublished draft manuscript, UNDP, New York, November 2006, p.22.

31. Telephone interview with K Aning, 1 September 2006.

32. Team Consultancy, *op. cit.*, p.12.

33. 'The multi-stage area probability sampling technique was used to select a representative sample from the voting population, giving each Ghanaian of voting age an equal chance of being included in the sample. The sample provided a representative view of ordinary Ghanaians' opinions on the subject at a 95% confidence level, with a margin of error of  $\pm 5\%$ .' CDD, 'Methodology used by the technical review teams: an overview', in Team Consultancy, *Ibid.*, p.7.

34. Telephone interview with P Quartey, 18 July 2006.

**The grass-roots and the experts have different perceptions, so you need a means to reflect on both. Sometimes ordinary people are in the dark about what treaties we've signed or exactly how policies are structured.**  
 – Dr Peter Quarthey

The grass-roots and the experts have different perceptions, so you need a means to reflect on both. Sometimes ordinary people are in the dark about what treaties we've signed or exactly how policies are structured. We needed to do surveys to come up with objective results.

The importance of this combination of methods and the need for a scientific survey is underscored by Agyeman-Duah:<sup>35</sup>

Through the elite survey, we targeted people known to have knowledge on specific issues, and got the technical information that ordinary people would not necessarily know. And the mass survey captured the different views and experiences of people in urban versus rural regions. We could not just rely on desk research – we wanted to get the best picture we could of what Ghanaians thought about governance at this time.

The Technical Research Institutes each recruited about 30 people (many of them postgraduate students), and trained them for a week to administer both the mass-based and expert surveys face-to-face. They were paid about \$30 a day. The initial questionnaires were tested to identify and remove any ambiguities. This fieldwork took about three to four weeks, with research institutions receiving about \$70,000 each for their work.

A self-evaluation of the expert surveys developed by the Centre for Policy Analysis (CEPA), which worked on economic governance and management, is instructive, and worth examining in some depth. It forms part of the September 2005 report for AGF-VI.<sup>36</sup> CEPA noted that the exercise presented significant challenges in that it had to be transparent, democratic, and participatory; balanced and nationally representative; and had to be completed in a short period. Stakeholders consulted on the various questions in the questionnaire all responded with different degrees of technical knowledge, expectations, and enthusiasm:<sup>37</sup>

For stakeholders drawn from government institutions, the self-assessment in many ways may be viewed as a report card on public sector institutions and performance. Seen in this way, there is always the danger that they will overrate their own performance or the performance of other government institutions. Such a tendency will bias the result and just as important may even limit the willingness of officers who are strategically located to disclose institutional bottlenecks that exist in practice and impede the efficient functioning of the public sector.

CEPA took the approach that senior bureaucrats were 'neither cohesive nor dubious enough' to conspire as a group to undermine the assessment, and would want to appear as loyal and efficient civil servants, but said the level of co-operation varied considerably. In contrast, representatives of civil society and ordinary Ghanaians welcomed the review as an opportunity to

35. Telephone interview with B Agyeman-Duah, 18 July 2006.

36. Centre for Policy Analysis, 'Economic Governance and Management Methodology', in Team Consultancy, *op. cit.*, pp.8–10.

37. *Ibid.*, p.8.

give their views on economic governance, highlight perceived gaps, and suggest solutions, but '[t]hey too share perspectives that can hardly be free of response biases'. According to CEPA, the team was 'aware of the risks of an unbalanced assessment and the political sensitivities of the outcome',<sup>38</sup> which was why a sampling technique was used.

CEPA asked donor agencies for relevant evaluations of Ghana. Response rates varied, with the World Bank and International Monetary Fund (IMF) providing the most information.

CEPA then designed a questionnaire for each of the standards and codes cited in their thematic area of the APRM to assess levels of implementation, institutional arrangements, and levels of resource allocation. However, researchers found that after a preliminary search, information on treaty signature and accession was not readily available, the government had no central document inventory, and concerted efforts would have to be made to find the necessary data.

A separate questionnaire was designed for the section on economic governance and management, which comprises five objectives with 16 broad questions, each with quantitative and qualitative indicators. These were converted into 83 survey questions, in order to collect the data required. Again, CEPA noted that it was much more difficult to survey government than civil society. Three types of questions were designed, asking respondents to: rate the effectiveness or performance of particular institutions; rank improvements in certain sectors or processes; and list a set of activities, measures, or outcomes. A five-point rating scale was used where appropriate. Both general and country-specific questions were asked – the former examined areas such as the macroeconomic policy framework, policy-making and resource mobilisation, and the latter focused on specific national policies, programmes or institutional process, such as those emerging from the Ghana Poverty Reduction Strategy (GPRS), Public Financial Management Reform Programme, Budget and Public Expenditure Management System, and Medium-Term Expenditure Framework.

The two questionnaires were then piloted among a sample of private and public sector institutions. A team of two or three CEPA researchers conducted each pilot survey, and invited respondents to answer as many questions as they could, and not to respond to those which they believed they could not answer. This helped CEPA to determine how long it would take to complete the questionnaires, and whether the questions were clear or too complex; and to test the interview process. Questions were then revised to make them clearer and more concise:<sup>39</sup>

We also realised that the expertise, the knowledge and the capacity to monitor and evaluate official policies as well as the institutions and processes of

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38. *Ibid.*

39. *Ibid.*, p.10.

economic management differed widely among the respondents, some more speculative than others.

A simplified subset of questions was extracted, and the 83 questions were grouped into 13 sections. The Questionnaire was posted to relevant people and organisations, with a note stating that on-site interviews would be arranged. CEPA convened meetings with the other technical teams to identify common and overlapping areas of enquiry, co-operate with them where possible, and minimise duplication.

CEPA interviewed 134 stakeholders, including all line ministries and selected departments and agencies, with government representing about 45% of the sample. Members of parliament of both the ruling and opposition parties – most of them members of the public accounts and finance committees – were interviewed. Two districts in each of the 10 administrative areas were chosen, with an attempt made to balance small and large districts, as well as poor and less poor areas. Representatives of district administrations comprised about 24% of the sample. Private sector respondents were included either as individuals or as representatives of their fields of work, and civil society respondents included representatives of NGOs, research institutes, and private individuals working in fields relevant to economic governance and management.

Most participants at the September 2005 workshops that evaluated the APR process in Ghana appeared not to have seen the original Self-Assessment Questionnaire from the continental APR Secretariat, and were similarly unaware of the modifications made by the think tanks, particularly the Ghana-specific questions that were inserted. Ghana should have made the original Questionnaire more widely available to those interested, in electronic or printed form, as well as highlighted how it had been adapted for local use.<sup>40</sup>

Opoku, however, notes that the four TRIs did not follow a unified and consistent methodology. ISSER, for example, did not conduct a mass survey for the socio-economic development section. Opoku reports that ISSER instructed its research assistants to paraphrase some questions for the mass survey to make respondents feel more at ease, while CDD's field officers were required to read the questions exactly as written to avoid any changes in presentation, nuance and hence meaning and utility, and record exact responses too. The Private Enterprise Foundation (PEF), which worked on corporate governance, invited respondents to workshops where they were briefed and filled in the questionnaires at the workshops, and then invited to a subsequent discussion forum.<sup>41</sup> These slight methodological variations between the TRIs do not detract from Ghana's overall robust approach to APRM research, and the TRIs met regularly to compare notes.

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40. *Ibid.*, p.14.

41. Opoku E, *op.cit.*, p.25, citing his observations of presentations by TRIs at the APRM Country Report Validation Workshop, GIMPA, Accra, 10–13 February 2006.

### *In-house methodology*

The in-house methodology covered the internal operation of the research teams. This involved extensive desk research, literature reviews, and regular meetings to present and exchange ideas. The CDD established a 15-member internal peer review and advisory group, comprising experts in various aspects of democratic governance, which met frequently to offer comments on the research and help with the final design of the research methods.<sup>42</sup> Proposed 'internal peer reviews' among the teams did not occur, although 'the governing council had a lot of academics who took a keen interest in the quality of the drafts', according to Agyeman-Duah.<sup>43</sup>

The number of people working on the report varied from team to team, but each institution assigned at least six staff members to its part of the project. Some TRIs subcontracted other experts to do aspects of their work – for example, CDD outsourced work to specialists on conflict management and the legal and judicial system.

CSOs did not make written submissions to the technical teams, but many representatives of CSOs were involved in the focus group discussions, or engaged as experts. 'I think they did not feel the need to make submissions because they had confidence that the process was open and that the teams would do a good job,' says Agyeman-Duah.<sup>44</sup>

Originally, the teams estimated that the research phase would take about four months, but because the scope of the exercise was broadened and they travelled beyond the capital, it took roughly six to eight months. Even this extended period was considered too rushed. Each team eventually produced a detailed technical report of about 300 pages, amounting to more than 1,200 pages in total, by February 2005. They were then told to shorten them considerably, to make them more readable. The reports were then edited by the governing council. Adjepong recalls:<sup>45</sup>

The Council went through the reports page by page to ensure that there was no political colouration. The report says it as the people said it. In fact, anything that smacked of bias we removed, because the technical teams were not to offer an opinion on it ... We said, 'don't give commentary' – that's what we removed.

TRIs summarised their own technical reports in a period of about three to four weeks. Then a combined task group formed by all four TRIs combined these into the draft Country Self-Assessment Report. Much detail was removed in order to reduce the draft report to 270 pages.

**Ghana should have made the original Questionnaire more widely available to those interested, as well as highlighted how it had been adapted for local use.**

42. Team Consultancy, *op. cit.*, p.8.

43. Telephone interview with B Agyeman-Duah, 18 July 2006.

44. *Ibid.*

45. Videotaped interview with S Adjepong, 27 April 2006.

### *Post-field methodology*

Finally, a post-field methodology was devised for testing the findings generated during the first three phases. Independent experts in each thematic area were contracted to interrogate the four draft technical reports and the four corresponding thematic areas in the draft self-assessment over a period of about a month.<sup>46</sup>

**When you are talking about governance, when the chips are down, it is public scrutiny that really matters.**  
– Professor Sam Adjepong<sup>49</sup>

<b>APRM thematic area</b>	<b>Independent reviewer</b>
Democracy and political governance	Kwasi Jonah, director of governance, Institute of Economic Affairs
Economic governance and management	Professor Cletus Dudonu, of ClayDord Consult, an economist
Corporate governance	Dr Robert Adjaye, a partner at Ernst & Young
Socio-economic development	Dr Samuel Aikins, Centre for Development Studies, University of Cape Coast

At a validation workshop held at the Ghana Institute of Management and Public Administration (GIMPA) on 10–13 February 2005, the technical teams presented key findings to about 200 stakeholders including government, trade unions, parliamentarians, and business people. The expert reviewers presented their critiques, and breakaway groups then discussed each section of the report. Participants were not given copies of the complete report in advance, and received only 10-page summaries at the workshop. This was a shortcoming of the validation process, because participants were effectively being asked to critique and validate a report without having seen the full text. They had to react to a short summary while conference proceedings were underway.

Naturally – given that Ghana had no precedent to follow – there were aspects of the research process that could have been improved. Nana Oye Lithur, a researcher subcontracted to work on issues related to human rights and freedom of information, notes that ‘the big challenge lay in getting information, especially from government sources’.<sup>47</sup> A Freedom of Information Bill had existed for some years but had not been passed by parliament, and some ministries and departments were either reluctant to provide certain data or did not have proper records.<sup>48</sup>

Furthermore, she claims that ‘the same people and groups were invited to the validation workshops, the formal launch, the pre-testing phase and so

46. Team Consultancy, *op. cit.*, p.5.

47. E-mail correspondence with N Oye Lithur, 16 February 2006.

48. The reintroduction of parliamentary deliberations on the Freedom of Information Bill in September 2006 was directly attributed to the issue being raised strongly in Ghana’s APRM process.

49. Videotaped interview with S Adjepong, 27 April 2006.

on', indicating that well-known institutions close to the capital and other big cities found it easier to attend meetings and express their views than rural and poorly funded organisations.<sup>50</sup> This reinforces the view repeatedly expressed by analysts, journalists, and representatives of NGOs that mainly urban-based elites were involved in the APRM.

Dr Mensah-Kutin suggests that more public hearings should have been held at the district level to develop basic documents to feed into the process. She observes:<sup>51</sup>

We're one of the most widely recognised organisations working on women's rights issues in Ghana, but we just participated in one meeting [the final validation workshop]. We raised concerns that we only had a few days' notice, and received no background documents before the workshop. On the day, there was no access to the full report – we didn't get a copy, just a summary, so I still can't tell you exactly how women's rights issues were handled in the report. Since the report came out, there has been very little public education about it. But this happens all the time in Ghana – with the GPRS, the MDGs [Millennium Development Goals] – people get 'consulted' and then confused by all these initiatives, and seldom get any feedback or follow-up.

In the September 2005 workshops to analyse the APR process in preparation for the AGF in Kigali, although Ghanaians said they were broadly satisfied that people had been consulted, they pointed to certain weaknesses. Points made included:<sup>52</sup>

- The process did not reach enough districts or communities, and there were insufficient resources to do so.
- 'As long as one has heard about the process and been asked to make input, "consultation" has occurred. However, the time for active deliberation has not been enough.'
- 'Participation has been distributive [50,000 people across all regions], but not deep enough.'
- 'The depth of consultation is debatable ... the time for discussion was ... limited, and should be extended.'
- 'Consultation was selective; [it] should be more broad-based and representative.'
- Delegates attending APRM forums did not adequately brief their organisations and constituents.

UNECA observed that participants in the multi-stakeholder forum were not 'adequately informed on the conceptualisation and operationalisation of the APR Questionnaire'. In future, it stated, this event should be better prepared, and there should be more interaction between the technical teams and the Focal Point.<sup>53</sup>

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50. Oye Lithur N, *op. cit.*

51. Telephone interview with R Mensah-Kutin, 1 September 2006.

52. Team Consultancy, *op. cit.*, p.19.

53. UNECA ESPD, *op. cit.*, p.13.

In terms of benefits, depending on the sincerity of the country's commitment to the APRM process, successful peer reviews could lead not only to increased aid flows but also to increased political and economic stability in the country.  
– SKB Asante<sup>55</sup>

In March 2005, a year after the inauguration of its governing council (and two years after it had signed the memorandum of understanding establishing the APRM), Ghana submitted its Country Self-Assessment Report to the APRM Secretariat. The submission consisted of a consolidated report, an executive summary, the four technical reports as appendices, and a Programme of Action, totalling more than 2,000 pages of text.

### *Country Review Mission*

On 4–16 April 2005 Dr Stals led a 16-member Country Review Team to Ghana. It mainly comprised people seconded from the APRM's 'Strategic Partners' – UNECA, the UNDP, and the African Development Bank (ADB) – as well as some members of the continental APRM Secretariat and African academics and consultants (see box below).

The mission interacted with government, opposition parties, parliament, CSOs, the media, academics, and professional bodies across the country, but UNECA noted that the team's time in country was not optimally utilised and that APR missions needed to be 'meticulously planned' to get the most out of them. Nevertheless, the mission concluded that the self-assessment was 'technically competent, credible, and free of manipulation'.

As Ghana was the first country under review, certain administrative issues arose, which participants said affected the process. Members of the Country Review Team were drawn from several countries, had not met before arriving in Ghana, and took a few days to become acquainted with the process. Some had very little knowledge of the APRM, its purpose and operations, and little specific knowledge of Ghana or West Africa. They also had not had the time prior to arriving in the country to absorb the extensive material prepared by Ghana, or the background research prepared by the APRM Secretariat. UNECA's comments in this regard are revealing:<sup>54</sup>

The APR consultants were inadequately prepared to conduct the Country Review Missions. Quite disconcertingly, most consultants were not familiar with the methodology and modalities for executing the Country Review Visit as well as drafting the Country Review Reports. This hasty preparation resulted in the delay of the Country Review Mission consultation process. Secondly, the quality of the draft Review Reports for Ghana and Rwanda by the consultants left a lot to be desired. Moreover, many of the reports prepared by consultants did not fully correspond to the APRM Self-Assessment Questionnaire. As a result, the APR Secretariat had to invite strategic partners to South Africa for a working session to help in reviewing the draft reports for Ghana and Rwanda before their finalisation ... the strategic partners had to do a lot of work to bring the reports to a stage where they could be presented to the APR Panel.

54. UNECA ESPD, *op. cit.*, p.14.

55. Asante SKB, *Implementing the New Partnership for Africa's Development: Challenges and the Path to Progress*, Accra: Ghana Academy of Arts and Sciences, 2006, p.70.

### Composition of the APRM Country Review Mission to Ghana<sup>56</sup>

**Date of Mission:** 4–16 April 2005

**Member of the APRM Panel of Eminent Persons:** Dr Chris Stals.

**APRM Secretariat:** Dr Bernard Kouassi, executive director; Evelynne Change, co-ordinator: corporate governance; Dalmar Jama, research analyst: corporate governance.

**Nepad Secretariat:** Sudir Chuckun, co-ordinator: multilateral relations and policy.

**Independent technical consultants:** Democracy and political governance: Professor Ahmed Mohiddin, director of the 21st Century Africa Foundation; Professor Michelo K Hansungule, professor of human rights law, Centre for Human Rights, University of Pretoria, South Africa; Alfred Mubanda, former UNDP resident representative in Ghana (1981-1986) and former Minister of State for Foreign Affairs of Uganda; Economic governance and management: Dr Afeikhena T Jerome, consultant and senior lecturer, Department of Economics, University of Ibadan, Nigeria; Dr Omotunde Johnson, consultant on economic issues and former IMF resident representative in Ghana; Corporate governance: Gertrude Takawira, former country director, South and Eastern African Trade Information and Negotiating Institute (SEATINI) and managing consultant, Governance and Development Services, Zimbabwe; Socio-economic development: Professor L Adele Jinadu, executive director, Centre for Advanced Social Science, Port Harcourt, Nigeria.

**Partner institutions:** Seward M Cooper, chief counsel and head of the Good Governance Unit, ADB; Professor Claudius Dele Olowu, principal governance expert, public administration, ADB; Zemenay Lakew, senior programme co-ordinator, AU-Nepad Support Unit, UNDP; Dr Okey Onyejekwe, senior regional adviser, UNECA.

The report for AGF-VI noted that the mission seemed to have worked in great haste and that its members had not interacted extensively with Ghanaians, particularly in the hinterland. Certain analysts claimed that the mission was carefully stage-managed by the local Secretariat, with little contact with Ghanaians beyond the official itinerary. The reasons for this may include the lack of preparation time before the team's arrival, as well as its short visit.<sup>57</sup> However, Appiah points out that the review team was at liberty to contact any institutions or individuals.

Critics further argue that civil society was too divided and too passive to take advantage of the opportunity represented by the mission. If civil society had been more assertive and prepared, it could have lobbied the Country Review

56. APRM Panel of Eminent Persons, *op. cit.*, p.8. Designations were correct at the time of the mission, although some people have since changed jobs.

57. The Panel of Eminent Persons has noted the need for more time in the country undergoing review, and allocated slightly more time for country review visits in Kenya and South Africa.

Team, and more effectively monitored the process in general. Additionally, some observers said ordinary citizens were not properly informed about the process.

Nevertheless, the mission and the APR Panel were impressed with Ghana's research approach to the APRM, and noted 'with great appreciation':<sup>58</sup>

... the high quality of the reports, the methodologies followed, the efforts to solicit broad participation, the analyses presented and the recommendations made that have greatly facilitated the task of the Country Review Mission. The reports have also enabled the Council to produce a final Country Self-Assessment Report that meets the AU's unqualified requirements of professionalism and credibility. If published, these reports could make an important contribution to a better understanding in Ghana, and in other African countries, of the objectives and procedures of the APRM process.

The procedure after a country visit is that the APRM Secretariat and Panel then amalgamate their own background paper, the Country Self-Assessment Report, the report of the Country Review Mission, and the APR Panel's recommendations to the country into a draft Country Review Report. The country's government gets an opportunity to comment on that report, and can append these comments but not amend the main report. The tone and tenor of the Ghanaian government was generally accepting of the review's findings.

Ghana's final Country Review Report was presented to the APR Forum (the heads of state of all participating APRM countries) at its meeting in Abuja, Nigeria, in June 2005.

Draft minutes of the APR Panel's meeting in Abuja on 16–17 June 2005 include comments by the then chairperson, Marie-Angelique Savané, that the review missions to Ghana (4–16 April 2005) and Rwanda (18–30 April 2005) had been unduly rushed.<sup>59</sup>

[Savané] underscored the need to carefully plan the review processes of other participating countries, and not yield to, at times, unrealistic deadlines set by Heads of State and Government. She recalled that even the normal duration of the Country Review Missions had been shortened from three weeks to two weeks so as to meet such deadlines.

Also, having the two reviews back to back did not allow lessons learnt from the Ghana mission to be implemented in Rwanda.

### *Highlights of the Country Review Report*

The Country Review Report laid out in detail the results of interactions between the review mission and the stakeholders consulted, as well as recommendations for government action. This section highlights selected 'overarching issues' raised.

58. APR Panel of Eminent Persons, *op. cit.*, p.10.

59. APR Panel of Eminent Persons, Draft Minutes of the Twelfth Meeting of the APR Panel of Eminent Persons, 16–17 June, Abuja, Nigeria, paragraph 8.

The mission recommended that several 'potential and real areas of conflict need appropriate attention'.<sup>60</sup> These included land ownership, chieftaincy and conflicts surrounding elections. It stressed that there was some disagreement on the role that chiefs should play in politics, and recommended that the institution of chieftaincy be reviewed to ensure that it meets the demands of a changing society and is responsive to the wishes and aspirations of the country's people.<sup>61</sup>

While acknowledging that separation of powers was a central feature of the country's constitution, the report noted that this principle was not always adequately respected. It recommended a number of changes including reforms to limit the power of the president to establish ministries and to bolster the oversight role of parliament.<sup>62</sup>

The Country Review Mission pointed out that corruption was viewed as a serious problem by stakeholders, and recommended stronger and more comprehensive action against it, including enacting a whistleblowers' law to protect people who exposed corruption.<sup>63</sup>

It noted that while Ghana was officially committed to gender equality, the condition of Ghanaian women left 'much to be desired' and called for better application of policies and laws to deal with this. This would include a definite time frame for ratifying the 2003 AU protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.<sup>64</sup>

Ghana's economic management was seen to be trying to follow best practice, but was not always able to do so due in part to inefficient management. It also needed to function with more transparency and a greater sense of national ownership.

In the corporate governance area, the Panel noted that 'it could not be established conclusively that international accounting standards are in mandatory use' and, in respect of labour rights said that 'the level of implementation and enforcement of these standards is generally weak and the process for realising these rights protracted'.<sup>65</sup> Various constraints on entrepreneurial activity were also discussed.

The report also pointed to the difficulties that Ghana faced in dealing with socio-economic problems, but noted that 'there were no suggestions as to specific measures for effecting change.' The solutions proposed were rather general in nature, for instance, educating the public about the value of such traits as thrift, discipline and hard work.<sup>66</sup>

**If civil society had been more assertive and prepared, it could have lobbied the Country Review Team, and more effectively monitored the process in general.**

60. APR Panel of Eminent Persons, Country Review Report of Ghana, June 2005, p.12.

61. *Ibid.*, p.19.

62. *Ibid.*, p.30.

63. *Ibid.*, pp.35; 70-71.

64. *Ibid.*, pp.37-38.

65. *Ibid.*, p.77.

66. *Ibid.*, pp.107-8.

**Politicians at the highest level agreed beforehand to accept the report's conclusions and recommendations.**

### *The Programme of Action*

Ghana's approach to the Programme of Action – the document that is meant to remedy all the problems pointed out in the Country Self-Assessment Report – was exemplary in certain respects. While certain government figures were involved in its formulation, the most highly placed political decision-makers were not necessarily aware of its specific content or recommendations until late in the process. Some of the problems identified in peer review can affect political reputations, and recommendations – even when sound – can be controversial or politically costly. If top politicians have not thought through particular problems and solutions before they read the final report it can create political conflict.

In this regard, Ghana made two important political commitments. Firstly, politicians at the highest level agreed beforehand to accept the report's conclusions and recommendations. Secondly, once the Programme of Action had been drafted, the cabinet undertook not to alter its recommendations. 'Government was not permitted to tamper with the core issues of the Programme of Action,' says Sam Cudjoe of Ghana's APRM Secretariat.<sup>67</sup>

Developing a draft Programme of Action was part of the terms of reference for the TRIs, and they had to ensure that it addressed the problems and gaps identified in their technical reports. The recommendations of the ASDR and IDEG, which had produced 'shadow reports' (alternative reviews of governance in Ghana not part of the official research exercise) were fed into the process to produce the Programme of Action.<sup>68</sup> The draft Programme of Action was also validated at a separate three-day workshop. This meant that participants could concentrate fully on assessing solutions once the problems had been identified. Thereafter, the draft Programme of Action was sent to the National Development Planning Commission (NDPC) for integration with existing national development plans and initiatives, including presidential special initiatives and the GPRS. Then the draft plan was given to ministries and departments, so that they could develop a budget.

On 18–20 February 2005, Kufuor held a three-day cabinet retreat to examine and discuss the draft Programme of Action. To prevent duplication, and minimise the wasting of resources, participants decided to include ongoing initiatives as well as new endeavours in the programme. It was therefore integrated with various initiatives overseen by Ghana's NDPC, including an updated poverty reduction strategy (GPRS II), the MDGs, and the Millennium Challenge Account. The total cost of implementing the plan – including ongoing initiatives – was estimated at \$5 billion. Of this, Appiah estimates that about \$2.5 billion pertains to new initiatives.

67. Cudjoe S, Presentation on Ghana's Programme of Action at the Hanns Seidel Foundation conference on the APRM, Nairobi, Kenya, 25–26 April 2006.

68. The incorporation of material from shadow reviews demonstrates the level of maturity achieved by Ghana by the end of its APRM process, as there had initially been some hostility between these organisations and the official process.

The continental APRM Secretariat then asked Ghana to revise and sharpen its draft Programme of Action. The Secretariat initially provided scant guidance about the programme's format, and later advised Ghana to follow Rwanda's lead by using a matrix.<sup>69</sup> 'We were not given any format whatsoever for the Programme of Action,' says Appiah, 'and our initial effort looked sketchy and lacked realistic costings, means of verification, and specific activities.'<sup>70</sup> Under pressure from the heads of state to accelerate the process, the Country Review Mission arrived in Ghana in April 2005 while a ministerial committee was still working out a costing for the initial plan. This revised Programme of Action reached the continental Secretariat in mid-May 2005. Stals then helped the governing council to revise it – he suggested the inclusion of an explanatory narrative for each section, and helped Ghana develop the plan in matrix format, assigning deadlines, responsibilities and expected outcomes for specific actions and projects. Stals, Savané, and the continental Secretariat held a workshop on the draft Programme of Action with stakeholders in Ghana on 8 June 2005. 'In the end, the government committed strongly to the Programme of Action,' says Stals, 'and brought some practical sense to what was previously in some respects an ambitious, rather unrealistic wish list generated by civil society.'<sup>71</sup>

Key goals emerging from the Programme of Action include: resolving conflicts over land use and ownership; overcoming delays in the justice system; strengthening the separation of powers among the legislature, the judiciary and the executive to prevent political manipulation; speeding up the political decentralisation process; fighting corruption more vigorously; improving service delivery and use of public resources; and creating mechanisms to allow all groups – particularly women, children, young persons, persons with disabilities, and the aged – to assert their rights.

Ghana is currently developing a system for monitoring the implementation of the Programme of Action, once again involving the Technical Research Institutions and umbrella civil society groupings. The National Governing Council has been appointed to spearhead this exercise, tasked with tracking and gathering the various monitoring and evaluation efforts by CSOs and government departments.

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69. Comments by Ghanaian representatives at SAIIA's APRM Lessons Learned Workshop, 12–13 September 2006.

70. Telephone interview with F Appiah, 28 July 2006.

71. Telephone interview with C Stals, 10 February 2006.

## Peer review by the APR Forum

Although both Ghana and Rwanda received County Review Missions in April 2005, neither head of state was actually reviewed by his peers at the APR Forum meeting in Abuja, Nigeria in June 2005. Instead, the APR Panel members responsible for Ghana (Dr Chris Stals) and Rwanda (Dr Dorothy Njeuma) presented the reports to the APR Forum, and Presidents John Kufuor and Paul Kagame made general comments.<sup>72</sup>

Kufuor was finally ‘peer reviewed’ at the APR Forum meeting held in Khartoum, Sudan, in January 2006. During a four-hour session, he faced questions from his fellow presidents and prime ministers. He stated that at that time, 19 of the 159 recommendations in the Programme of Action were already being implemented. He was reportedly not defensive, and appeared to be familiar with the report’s content.<sup>73</sup>

Some observers expressed their disappointment about the Forum meeting, which was meant to be the climax of the entire process. They said there was little discussion of best practices in Ghana; some heads of state seem to not have grasped the ethos of peer review, and spent time castigating Ghana for following (and the APR Panel for endorsing) allegedly Western-inspired neoliberal policies. Ghana’s report was candid, so there was little for the peers to add. Although there was public and media interest in the report, no media conference was arranged for Kufuor, either in Sudan or back in Ghana. The report for AGF-VI stated: ‘The entire APRM process appears to be a process for external consumption. This is informed by the fact that the assessment report has been released to the Heads of State in the AU but not to the people of Ghana.’<sup>74</sup>

According to Appiah, after the Khartoum meeting, the national Secretariat printed 10,000 copies of the report, and distributed them in the course of 2006. An additional 10,000 copies have been ordered. Who has actually received them is unclear. In August and September 2006, the authors conducted telephone interviews with a range of Accra-based journalists, activists, and analysts. While this was well over a year since the final report had been completed, few had seen a copy at that time. Some analysts subcontracted by the technical teams said they had not seen the final copy before it was presented to the continental Secretariat. The report can date quickly, and it is difficult to maintain and sustain public interest as the months pass between its completion and its release. This was recognised by the APR Panel of Eminent Persons, which stated:<sup>75</sup>

**Ghana’s report was candid, so there was little for the peers to add.**

72. Kufuor only underwent the formal peer review in Khartoum, Sudan, in January 2006. President Paul Kagame of Rwanda and President Mwai Kibaki of Kenya were peer reviewed in Banjul, The Gambia, in June 2006.

73. Rwanda had also hoped to be peer reviewed, but President Kagame was not present in Khartoum at the time and its review was deferred to the Banjul Summit in the Gambia in June 2006.

74. Team Consultancy, *op. cit.*, p.iii.

75. APR Panel of Eminent Persons, Country Review Report of Ghana, p.11.

There is a real danger ... that if delayed too long, stakeholders in Ghana may lose interest and the present pulsating momentum within the country may fade. As Ghana is also the first country to reach this final stage of the APRM process, there is undue interest within Africa and in the rest of the world in this report for Ghana's process to be finalised.

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## Implementing the Programme of Action

Ghana's APRM Programme of Action tackles many of the key problems identified in its self-assessment, and in general has practical and achievable action items. The Country Review Report of Ghana contains a total of 196 recommendations made by the Panel of Eminent Persons. In some cases, the Panel gave advice on needed reforms, without making explicit recommendations. These instances have been included in this total of 196. In addition, a small number of recommendations were listed as indicators in Ghana's APRM Programme of Action, and not as action items. Ghana's POA appears to contain no action items for 135 of these 196 recommendations (approximately 69% of the new issues raised by the Panel).<sup>76</sup>

Ghana is required to submit reports at six monthly intervals on the progress in implementation of its Programme of Action.

The January 2007 implementation report was compiled using a mixture of desk research (reviewing data and information from government, the private sector and civil society), and conducting a survey of a representative sample of some 1,200 Ghanaians.<sup>77</sup>

The implementation report dealt with a large number of areas addressed by the country's APRM Country Review Report. It highlights achievements, intentions and setbacks, including the following:

- **Decentralisation.** The report noted that progress was mixed. Fiscal decentralisation was proceeding (composite budgets were being piloted for 20 District Assemblies), and a Local Government Service Act had been passed. However, a Local Government Service Council had not been instituted, and elections for chief executives for sub-national tiers of government were 'a long way coming'.<sup>78</sup>
- **Resources available to government institutions.** While significant increases were made to government institutions in the 2006 budget, the actual funds received fell short, thus hampering the ability of institutions to carry out planned projects.<sup>79</sup>
- **Involvement in dialogue and decisions.** Some 43% of Ghanaians felt that they were involved in public debate on policy, although there was

76. This analysis of Ghana's APRM Programme of Action is based on a draft paper by SAIIA Researcher Faten Aggad.

77. Ghana National African Peer Review Mechanism Governing Council, Implementation of the National Programme of Action Annual Progress Report 2006, January 2006, pp.vii, 3-5.

78. *Ibid.*, pp.vii, 13.

79. *Ibid.*, pp.viii, 30.

dissatisfaction that the National Economic Dialogue had been poorly organised in 2005 and not organised at all in 2006.<sup>80</sup>

- **Corruption.** A substantial majority of Ghanaians (89%) felt that corruption was a significant problem in the public sector and only 23% felt that enough was being done to fight it. The report noted that a number of pieces of legislation – identified as problematic in the APRM Self-Assessment Report and the Country Review Report – had been reviewed or passed. These included the Whistleblowers Act, 2006, the Public Office Holders (Declaration of Assets and Disqualification) Act, 1998, and the Freedom of Information Bill. The Bank of Ghana, the police and other investigators undertook seminars on financial fraud investigation, although the judicial service was not part of these efforts. A bill on combating money laundering had been drafted and the Attorney-General was preparing to gazette it.<sup>81</sup>
- **Gender.** The Criminal Code of 1998 has been altered to deal with some cultural practices harmful to women. A law on female genital mutilation and another on domestic violence have been presented to parliament. The labour law sought to improve the position of women in the mining industry and to outlaw sexual harassment in the workplace.<sup>82</sup>
- **Predictable government economic policies.** A Ministry of Public Sector Reforms was established to oversee the Public Sector Reform Strategy. The strategy produced revisions of pensions and a Fair Wages Commission, among other things. Efforts were made to invite public input into the budget, but a large proportion of Ghanaians (47%) felt that their involvement in economic policy making was low or very low.<sup>83</sup>
- **Sound public finance management.** Revenue agencies were provided with more resources (such as vehicles) and incentives to improve revenue collection. The Ministry of Finance and Economic Planning, along with the Bank of Ghana and Controller and Accountant General's Department established an expenditure tracking committee.<sup>84</sup>
- **Enabling environment for the corporate sector.** Reform of business registration was underway, and included establishing and equipping a Front Office to provide customer friendly service. The withholding tax rate had been reduced and Ghana was setting up a system for speedy clearance of cheques and a better payments system.<sup>85</sup>
- **Corporations and stakeholders.** Additional company inspectors were employed to enforce compliance with annual reporting. A committee was established to review the Companies' Code. Investigations were also underway to address laws and regulations on unclaimed dividends.<sup>86</sup>

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80. *Ibid.*, pp.viii, 31-32.

81. *Ibid.*, pp.viii-ix, xi, 34-38.

82. *Ibid.*, pp.ix, 23-24.

83. *Ibid.*, pp.x, 48-49.

84. *Ibid.*, pp.x, 50-51.

85. *Ibid.*, pp.xii, 61-62, 68-69, 70.

86. *Ibid.*, pp.xiii, 63, 75.

- **Acceleration of socio-economic development.** A commission was undertaking monitoring and evaluation to see to what extent the objective of the country's Growth and Poverty Reduction Strategy was being met. Land Banks were established to make land available to investors. The Micro-Financing and Small Loans Centre strengthened the small loans scheme to provide credit to the 'productive poor'.<sup>87</sup>

The second implementation report also indicated what measures had been taken to address the 'overarching issues' identified in the Country Review Report. In brief these were:

- **Capacity constraints.** Programmes had been instituted to address this, including a Civil Service Training Programme, while qualified staff were being recruited. Non-financial incentives to retain skilled professionals in the rural areas had not materialised.<sup>88</sup>
- **Gender disparity.** Skills training for girls, greater educational exposure of girls to mathematics, science and technology, as well as an affirmative action programme were attempting to deal with gender disparities.<sup>89</sup>
- **Corruption:** Various pieces of legislation had been proposed or passed.<sup>90</sup>
- **Decentralisation.** A comprehensive policy was to be formulated. Some degree of reform towards decentralisation has occurred.<sup>91</sup>
- **Land issues.** Consultants were engaged to demarcate the boundaries of several traditional areas. A drafting committee was working on a Land Agency Law.<sup>92</sup>
- **Chieftaincy.** A Ministry of Chieftaincy was established to deal with chieftaincy and to empower chiefs to 'lead their people to economic prosperity and political maturity'.<sup>93</sup>
- **Unemployment.** Employment-creating schemes were providing opportunities for many people, while the National Board for Small Scale industries provided business skills to potential entrepreneurs.
- **External dependency.** Ghana would soon wean itself off International Monetary Fund financial assistance but would have access to this body's policy support capabilities.<sup>94</sup>

## Governance and development assistance

Development partners have been reluctant to link new aid directly to APRM, partly because they then stand to be accused of imposing new conditions on

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87. *Ibid.*, pp.xiv, 78, 79.

88. *Ibid.*, p.92.

89. *Ibid.*, pp.92-93.

90. *Ibid.*, pp.93-94.

91. *Ibid.*, p.94.

92. *Ibid.*, p.94-95.

93. *Ibid.*, p.95.

94. *Ibid.*

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On 1 August 2006, Ghana signed a compact with the Millennium Challenge Corporation (MCC) (a corporation of the United States' government which aims to promote development in the world's poorest countries). In terms of this, about US\$547 million would be made available over five years. It would aim at reducing poverty by raising farmers' incomes through increasing production and productivity and enhancing the country's export base.<sup>95</sup>

In a press release, the Chief Executive Officer of the MCC, Ambassador John Danilovich, said that 'this agreement is testament to Ghana's strong commitment to good governance and building the necessary institutional framework for aid to be used effectively. President Kufuor's leadership was instrumental in producing a programme that will help the poor in Ghana build a better life for themselves and their children.'<sup>96</sup> According to commentary on the UNECA website, during the negotiations for accessing these funds, the government of Ghana was asked to reduce state expenditure, which was bloated by the large number of ministries, as had been proposed in Ghana's APRM Programme of Action. These cuts were made in May 2006. 'Thus,' said UNECA, 'the APRM report is already beginning to have an influence on government decisions in Ghana.'<sup>97</sup>

## Conclusion

At the celebrations marking Ghana's fiftieth year as an independent nation in March 2007, President John Kufuor said that recent history had seen encouraging prospects for improvement in Africa, and Ghana's status as an APRM pioneer was celebrated. Referring to the African Union, Kufuor said that it is 'anchored on good governance, respect for human rights, and sound economic management as the way forward for the development of the continent'. He added that Ghana was committed to this vision and the responsibilities it placed on members, and for this reason had submitted to the African Peer Review Mechanism.<sup>98</sup> The Ghanaian ambassador to Liberia, Major General Francis Adu-Amanfoh had earlier noted similarly that APRM was 'an attestation of the government's commitment to accountability, good governance and the rule of law.'<sup>99</sup>

Ghana has also been assiduous in branding reforms as part of the APRM process, and the national Secretariat and Governing Council have continued to traverse the country promoting and discussing the Programme of Action.

95. <http://www.mcc.gov/countries/ghana/index.php>.

96. Millennium Challenge Corporation, 'Ghana and the Millennium Challenge Corporation sign \$547 million Grant to combat Poverty', 1 August 2006.

97. <http://www.uneca.org/aprm/Story101806.asp>.

98. <http://www.ghanacastle.gov.gh/newsd.cfm?EmpID=1461>.

99. 'Ghanaian Ambassador Raps on Country's Progress', *The Inquirer*, 1 March 2007.

Representatives of CSOs interviewed for this chapter unanimously commended the Ghanaian government for committing itself to peer review, agreeing to be scrutinised, and taking important steps to make the report credible, objective, and non-partisan. They are encouraged that the door was opened for them to become involved, and are keenly following the implementation of the Programme of Action, to see whether action will match official rhetoric and whether the lives of Ghanaians will improve.

Concerns have already been raised as to how much difference APRM will really make. Bombande observes:<sup>100</sup>

An issue identified strongly in the report was insufficient separation of powers. There are so many ministers given the size of parliament that government can rush bills. The report recommended a drastic reduction in the number of ministers, but there doesn't seem to be the political will required for dramatic changes like this ... The report praises our systems of political decentralisation, and on paper they are good, but in reality we don't elect our mayors – the president still appoints them and the districts inevitably affirm them. There is still a lot of central control. You have to ask if the tone of the report was in part to impress the international community that we're working so hard to reduce our democratic deficit – remember there is a lot of donor dependency in Ghana.

He also worried about a tendency to use the APRM for publicity purposes:<sup>101</sup>

This is a government that promised to deliver many things, but has not fulfilled all those promises. There is a perception that [the APRM] was good government public relations. There is a fear that APRM is going to be used to make this government look good. Dr Appiah, despite his efforts, is perceived as the government's man. Even though they brought in a religious leader [as governing council chairperson], he was seen as sympathetic to government. People perceive a very clever game going on here – to target opposition parties and make the government look good. Ghanaians are demanding – they want to know that the next government will be better than this one, not that this one is better than the last one! Society is also so polarised, and everything, everything gets politicised in Ghana.

The AGF-VI report agreed that opposition parties were quick to amplify the shortcomings of the current regime, and that the incumbent government quickly sought to claim credit for achievements, with both sides using the report to score political points. The governing council's attempts to intervene were not entirely successful.<sup>102</sup>

But Aning observes:<sup>103</sup>

Irrespective of its weaknesses, this was a largely inclusive and transparent process, so much so that even someone commonly called a 'social critic' like me was invited to be part of it. The minister, Appiah, the team did what they could to make it inclusive.

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100. Telephone interview with E Bombande, 1 September 2006.

101. *Ibid.*

102. Team Consultancy, *op. cit.*, p. 15.

103. Telephone interview with K Aning, 1 September 2006.

According to Asante:<sup>104</sup>

For us, in Ghana, the APRM is seen as a major plank in the country's quest for building a democratic, accountable and transparent government and for fostering a more positive image of Ghanaian institutions and attracting the much-needed private investment. This is a choice the people of Ghana see as irreversible.

## Lessons learnt

**Early civil society pressure delivers results.** Continental APRM officials say that government should consult civil society on how the process should be structured. But, in practice, government has great latitude to determine the timing, scope and character of the process. This can leave civil society groupings continually trying to play catch-up. Ghana shows that when civil society is informed and vocal, especially before structures and plans have been cast in stone, they can exert influence by lobbying for a more inclusive and consultative process. Opportunities to change the dynamics diminish as systems solidify.

**Independence lends credibility.** Ghana's report will be more likely to be taken seriously because of the autonomy of its researchers and its governing council.

**Governing councils must be seen to be independent and neutral.** By choosing competent, respected, media-savvy, independent public figures who were widely regarded as non-partisan, government ensured that Ghana's governing council had the trust of the people. The strategy to insulate the APRM from party politics and the elections was largely successful, despite some opposition parties attempting to use early drafts and findings to criticise the incumbent administration. Although the council was widely regarded as independent, various civil society participants would have preferred a more open process of nominating its members. UNECA noted that the Country Support Mission was impressed with Ghana's APRM structures, and recommended that they be replicated:<sup>105</sup>

The Government of Ghana is very serious about the review and has put in place good mechanisms to ensure its success ... It was recommended that the APRM Secretariat should inform other participating countries of the institutional framework put in place in Ghana and advise them on the need to adopt similar structures.

Irrespective of its weaknesses, this was a largely inclusive and transparent process.

**Preparing the ground for the APRM builds public acceptance.** Ghana's efforts to raise awareness of and interest in APRM before embarking on the field research meant a more educated and receptive populace. Ghana involved a broad spectrum of people and constituencies – including traditional

104. Asante, *Implementing the New Partnership for Africa's Development*.

105. UNECA, 'First APRM Support Mission to Ghana', mission report, Ethiopia, 2005, mimeo, quoted in UNECA (ESPD), *op. cit.*, pp.11–12.

leaders and rural dwellers – in preparing and endorsing the Country Self-Assessment Report. It advertised APRM events widely in major national and local newspapers, and used local radio.

**Sound research methods enhance quality.** The mix of research approaches – education and sensitisation, eliciting expert views, undertaking broad household surveys, conducting exhaustive desk research, using focus groups to examine complex questions from several angles, and validating and testing findings – resulted in an accurate, fair, and representative report. This also insulated the report from political forces that might be tempted to assert that the process was not fair and objective.

**Allow more time for developing the Programme of Action.** The vast majority of analytical time spent in the process was dedicated to identifying and describing problems. Far less attention was given to developing the Programme of Action. As a result, Ghana was asked to redraft its Programme of Action several times. This process also illustrated the importance of how early and thoroughly senior political figures begin to apply their attention to the report and recommendations coming out of the process. While researchers can sketch out a Programme of Action, the line ministries affected must buy into the process and the reasoning that justifies each recommendation. It is a challenge to get away from a government's tendency to claim that existing programmes or future plans already address the key issues. A separate public validation process should be introduced to assess the Programme of Action.

**The final peer review must be reconsidered.** Ghana's process shows that the final APR Forum meetings need to be better planned and executed to make the peer review process by heads of state more meaningful. While it saves money to hold these meetings during AU Summits, this arguably dilutes the importance of the APRM.

**Reports must be made public more quickly.** Ghana completed its Self-Assessment Report in March 2005, but it was made public only in February 2006, after the Khartoum meeting. Such long delays dilute the impetus and effect of the APRM.

**Country Review Missions need to be better prepared.** Stals observes that the research provided by the APR Secretariat needs to be improved, and should be provided to country review teams at a much earlier stage. There was insufficient time for him to meet and brief his team before its arrival in Ghana, and not enough time to read and analyse the draft country report.



# KENYA

The four-stage methodology comprising desk research; national sample surveys; focal group discussions targeting special groups; and expert panel opinion [*sic*], is apt and highly recommended to other countries. Detailed results of the findings were presented in a clear and objective manner. The CSAR submitted by Kenya meets the AU's requirements of professionalism and credibility. The Panel therefore notes with admiration the high quality of the report, which is a forthright and candid assessment of the country's governance situation ... Kenya is, in fact, a model of best practice in organising the review process.

– Kenya APRM Country Review Report<sup>1</sup>

In every country, the launch of the APRM raises questions about how the process will be managed, who will be consulted, and how candid the report will be. These concerns are inevitably affected by the prevailing political climate. As was the case in Ghana, when Kenya's APR process began, its government had recently unseated a party that had been in power for decades. Both newly elected leaders – President John Kufuor in Ghana, and President Mwai Kibaki in Kenya – seized on the APRM as an opportunity to signal a different, more accountable mode of governing.

Professor Peter Anyang' Nyong'o, Kenya's former Minister for Planning and National Development and former Focal Point for Nepad and the APRM,<sup>2</sup> has observed:<sup>3</sup>

We chose peer review because our past experience had taught us that political transparency is the best guarantee for individual freedom. Kenya under NARC [the National Rainbow Coalition], therefore, acceded to the [APRM] because it was already sold on the idea of transparency in national governance when it came to power. Our citizens would not hear of anything less.

**Kenya introduced valuable innovations for the launch and governance of the process, but its experience also highlights the difficulties that can arise around civil society consultation and the management of the APRM.**

1. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Kenya', Midrand, South Africa, May 2006, pp.37-38.
2. The Minister of Planning and National Development serves as the Focal Point for both Nepad and APRM. Anyang' Nyong'o served in this capacity until a cabinet reshuffle following the failed 2005 constitutional referendum.
3. Anyang' Nyong'o P, 'Kenya's Experience with the APRM: II', Workshop on Sharing National Experiences on the African Peer Review Mechanism Implementation Process, 20–21 November 2004, Algiers, Algeria, p.84. This was an adapted version of a speech delivered by the minister to the Royal African Society at the School of Oriental and African Studies (SOAS), London, 11 November 2004.

Kenya followed Ghana's think tank approach, and developed a sound, rigorous APRM research methodology. It introduced valuable innovations for the launch and governance of the process, but its experience also highlights the difficulties that can arise around civil society consultation and the management of the APRM.

### **Institutions and structures**

The most noteworthy aspects of the Kenyan peer review were the steps taken to initiate the process, and the structures developed to manage the exercise.

**Nepad Steering Committee.** Before the Kenya African National Union (KANU) government was defeated in elections in December 2002, it set up a National Steering Committee for Nepad in September of that year. The newly elected National Rainbow Coalition (NARC) government reconstituted this committee in early 2003 under the chairmanship of the new Minister for Planning and National Development, Professor Peter Anyang' Nyong'o. The steering committee included nine permanent secretaries, the University of Nairobi's vice-chancellor and another representative from a private university, officials from the Kenya Association of Bankers and Kenya Association of Manufacturers, and two NGO representatives. The steering committee established the Nepad Kenya Secretariat in April 2003, with financial analyst Pete Ondeng as chief executive officer, plus a communications officer and personal assistant, seconded from the planning ministry.

**APRM Task Force.** Under the auspices of the Ministry of Planning and National Development, the APR Focal Point Anyang' Nyong'o convened a task force under the chairmanship of his then permanent secretary, David Nalo, to plan the launch and governance of peer review in Kenya in March 2004. Initially, this task force was an all-government body, made up of officials from the ministries of Agriculture, Trade and Industry, Foreign Affairs, Finance, Justice and Constitutional Affairs, the Office of the President and Central Bureau of Statistics. By July the task force included representatives of civil society, academics, and business people, partly in reaction to civil society concerns that the government had signed on for peer review without consulting the population, and that it needed broader representation. The task force began to identify relevant stakeholders, and held initial consultations with leading representatives of the media, NGOs, and the business community. This task force served to create communal ownership of the process early on, ensuring that groups outside government could contribute meaningfully to the design of peer review in Kenya rather than reacting to a *fait accompli*. The task force recommended the establishment of a National Governing Council, four Lead Technical Agencies (LTAs), one convener for each of the four thematic areas, and a Secretariat. However, the National Governing Council would become constrained by the implementation road map, research methods, and budget developed by this task force.

**National Governing Council.** In line with the task force recommendation, a National Governing Council was formed to manage the peer review process. Its responsibilities included compiling the Country Self-Assessment Report; developing a Programme of Action; informing Kenyans of, and involving them in, the peer review process; and facilitating the visit of the Country Support and Country Review Missions (the ‘external’ review). The considerable difficulties experienced with the composition and functioning of the council are discussed in the section on civil society below.

**Lead Technical Agencies.** Kenya appointed four reputable independent research organisations as Lead Technical Agencies (LTAs), each dealing one of the four thematic areas in the generic Self-Assessment Questionnaire, to compile the Country Self-Assessment Report and draft the Programme of Action. These were the equivalent of Ghana’s ‘Technical Research Institutes’ and South Africa’s ‘Technical Support Agencies’.

<b>APRM thematic area</b>	<b>Lead Technical Agency</b>
Democracy and political governance	The African Centre for Economic Growth (ACEG)
Economic governance and management	The Kenya Institute for Public Policy Research and Analysis (KIPPRA)
Corporate governance	The Centre for Corporate Governance (CCG)
Socio-economic development	The Institute for Development Studies (IDS), University of Nairobi

**Thematic groups with conveners.** Kenya also created four thematic groups for each major section of the APRM, meant to serve as an interface between civil society and the research institutes. These forums brought together more civil society players to develop inputs for the Country Self-Assessment Report and Programme of Action. Their conveners were specialists with a broad knowledge of their respective thematic areas.<sup>4</sup>

**National Secretariat.** As noted earlier, the task force recommended establishing an national APRM Secretariat to provide technical services, co-ordination, and logistical support. The UNDP paid for three new full-time staff members contracted specifically for the APRM. The term ‘APRM Secretariat’ soon fell away as these employees were housed in and integrated with the Nepad Kenya Secretariat, a semi-autonomous body with its own chief executive officer reporting to the Permanent Secretary and Minister of Planning.

4. However, the conveners’ performance proved to be disappointing. The Kenya Nepad Secretariat regularly convened workshops because the conveners lacked the institutional capacity to do so.

By July 2006 the Nepad Kenya Secretariat, headed by Dr Grace Ongile (who had replaced Pete Ondeng), had a staff of 14, comprising support staff such as secretaries and accountants seconded full-time from government, and six full-time professionals (who were not civil servants) working principally on the APRM.<sup>5</sup>

### Civil society demands impede progress

Whereas Ghana's president appointed a seven-member National Governing Council comprising politically neutral, well-respected elder statesmen and academics, principally to prevent peer review from becoming politicised in upcoming elections, Kenya attempted to introduce a broader, more democratic body.

The original plan was to form a 25-person council, comprising eight representatives of civil society, four representatives of research bodies, four conveners of the four thematic areas of The APRM (democracy and political governance, economic governance and management, corporate governance and socio-economic development), and representatives of relevant line ministries.

At an APRM workshop organised by SAIIA in Nairobi in April 2004, the Focal Point told civil society that government would select CSO representatives for the National Governing Council. Many participants were angry and insisted that civil society choose its own representatives. The NGO Council wrote letters to the minister to this effect, and a number of meetings and forums were arranged in the following months, to mobilise civil society in advance of an APRM Consultative Forum planned for 14 July 2004. The fiery Grace Akumu, director of the environmental NGO Climate Network Africa, was chosen by NGOs as their 'CSO Nepad Focal Point'. Another highly vocal activist was Ambassador Oriero Manduli, who at the time chaired the Kenyan NGO Council.

To some, like Steve Ouma, deputy executive director of the Kenya Human Rights Commission and member of the APR Task Force, the fact that the APRM Consultative Forum was convened by government rather than the Task Force or even the Nepad Kenya Secretariat sent the wrong signals to civil society, suggesting heavy-handed government involvement in the process.<sup>6</sup> Many attendees felt slighted at invitations received only days before the event, which added to feelings of mistrust and suspicion by some CSOs, even though the meeting was advertised in *The Nation* and *The Standard* newspapers.

**Kenya attempted to introduce a broader, more democratic body to manage the APRM.**

The forum planned to elect 12 civil society representatives to the governing council – the four conveners, and two each from organisations active in the

5. Telephone interview with M Kinuthia, then public relations and communication officer of the Nepad Kenya Secretariat, 17 July 2006.

6. Videotaped interview with S Ouma, Nairobi, 27 April 2006.

four APRM thematic areas. The task force had already come up with the names of possible candidates, but again some NGOs resisted having their representatives chosen in this manner.

Heated discussions meant that a second meeting was convened a week later on 21 July 2004, to finalise the convenors, complete local adaptations to the Self-Assessment Questionnaire and nominate the civil society members to the National Governing Council. Part of the urgency was because the Country Support Mission led by Dr Graça Machel was due to arrive in Kenya on 26 July. At the second forum, delegates were divided into four sub-groups for each of the four thematic areas of APRM. Each thematic group had to nominate five people for possible appointment to the council, plus a convener. A subcommittee of the task force then planned to reduce those proposed to eight plus four conveners, bearing in mind gender, religion, and sectoral and regional balance. Muratha Kinuthia, former public relations and communications officer of the Nepad Kenya Secretariat, recounts:<sup>7</sup>

It was feared that if each thematic group was asked to nominate the two people directly, there was the risk of having eight people who were not representative of the different shades of Kenyan society.

Many NGOs, led by Akumu, walked out in protest, later alleging that government had favoured some CSOs and effectively excluded others. According to Kinuthia, Akumu raised the objections only after failing to be nominated as convener of the socio-economic thematic group.<sup>8</sup>

When the Country Support Mission arrived, Akumu, Manduli and other civil society figures began lobbying for greater representation on the governing council. At a meeting between the support mission and about 300 CSOs on 27 July, these CSOs expressed great concern that the process was being rushed and government dominated, that consultation was shallow and that rural people had to be more explicitly included. According to Anyang' Nyong'o, Machel 'urged inclusiveness, and reproached any groups that may threaten to boycott the process on the basis of alleged exclusion or under-representation'.<sup>9</sup> Machel then requested that permanent secretary of planning David Nalo meet the NGO Council to find a way forward, and the announcement of the National Governing Council was delayed from 5 to 20 August. That meeting, held on NGO council premises, then recommended adding an additional eight civil society representatives to the governing council, to be nominated by the Kenyan NGO Council.

This contestation delayed the implementation of the research, and paralysed the process for months. The council was finally sworn in on 25 October 2004, a full seven months after the formal launch of the APR process. At its inaugural meeting, Akumu was elected as chairperson (see box below for the final composition of the Council).

**Contestation delayed the implementation of research, and paralysed the process for months.**

7. Kinuthia M, Response to SAIIA's 'APRM Process Questionnaire', 17 July 2006, p.1.

8. *Ibid.*

9. Anyang' Nyong'o, *op. cit.*, p 88.

### **Kenya's National Governing Council**

Kenya's APRM National Governing Council had 33 members, divided into six categories.<sup>10</sup>

**I Eight members nominated by the Kenyan NGO Council to represent civil society**

The Reverend Jephthah Gathaka, Ecumenical Centre for Justice and Peace (economic governance); and Reverend Peter Orawo, Climate Network Africa (corporate governance); Muhib Noorani, Kenya Paraplegic Organisation; International Commission of Jurists (democracy and political governance).<sup>11</sup>

**II Eight members nominated by the consultative forums held in July 2004**

Geoffrey Omedo, National Youth Parliament and Abdullahi Abdi, Northern Aid (political governance and democracy); Fatma Ibrahim, Kenya National Human Rights Commission and Osendo Omore, Transparency International Kenya (economic management and governance); Rose Ogega, Institute of Certified Public Accountants and Winnie Kinyua, Kenya Private Sector Alliance (KEPSA) (corporate governance); Juliet Makhokha, National Council of Women of Kenya and Nduati Kariuki, Kenya National Federation of Agricultural Producers (socio-economic development).

**III Four conveners (one for each thematic area, non-voting)**

Esther Ndisi Bertolli, Bertolli and Associates; Joseph Kimani, African Youth Parliament; Victoria Kioko, Kenya Episcopal Conference (Catholic Secretariat); Dr Mbui Wagacha, independent consultant.

**IV Four representatives of Lead Technical Agencies (also non-voting)**

Professor Wafula Masai, African Centre for Economic Growth (political governance and democracy); Dr Hezron Nyangito, KIPPRA (economic management and governance); Karugor Gatamah, Centre for Corporate Governance (corporate governance); Professor Mohamed Jama, Institute of Development Studies, University of Nairobi (socio-economic development).

**V Seven ex officio representatives of line ministries and key public institutions**

Permanent secretary, Ministry of Foreign Affairs; permanent secretary, Governance and Ethics; permanent secretary, Ministry of Justice and Constitutional Affairs; permanent secretary, Ministry of Finance; permanent secretary, Ministry of Planning and National Development; solicitor-general, Office of the Attorney General; chairman, Electoral Commission of Kenya.

**VI Two others appointed at the discretion of the Minister of Development and National Planning to correct imbalances of gender, region, religion or 'any other criteria'**

Bernard Aende Ogada.<sup>12</sup>

10. *Ibid.* [www.aprmkenya.org/NGCmembers.php](http://www.aprmkenya.org/NGCmembers.php).

11. Philip Kisia was the original representative from the International Commission of Jurists, but after he left that organisation, the NGO Council was not able to decide whether membership was through organisations or as individuals, and he was not replaced. The other four members from the NGO Council were removed from the governing council, and are not listed as members on the website. They were also not replaced.

12. The other person appointed by the minister resigned and was not replaced.

However, problems mounted after the governing council was inaugurated. It was only able to meet as a full council for the first time in January 2005. Ouma notes:<sup>13</sup>

Individuals on the National Governing Council did not do enough to strengthen linkages to the groups they came from and the civil society fraternity at large ... Some saw it as a funding avenue to do Nepad work. This is common practice in Kenya. Civic education is done through individual organisations, as is work on elections, the referendum. So they were relying on past precedent. But unfortunately they did not ... ensure accountability. There was no framework for reporting back ... they wanted money for their own organisations.

**The road map and budget developed by the Task Force constrained what the National Governing Council could do.**

Kinuthia says Akumu and two others ‘held the government hostage’ for nine months, ‘frustrating efforts to move the process forward in a bid to get funding for their organisations’.<sup>14</sup> At one point, the CSOs on the council presented the Nepad secretariat with a budget of 60 million shillings (about \$1 million) to conduct their own public consultations, whereas the entire APRM budget was 65 million shillings. The road map and budget developed by the Task Force constrained what the National Governing Council could do. At the time, the NGO Council was in the throes of a financial crisis; its chairperson Orierogo Manduli was later accused of embezzlement, and donor funding was frozen.

The governing council members received about \$150 each per meeting as a seating allowance, and according to many on the governing council and in the Secretariat, the chairperson began calling frequent and unnecessary meetings. On 30 May 2005, Akumu ruled that all activities be suspended pending the resolution of these financial disputes. The entire process stagnated.

Professor Wafula Masai, executive director of the African Centre for Economic Growth (ACEG), one of the four Lead Technical Agencies, comments:<sup>15</sup>

The major problem of the NGC was attributable to the desire of some members to have full control of its affairs ... This was of course tied to the insatiable desire for enhanced personal emoluments to influence funding to their organisations. This problem is partly explained by the lack of proper understanding of the APRM process and its methodologies among some of the NGC members, alongside sheer greed.

In an April 2006 report on the APRM for the Sixth Africa Governance Forum the Nepad Kenya Secretariat stated:<sup>16</sup>

The principle to have effective civil society direction-setting to the APR process must not be compromised. That said, it is very important to ensure that members of the National Governing Council be people of the very highest integrity and people who put national interests first. With hindsight it would appear that some of the people (a minority) who sought to join the NGC did so with a view to personal gain.

13. Vidoetaped interview with S Ouma, 27 April 2006.

14. Telephone interview with M Kinuthia, 17 July 2006.

15. Masai W, response to SAIIA's APRM Process Questionnaire, 7 July 2006.

16. Nepad Kenya, Kenya Country Report on the APRM – Challenges, Solutions and Lessons Learned, Report for the Sixth Africa Governance Forum, April 2006, p.5.

According to the Nepad Kenya Secretariat, as the chairperson continued to make decisions without consulting the governing council, the situation became increasingly heated. They claim that some Nepad Kenya Secretariat members were allegedly threatened with violence at a council meeting. While the council was empowered to remove members at an ordinary meeting, it was the minister who on 20 July 2005 announced that he was 'de-gazetting' (that is, dismissing) three members (the chairperson Grace Akumu, NGO Council Head Orierogo Manduli and Professor Shanyisa Khasiani of the Family Support Initiative).

According to a source at the Nepad Kenya Secretariat, Manduli then unilaterally decided to replace some of her NGO Council members still on the National Governing Council who had supported the de-gazetting decision. Her replacements (called 'thugs' by one interviewee) then forcibly attempted to hold a meeting at the Nepad Kenya Secretariat offices and were allegedly prevented from doing so by police.

The story hit the headlines on 22 July. According to *The Nation* newspaper, Akumu told reporters that police had sealed off the Nepad Kenya Secretariat because civil society had dared to question the use of funds for the process. She accused an (unnamed) official of trying to micromanage the process and of having diverted funds meant for assessing Kenya's progress. She also declared that the government's actions could lead to a rejection of the process by civil society and the public.<sup>17</sup> Yet Ongile in a press release dated 22 July denied that anyone had been barred from the premises, and rejected claims of ministerial interference or that the de-gazetting would paralyse the process.<sup>18</sup> The continental APRM Secretariat in Midrand also issued a press statement saying that the newspaper report had contained numerous errors (without elaborating), and that the APR review process in Kenya was continuing.<sup>19</sup>

The governing council endorsed the de-gazetting at its next meeting on 27 July. Reverend Jephthah Gathaka, executive director of the Ecumenical Centre for Justice and Peace, replaced Akumu as chairperson. At a meeting in August, the council declined to replace the three dismissed members, claiming that this was beyond their mandate.

Akumu and Manduli then sued the minister, claiming that he and the permanent secretary had not funded the governing council sufficiently for it to complete its work, and that civil society had been excluded from the peer review process. The case was dismissed by the High Court in October 2005. The suit precipitated the financial collapse of the NGO Council.

Some civil society figures, among them Steve Ouma, believed the minister had acted in bad faith and beyond his powers, but noted that broader civil

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17. Barasa L, 'Police Block Nepad members from their Offices', *The Nation*, 22 July 2005.

18. Nepad Kenya Secretariat, Press Statement, 22 July 2005.

19. Kouassi B, Press Release on Recent developments in the APRM in Kenya and the Continental Process, APRM Secretariat, 30 July 2005.

society supported the minister rather than the deposed individuals in this case.<sup>20</sup> Kennedy Masime, executive director of the Centre for Governance and Development, believes that even if the firing was unprocedural, 'it saved the process, because [those members] were up to no good'.<sup>21</sup>

These events highlight some of the organisational challenges posed by Kenya's institutional arrangements. Most notably:

- The fact that the National Governing Council worked according to a plan developed by the Task Force, which also developed the funding framework for the whole exercise, created some difficulties. The council's mandate was weakened because it was unable to renegotiate certain aspects of the process with participants.
- Tensions between some civil society representatives, who were largely unpaid (apart from fairly generous meeting allowances), and the non-voting conveners and Lead Technical Agencies, who were being paid to convene workshops and produce the technical reports, proved to be destructive.
- Substantial honoraria paid to governing council members for attending meetings – while little visible progress was made with the Country Self-Assessment Report – drained scarce funds.
- The proliferation of structures such as the Task Force, Secretariat, National Governing Council, Lead Technical Agencies and conveners made it difficult to co-ordinate their activities.
- The independence of the national Secretariat was questioned, as it was seen to be more closely aligned with the ministry of planning than with the governing council.
- The governing council was legally constituted by means of a notice in the Government Gazette, which ultimately permitted ministerial intervention. In this case, these powers were used to remove serious obstacles to progress, but could have also been abused. A more robust legal framework protecting the integrity and independence of the governing council is desirable.

Apart from the problems surrounding the governing council, Kenyan civil society in general faced a number of difficulties in the course of its involvement in the APR process. According to Kennedy Masime, among the external factors that hindered the involvement of civil society groups were: the reluctance of the government to relinquish control; a lack of sustained donor support for and prioritisation of the APRM; insufficient media attention to the process; slow disbursement of funds by the UNDP; and inadequate awareness among stakeholders. Civil society did not have enough time to mobilise for the process; and there was a lack of buy-in and ownership of the

**One obvious disadvantage of the Kenya model is the danger of falling prey to special interest groups and lobbying from within ... particularly where elements of civil society see an opportunity to advance their cause through the APRM.**  
- SKB Asante<sup>22</sup>

20. Videotaped interview with S Ouma, 27 April 2006.

21. Telephone interview with K Masime, Nairobi, 24 August 2006.

22. Asante SKB, *Implementing the New Partnership for Africa's Development: Challenges and the Path to Progress*, Accra: Ghana Academy of Arts and Sciences, 2006, p.55.

process, resulting in a largely passive interaction. Lastly, conflicts within civil society – including the collapse of the NGO Council, the principal CSO coordination agency – had a major impact on the quality of its participation.<sup>23</sup>

## Features of the review

### *Research methodology*

As in Ghana, Kenya's research methods were strongly influenced by those developed for UNECA's African Governance Report. One of the Lead Technical Agencies, the African Centre for Economic Growth, had worked on the UNECA project and was therefore familiar with the latter's pre-field research methods, field research methods (desk research, expert panel surveys, and national sample surveys), and post-field corroboration. The only modifications introduced in Kenya were focus group discussions.

### *Pre-field research methodology*

Before researchers began gathering data, a campaign was launched to inform, educate, and sensitise the public about the APRM. Key stakeholders were identified, and the generic self-assessment questionnaire was converted into a survey tool. Four standard research instruments – desk research, expert surveys, mass-based surveys, and focus group discussions – were developed for all four technical agencies. Cross-cutting issues repeated in different sections of the Questionnaire – for example corruption, gender, and capacity-building – were consolidated.

The APRM is meant to be a consultative process that gathers inputs and opinions from ordinary people as well as experts. Various factors – including a lack of public knowledge about Nepad and the APRM; a bias towards interactions in urban areas, particularly capital cities; vast distances and large population sizes; limited time; and differing degrees of interest by civil society groupings – make it difficult to achieve this goal. Even when people know what the APRM is, they often lack the resources to contribute meaningfully to the process.

Kenya realised that a strong communication, education, and information-sharing approach would play a key role in making the process succeed. Strategies employed included a mass outreach campaign, aimed at delivering key APRM messages to citizens across the country; a promotional and marketing strategy aimed at important institutions and other stakeholders; and a national sharing and feedback strategy to report on progress to these and other interested parties. More specific activities were:

- Major APRM events – such as stakeholder forums – were advertised in popular newspapers, including *The Nation* and *The Standard*. The bulk of these events was held between March and August 2005, with groups such

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23. Masime K, Role of Civil Society in the African Peer Review Mechanism (APRM) Process, presentation at the Hanns Seidel Foundation conference on APRM, Nairobi, Kenya, 25–27 April 2006.

as high-school students, farmers, the media, church leaders, women's organisations and business groupings. As the process developed, the national secretariat worked with journalists to place pieces in the press, by both the Secretariat and by journalists themselves.

- The national Secretariat held meetings with major media companies, promoting the process through television and radio spots, and interviews and appearances on talk shows by governing council members. The Country Support Mission and Country Review Mission also received considerable media coverage.
- The Secretariat produced a brochure about the APRM in English as well as Kiswahili. These were mainly distributed at APRM events across the country, but were also distributed through other channels with institutions such as the Catholic church sending them to each diocese and parish.
- A Kenyan APRM website was set up.<sup>24</sup>
- The governing council held provincial dissemination forums in all provincial capitals.
- Discussion forums were held with various social sectors including youths, women, farmers, religious organisations, the private sector, and people with disabilities. These events were designed both to explain the process and to gather information for the Country Self-Assessment Report. The technical agencies provided rapporteurs who took notes or recorded the proceedings.

However, as in the other countries, it is very difficult to assess the depth and effectiveness of these events and initiatives. Davinder Lamba, executive director of a Nairobi-based policy think tank, the Mazingira Institute, says:<sup>25</sup>

Government has an approach for exercises like this, or the PRSP [poverty reduction strategy paper]. People are asked to submit inputs, and civil society is meant to drum up passion and support. This was done. The question is: was it adequate? I'm not really in a position to judge – these things are seldom as efficient as they are made out to be. A telling sign for me was that at a regional meeting on APRM for East African countries that I chaired, some members of the National Governing Council for Kenya that were there demonstrated inadequate understanding of the entire framework of Nepad. You have to ask then what they were doing all those months. And if those on the inside had weak comprehension, I don't think the population would have been more informed ... Does my granny in the village know about it? And who is going to tell her?

Kennedy Masime of the Centre for Governance and Democracy says:<sup>26</sup>

From a civil society perspective, people weren't ready for APRM. There was no buy-in. There was a feeling that the whole thing was very rushed. The

**Even when people know what the APRM is, they often lack the resources to contribute meaningfully to the process.**

24. The address of Kenya's APRM website is [www.aprmkenya.org](http://www.aprmkenya.org).

25. Telephone interview with D Lamba, Nairobi, 24 August 2006.

26. Telephone interview with K Masime, Nairobi, 24 August 2006.

consultation process was not that good – there are still many people who are ignorant that the entire process even happened. I didn't sense a really strong drive to popularise – there were fleeting TV and radio adverts but unless you have background, you'd struggle to identify or understand.

### *Field research methodology*

On a visit by Graça Machel to Kenya on 13–15 July 2005, she expressed disappointment that Kenya had missed several deadlines for completing its Country Self-Assessment Report, and set a revised delivery date of 31 August. The problems with the governing council had delayed the process considerably. After the de-gazetting, the research had to proceed at breakneck pace to meet this deadline. The one virtue of the delays was that the Lead Technical Agencies had ample time to prepare for field work. The four main methods employed – desk research, an expert survey, a national sample survey and focus group discussions – are outlined below.

**Desk research.** The technical agencies conducted desk research of secondary sources, and CSOs were encouraged to contribute material and information. The technical agencies had to reference all source material, and assess the current state of governance across a range of areas. Certain organised groups, such as faith-based organisations, private sector groups, and professional associations, made submissions, but Kenya did not explicitly solicit written submissions in the way that South Africa would later do.

**Expert survey.** Civil society representatives on the governing council helped to select approximately 400 experts (about 100 in each thematic area) including academics, clergy, NGO staff, media figures, government officials, donors, and politicians. They had to be diverse in terms of age, gender, education level, religion and geographical location, and had to be credible, respected members of society. Each of the technical agencies reformulated their parts of the questionnaire to make the answers amenable to quantitative analysis (that is, creating questions requiring 'yes' or 'no' answers, or ranking on a scale from one to five), and interviewed the experts in person or via mail. The interviews were administered by the Lead Technical Agencies, assisted by the Central Bureau of Statistics (CBS), which also collated and analysed the data.

**National sample survey.** In order to capture the views and perceptions of ordinary people, a survey was to have been administered to about 2,000 demographically representative households across Kenya. Owing to extreme security concerns at the time, the Marsabit and Moyale districts in the east of the country were eventually excluded from the sample, but this did not materially affect the survey. There was an excellent response rate to the survey, conducted in August 2005, with 1,791 of the 1,800 targeted households (99.5%) participating.

The heads of these households were interviewed in person. The sample was selected using a system recently created by the CBS for census work, stratifying the population into provinces and clusters.

Like the expert survey, this mass-based survey was designed to elicit 'yes' or 'no' answers, or scores ranked on a scale from one to five. While it was designed in English, interviewers were allowed to use other languages if the respondent preferred this, using local and multilingual CBS enumerators. Key terms were translated into Kiswahili and then into all vernacular languages. In joint training sessions run by the CBS and technical agencies, the enumerators had to practise administering the instrument in languages other than English. About 120 enumerators administered the survey in Kenya's eight provinces. The government provided vehicles to transport the enumerators to all parts of the country.

The survey was conducted in a 20–30 day period. The results were edited locally by the enumerators and dispatched every few days by courier to the survey office in Nairobi, where they were prepared for capture. The data was then weighted to be representative of the entire population, and frequency tables were produced. The technical agencies then analysed the results, and incorporated them into the Country Self-Assessment Report.

Both data collection instruments were pre-tested in areas not used in the main exercise, in order to iron out any problems before administering them across Kenya. The logistics of the entire process were also reviewed in this pre-test phase.

**Focus group discussions.** Focus group discussions on governance issues were held in 16 districts throughout the country. Using the demarcation of Kenya for census purposes, researchers selected both an urban and a rural cluster in each district, making 32 clusters. Each cluster held four focus group discussions, totalling 128. Participants (with a minimum of 15 in a discussion) were divided into females aged 14–25, females aged 26–65, males aged 14–25, and males aged 26–65. The total sample size was thus 1,920 people (32 clusters × 4 groups × 15 participants).

Besides these age, gender, and geographic criteria, several other variables – including religion and socio economic level – were also taken into account. The guidelines for discussion focused on the causes of problems, their extent, and suggested solutions, and were also standardised so that the discussions could be replicated across the country, and the information could be easily compared. Conveners summarised the outcomes of these discussions and appended them to the Country Self-Assessment Report.

Commenting on the choice of methods, Kinuthia notes:<sup>27</sup>

Kenya sought to have a methodology that would produce scientifically sound data without making the process any less consultative. In addition, it was felt that weaknesses of one instrument could be mitigated by the other three ... perceptions could be validated against data gathered through desk research and the expert group panel to see if indeed perceptions were consistent with reality.

**In order to capture the views and perceptions of ordinary people, a survey was administered to about 2,000 demographically representative households across Kenya.**

27. Kinuthia, *op. cit.*

Because heads of households are more likely to be older, employed and male, only interviewing heads of households is very likely to produce biased and misleading results.  
– Robert Mattes<sup>34</sup>

ACEG's Masai concurs:<sup>28</sup>

The four instrument methodology adopted by Kenya had its greatest strength in the fact that since all methods tackled similar research questions in the respective pillars [thematic areas of APRM] it was possible to verify or reconfirm responses. Perhaps the only disadvantage [was] the amount of time and money required to effectively carry out the exercise, together with the need for highly qualified and experienced human resource.

**Post-field research methodology.** The delays caused by the problems surrounding the governing council meant that there was not enough time for each of the technical agencies to write a technical report, as originally planned. Instead, once the field data had been collected and analysed, government booked all the participants into a hotel (termed 'the bunker', as the work rooms were two floors underground) from 25 August to mid-September to process the data and write the Country Self-Assessment Report. 'This move ensured greater commitment and concentration,' says Masai. 'We took two weeks or so to get a first draft, and we literally worked day and night.' This intense process allowed the researchers to focus on the work without interruption, and consult one another. The LTAs each had between six and 10 researchers working on the report at that time, plus about 25 more from the CBS. The entire report was completed in less than six weeks. Lamba notes:<sup>29</sup>

This breakneck speed is not unusual. Government often does things like that. We muddle through, and get into the situation because of bad planning, management and participation. Many exercises suffer from this. Although not directly involved in this process, I've been involved in other similar endeavours. We're really good at splitting the work between different bodies, going off and doing our thing, but all hell breaks loose when we have to lump it all together at the end.

The draft report prepared by the technical agencies was subjected to further scrutiny. At least nine experts in the four thematic areas as well as governing council members read and commented on the first drafts while the team was still sequestered at the hotel, and changes were made immediately.

Interviews with Kenyan researchers conducted in January 2007 reveal that certain Kenyan government officials were skeptical about some of the results emerging from the household surveys, and went back to the raw data to satisfy themselves that the population's answers had indeed been fairly recorded and reported.

Survey experts such as Professor Robert Mattes of the Afrobarometer note that by using household surveys – where the head of a household is polled – rather than opinion surveys that give all household members a chance of being surveyed, both Kenya and Ghana gathered the views of mostly older males who tend to head households, rather than a more even spread of ages and genders.<sup>30</sup>

28. Masai, *op. cit.*

29. Telephone interview with D Lamba, 24 August 2006.

30. Mattes R, presentation at SAIIA 'APRM Lessons Learned workshop', Muldersdrift, South Africa, 12–13 September 2006.

A final national validation workshop was held in September 2005 to ascertain whether the draft report reflected the situation in the country fairly and accurately. According to the Nepad Kenya Secretariat, 'This post-field methodology was seen as critical for the credibility, legitimacy, authority and acceptability of the report.'<sup>31</sup>

However, as in Ghana, those who attended the final validation workshop were not given the full draft, and were merely asked to react to key issues as outlined by the technical agencies and short summaries. Reasons given for not distributing the full drafts included a lack of time, concerns about confidentiality, and 'a decision from the APRM Heads of State'.<sup>32</sup>

### *Funding*

As Anyang' Nyong'o puts it, 'good peer review does not come cheap'.<sup>33</sup> Kenya's elaborate research and engagement method was budgeted at almost \$1 million, which had to be financed principally by donors. A plan to pay for the APRM was developed by the Ministry of Planning and National Development, in consultation with the APRM Task Force, and, later, the governing council, research institutions, the Nepad Kenya Secretariat, and foreign donor agencies.

The government would bear the costs of funding the local Secretariat, subscription to the continental APRM Secretariat (\$100,000), and hosting the coming missions. It therefore sought funding for the research component, as well as the information and communication strategy. The solution proposed was a 'multi-donor basket fund' administered by the UNDP, to which bilateral and multilateral aid agencies would contribute. Despite this, research institutions and conveners often had to pay for their own activities, and then seek reimbursement from the UNDP.

In its evaluation of the process in Kenya, the Nepad Kenya Secretariat noted that this form of funding 'proved to be a useful and convenient measure to centrally and professionally manage resources provided to the APRM process'. It added that the system pooled funds from various donors; streamlined transactions; provided the necessary financial controls over disbursement, spending and accounting; and bolstered the capacity of the Nepad Kenya Secretariat.<sup>35</sup>

However, in a presentation on the Kenyan process in September 2005, Masai said the UNDP procedures were slow and cumbersome and the accounting system overregulated, resulting in only small tranches being released. By November 2004 the UNDP had provided about \$100,000. He said it had proved extremely difficult to gain access to the basket fund, which

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31. Nepad Kenya, *op. cit.*, p.18.

32. E-mail correspondence with M Kinuthia, 27 August 2006.

33. Anyang' Nyong'o, *op. cit.*, p.91.

34. Mattes R, Using Representative Opinion Surveys in the African Peer Review Mechanism Process, paper prepared for APRM Lessons Learned Workshop, SALLA, Johannesburg, 12–13 September 2006, p.5.

35. Nepad Kenya, *op. cit.*, p.9.

delayed and hampered research. The swift and fair payment of research institutions was an aspect of the process that Kenya should revisit, and other countries should heed. 'The Agreement was like an MOU [Memorandum of Understanding], not a proper contract, and was thus open to reinterpretation,' Masai asserted.<sup>36</sup>

The UNDP responded that, given the problems surrounding the governing council, it had to be especially strict about disbursing any funds related to the APRM. The permanent secretary in the Ministry of Planning chaired the finance committee that disbursed APRM funds, adding to criticisms that government control was excessive. By July 2006 one of the technical agencies, the Institute for Development Studies at the University of Nairobi, had still not been paid, as the institute and the university were quarrelling over the division of income.

### Programme of Action

At a SAIIA workshop on learning lessons from APRM held in September 2006, Ongile outlined Kenya's process to develop its Programme of Action. She said that although the Country Self-Assessment Report was completed and submitted by August 2005, it was clear that the Programme of Action required more work. The Lead Technical Agencies were tasked to work intensively on the Programme of Action, and then all permanent secretaries were called to a residential retreat to discuss and ultimately endorse the Programme of Action. Four permanent secretaries each chaired a group corresponding to the four thematic areas of APRM. Then the Nepad Kenya spent a week intensively consulting with each ministry in Nairobi. Ongile said:<sup>37</sup>

We had an unbelievable response from the ministries. They made sure the costings made sense, and then we sent it back again to the permanent secretaries. It eventually was about 80 pages long and came to about 500 billion shillings over four years, and the government agreed that it would have to find the money to fund it fully.

The following week another meeting was held with permanent secretaries to prioritise items in the Programme of Action, and how to fund it from within the medium-term expenditure framework. 'This process took about five months, constantly revising' she said. 'It was tedious, too long. The [continental] Secretariat kept telling us to make it sharper. To make it sharp within little matrix cells and boxes was not a one-week exercise.'<sup>38</sup>

36. Masai W, presentation on APRM in Kenya, SAIIA-RECINET workshop, Dar es Salaam, Tanzania, 1–2 September 2005.

37. Ongile G, presentation at SAIIA 'APRM Lessons Learned' workshop, Muldersdrift, South Africa, 12–13 September 2006.

38. *Ibid.*

## Country Review Mission

A 19-member APRM Country Review Mission led by Dr Graça Machel visited Kenya from 3 to 17 October 2005. Eight Kenyan provinces were visited during this period.

Politics does not come to a halt during peer review. While the Country Self-Assessment Report was being written, Kenyans rejected a proposed new constitution in a national referendum, a number of high-profile corruption cases erupted, and reports damaging to government were made public. In May 2006, the continental Secretariat decided (at very short notice) to send a small team to Kenya to insert these developments in the final Country Review Report. While these political events are described objectively in a separate section at the front of the review report, they are not fully integrated with the body of the report.

At 410 pages, Kenya's Country Review Report is considerably longer than those of Ghana (289 pages) and Rwanda (187 pages). The tight time frames did not allow each Lead Technical Agency to produce its own full technical report as planned, and the Programme of Action is very long and detailed, running to almost 80 pages.

## Highlights of the Country Review Report

Kenya's Country Review Report identifies nine overarching issues: managing diversity in nation building; implementation gaps; poverty and wealth distribution; land; corruption; the constitution; gender inequality; youth unemployment; and transformative leadership.

The report noted that ethnic diversity was pronounced in Kenya, and could aggravate political differences. Thus, special efforts needed to be made to draw all groups into the mainstream. It noted a few possible solutions, based on international precedent, including territorial devolution, or the reservation of political positions for ethnic groups, and said that Kenya might consider some of these proposals after careful scrutiny. It emphasised, however, that ethnicity could best be managed through constitutional guarantees for 'equal opportunities and equality.'<sup>39</sup>

While Kenya had some good policies and institutions, there were severe problems with implementation. The report noted that projects were often not completed, and capital budgets were not always spent. It said that the country needed a committed executive and legislature 'to raise the bar of implementation.' Other stakeholders, such as the media needed to be included too, and citizens had to demand accountability from their government.

Poverty and inequality of wealth distribution were also seen as serious problems, and the government was 'encouraged to consider the urgency of

The [continental] Secretariat kept telling us to make [our POA] sharper. To make it sharp within little matrix cells and boxes was not a one week exercise.

39. *Ibid.*, pp. 241–242.

### Composition of the APRM Country Review Mission to Kenya<sup>40</sup>

**Date of Mission:** 3–17 October 2005

**Member of the APRM Panel of Eminent Persons –** Dr Graça Machel.

**APRM Secretariat:** Dr Bernard Kouassi, executive director; Dr Moise Nembot, co-ordinator: democracy and political governance; Gaston Bushayija, co-ordinator: socio-economic development; Dalmar Jama, research analyst: corporate governance.

**Independent technical consultants:** Democracy and political governance: Ayodele Aderinwale, executive director, Africa Leadership Forum, Ota, Nigeria; Professor Chudi Uwazurike, North Academic Centre City College, City University of New York, New York; Laura Nyirinkindi, director, Pro Initiatives Agency, Kampala, Uganda. Economic governance and management: Dr Afeikhena T Jerome, consultant and senior lecturer, Department of Economics, University of Ibadan, Nigeria; Dr Omotunde Johnson, consultant on economic issues and former IMF resident representative in Ghana. Corporate governance: Patricia Cisse, managing partner, Africa Investment and Business Advisers, Fann Mermoz, Dakar, Senegal. Socio-economic development: Dr Bernard Z Dasah, CEO, Bendas Consultants, Ottawa, Canada.

**Partner institutions:** Seward M Cooper, governance legal department, African Development Bank; Dr Michael Mah'moud, senior advisor, African Development Bank; Dr Abdul-Nashiru Issahaku, senior governance expert, African Development Bank; Professor Achi Atsain, consultant, African Development Bank and former Minister for Labour, Republic of Ivory Coast; Zemenay Lakew, senior programme co-ordinator, AU-Nepad Support Unit, UNDP; Dr Emmanuel Nnadozie, senior economic affairs officer, UNECA.

addressing poverty through social and economic policy including fiscal, wage, credit and price policies; land reforms and the fight against corruption; as well as to take concrete steps in addressing the inequitable wealth distribution.<sup>41</sup>

Kenya has a long-standing problem relating to people's access to and the distribution of land. At the time of compiling the report, Kenya's land problems had manifested themselves in a variety of economic, political, social and environmental ways. The report advised Kenya to speed up the development of a National Land Policy.<sup>42</sup>

Corruption was described as a 'serious and debilitating problem'. The report did, however, compliment President Mwai Kibaki for his stand against corruption, and noted that his stance was complemented by civil society advocacy. The report called for a campaign against corruption from all of society and said that the role of the media was crucial.

40. APRM Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Kenya', May 2006, pp. 35–36.

41. *Ibid.*, pp. 243–244.

42. *Ibid.*, pp. 245–246.

The report said Kenya had a ‘colonial constitution disfigured by post-colonial parliamentary amendments’ that needed to be reformed to take into account the numerous changes that had occurred in Kenya over the past few decades. The process of constitutional review and failed national referendum on the issue generated considerable political animosity. The report urged a recent initiative to provide a ‘road map’ for the conclusion of the constitutional process to be supported.

Gender inequality was severe in Kenya, despite some progress in this area. Particularly important issues were problems experienced by women in respect of inheritance and land ownership. The report called on the government to open up dialogue with a view to eliminating discrimination against women.

Youth unemployment – and the social instability that could arise from the existence of a class of dissatisfied young people – was identified as an overarching issue. The report called for the finalisation of a national Youth Policy Bill, and a youth fund to promote self-employment.

The report called for the emergence of transformational leadership, which would provide people with a positive example to follow and would encourage people to work towards solutions to major national problems.<sup>43</sup>

### **Peer review by heads of state**

The APR Forum ‘peer reviewed’ the Kenyan president, Mwai Kibaki, at the AU Summit in Banjul, The Gambia, in June 2006, along with the Rwandan president, Paul Kagame. Each president was questioned by his peers for just two hours. Kibaki was reportedly fairly open to comments, and not overly defensive. After the Banjul Summit, the report was uploaded to the Nepad Kenya website.

As per its terms of reference, the National Governing Council was dissolved at the end of 2005, and was replaced by a government-appointed steering committee that prepared the Kenyan delegation for the Banjul Summit.

### **Implementing the Programme of Action**

Kenya’s APRM Programme of Action is the longest and most detailed of all the pioneer countries. It makes a concerted effort to give attention to all the key national issues, and to distinguish between the many ongoing reform initiatives and new action items. The APRM Panel of Eminent Persons made 230 recommendations to the Kenyan government, based on the Country Review Mission and background research. As in the case of Ghana, these were areas considered to require more significant interventions and reforms than had been reflected in the draft POA submitted with Kenya’s Country Self-Assessment Report. In the Kenyan report, the Panel raises a

**While Kenya had some good policies and institutions, there were severe problems with implementation.**

43. *Ibid.*, p.250.

significant number of issues within the text – especially in terms of reforming the public service – but then does not express these issues in their formal recommendations. Of the 230 explicit recommendations made by the Panel, Kenya's final POA does not appear to have action items addressing 128 of them (approximately 56%).<sup>44</sup>

Although the implementation of the Programme of Action rests mainly with government line ministries and other implementing agencies, the Nepad Kenya Secretariat has developed an extensive programme for 'institutionalising APRM' and what it calls 'sustaining the dialogue', particularly to involve civil society at local and district level in monitoring and evaluation of this implementation process.<sup>45</sup>

Kenya's first peer review implementation report, delivered at the Sixth APR Forum meeting in Addis Ababa, Ethiopia, in January 2007, stressed that peer review by the Forum of the Heads of State at Banjul in June 2006 was not the end of the process.<sup>46</sup> The implementation report highlighted some strategies employed to sustain the dialogue: stakeholders were briefed on progress; a simplified, 'popular' version of the country review report was produced and disseminated; and a media campaign was undertaken after the publication of the report to explain it and the way forward.<sup>47</sup> The report has also been serialised in national newspapers, with the Secretariat encouraging journalists to write opinion pieces focusing on different issues raised in the report, and relating them to contemporary developments. Kenya faces an election in December 2007, while the bulk of the research in the report dates from 2004–2005.

It was estimated that the Programme of Action would cost some \$5.4 billion dollars over five years, and would require collaboration between government, the private sector and civil society.

The implementation report covered an extensive array of issues, a selection of which are summarised below. Many remain intentions rather than achievements:

**Land.** The government was preparing a 'coherent and comprehensive' policy on land, expected be ready by mid-2007, while the Ministry of Lands was establishing a Land Reform Unit to implement policy on land. The government had moved squatters from forest lands and resettled them, and indicated to absentee landlords that unless they put idle land to good use, the government would take such land for redistribution.<sup>48</sup>

**Conflict and violence.** Kenya had undertaken a number of measures to stem internal and cross-border conflict. These included establishing District

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44. This analysis of Kenya's APRM Programme of Action is based on a draft paper by SAIIA Researcher Faten Aggad.

45. Email correspondence with M Kinuthia, 27 November 2006.

46. Nepad Kenya Secretariat.

47. *Ibid.*, p.9.

48. *Ibid.*, pp.13–14.

Peace Committees in areas afflicted by cattle rustling (which was credited in part with reducing loss of lives in certain areas), and co-operating with neighbouring states to deal with cross-border issues (cattle rustling and banditry).<sup>49</sup>

**Inequality.** Kenya was ranked as one of the most unequal societies in the world. Significant gaps were evident between rich and poor citizens, and between different areas of the country. The report asserted that measures had been instituted to deal with these disparities, particularly by paying attention to neglected areas of the country.<sup>50</sup>

**Legal reforms.** Kenya was in the process of establishing a National Legal Aid scheme, and a Small Claims Court. This would be of assistance to the poor and disadvantaged. Other measures had been taken to increase the number of judges and magistrates.<sup>51</sup>

**Human rights issues.** The report indicated that various initiatives were afoot to increase observance of human rights in Kenya. Specific actions included developing an Action Plan on Human Rights and developing a code of conduct for law enforcement agents.<sup>52</sup>

**Corruption.** Corruption was identified as a significant problem in Kenya. The Statute Law Amendments Act, 2006 intended to amend the Public Ethics Act, 2003 and make wealth declarations public. The Ministry of Justice and Constitutional Affairs had employed five prosecutors to work on economic crimes and a witness protection law was enacted in 2006. Kenya developed a five-year plan, launched in November 2006, to combat corruption.<sup>53</sup>

**Economic policies.** In order to improve the predictability of policies, a 'master plan' for implementation of the National Integrated Monitoring and Evaluation System has been developed.<sup>54</sup>

**Fiscal decentralisation.** Efforts were being made to ensure that decentralisation was effected. Each district was preparing a district investment plan, and the government was reviewing the Local Government Act and developing a decentralised policy for local authorities.<sup>55</sup>

**Sectoral policies.** Kenya revived organisations dealing with specific aspects of the economy, for instance Kenya Co-operative Creameries and the Kenya Meat Commission. Free treatment of tuberculosis and HIV at state hospitals was introduced, and the distribution of drugs was being improved.<sup>56</sup>

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49. *Ibid.*, p.14.

50. *Ibid.*, p.15.

51. *Ibid.*, p.16.

52. *Ibid.*, p.19.

53. *Ibid.*, p.25.

54. *Ibid.*, p.26.

55. *Ibid.*

56. *Ibid.*, pp.29-30.

**Small business development.** Several initiatives were begun or implemented to ensure a better environment for small enterprises. These included a Business Development Programme through which entrepreneurs received business services, such as sensitisation to business opportunities.<sup>57</sup>

**Infrastructure.** Measures were taken to improve Kenya's transport infrastructure, including reconstruction and rehabilitation of various transport corridors, such as the Mombasa-Malaba highway and the upgrading of airports.<sup>58</sup>

**Employment.** A comprehensive policy of employment was produced and was awaiting debate and approval by the Kenyan parliament. Among the other measure introduced was the revamping of youth polytechnics to assist in providing skills to young people and providing capital to potential entrepreneurs through a Youth Enterprise Fund.<sup>59</sup>

**Education.** Efforts were being made to improve the quality of and access to education. Specific measures included ongoing programmes to introduce information technology to schools and undertaking a school-mapping project to determine the locations of the nation's schools.<sup>60</sup>

**Water and electricity.** Access to water and electricity received attention through increases to the water budget, rehabilitation of water sources and decentralisation of services, as well as attempting to bring private investors into the electricity sector and conducting discussions with Ethiopia on importing electricity.<sup>61</sup>

**Gender issues.** These were dealt with by a notice gazetted in November 2006 that women should account for 30% of all newly appointed civil servants. Women would also be brought onto various co-ordinating committees to ensure that their perspectives were taken into account.<sup>62</sup>

## Conclusion

The Kenyan process attempted a number of interesting innovations, but suffered several setbacks. It is clear that Kenya took the process very seriously and strove to ensure that it would produce a meaningful critique of the state of governance in the country. It also tried to ensure that it reached a wide audience and was perceived by civil society to have been a largely credible exercise. However, while these intentions were good, they ran into difficulties, which future APRM participants need to avoid. In these dual respects, Kenya is both a model and cautionary tale.

Perhaps more than any other country, Kenya tried to involve civil society

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57. *Ibid.*, p.32.

58. *Ibid.*, pp.37–38.

59. *Ibid.*, pp.38–39.

60. *Ibid.*, p.39.

61. *Ibid.*, p.40.

62. *Ibid.*

on its own terms, by ultimately allowing civil society to select its own representative to serve on the governing council. The composition and selection of the National Governing Council has been a repeatedly contentious issue in APRM, as no firm rules exist about it and it is an avenue through which a government might try to exert control. Kenya has provided an interesting model for civil society participation in the running of the process. However, the evident abuse of the process by some civil society members of the governing council shows the civil society too can endanger the integrity of the APRM process. The de-gazetting of errant members by the minister, rather than their more regular removal by the governing council itself, also highlights some of the ambiguities around who wields authority within the process.

**Perhaps more than any other country, Kenya tried to involve civil society on its own terms.**

Kenya's initiatives to plan and popularise the process before it began, through the APRM Task Force, provided structure and direction to the process, but also rendered it inflexible. The National Governing Council found itself unable to operate outside the parameters established by the Task Force. It could not introduce substantive changes to the plans already laid down, and had to operate within the budget provided. This may not have been altogether negative, given the behaviour of certain governing council representatives. However, it also constrained the council's ability to introduce innovations or change course when the process ran into difficulties.

What has also emerged from the Kenyan process – in common with others – is that the extent of public understanding of and enthusiasm about APRM is questionable. Despite efforts at sensitisation, commentators have asserted that there was little public 'buy-in'. It is not clear what more could have been done – and at what cost – to improve this situation and it remains a consideration for all future participants in APRM.

Kenya's adherence to the 'think tank' model and its solid research methodology meant that the Country Self-Assessment Report produced was of a high quality. The national sample survey was another valuable exercise, unearthing unexpected views, to the extent that survey subjects were questioned again after the survey when the results were surprising. However, the survey could be criticised for relying on the heads of households – who tended to be older males – which may not suitably represent the views of the population as a whole. This was partially mitigated by focus group discussions, but survey design should try to ensure that a fuller spectrum of the population is polled.

After the completion of the process, Kenya has had mixed success in institutionalising APRM. Ideally, APRM should be a means to keep a national dialogue and self-examination going, even when no formal review is happening. It can also be used as a reference point for policy formation, as Ghana has tried to do. Some Kenyan innovations serve as best practice for other countries: most notably it serialised the country report in newspapers, and produced a simplified 'popular' version for public consumption.

**Government's first report on implementing the Programme of Action tends to be rather vague, stressing plans and intentions rather than measurable achievements.**

On the other hand, the governing council has been abolished, leaving APRM in Kenya with no special institutional home, other than the quasi-governmental Nepad Kenya Secretariat, which is run out of the Ministry of Planning's offices. When it undergoes its next review, a new governing council may have to be convened, and there is no guarantee that institutional memory will be retained. Furthermore, the government's first report on implementing the Programme of Action tends to be rather vague, stressing plans and intentions rather than measurable achievements. It remains to be seen whether the APRM process and its associated recommendations will exert a lasting influence on policy and change the lives of Kenyans.

### **Lessons learnt**

**Consult early on the process to be followed.** The inclusive Task Force established to design the APR process in Kenya allowed various groups to influence the design and course of the process, establishing ownership and buy-in, and creating collective responsibility between government and civil society. However, it undercut the autonomy of the governing council because it made key decisions on budgets and research methods that the National Governing Council could not alter.

**Ensure that official timelines are not too short.** Like the other pioneering states, Kenya was unable to complete its Country Self-Assessment Report in the suggested six to nine month time frame. The process was launched in April 2004, and the report was submitted only in August 2005, nearly 17 months later. Kibaki was peer reviewed another 10 months later, in June 2006. Anyang' Nyong'o notes:<sup>63</sup>

A year or more might be the right duration. Remember that as long as APRM is carried out in an open and democratic manner, dissent, debate, consensus building and compromise, all of which take time, would always be an essential part of it.

**Early selection of research bodies bolsters research and co-ordination.** The early selection of Lead Technical Agencies allowed them to play an advocacy role at workshops, assist with fund-raising and aid with the implementation of the APR process. The long delays surrounding the formation of the governing council meant that they had sufficient time to prepare themselves for the review, and to co-ordinate research efforts. The fact that the Lead Technical Agencies were represented on the council (although in a non-voting capacity) ensured that they were aware of and involved in its decisions.

**Evaluate research agencies carefully.** The Lead Technical Agencies produced work of varying quality; some were more efficient, committed, and professional than others. Some devoted insufficient time or staff to this demanding exercise. This points to the need to monitor the performance of

63. Anyang' Nyong'o, *op. cit.*, p.91.

research institutions throughout the process. South Africa's use of Quality Assurance Agencies to oversee the research bodies should be refined and replicated.

**Prevent NGOs from exploiting the APRM.** Kenya experienced severe problems with some governing council members who saw the exercise as an avenue for personal gain. They held up the process for about nine months, refusing to work or meet unless paid more money, which eventually forced the government to dismiss them. The legal status of the council was uncertain, and the legitimacy of the minister's intervention was questioned. This sort of action can seriously undermine the legitimacy of the APRM, both domestically and externally. Kenyan officials and researchers suggest that stakeholders should be thoroughly sensitised before establishing the governing council, and that council membership should be voluntary rather than remunerative. However, the South African experience suggests that the APRM is a very time-consuming exercise for council members, and a purely voluntary system creates little motivation for involvement.

**Employ institutions, not individuals.** The disappointing performance of the conveners illustrates that it would be better for future APRM countries to select organisations with capacity, rather than individuals, to perform such a role.

**Plan to pay for the peer review.** The peer review process in Kenya was slowed down by an over-reliance on donor funding as well as cumbersome disbursement procedures. For the APRM to be truly African owned, it must be African financed. Pioneer countries should offer advice to later ones on how best to budget for the exercise through the fiscus, and prevent donor funding from becoming overly influential. Parliaments should therefore be more involved, and vote funds a year before reviews begin.

**Integrate the APRM with other government programmes.** Kenya benefited from the early involvement of institutions implementing reform programmes and monitoring and evaluation systems on behalf of government, and integrated the review with other governance initiatives. Anyang' Nyong'o also points out that the consultations required by peer review cost money and take time, and that African countries are typically undergoing many other similar processes – on Poverty Reduction Strategy Papers, sectoral reform programmes, constitutional review commissions, and so on – with consultants driving expensive 4x4 vehicles in and out of rural villages. Ordinary people become cynical as the consultants come and go, and their lives stay the same. He asserts: 'We are heading towards consultation fatigue in Africa unless we show concrete results to the people.'<sup>64</sup>

**Language matters.** An effort should be made to translate the Questionnaire into local languages. Kenya did not translate the whole Questionnaire, but

As long as APRM is carried out in an open and democratic manner, dissent, debate, consensus building and compromise, all of which take time, would always be an essential part of it.  
– Peter Anyang' Nyong'o

64. Anyang' Nyong'o, *op. cit.*, p 92.

ensured that important terms were translated into Kiswahili for reference by those administering the household surveys and facilitating the focus group discussions. These Kiswahili concepts were then translated into other local languages by the interviewers.

**Use reliable survey methods.** The involvement of the CBS and the use of an already established and reliable national sampling system utilised in the national census by the CBS was a significant strength of the research process in Kenya.

**Release reports rapidly.** Kenya role players also point out that the process is too slow at the continental level, and that this is putting a brake on national reform initiatives. The country had completed its report by August 2005, but that the APR Forum discussed it almost a year later. Such long delays could render some material out of date, and interrupt the momentum of the process.

# RWANDA

The Rwanda APR Technical Team had already filled in the APR Questionnaire, incorporating predominantly government opinion and figures, without the crucial inputs of other stakeholders capable of guaranteeing overall national ownership. Another major concern expressed by the Support Mission Team was the apparent lack of institutional basis of the APR Technical Review Team, which could negatively affect the methodology used in obtaining information for the self-assessment.

## – Rwanda APRM Country Review Report<sup>1</sup>

Rwanda's current initiatives to entrench governance and democracy must be understood against the backdrop of the country's sad history. The 1994 genocide – where approximately 800,000 to One million people were killed, and up to two million more fled the country – and the decades of discrimination leading up to it caused enormous damage to all aspects of the society, political, economic and social. The post-1994 period has also been difficult, with infrastructure, institutions and trust that had to be rebuilt. Rwanda's citizens have never had a strong culture of participation in democracy.

Under President Paul Kagame, Rwanda has made significant strides towards rebuilding its economy and forging a sense of national unity since 1994, but the country still faces formidable obstacles in consolidating democracy and rapidly accelerating development. A Rwandan official has described some of these challenges as follows:<sup>2</sup>

Insufficient or ineffective political governance structures; high population growth and population density; low agricultural productivity and environmental degradation; small, weak private sector; weak financial sector leading to low savings and investments; limited employment opportunities and low level of human resource development; narrow export base and vulnerability to external price shocks; high transport costs due to landlocked country; high energy costs; a narrow revenue base and

**Fearing the return of what it calls 'genocidal ideology', Rwanda has developed a strong central government that has restricted freedom of speech and political organisation.**

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1. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Rwanda', Midrand, South Africa, June 2006, p.24.  
 2. Gatete C, 'New International Standards for Governance: Applying the African Peer Review Mechanism (APRM)'. Addis Ababa, Ethiopia: 11–14 October 2004, p.1.

dependence on foreign resources, which has led to a heavy debt burden; and a weak public sector with low capacity.

Civil society in Rwanda is less organised, and less autonomous, than in many other democratising African countries.

The genocide significantly worsened capacity and resource shortages in the country, while posing significant challenges to security and democratic practice. Fearing the return of what it calls 'genocidal ideology', Rwanda has developed a strong central government that has restricted freedom of speech and political organisation. Indeed, immediately prior to the launch of the APRM process in Rwanda, its parliament released a report, which stated that a variety of political and non-governmental organisations and individuals who disagreed with the government were playing a divisive role, and wanted to spread 'genocidal ideology'.<sup>3</sup> This report, together with previous sanctions against the media and local human rights advocacy groups, as well as the arrest of the former president Pasteur Bizimungu,<sup>4</sup> meant that the APRM began in an atmosphere of pervasive public apprehension about criticising government.

Rwandan APRM officials who commented on an early draft of this chapter attempted to refute this contention (without, however, dealing with these specific instances). They noted that that the capital Kigali has at least six private radio stations with a dozen more regional or community stations in Rwanda, foreign radio journalists from the BBC and Voice of America have never been subject to restrictions, and that Internet access is relatively widespread compared to other African countries.<sup>5</sup>

At the same time, civil society in Rwanda is less organised, and less autonomous, than in many other democratising countries. These factors influenced the form and character of the peer review process, and this chapter will illustrate the Rwandan government's continued sensitivity throughout this process.

## APRM structures and institutions

Rwanda's government signed the Memorandum of Understanding committing the country to the APRM on 9 March 2003. It established the following institutions to facilitate the process:

**National Nepad Steering Committee (NNSC).** This committee was set up in August 2003 to co-ordinate all Nepad activities. It is chaired by Claver Gatete, secretary-general in the Ministry of Finance and Economic Planning, and the

3. Amnesty International, 'Rwanda: deeper into the abyss – waging war on civil society', <http://web.amnesty.org/library/print/ENGAFR470132004>; Human Rights Watch, 'Rwanda: preparing for elections: tightening control in the name of unity', <http://www.hrw.org/backgrounder/africa/rwanda0503.back.htm>

4. Amnesty International, 'Rwanda: government slams door on political life and civil society', <http://web.amnesty.org/library/print/ENGAFR470122004>; US Department of State, 'Country Report 2003'; US Department of State, 'Rwanda: country report on human rights practices 2004', <http://www.state.gov/g/drl/rls/hrrpt/2004/41621.htm>.

5. E-mail correspondence with A Kabanda and F Gatere, 5 October 2006.

president's personal representative on Nepad. This 17-member body (with 14 senior government officials, one person representing business, one from civil society and one from the United Nations Development Programme (UNDP)) saw its direct role in overseeing APRM diminished after the establishment of the APRM National Commission in June 2004.

**National Nepad Secretariat.** Housed within the President's Office, this body was established in March 2004 and is headed by an executive secretary, Francis Gatare. He is also the Nepad advisor to the president, and his personal representative on the (continental) Nepad Steering Committee. This body shouldered the bulk of the administrative tasks associated with APRM in Rwanda, including organising and managing workshops, disseminating information and popularising APRM, and is the major institution monitoring APRM implementation. It is now often referred to as the 'National Nepad/ APRM Secretariat.'

**APR Focal Point.** The NNSC appointed Aimable Kabanda as Rwanda's Focal Point. He had previously been a district mayor, worked in an NGO, and, most recently, been a director in the Department of Territorial Administration, which oversees local government.<sup>6</sup> He is situated within the National Nepad Secretariat, itself housed within the Office of the President.

**APRM National Commission.** This body was Rwanda's equivalent to the APRM National Governing Councils established in Ghana, Kenya, and South Africa. The commission had 50 members, making it the biggest APRM governing structure in the pioneer participating countries. These 50 were whittled down from an original list of 146 names.

Rwandan officials correctly note that there are no restrictions on numbers for APRM governing bodies and indeed no mention of a 'National Commission' or 'National Governing Council' in the Guidelines for acceding countries from the continental APR Secretariat. They said 'basically, the membership of the APRM National Commission was deeply informed by the APRM operational Guidelines provided by the APRM Continental Secretariat'. By trying to stay true to the principles of inclusivity, integration and coordination with ongoing policy and reform efforts mentioned in official documentation, they included oversight institutions, parliamentarians and civil society organisations on the National Commission.<sup>7</sup> Other countries such as Ghana have successfully involved all these constituencies in APRM without placing them on a large governing council.

When the Country Support Mission visited Rwanda on 21–24 June 2004, it expressed concern that the APRM process in Rwanda was being driven too much by government officials, which could compromise its independence and credibility.<sup>8</sup> The mission recommended forming a smaller 10-member

**The Country Support Mission expressed concern that the APRM process in Rwanda was being driven too much by government officials, which could compromise its independence and credibility.**

6. Telephone interview with A Kabanda, Kigali, 21 August 2006.

7. Email correspondence with A Kabanda and F Gatare, 5 October 2006.

8. The Country Support Mission was led by the then chairperson of the Panel of Eminent Persons, Marie-Angelique Savané. The Country Review Mission in April 2005 was led by Professor Dorothy Njeuma.

governing council, with just one or two government officials, backed by an executive bureau.

The Rwandan government declined to follow this advice. According to political researcher at Stellenbosch University, Dr Eduard Jordaan, there was some justification for this decision, given that this step would have added to the already complex APR structures in the country, but ‘this also meant that the dominance of those close and sympathetic to government remained intact’.<sup>9</sup> According to Afrimap, during the support mission, a national conference was hastily convened, and chose the 50 members of the APRM National Commission. The National Commission’s composition was approved by Kagame, and various arms of government were heavily represented (see box below).

At the Sixth Africa Governance Forum entitled Implementing the African Peer Review Mechanism: Challenges and Opportunities, held in Kigali in Rwanda on 9–11 May 2006 (AGF-VI), participants from pioneer APR countries said the rules for forming National Governing Councils were unclear, and greater clarity and more early information from the APRM Secretariat were needed. However, Kabanda argued that it made more sense for the government to put together its governing structures before the Country Support Mission, so that the mission would have a plan to respond to. In a presentation to the forum, he declared:<sup>10</sup>

There is a question about when the support mission should come to a country. Should they come when something has been done? We had established our management structures and begun to administer the Questionnaire. We felt they should come when there was something to talk about.

AGF-VI delegates noted that if rules were spelled out more clearly in written public documents, rather than orally through Country Support Missions, such confusion could be eliminated, and peer reviews could become more uniform.

As one of the first countries to undergo peer review, Rwanda had no examples to follow, and officials note that guidelines provided by the continental Secretariat state that ‘there is no single blueprint for countries to participate in APRM.’<sup>11</sup> The progress of the review suggests that the country underestimated the complexity of the self-assessment process and the need to involve fully the citizenry, and adjusted its methods in an *ad hoc* manner as the process progressed. During the Country Support Mission in June 2004, Rwanda estimated that it would complete its self-assessment by September.<sup>16</sup> However, it was able to submit the report only six months later, in March 2005, and the timeline shows that Rwanda held major consultations relatively late in the process.

9. Jordaan E, ‘Inadequately Self-Critical: Rwanda’s Self-Assessment for the African Peer Review Mechanism’, *African Affairs*, 105/420, July 2006, p.339.

10. Remarks during presentation by A Kabanda, at AGF-VI, Kigali, Rwanda, 10 May 2006.

11. Email correspondence with A Kabanda and F Gatare, 5 October 2006, citing APRM Secretariat, *Guidelines for Countries to Prepare and Participate in the APRM*, paragraph 6, p.2.

### Rwanda's APRM National Commission<sup>12</sup>

Rwanda argued that the large size of its national commission (50 members) allowed it to be more inclusive. It is the only pioneer country to have included members of the judiciary and parliament in its APRM managing body. However, more than 60% of members were government officials.

It had 14 members from 'Government Institutions', two from 'Local Government', four from parliament, seven from 'National Commissions and Oversight Institutions', two representing the judiciary, 12 representing 'Civil Society Organisations', and seven from the private sector, plus the APRM Focal Point and an MP from the Forum of Political Parties. It was initially chaired by the minister of finance and economic planning, and was inaugurated at the completion of the Country Support Mission on 24 July 2004. It was later chaired by the general manager of the state-run insurance company Societe nouvelle d'assurance au Rwanda (Sonarwa).

The 14 members of 'national government institutions' comprised three cabinet ministers, two ministers of state (deputy ministers), and nine secretaries-general (directors-general or permanent secretaries).

The parliamentary representation comprised two senators and two members of the Chamber of Deputies. Local government was represented by a district mayor and the president of the Rwanda Association of Local Government Authorities.

**National government institutions:** Marie Claire Mukasine, president, Insurance Companies Forum; Solina Nyirahabimana, minister, President's Office; Jeanne d'Arc Amujawamariya, minister of state, Ministry of Education; Protais Musoni, minister, Ministry of Local Government; Marie-Christine Nyatanyi, minister of state, Local Government; Augustine Sebudanga, secretary-general, Office of the Prime Minister; Celestine Kayitare, secretary-general, Ministry of Commerce; Anne Gahongayire, secretary, Ministry of Gender and Family Development; Johnson Busingye, secretary-general, Ministry of Justice; Emmanuel Bizimana, secretary-general, Ministry of Infrastructure; Gregoire Karambizi, secretary-general, Ministry of Foreign Affairs and Regional Co-operation; Jean Claude Munyabikari, secretary-general, Ministry of Land, Settlement and Environment Protection; Desire Ndushabandi, secretary-general, Ministry of Health.

**Local government:** Augustine Kampayana, president, Rwanda Association of Local Government Authorities; Ramathan Bangayabo, mayor, district of Cyangarwe.

**Legislature:** Dr Augustine Iyamuremye Senate; Stanley Safari, Senate; Emmanuel Ndahimana, Chamber of Deputies; Bernadette Kayezu, Chamber of Deputies.

Rwandan civil society should seize this opportunity for advocacy. It should be proactive and equip itself to participate effectively in the process, in order to take part in making the rules instead of simply following them. – LGDL<sup>13</sup>

12. 'Rwanda Nepad Country Structure', *Rwanda Nepad Magazine*, 1, May–July 2004, pp.13–9.

13. Ligue des Droits de la Personne dans la Region des Grands Lacs (LGDL), 'Critical review of the African Peer Review Mechanism Process in Rwanda', *Africa Governance Monitoring and Advocacy Project (Afrimap)*, 2007, p.11.

### Rwanda's APRM National Commission (Continued)

**National commissions and oversight institutions:** Dr Jean Baptiste Habyarimana, president, National Unity and Reconciliation Commission; Damien Habumuremyi, executive secretary, National Electro-Commission; Zainabu Kayitesi, president, National Human Rights Commission; Janvier Kanyamashuli, executive secretary, National Tender Board; Gervais Ntaganda, auditor-general, Auditor General's Office; François Kanimba, governor, National Bank of Rwanda; Bernardin Ndayishimye, deputy ombudsman, Ombudsman's Office.

**Judiciary:** Julien Havugyaremye, judge Supreme Court; Alberto Basomingera, *mandataire-general*, Supreme Court (the equivalent of the Solicitor-General).

**Civil society organisations:** Jackline Rusiribya, president, umbrella organisation of women's associations/Profemme); Theogene Gasana, president, Conseil de Concertation des Organisations d'Appui aux Initiatives de Base (CCOAB); Silas Sinyigaya, executive secretary, Collectif des Ligues et Associations de Defense des Droits de l'Homme au Rwanda (CLADHO); Eric Manza, executive secretary, Centrale des Syndicats des Travailleurs du Rwanda (CESTRAR); Francis Xavier Ngarambe, president, Association for the Survivors of Genocide/Ibuka); Jean Pierre Safari, student leader, Kigali Institute of Science Technology and Management (KIST); Bishop Emmanuel Colin, HIV/AIDS Commission and religious organisations; Francis Mutemberezi, former governor of the Central Bank (civil society); Dr Uzzuel Ndagijimana, rector, School of Finance and Banking; Zephyrin Karimba, president, Association pour la promotion des Batwa; Jamal Ndungutse, executive secretary, Youth Council; representative of the High Council of the Press. These 12 'civil society organisations' (whose representatives formed 24% of the National Commission) tended to be umbrella bodies.<sup>14</sup>

**Private sector:** Marc Rugenera, vice-president, Federation of Private Sector; Etienne Gakwaya, director-general, Amazi ya HUYE; Amandin Rugira, president, Commercial Banks Forum; Francis Xavier Udahemuka, president, Local Farmers' Association; Aimable Karyabwite, president, ICT; Marco Nsengimana, Association of Professionals.

**Other:** Aimable Kabanda, the APR Focal Point, and Abbas Mukama, Forum of Political Parties.<sup>15</sup>

14. Jordaan noted that some were appointed by the president (such as the rector at the School of Finance and former Central Bank governor), whereas others 'can be regarded as only marginally independent of the current government', such as Pro-Femmes, an umbrella organisation for women's groups. He also noted the absence of critical human rights groups, such as the Ligue rwandaise pour la promotion et la défense des droits de l'homme (Liprodhor) (the Rwandan League for the Promotion and Defence of Human Rights), or independent media such as the *Umuseso* newspaper, both of which had been critical of the government, and faced threats and actions against them. See Jordaan, *op. cit.*, p.340.

15. Jordaan further noted that the security forces were not represented on the National Commission, supposedly because they are not permitted to be involved in politics, and felt that 'the absence of those agencies most influential in determining the human rights environment casts doubt over the authority, influence and reach granted to the National Commission'. *Ibid.*, p.341.

According to a timetable in the *Rwanda Nepad Magazine*, the National Commission only sat only four times, with the first meeting held in July 2004, three months after the first APR national stakeholders' workshop.<sup>17</sup> This suggests that the government's initial plans were well underway by the time the commission began its work. At its first meeting, the commission was subdivided into the four thematic areas. The democracy and political governance group was chaired by a senator; the economic governance group by the head of an insurance company; the corporate governance group by a former private sector federation leader; and the socio economic development group by the president of a women's umbrella organisation.<sup>18</sup>

The Rwanda Nepad Secretariat did the bulk of the country's APRM work. Unlike Ghana, Rwanda did not set up a separate APRM Secretariat to assist with the logistics, administration, and execution of the review. Instead, like Kenya, in order to cut costs and avoid wastage and duplication, it housed these functions within the Rwanda Nepad Secretariat. The Secretariat had several varied responsibilities related to the APRM, including public relations and communication; deepening citizen involvement; preparing the Country Self-Assessment Report and Programme of Action; developing governance indicators; and reporting to the continental APRM Secretariat.<sup>19</sup> In contrast to Ghana's APRM Secretariat, which was completely independent of government and located in its own premises, what later came to be called the 'Nepad/APRM Secretariat' in Rwanda is housed in the Office of the President in Kigali.

In a report on the implementation of APRM in Rwanda, compiled for the Sixth Africa Governance Forum (AGF-VI, held in Kigali in May 2006), Rwanda cited a 'lack of adequate capacity within the APRM/Nepad Secretariat' as the first major challenge posed by the APRM process.<sup>20</sup> The report noted that at the start of the APR process it was impossible to forecast its institutional and human resource needs, and that the country had then experienced a steep learning curve. It stated that there was a need to 'enhance the technical capabilities of Secretariat staff' – in other APR countries as well – and called for capacity-building to create the optimal balance between the technical and policy/political demands on the Secretariat.<sup>21</sup> In fact, from April to November 2004, Kabanda was the only person working on APRM full time in this office.

**Rwanda cited a lack of adequate capacity within the [National] Secretariat as the first major challenge posed by the APRM process.<sup>16</sup>**

16. Gatete C, *op. cit.*, p.1.

17. The National Commission met again on 6 September and 30–31 October 2004 to review progress, and on 27 November 2004 to discuss the draft report that would be subjected to a validation conference.

18. 'Nepad is Set to Steer Rwanda's Progress – Gatete', *Rwanda Nepad Magazine*, 2, November 2004, pp.6–7.

19. 'Rwanda Nepad Secretariat', *Rwanda Nepad Magazine*, 1, May–July 2004, p.18.

20. Republic of Rwanda, *Rwanda's Consultations Outcome Report for Experience Sharing on the Implementation of APRM*, January 2006, p.8.

21. *Ibid.*

Kabanda recounts:<sup>22</sup>

At first, I ran the office alone. Later we recruited two more people, one from the Red Cross and a lecturer, so we were three on a permanent basis. We also had people from the Technical Review Teams, but they were not there on a full-time basis, and they were volunteers. We used support from the Nepad Rwanda Secretariat as well – we did not have our own resources. The job was absolutely too big for one person.

Although Rwanda's formal APRM process was completed by the time the AGF-VI report was written, it clearly expresses that more training and capacity building would have been useful. There are additional expectations that country APR structures will oversee and monitor the implementation of the programme of action, which also require firmer guidance from continental APR bodies.

## Features of the review

### *Research methodology*

In contrast with Ghana, Kenya, and eventually South Africa, Rwanda did not appoint local think tanks to oversee the writing of the Country Self-Assessment Report, mainly because officials cited a lack of technically competent and mature research institutions in post-genocide Rwanda. Kabanda says that the National Commission felt that the local chapter of the Organisation for Social Science Research in Eastern and Southern Africa (OSSREA), for example, was not competent enough in any of the four thematic areas, and that there were no suitably qualified Rwandan academics. He recalls that a consultant was engaged to undertake preliminary desk research, and several stakeholders were contacted to ascertain their views on governance questions.<sup>23</sup>

About 200 people attended Rwanda's first national stakeholders' workshop held in the capital, Kigali, on 24–26 March 2004. This workshop was known as 'Nyandungu I' after the Kigali suburb in which it was held. Speakers and attendees were predominantly drawn from government, and a smaller number from some NGOs. Realising that such a large, unwieldy group would struggle to complete the complex Self-Assessment Questionnaire, the workshop recommended the establishment of 'thematic groups' to work on the four thematic areas of the APRM. Kabanda says these groups chose people with technical expertise in these four areas 'who were given the assignment to go through the Self-Assessment Questionnaire, look at the details, and design user-friendly, layman's language for the general participation of the citizens'.<sup>24</sup>

Each group had between four and seven members, totalling 21. The members of the democracy and political governance group were Aimable Kabanda

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22. Telephone interview with A Kabanda, 21 August 2006.

23. Interview with A Kabanda, 15 May 2006.

24. *Ibid.*

(APR Focal Point, Rwanda Nepad Secretariat), Alex Semarintoya (Ministry of Local Government), Solange Tuyisenge (member of the National Assembly), and James Ngano (Ministry of Foreign Affairs), and Eduard Jordaan notes that they were 'strongly affiliated to government'.<sup>25</sup> This government dominance seems to contradict the official description of these groups in the APRM Country Review Report of the Republic of Rwanda as representing volunteers from government, business, and civil society, who eventually received 'some incentives to maintain work momentum', because this system cut costs and allowed 'a wider spectrum of stakeholders' to own the process.<sup>26</sup>

A former SAIIA researcher, Ayesha Kajee, who attended Nyandungu I, recounts:<sup>27</sup>

Officials asked me for my opinion of the workshop and the quality of consultation, and I replied, 'Must I be diplomatic, or frank?' When they said, 'Frank, please', I said that I felt the workshop was dominated by government, and emphasised the form of APRM – basically filling in a questionnaire – rather than the substance of a dialogue. I said they would need to do much wider consultation with civil society. They took these comments well, and eventually SAIIA went back to do a workshop for civil society organisations in September.

On 8–12 April 2004, the four thematic groups held a retreat in (what was at that time) Ruhengeri province to fill out the Self-Assessment Questionnaire. They claimed to have incorporated previous consultations with stakeholders, although precisely what this material was, and who had been consulted, has not been made clear. Further comments were elicited at a second national stakeholders' workshop in May 2004, where these thematic groups were expanded and became known as 'Technical Review Teams'. This was done to enable the teams to gather information from organisations and consult stakeholders, prepare background documents in the four thematic areas, and compile supporting documentation.<sup>28</sup>

Silas Sinyigaya, executive secretary of CLADHO, the Federation of Leagues and Associations of Human Rights in Rwanda, and a civil society representative on the APRM National Commission, recounts:<sup>29</sup>

Every commissioner had to respond to the Questionnaire for his organisation. We all filled them in, gathered responses and thereafter did consultations with all components of civil society, even in the rural areas ... then the report was written by the technical groups.

Jordaan highlights some of the logistical problems faced by the Technical Review Teams in completing the long, dense, and sometimes repetitive

**The task of finding relevant data was complicated by the absence of a central statistical and documentary archive in Rwanda.**  
– Eduard Jordaan<sup>30</sup>

25. Jordaan, *op. cit.*, p.340, footnote 24.

26. APRM Panel of Eminent Persons, *African Peer Review Mechanism Country Review Report of the Republic of Rwanda*, June 2005, p.23.

27. Telephone interview with A Kajee, Johannesburg, 15 August 2006.

28. Gatete, *op. cit.*, p.4.

29. Interview with S Sinyigaya, Kigali, 15 May 2006.

30. Jordaan, *op. cit.*, p.339.

Questionnaire. Most of the team members retained their regular jobs and had to work on the report after hours (although some did take leave). He notes that almost all team members he interviewed cited time pressure as a serious constraint. This was exacerbated by the difficulties of searching for data that was hard to find, or did not exist at all, as Rwanda has no central statistical and documentary archive. He adds:<sup>31</sup>

The result was a lengthy report, in which writing often lacked precision; some questions and indicators asked after by the Questionnaire were omitted; the integration was poor; and the *de jure* situation was emphasised, rather than the *de facto* state of affairs.

The June 2004 Country Support Mission was critical of Rwanda's methods, and noted:<sup>32</sup>

The Rwanda APR Technical Team had already filled in the APR Questionnaire, incorporating predominantly government opinion and figures, without the critical inputs of other stakeholders capable of guaranteeing overall national ownership.

The mission also felt that the Technical Review Teams lacked the technical expertise to assemble a credible and fair Country Self-Assessment Report, due to the absence of established think tanks or research institutions working on governance issues in Rwanda. It advised using either 'Strategic Partner institutions' of the APRM (the UNDP, UNECA, and the ADB) or an independent policy and research institution based elsewhere in Africa. Rwanda was also advised to simplify and reformulate the Questionnaire to make it accessible to its citizens.

### *Civil society involvement*

CSOs in contemporary Rwanda are fewer in number, more poorly funded, and less well organised than their counterparts in Ghana, Kenya, or South Africa. They are also less vocal and independent. In the current political context, few groups are willing to express strong opinions about governance issues without fear of the consequences. Rwandan citizens were only peripherally involved in the APR process, in terms of freely contributing their analyses, ideas, and opinions about the state of governance in their country. A high proportion of rural people are illiterate, and many have a poor knowledge of English or French.

People were noticeably afraid to voice their true opinions in front of the group. They were far more forthcoming when writing down their key issues.

Rwanda argued that its process was inclusive and consultative because umbrella civil society groups were represented on the National Commission and attended national workshops. However, the process raised questions about how effectively civil society could contribute to such public meetings or affect the final report, given the preponderance of government involvement, government control of the writing and editing process, and the reluctance of members of the public to express opinions in the present political climate.

31. Jordaan E, *op. cit.*, p.339.

32. APR Panel of Eminent Persons, *op. cit.*, p.24.

In addition, says Kabanda, 'civil society was not really coming on board, because we don't have a vibrant civil society.'<sup>33</sup>

The Rwanda Nepad Secretariat used various methods, such as its quarterly Nepad magazine, jingles, billboards and frequent radio and television announcements, to inform the public about the APRM and attempt to involve it in the process.<sup>34</sup>

Rwandan officials noted that the sensitisation campaign to explain the APRM process 'took a significant amount of energy and time at the expense of progress with the review itself',<sup>35</sup> yet stated that this was necessary to show that the APRM complemented other national governance initiatives and programmes rather than competing with them.

Rwanda also established a Focal Point in each of its (then) 12 provinces, which undertook consultations based on the simplified Questionnaire, and reported back to the national Focal Point.

People's reluctance to speak out was evident at a one-day civil society workshop organised by SAIIA on 28 September 2004, at the request of the Rwanda Nepad Secretariat. During workshop sessions aimed at identifying governance priorities, civil society participants said very little, deferring to government representatives. But when asked to name key governance challenges on an anonymous form, participants wrote extensively and critically about many aspects of governance, particularly government dominance in Rwanda; a climate of fear; and a repression of human rights, civil liberties, and the media. They felt that these factors inhibited civil society participation in the APR process, and allowed government to dominate.

Kajee, who co-facilitated the workshop, recalls:<sup>36</sup>

People were noticeably afraid to voice their true opinions in front of the group. They were far more forthcoming when writing down their key issues. After 1994, civil society is very much still in its infancy, with strong undertones of fear and caution, compared to a very vibrant civil society, say, in Kenya, Ghana or South Africa, who have no hesitation in voicing their views. Rwanda is in a totally different situation, understandable because of their history – remember, the 1994 genocide was partly engineered through the media, 'civil society' if you will.

At that point [September 2004], the quality of consultation was poor because the knowledge about APRM was poor. For many people, this workshop was their first exposure to peer review. There was also strong consensus among the people there that civil society did not have the material resources to make written submissions, and would need funding to do so.

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33. Interview with A Kabanda, Kigali, 15 May 2006.

34. *Ibid.*

35. *Rwanda's Consultations Outcome Report, op. cit.*, p.9.

36. Telephone interview with A Kajee, 15 August 2006.

A number of civil society representatives on the National Commission confirmed this reluctance to be critical. Bishop Emmanuel Colin, chairperson of the National Commission on HIV, says: 'There is an African tendency to be polite to elders and those with experience. This can affect you, and you may keep quiet.'<sup>37</sup> Sinyigaya says: 'Some feared the review – it was seen as a test.'<sup>38</sup> The chairman of the United African Youth Association, John Bosco Ruzibiza, notes that some people saw the peer review as 'a kind of punishment', and thought that if they raised certain issues, it would give Rwanda a bad image. According to him, it had to be explained to people that the APRM was aimed at inculcating a culture of transparency and accountability and was not meant to be punitive, and he acknowledges that the APRM is 'still not really understood as it should be.'<sup>39</sup>

Kabanda agrees:<sup>40</sup>

This process is about looking at the performance of institutions, and usually some individuals [within these institutions] think that the mechanism will appraise them, and may lead to them having poor grades, and so they become quite defensive. It was therefore very necessary to create awareness that this won't impact on their jobs, that there would not be consequences personally. It was delicate. People had to understand that it was not about individuals, but performance of institutions, otherwise they give you selected data.

According to Francine Rutazana, executive secretary of Ligue des Droits de personne dans la région des Grand Lacs (LDLG; the Human Rights League of the Great Lakes Region), while some CSOs and members of the general population were consulted, albeit late and insufficiently, their inputs do not appear to have had much influence on the self-assessment prepared by the civil servants on the Technical Review Teams. She notes that those on the National Commission were involved since March 2004, but many CSOs were exposed to the APRM at SAIIA's workshop only in September, and then lacked sufficient time to make substantial written inputs as the national validation took place in mid-December. She feels that a one-day workshop was too short to prepare civil society for participation, particularly at this late stage in the process, and that more workshops were needed around the country to sustain civil society participation.<sup>41</sup> Ruzibiza notes that, to his knowledge, no civil society groups made any independent submissions to the APRM panel, and recommends that this be done in future reviews.<sup>42</sup>

Kabanda and Gatara said that civil society did add a critical voice in the Country Self-Assessment Report, and will be strongly involved in keeping the government to its pledges for the Programme of Action:

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37. Interview with Bishop E Colin, Kigali, 15 May 2006.

38. Interview with S Sinyigaya, Kigali, 15 May 2006.

39. Interview with JB Ruzibiza, Kigali, 15 May 2006.

40. Interview with A Kabanda, Kigali, 15 May 2006.

41. Rutazana F, 'Evaluation of the APRM Process in Rwanda', presentation to the meeting in Banjul for Partnership Africa-Canada, 26–28 June 2006.

42. Interview with JB Ruzibiza, 15 May 2006.

Like other sectors, civil society in Rwanda is in [the] making and not as vibrant as civil society in other countries that have enjoyed stability for decades. Like the public sector, civil society in Rwanda is going through institutional recovery. Despite multiple capacity challenges faced by civil society, its contribution to the African Peer Review has been significant, meaningful and forthcoming.<sup>43</sup>

### *Finalising the self-assessment*

The National Commission acknowledged some of the difficulties in compiling the Country Self-Assessment Report at its October 2004 meeting, which ‘recommended that the Technical Review Teams pay more attention to the structure of the report, update the data, collect supporting documents and acknowledge sources of information’.<sup>44</sup>

A draft report was submitted to a national validation conference on 17 December 2004; 83 people attended, including policy-makers and donor representatives. Comments were integrated, and in February 2005 the report was sent for critical evaluation by the Africa Institute for Policy Analysis and Economic Integration (AIPA), an independent research institute based in Cape Town, South Africa.<sup>45</sup> AIPA had done extensive consultancy work for the Rwandan government. Given the considerable criticisms outlined below, and the fact that the final Country Self-Assessment Report has never been made public, it is unclear to what extent the self-assessment was adjusted. The report was then edited and updated by the Rwandan chapter of OSSREA.

## **Criticisms of Rwanda’s self-assessment**

In an article in the journal *African Affairs* in July 2006, Eduard Jordaan delivered a devastating critique of the draft self-assessment that AIPA examined in February 2006. Among other things, he stated that:<sup>46</sup>

Rwanda’s self-assessment lacked forthrightness about the ‘weaknesses and strengths’ of its national political situation, the basis on which ‘appropriate adjustments’ are to be made. While Rwanda has in the past contested and denied many of the allegations made against it, the weight of the evidence supplied by authoritative sources suggests that Rwanda’s rosy depiction of its political situation in the chapter on democracy and good political governance in the January 2005 version of its self-assessment report is inadequate because of its failure to address a number of serious problems of governance in Rwanda.

In Jordaan’s opinion, the greatest inadequacies in the chapter on democracy and political governance were in the sections discussing cross-border conflicts, separation of powers, social tensions, elections, and human rights.

**The fact that Rwanda entrusted its self-assessment report to a foreign organisation, AIPA, for technical review is in itself revealing of the lack of domestic capacity and self-confidence that characterised this initial experience with the APRM assessment process.**  
– LDGL<sup>47</sup>

43. E-mail correspondence with A Kabanda and F Gatere, 5 October 2006.

44. ‘Nepad is Set to Steer Rwanda’s Progress’, *op. cit.*, pp.6–7.

45. See <http://www.aiparsa.com/> for more on AIPA. The two principal researchers on this project also work at the University of Stellenbosch in the Western Cape, South Africa.

46. Jordaan, *op cit.*, p.341.

47. LDGL, *op cit.*, p.16.

Remember, when it comes to implementation, it's the government that does so and civil society remains with the traditional role of ensuring that the government does the right thing ... So it is essential that the two are brought on board and have equal say and strengths on the governing council. The domination of either group is not good.  
– Aimable Kabanda<sup>53</sup>

**Cross-border conflicts.** The draft self-assessment listed some vague sources of conflict, including imposed borders, 'issues regarding nationality in some neighbouring countries, spill-over effects from power struggles within the area', as well as more pernicious and loaded language: 'the persistence of genocidal ideologies within the region, coupled with the existence of "armed perpetrators of genocide" in the DRC'.<sup>48</sup> Jordaan noted that there was an 'absence of any acknowledgement of blame on Rwanda's part. The report ignores Rwanda's role in fuelling regional conflict during recent years' (though often vehemently denied by government) in three dimensions: (i) Rwandan government soldiers and Rwandan-backed forces have repeatedly committed human rights violations in the Democratic Republic of Congo (DRC); (ii) Rwanda has exploited mineral wealth in the DRC; and (iii) Rwanda has armed various groups in Eastern DRC, in violation of a UN arms embargo.<sup>49</sup>

**Separation of powers.** On this issue, Jordaan wrote:<sup>50</sup>

Rwanda's response is wholly insufficient. In a matter of four short paragraphs (less than 400 words) the report presumes to answer three questions, each question requiring discussion around three indicators. The self-assessment makes no effort to assess the de facto separation of powers, and instead refers the reader to a number of constitutional clauses that supposedly ensures the independence of the three arms of government.

Jordaan noted that the report had omitted the president's considerable power to appoint people to judicial and oversight bodies as well as the senate (which then goes on to appoint a number of key administrative and oversight officials), and neglected to mention successive reports by the US Department of State regarding executive interference in the judiciary.<sup>51</sup>

**Social tensions.** Jordaan wrote of the striking silence in the report on questions requiring information on social cohesion or social tensions. He stated:<sup>52</sup>

The Rwandan report declines to comment on ethnic relations in present-day Rwanda; it dismisses economic/class inequalities as a source of conflict in Rwandan society and makes no reference to the Twa, the third and smallest ethnic group in Rwanda.

While acknowledging the efforts the current RPF government has taken to normalise Rwanda and eliminate ethnic divisions, Jordaan pointed to issues surrounding ethnic cleavages that the report downplayed or omitted. These included the 1994 genocide and history of ethnic violence in preceding decades; the claim that the present regime used the lack of ethnic identities

48. Rwanda Nepal Secretariat, Rwanda Country Self-Assessment Report for the African Peer Review Mechanism, Kigali, 2005, p.26, quoted in *Ibid.*, p.342.

49. *Ibid.*, pp.342–343.

50. *Ibid.*, p.344.

51. US Department of State, 'Country Report 2003' and 'Country Report 2004', cited in *Ibid.*, p.344.

52. *Ibid.*, pp.344–345.

53. Videotaped Interview with A Kabanda, 15 May 2006.

to mask Tutsi military and political dominance; a prominent class element in the 1994 genocide and obvious wealth disparities; and marginalisation of the Twa.<sup>54</sup> (See also 'Presenting the Country Report' below for an indication of the sensitivities around ethnicity and diversity in Rwanda.)

**Elections.** Jordaan pointed out that the Questionnaire avoided tough questions about elections, focused on procedural and legal instruments instead, and directed countries to focus on and evaluate electoral systems (how votes relate to seats in the legislature) rather than electoral processes (the procedures by which elections are conducted, and how these are routinely manipulated). He asserted that the report was wanting on both counts. In discussing the electoral system itself, the report omitted the proportional character of the electoral system, the complex election of 27 of the 80 members of the Chamber of Deputies by indirect ballot, and the president's ability to appoint over 30% of the powerful Senate. He also questioned the independence from government of the National Electoral Commission, which ignored irregularities, but attacked critics of Rwandan elections. In analysing electoral process, Jordaan stated:<sup>55</sup>

While recent elections in Rwanda were peaceful and well ordered, the self-assessment report's claim that there were 'no reported incidents of ballot-rigging' is inaccurate, since there were indeed reports of ballot stuffing and irregular counting ... Moreover, presenting the 'absence' of 'ballot-rigging and violence' as proof of the 'effectiveness' of Rwanda's 'electoral system' to 'deliver results that are adjudged to be broadly free and fair' does not tell the whole story, given that there were enough problems with the elections of 2003 (although not mentioned in the self-assessment report) to cast serious doubts on their legitimacy.

Jordaan went on to discuss the general suppression of political opposition in the run-up to the 2003 polls, backed by a full page of meticulously cited sources, including the jailing of opposition politicians on supposedly trumped-up charges; the intimidation of political opponents; branding government critics as harbouring 'genocidal ideology', which led to banning opposition parties, restrictions on the media, and a flouting of campaign rules by the ruling RPF; a constitutional ban on sub-provincial political organisation; and the abuse of state resources by the incumbent party. He also noted election irregularities, including infringements on ballot secrecy, counting irregularities, ballot stuffing, and bias by the National Electoral Commission.

**Human rights.** Jordaan noted that the self-assessment concentrated heavily on constitutional provisions and nascent institutions designed to promote and protect human rights, but failed to assess their effectiveness. He wrote: 'Unfortunately, the self-assessment report seems to overestimate the positive influence of the Rwandan constitution',<sup>56</sup> citing harassment of journalists and the difficulties experienced by some human rights and advocacy groups in

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54. *Ibid.*

55. *Ibid.*

56. *Ibid.*, p.349.

obtaining legal registration. He further noted that the questionnaire asks only for evidence of violation of citizens' rights, which failed to interrogate human rights abuses of non-citizens in Rwanda and the DRC.

When Rwandan officials were asked to respond to these criticisms in an early draft of this chapter, they said:<sup>57</sup>

We have made no specific comments on the self-assessment observations by Edward [*sic*] Jordaan, mainly because the self-assessment report was supposedly to feed and enrich the Peer Review Report, which is already public. The self-assessment report is today inferior to the final Peer Review Report and we find no reason to discuss it now.

The Country Self-Assessment Report and preliminary Programme of Action were submitted to the APR Secretariat in March 2005, exactly a year after the start of the process in Rwanda (but beyond the six- to nine-month time frame suggested in the APRM guidance documents).

### **Composition of the APRM Country Review Mission to Rwanda<sup>58</sup>**

**Date of mission:** 18–30 April 2005

**Member of the APRM Panel of Eminent Persons:** Professor Dorothy Njeuma

**APRM Secretariat:** Dr Bernard Kouassi, executive director; Dr Moise Nembot, **co-ordinator:** democracy and good political governance; Nana Boateng, research analyst: socio-economic development

**Nepad Secretariat:** Sudir Chuckun, **co-ordinator:** multilateral relations and policy.

**Independent Technical Consultants:** Bassary Toure, former executive director, World Bank; Khalifa Ababacar Sall, manager general, KASS Consulting, MP, Republic of Senegal; Dr Mbui Wagacha, consultant and member, economic policy and management panel, African Capacity Building Foundation; Patricia Cisse, director-general, Africa Investment and Business Advisers; Kibre Dawit, chair of the board of trustees, African Women's Development and Communication Network (Femnet).

**Partner Institutions:** Zemenay Lakew, senior programme co-ordinator, AU-Nepad Support Unit, UNDP; Dr Michael Mah'moud, senior adviser, African Development Bank; Mr Gabriel Negatu, chief, Governance Unit, African Development Bank; Professor Achi Atsain, consultant, African Development Bank and former Minister for Labour, Republic of Ivory Coast; Dr Kojo Busia, development management officer, UNECA.

57. E-mail correspondence with A Kabanda and F Gatara, 5 October 2006.

58. APRM Panel of Eminent Persons, *op. cit.*, pp.25–26. Team members may have subsequently changed jobs.

### *Country Review Mission*

On 18–30 April 2005, Rwanda hosted a 14-person Country Review Mission led by Professor Dorothy Njeuma of the APRM Panel of Eminent Persons. The members of the team are listed in box below.

However, just three individuals who participated in the Country Review Mission to Ghana from 4–16 April 2005 also went to Rwanda. Scheduling the first two Country Review Missions back-to-back meant that two different teams were required, and team members could not bring experiences and lessons from the review process in the first country to bear on the second. This has been corrected in subsequent review missions, with several people who went to Ghana or Rwanda also visiting either Kenya and/or South Africa.

According to a draft programme, the Review Mission spent its first day (Monday 18 April 2005) in an internal working session. On the second day it met the national commission, Focal Point, the president's representative, and the Technical Review Teams, and spent the third day meeting government officials and representatives of 'specific sectors', including the head of *gacaca* (Rwanda's traditional community justice system), the Auditor-General, the ombudsman, and the governor of the Reserve Bank. One day in Kigali was spent in an open stakeholders' forum session with NGOs, academics, trade unions, traditional leaders, political parties, women's groups and the media, and another team working session was held the following day. No work was scheduled for the weekend, and two days of the second week were spent in consultations in rural areas outside Kigali, where members were received by governors and other high-ranking officials. A day was dedicated to meeting the UNDP, the donor community, and the president, and the final Friday was devoted to 'sightseeing or recreation'.<sup>59</sup>

With so few days in the country to gather information, and to verify the integrity of the self-assessment and the quality of civil society involvement, the mission's schedule suggests that the team did not use its time optimally to speak to as many people and organisations as possible. Several days were spent on internal meetings, visiting dignitaries, ceremonial events, and recreation.

Francine Rutazana of the LDGL analysed the composition of the groups that met the Review Mission in Rwanda's 12 provinces. She notes that in Butare, of the 25 people gathered to meet the Review Team, only four were from CSOs (including some, Profemmes, represented on the National Commission), two were from business, and the rest were government officials and civil servants. In Gokongoro province, there were no civil society representatives and only one businessperson at the meeting. In Byumba province there were two church representatives and three from the private sector out of 20 attendees. Civil servants tended to make up the majority of participants in

**With so few days in the country to gather information, ... the mission's schedule suggests that the team did not use its time optimally.**

59. Draft Programme, APR Country Review Visit to Rwanda, 18–30 April 2005.

several other provinces, although in Kibungo faith-based organisations were well represented, as were farmers and stockbreeders in Umutara.<sup>60</sup> Given the reluctance already outlined of citizens and members of CSOs to speak frankly about problems during the internal review process, the strong presence of government officials could have similarly inhibited these consultations.

Kabanda feels that the Country Review Mission spent insufficient time in Rwanda, and questions its composition:<sup>61</sup>

The Mission was only in Rwanda for ten days – you cannot fully understand the political and economic dynamics in that time. They took one or two days to organise themselves, so really used just eight days. And 90% of them were not from the region, which made it harder to understand the dynamics.

This is reiterated in Rwanda's report on lessons learnt from APR prepared for the Africa Governance Forum, which notes that the ten days spent in Rwanda by the Country Review Mission was 'definitely inadequate', given that the team had to interrogate the four thematic areas as well as travel around the country to get the views of stakeholders. It noted that such a short visit would be even less viable in larger countries, and suggested a 20-day visit or multiple missions. It also suggested that Country Review Missions should be accompanied by local experts.<sup>62</sup>

The report is also critical of the preparedness, objectivity, and expertise of the Country Review Mission, but appears to miss the inherently subjective nature of any review process:<sup>63</sup>

For example, given the recent history of Rwanda, it seemed as if some external reviewers came with inadequate knowledge of the country, and perhaps even some preconceived ideas based on inaccurate information about the country found in different media like the Internet. This may not necessarily have skewed their objectivity, but to eliminate the possibility, there is a need to base these reviews on clear objective criteria or score matrix [*sic*]. This would certainly make the exercise more predictable, empirical and scientific.

The AGF report also recommended as a 'minimum requirement for objectivity' that the final report be 'subjected to a process of moderation' before being submitted to the heads of state, and that countries should be able to modify information in the main report rather than annexing their comments.<sup>64</sup> This, however, would be contrary to the spirit and letter of the process, and allowing governments to change the report would remove a key pillar of the integrity of the APRM.

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60. Rutazana, *op.cit.*

61. Interview with A Kabanda, Kigali, 15 May 2006.

62. *Rwanda's Consultations Outcome Report, op. cit.*, p.10.

63. *Ibid.*, p.8.

64. *Ibid.*, p.8.

### *Issues of concern in Rwanda listed in the Country Review Report*

In the Rwanda Country Review Report, the APR Panel identified six ‘overarching areas of concern’ to which the government should give ‘immediate and utmost attention’:<sup>65</sup>

**Land and population.** Considering the combination of Rwanda’s high population growth and density, competition for scarce land, and insufficient non-agricultural employment to be major potential source of conflict, the Panel recommended the development of clear land and family-planning policies, including a plan to create more off-farm employment for youth and rural people.

**Political pluralism and competition of ideas.** The Panel claimed that there was ‘a “rehearsed” participation in public affairs as determined by the political authorities’, and recognised the difficulties in promoting multiparty democracy and pluralism in a society with strong ethnic affiliations. It stated that Rwanda ‘should recognise the need for political parties and civil society to operate freely and express competitive ideas for governance within the rule of law’ and stated that, in the long term, removing all restrictions would benefit democratic development more than ‘adhering to a tight framework within which parties can operate’.

**Gacaca courts.** While recognising the benefits of Rwanda’s traditional community justice system, the report warns of ‘destabilising consequences if not implemented sincerely and successfully’, citing serious concerns about the legitimacy of *gacaca* courts, their relationship to human rights norms, capacity constraints in training, slow throughput of cases and fears of retribution. The Panel recommends that the priority is to rebuild the formal judiciary sector, learning the lessons and building on benefits of *gacaca*.

**Capacity constraints.** The Panel noted, across all four APRM thematic areas, ‘the lack of capacity within institutions to perform effectively’, and further noted weaknesses in several government bodies with regard to submitting reports, land registration and local government functions. Rwanda was advised to accelerate existing skills efforts and initiate new programmes, in conjunction with business and donors.

**Aid effectiveness.** With such high dependence on donor funding, how this aid is utilised is a key question. The panel recommended ongoing tracking of how much aid money is spent on infrastructure and social services, and the proportions remitted to donor countries or institutions by way of using expertise from, and doing business with, those countries or organisations.

**Managing diversity.** Recognising government efforts to move beyond ethnicity and promote common aspects of language and culture among Rwandans, the Panel noted that ‘effort still needs to be made to dilute the perception of potential ethnic hegemony by one group over others, and even

The Panel claimed that there was ‘a “rehearsed” participation in public affairs as determined by the political authorities’.

65. APRM Panel of Eminent Persons, *op. cit.*, pp.126-130. All quotes in this section are from these pages.

greater effort needs to be made to reverse the denial of democracy by slowly opening up the political space'. The Panel suggested in-depth dialogue with various groups to foster a sense of participation, inclusion and power-sharing. Notably, no particular groups were named.

### *Presenting the Country Review Report*

The interaction between the Rwandan government and the APR Panel on the content of the report to be presented to the heads of state in Abuja, Nigeria, in June 2005 is informative. It shows that the Panel stood its ground against a government unhappy about some comments made and procedures followed, but also that it was prepared to soften the language and remove some detail for diplomatic reasons.

Both Ghana's and Rwanda's draft country reports were finalised on 3 June 2005, and sent to the two countries for comment. The Rwandan government responded to the report in a 20-page appendix, and took issue with a number of points made in it, meticulously rebutting criticisms against, among other issues, *gacaca*, the Forum of Political Parties, separation of powers and judicial independence, protection of the Batwa community, and land policies.

In Abuja, Rwandan delegates requested a meeting with the Panel to discuss the format of the upcoming Forum meeting as well as the content of the report, particularly a section on 'managing diversity'. Professor Njeuma said she had been telephoned by Francis Gatare, Nepad advisor to the president, 'expressing serious reservations about this paragraph', and pointing out that it did not appear in the earlier draft, sent to Rwanda on 3 June 2005. After consultation with the APRM Secretariat's executive director, Dr Bernard Kouassi, and other members of the Review Team, it was originally decided to delete the section. However, the full Panel felt the issues related to diversity and ethnicity were extremely pertinent to Rwanda and should be included, but 'the language could be streamlined'. Several paragraphs were shortened, and references to specific groups were removed.<sup>66</sup> Gatare apologised for the phone calls 'that, in his opinion, should not have been necessary', but said that:<sup>67</sup>

[h]e had grown concerned after noting a section of the report that he considered outside the spirit of the process. He had considered it important that a message be made that there was a text that was not written according to the agreed-upon relationship. However, he thanked the Panel members for the spirit of constructive criticism they conveyed and noted that he would not comment on the substance of the new text.

The then chairperson of the APR Panel of Eminent Persons, Marie-Angelique Savané, noted that 'in rushing the writing of the report, everything might not have been done properly', but that Rwanda had the right to respond, and 'the Panel had not been influenced or manipulated in coming to its decisions.'<sup>68</sup>

**The Panel stood its ground against a government unhappy about some comments made and procedures followed, but also that it was prepared to soften the language and remove detail for diplomatic reasons.**

66. 'Draft Minutes of the Twelfth Meeting of the APR Panel of Eminent Persons, 16–17 June 2005, Abuja, Nigeria', paragraph 18.

67. *Ibid.*, paragraph 40.

68. *Ibid.*, paragraph 41.

In her presentation to the APR Forum on 19 June, Njeuma noted the tremendous strides Rwanda had taken to rebuild itself after the 1994 genocide, and praised efforts towards gender mainstreaming and progress made in delivering education and health services. Land, political pluralism, *gacaca* courts, managing diversity, external assistance, and capacity constraints were identified as overarching issues for immediate attention, and the following issues were particularly highlighted:<sup>69</sup>

There is ... a concern about the opening up of political space for competition of ideas and power. The apparent lack of separation of powers between the executive and the judiciary was also noted as a concern for good political governance in Rwanda. Acknowledging the efforts to promote justice through the traditional system of *gacaca*, the Panel underscored that measures need to be taken to ensure that the *gacaca* process does not become a 'victors' justice' and that it provides guarantees for accused persons comparable to the formal judicial system. Rwanda was also called upon to continue to promote efforts to manage ethnic diversity.

**Rwanda regretted that the APR rules prevented the main report from being changed to correct inaccuracies.**

In response to the presentation, Kagame noted his country's broad agreement with the report, but raised a number of points, and noted that some areas of the report appeared to misrepresent the real situation. The minutes of the meeting noted:<sup>70</sup>

In his view, the review team, given the short time, may have not been fully able to appreciate ongoing innovative measures and processes ... [and] proposed that, in future, consideration should be given to include local experts to facilitate better appreciation and contextualisation of local issues.

Particular issues highlighted by Kagame included the separation of powers and the independence of the judiciary, *gacaca*, and the management of diversity and political pluralism, reiterating many of the country's comments on the Panel's report. The Panel inserted an addendum to the report (Appendix II), acknowledging some errors of presentation or interpretation of judicial independence and political pluralism. Rwanda regretted that the APR rules prevented the main report from being changed to correct inaccuracies.

In comments on an earlier version of this chapter by Kabanda and Gatere, they acknowledge that the content of the draft was amended:<sup>71</sup>

The draft report after Abuja was further improved and Rwanda received the second round of the APR Panel led by Ambassador Kiplagat. Some of the issues that were previously wrongly understood by the external Review Team were corrected in the final version that was presented to the APR Forum held in the Republic of The Gambia. For instance, the first draft report did not recognise the independence of the judiciary and the role of the Forum of Political Parties. In the final report, the independence of the judiciary in Rwanda is well articulated and clear. The final report does also appreciate the role of the Forum of Political Parties which had been previously confused with the role of parliament and control on the political parties.

69. 'Draft Minutes of the Third Meeting of the APR Forum, 19 June 2005, Abuja, Nigeria', paragraph 31.

70. *Ibid.*

71. E-mail correspondence with A Kabanda and F Gatere, 5 October 2006.

### *Peer review by the APR Forum*

Rwanda's report was not presented in January 2006 in Khartoum as originally planned. Kagame had not attended the AU Summit in Sudan, and had sent his prime minister, Bernard Makuza, to present the report to the APR Forum. However, its chairperson, President Olusegun Obasanjo of Nigeria, insisted that if Kagame was not present, the peer review could not take place.

As a result, both the Rwanda and Kenya reports were discussed by heads of state at the following AU Summit held in Banjul, The Gambia, in June 2006.

Although Rwanda was only the second country to undergo peer review, and the procedures were still being developed, delegates and journalists attending AGF-VI expressed concern about the delays in the reports being made public, and the overall speed of the process, which they said had the effect of eroding the momentum of the APRM process and the political impact of the report's findings. In Rwanda, two-and-a-half years passed from the start of the national process in March 2004 to the report's release in July 2006. According to the rules, reports are made public only six months after consideration by heads of state. Although the report was ready for this review in June 2005, it was presented to the heads of state in Khartoum only in January 2006. That delay, plus the extra six months between the Khartoum and Banjul summits, put off the public release by a year.

Observers at Banjul noted that Kenya and Rwanda were 'peer reviewed' for two hours each at the Forum meeting, and their heads of state were not vigorously grilled on the specifics of their reports.

The report was officially launched on 13 July 2006, and is available on the Nepad Rwanda website.<sup>72</sup>

### *Implementing the Programme of Action*

Rwanda's Country Review Report contains 105 explicit recommendations by the Panel of Eminent Persons, and 10 policy actions directly addressing these recommendations (less than 10%). Unlike in the Anglophone countries, where the recommendations are short and explicit, in the Rwanda report, each one is a long paragraph, with the action item not always expressed clearly. This may be a function of translation from French into English, or, more significantly, a reflection on the quality of the work carried out by the Country Review Mission. Two of the APRM's 25 objectives contained no recommendations from the Panel – objectives three and four in the corporate governance section.<sup>73</sup> The Panel made seven recommendations on two objectives that are arguably the most important in the democracy and political governance section, going to the heart of the country's political system, namely

72. The Nepad Rwanda website is [www.nepadrwanda.gov.rw](http://www.nepadrwanda.gov.rw)

73. Objective 3: Promote adoption of codes of good business ethics in achieving the objectives of the corporation, and Objective 4: Ensure that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner), see APRM Secretariat, 'Country Self-Assessment for the African Peer Review Mechanism,' Midrand, South Africa, undated [2004], pp.70-72.

Objective 2: Reach constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizens' rights, and supremacy of the Constitution; and Objective 3: promote and protect civil and political rights, and economic, social rights, as enshrined in African and international human rights instruments. However, these two objectives are completely omitted from the final Rwandan POA.<sup>74</sup>

APRM guidelines require countries reviewed to report every six months on progress in implementing the Programme of Action. Rwanda's APRM Programme of Action Implementation Progress Report June–December 2006, produced for the Sixth APR Forum in Addis Ababa, Ethiopia on 28 January 2007, notes that the timing of APR in Rwanda allowed the Programme of Action to feed into the development of Rwanda's 'new generation' Poverty Reduction Strategy Paper (PRSP), known as the Economic Development and Poverty Reduction Strategy (EDPRS) in 2006. Making the APRM Programme of Action integral to national development plans, the report said, 'will ensure its smooth implementation and avoid duplicating development efforts.'<sup>75</sup>

Rwanda used desk research, interviews, focus groups and workshops to develop this implementation progress report. It highlights actions taken by the Rwanda Nepal/APRM Secretariat to popularise APRM, such as printing, launching and distributing the Country Review Report to the media and the public, uploading it to the Internet, experience sharing with other countries and, in conjunction with fellow pioneers Ghana and Kenya, the APRM Secretariat and the Strategic Partners, developing a monitoring and evaluation framework for APRM Programmes of Action.

The implementation report flags some of the following as progress highlights in the four thematic areas:<sup>76</sup>

**Democracy and political governance.** Commissions to enhance cross-border peace and security have been established, and administrative reforms to increase the effectiveness and efficiency of service delivery were reinforced.

**Economic governance and management.** Several initiatives, at various stages of implementation in this realm include the SASWITCH inter-bank system, a national database and information system, central bank regulations on microfinance, a household living conditions survey and the EDPRS itself.

**Corporate governance.** Considerable effort has been applied to improving the commercial legal and regulatory environment in Rwanda. 'It is in this regard that several laws are prepared and are at different levels nearing enactment,' says the report. The ombudsman's office has acquired more staff and increased staff training and expertise

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74. This analysis of the Rwandan Programme of Action is based on a draft paper by SAIIA researcher Faten Aggad.

75. Rwanda Nepal/APRM Secretariat, Rwanda's APRM Programme of Action Implementation Progress Report June–December 2006, produced for the Sixth APR Forum in Addis Ababa, Ethiopia, 28 January 2007, p.1.

76. *Ibid.*, p.9.

The most tangible progress appears to be in the economic and corporate governance realms.

**Socio-economic development.** APRM has helped to streamline development aid around priorities identified in the EDPRS, while surveys suggest a 4% drop in poverty levels from 2001 to 2005, increasing net primary school enrolment, more covered by health insurance and better delivery of water.

As with other pioneer countries, the report provides a snapshot of the nation's reform process at a particular point in time, but many of the claimed governance improvements are difficult to quantify and evaluate on the basis of this report without independent corroboration. A matrix outlining key priorities, time frame, status of implementation and observations lists a number of programmes have been launched, continued or extended, but it is hard to tell whether they exist because of APRM and how well they are working, and a number are 'still under development', 'ongoing' or at various stages of review in the legislative or regulatory cycle. The most tangible progress appears to be in the economic and corporate governance realms, with five commercial and investment laws passed by parliament, four listed as 'under review', a dozen more in draft stage, eight approved by cabinet and before parliament, three at cabinet stage, and four more undergoing 'technical formulation'.<sup>77</sup>

Rwanda's report lists resource limitations – both human and financial – as key implementation obstacles. APRM is seen as one way to garner additional resources, with the report commenting that 'No additional resources have been accrued to support the APRM Programme of Action, thereby overstretching the national budget.'<sup>78</sup>

Rwanda is making a determined effort to use APRM as a way to raise these funds. For example, APRM was at the centrepiece of the Sixth Annual Government of Rwanda and Development Partners Meeting in Kigali from 23–26 November 2006.<sup>79</sup>

## Conclusion

Rwanda has broken new ground in highlighting its best practices in a systematic and robust manner, especially in mainstreaming gender issues into national legal and institutional structures and policies, and the government has prioritised girl-child school enrolment. In May 2006, Nepad Rwanda and the regional office of the United Nations Fund for Women's Development (UNIFEM) in Kigali jointly published the Independent Review Report on the Progress and Prospects of Gender Mainstreaming in Rwanda, 1999–2005, and linked it explicitly to APRM:<sup>80</sup>

77. *Ibid.*, pp.22–27.

78. *Ibid.*, p.3.

79. Thutard S, 'What Nepad and the APRM means for Rwanda – Gatere,' *Rwanda Nepad Magazine*, Issue 6, January 2007, pp.3–4.

80. United Nations Development Fund Fo Women (Unifem) and Nepad Rwanda Secretariat, 'Independent Review Report on the Progress and Prospects of Gender Mainstreaming in Rwanda, 1999–2005', May 2006, p.1.

This gender review report ... complements the country's APRM Review outcomes. It focuses concretely on Rwanda's efforts in promoting gender equality, opportunity for all and women's participation in the political and economic life of the country. These issues are also well covered in the APRM Panel report for Rwanda, and some best practices were identified in the country. It was seen to be only fitting that a detailed review of this nature be undertaken.

Citing both achievements (including widespread legal reform, considerable gender equity indicators, enhanced female participation in decision-making and development, moves towards educational parity, pro-female affirmative action programmes and improving maternal and child health statistics) and challenges (such as persistent traditional gender stereotypes and attitudes, low female literacy rates, poor institutional capacity, limited resources and weak monitoring mechanisms), this innovative report is the first in a planned series of thematic reviews to both highlight best practices and delve more deeply into major national issues stressed in APRM, including land ownership, use and distribution in Rwanda.

Rwanda has continued to show enthusiasm and drive for improving the APR system and assisting the journey of the upcoming states. Rwanda has taken the initiative to venture into some of APRM's least explored territory: implementing the Programme of Action, reporting, monitoring and evaluation. Kigali hosted a workshop on these issues for the three pioneer countries (Rwanda, Kenya and Ghana) on 11 December 2006. According to the editor of the *Sunday Times* in Kigali, a 'conspicuous absence of leadership from the APRM Panel and its Secretariat in South Africa' led to the pioneer countries taking matters into their own hands, saying that 'very little guidance and support is even envisioned by the APRM Secretariat to countries in their post-Peer Review implementation.'<sup>81</sup>

While it fell short of adopting a uniform monitoring and evaluation system 'since different countries had their local specificities', the meeting recommended principles such as active involvement of all stakeholders along with government in APRM implementation; leadership and guidance from the Panel and Secretariat on implementation and reporting requirements; provision of a common reporting format; consideration of methods such as citizen report cards, surveys and validation exercises; and institutionalising national APRM structures and processes to ensure their sustainability.<sup>82</sup>

Articulating what he sees as the value of APRM to Rwanda, in a recent interview, Gatara said:<sup>83</sup>

APRM gave us a forum not only to debate among Rwandese about the effectiveness of [post-1994] institutions and policies, and where they are

**Rwanda has broken new ground in highlighting its best practices in a systematic and robust manner, especially in mainstreaming.**

81. Marete M, 'APRM Pioneers' Act a Milestone,' *Rwanda Nepad Magazine*, Issue 6, January 2007, p.14.

82. *Ibid.*, p.15.

83. 'Rwanda's Development Partners Welcome Integration of APRM PoA into National Development Programmes,' *Rwanda Nepad Magazine*, Issue 6, January 2007, pp.6-7.

taking us, but also how far they have taken us as a country. It was also an opportunity to see how some of the home-grown Rwandan initiatives relate to other initiatives of good governance beyond our borders. So APRM has given already benefited us immensely in giving us confidence in some of the initiatives we have taken up in the country.

## Lessons learnt

**Use the opportunities offered by the APRM.** Rwanda identified at least five opportunities presented by the APRM: benchmarking good governance against international standards; giving citizens an opportunity to evaluate governance; drawing civil society into discussions on governance issues from their traditional position as critics or watchdogs; showcasing post-genocide Rwanda; and providing a means for evaluating ongoing reform initiatives.<sup>83</sup> Rwanda has used the APRM in its efforts to rebrand the country.

**Inform and build confidence.** Countries will be unfamiliar with the APR system, and individuals may fear the process and the personal consequences of certain responses. It is therefore vital to educate citizens about what peer review seeks to achieve, and ensure that there is no fear about being honest about problems. The more informed citizens are before consultations occur, the better the quality of their inputs.

**Re-evaluate timelines.** Kabanda recalls that ‘this process was given inadequate time, and we were rushing at the end’.<sup>84</sup> Members of the Technical Review Teams cited time pressures as a major constraint on the quality of their work, particularly as they still worked in their regular jobs, as did the participating CSOs. The late initiation of the workshop for CSOs, in September 2004, gave them very little time to make meaningful inputs.

**Boost institutional capacity.** Rwanda acknowledged that it had underestimated the complexity of the review process, and that its Secretariat and Focal Point lacked capacity.

**Use African institutions.** By using various African think tanks to bolster the research and consultation processes in Rwanda, which itself lacked expertise and technical ability, Rwanda was able to add greater credibility and balance to its report. However, the extent to which it incorporated the advice provided by these research institutions is unclear.

**Strengthen secretariat support.** Rwandan officials noted that the guidelines to countries from the APRM Secretariat should be revisited, and there should be more support from the Secretariat to individual countries, for example in a regular session to bring APR Focal Points together to learn from one another. However, the Rwandan experience also points to the limits of the Secretariat’s influence – Rwanda essentially went ahead with its plans for a

83. Rwanda’s Consultations Outcome Report, *op. cit.*, pp.11–12.

84. Interview with A Kabanda, 15 May 2006.

large National Commission, and used technical teams heavily loaded with government officials to fill in the Questionnaire. Determining a sufficient level of consultation was also a challenge.

**Revise and simplify the Questionnaire.** Rwandans involved in the process strongly felt that the Self-Assessment Questionnaire should be revised, simplified and made more user friendly for participating countries, and more explicit in soliciting information about unique national policies.

**Rethink the Country Review Mission.** Rwanda's experience highlights the rushed and cursory nature of this particular review mission. Future missions should have more time to prepare and more time in country, and utilise that time more productively.



## MAURITIUS

The process ... stalled due in large part to ineffective leadership and management ... in particular a failure to ensure broad participation from civil society. It is paradoxical that Mauritius – often cited as a developmental success story on account of its remarkable economic achievements, harmonious multi-ethnic make-up and political stability – has not yet been able to deliver on the APRM... Yet if it is merely ‘the politics of embarrassment’ that will push Mauritius to move forward ... the government would have failed to comprehend [APRM’s] underlying philosophy ... and will end up once again with a report that does not reflect the voices of the people.

– Sheila Bunwaree, University of Mauritius<sup>1</sup>

Mauritius volunteered to be one of the first four countries to be reviewed under the APRM. It signed the initial Memorandum of Understanding on 9 March 2004, officially launched its process in July 2004, and submitted a draft report to the APR Secretariat in Midrand, South Africa, in March 2005. Yet, while the other three countries – Ghana, Rwanda and Kenya – have completed their Country Self-Assessment Reports and Programmes of Action, hosted Country Review Missions, and progressed to the implementation phases, the process in Mauritius has been virtually moribund for two years. There were no obvious impediments to a swift, credible and robust APRM exercise in Mauritius – governance is solid; democracy is vibrant, with regular elections and frequent alterations of regimes; the population is small and geographically concentrated (just more than 1.2 million people); and the former prime minister Paul Bérenger seemed strongly committed to the process.

So why has Mauritius struggled to proceed with APRM? ‘Mauritius is an interesting case,’ said Amadeé Darga, director of StraConsult, a Mauritian consultancy firm working on governance. ‘It’s the paradox of a democratic and capable state that has failed to go through the APR process. There was no apprehension – the government did not feel it had anything to prove. It was sure it would pass with flying colours.’<sup>2</sup>

**Mauritius is the paradox of a democratic and capable state that has failed to go through the APR process. There was no apprehension – the government did not feel it had anything to prove. It was sure it would pass with flying colours.**  
– Amadeé Darga

1. Bunwaree S, The African Peer Review in Mauritius: Lessons from Phase 1, Africa Governance Monitoring and Advocacy Project (AfrIMAP), Open Society Initiative for Southern Africa (OSISA), Johannesburg, June 2007, p.1.
2. Darga A, presentation at SAIIA’s ‘APRM Lessons Learnt’ workshop, Johannesburg, 12–13 September 2006.

There was little understanding of the spirit of the review, its mechanics, or even its terminology. The country treated the process as an exercise to be completed as quickly as possible, centred on filling in the long, complex APRM Self-Assessment Questionnaire, rather than as an opportunity for national dialogue on key governance issues. Government information and perspectives, drawn almost exclusively from civil servants and government departments, dominated the draft Self-Assessment. The hope that civil society groups and the private sector would respond voluntarily and enthusiastically was not realised. And when the process stagnated, there was little leadership, funding or political will to revive it.

This chapter examines the APRM structures and institutions developed in Mauritius, the depth and degree of civil society involvement, the methods for completing the Country Self-Assessment Report, and attempts to explain the lack of progress in this Indian Ocean state. Finally, it draws lessons from the Mauritian APR experience.

### **APRM structures and institutions**

In October 2003 the Mauritian government decided that an existing, relatively young institution – the National Economic and Social Council (NESC) – should implement the APRM in Mauritius.<sup>3</sup> The NESC is a government-funded forum that brings together civil society groups, trade unions and government representatives to discuss policy issues, and was formed under the National Economic and Social Council Act of 2001. There are 23 councillors representing these various groups. Although the council regularly interacts with government departments, agencies and other stakeholders, it had no previous experience of managing an exercise as large and complex as the APRM, particularly one involving a broadly consultative mandate and mission.

The NESC, in turn, created the National Coordinating Structure (NCS), a body similar to the National Governing Councils developed in Ghana, Kenya and South Africa. The National Coordinating Structure was originally a large committee, with members drawn from four main interest groups in Mauritian society: government, business, labour, and civil society. The National Coordinating Structure first met on 31 May 2004, three months after an initial APRM team (a Country Advance Mission) visited Mauritius, to review a simplified form of the Self-Assessment Questionnaire, and agree on their methodology for completing the Country Self-Assessment Report.

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3. The names given to Mauritian APRM institutions can be confusing. The NESC is officially known as the 'APRM Focal Point', but according to the APRM base document, the APRM Focal Point is supposed to be an individual minister or high level official with political responsibility for ensuring that APR review is completed. The NESC essentially functions as a local APRM Secretariat, as it handles administrative tasks, but it was also the body most involved in planning, compiling and editing the report, a task borne by the National Governing Council and Technical Research Institutions in other countries.

The Country Support Mission led by former APR Panel member Mourad Medelci from Algeria visited Mauritius on 27–30 June 2004, and noted that the country's APR process was insufficiently inclusive or consultative. As a result, in July 2004, a public notice was placed in the press giving 'any interested party' two weeks to join the National Coordinating Structure on a voluntary basis. This advertisement did attract a few more groups. The structure and membership of the National Coordinating Structure was finalised in August 2004; it met for the second time in September 2004, four months after the first, and held a 'validation workshop' in February 2005.

The draft Country Self-Assessment Report lists 71 members of the National Coordinating Structure, namely representatives of 14 government ministries; 14 other government entities (such as the State Law Office, Police Department and Independent Commission against Corruption); 14 private sector bodies (industry associations and professional bodies); 12 trade unions; and 15 civil society organisations.<sup>4</sup>

But the National Coordinating Structure was a weak, disparate body that met infrequently and had no real power. In essence, the National Coordinating Structure did not coordinate anything; it was a pool of institutions from which to draw inputs for the self-assessment, and validate the report.

The Focal Point, the NESC, was meant to be the administrative and technical heart of the process. But according to a Mauritian academic, Dr Sheila Bunwaree, 'the NESC ... is characterised by institutional dysfunctionality [*sic*]. In other words, the NESC was not the right choice. It did not have the capacity to steer the process.'<sup>5</sup>

The inexperienced and understaffed NESC was charged with too many responsibilities – including sensitisation, distributing and collecting questionnaires, and drafting and editing the report – and it was not able to perform any of these tasks effectively. It particularly failed to involve non-government actors in the process, harness research expertise, or fill in gaps beyond responses received.

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## Features of the Review

### *Government-heavy research methods and civil society apathy*

From the onset, the APR process was treated as an exercise of filling out the Self-Assessment Questionnaire rather than an opportunity for the country's citizens to discuss and debate governance, and identify important gaps and weaknesses. Mauritius did not appoint research organisations to undertake background research or compile material on the four thematic areas. Civil society was not deliberately excluded, but neither was it assisted, encouraged, or guided to become involved in the exercise.

4. NESC, 'Self Assessment Report for the African Peer Review Mechanism, Mauritius' [draft], March 2005, p.4.

5. Bunwaree S, Summary presentation for Banjul meeting, 26–28 June 2006, p.3.

At a SAIIA APRM workshop in September 2006, Bunwaree said:<sup>6</sup>

The research methodology concept was very poorly understood. The NESC thought that the Self-Assessment Questionnaire was the methodology itself. There were no focus group discussions, no survey, no polling. They didn't happen and the NESC had no capacity to even come up with what methods to use to get popular participation.

No funding was made available to independent civil society groupings to consult their members or produce submissions. Initially, only five submissions from institutions outside government were incorporated in the draft Country Self-Assessment Report. Poor communication and sensitisation of the public precluded meaningful public debate, and civil society itself was uninterested. Today, many civil society groups remain uninformed about APRM, and show little interest in the process.

Bunwaree said:<sup>7</sup>

APRM Panel member Ambassador Kiplagat said in Kenya recently that many countries signing up for the APRM process didn't necessarily understand what that meant. This includes Mauritius. Large segments of the country don't know anything about it.

In a presentation for a civil society workshop held in Banjul, The Gambia, in June 2006, Bunwaree characterised NGOs in Mauritius as fractured, dependent on the state or donors for funding, dominated by ethno-politics, lacking a culture of advocacy and lobbying, and affected by low turnover of leadership. She also cited people using NGOs as platforms for patronage politics.<sup>8</sup>

She noted:<sup>9</sup>

Mauritius has a terribly weak civil society, although on the surface it may seem as if it is a very participatory society based on 'social dialogue', etc. Mauritius is a society where there is no culture of debate, and the scholarly community is rather silent on a number of issues. The level of trade unionism is also weak ... Democracy is taken for granted – there is a very narrow view of democracy which prevails in the country – the absence of conflicts, the regular alteration of governments, the separation of power and the free and vibrant press make it seem as if everything is fine.

Given an apathetic civil society, government departments were made responsible for gathering the bulk of the information needed to fill in the questionnaire. Questions in the political and economic governance sections were divided among 'responsible organisations'. The draft Country Self-Assessment Report states:<sup>10</sup>

**No funding was made available to independent civil society groupings to consult their members or produce submissions.**

6. Bunwaree S, presentation at SAIIA's 'APRM Lessons Learnt' workshop, Johannesburg, 12–13 September 2006.

7. *Ibid.*

8. Bunwaree S, 'Summary presentation for Banjul meeting', p.4.

9. *Ibid.*, p.3.

10. NESC, *op. cit.*, p.5.

[A] lead institution was assigned the task of replying to each of the main and subsidiary questions ... mainly to ensure that for each question, the Focal Point could be assured of receiving at least one reply.

At the September 2006 SAIIA workshop, Darga commented, 'The Questionnaire was sent out by the NESC. They said "Please fill it out and send it back."' <sup>11</sup>

This led to the dominance of government perspectives. For example, the Prime Minister's Office and the Commissioner of Police were given the questions dealing with conflict prevention and resolution, the Ministry of Local Government was given the questions on decentralisation, and the Ministry of Finance and Economic Development the economic governance sections. Other stakeholders were also made responsible for providing material. The chamber of commerce and Joint Economic Commission – an umbrella business organisation – were listed as contributors to the corporate governance questions, while the Mauritius Council of Social Service (MACOSS) – housed in, and funded by, the Ministry of Social Security – was a subsidiary body listed in the economic governance section. <sup>12</sup> Ultimately, this government-dominated approach contradicted the principles of objectivity, transparency, and broad consultation inherent in the APRM.

The NESC saw itself as a neutral facilitator helping groups to complete the Questionnaire, and compiling the self-assessment. At the May 2004 National Coordinating Structure meeting: <sup>13</sup>

[o]ne of the main decisions taken was that while Government Ministries could coordinate the collection of inputs from their departments for submission to the Focal Point, private bodies ha[d] to be left free to send their replies directly to the Focal Point.

This was meant to avert concerns that government departments might misrepresent the views of NGOs or the private sector to the NESC. It was also decided that the Focal Point would prepare the report, which would have to be 'cleared and validated' by all NCS members, to ensure ownership of the report and 'ensure that any possible misreporting could not find its way into the final report'. <sup>14</sup>

The NESC sorted and collated submissions into the four chapters of the draft Country Self-Assessment Report. It hired a consultant from the University of Mauritius to compile the report, and said that it tried not to distort its main ideas. The draft report contained the comment that government agencies went into too much detail about all the activities of the administration. <sup>16</sup>

**Whilst many speak of a vibrant civil society in Mauritius, the reality is that the country's civil society organisations are fairly apathetic with little popular debate.**  
– Sheila Bunwaree<sup>15</sup>

11. Darga, *op. cit.*

12. 'Questionnaire on the African Peer Review Mechanism (APRM)', which lists the 'responsible organisations' for each APRM question, undated.

13. NESC, *op. cit.*, p.5.

14. *Ibid.*, p.8.

15. Bunwaree S, The African Peer Review in Mauritius: Lessons from Phase 1, Africa Governance Monitoring and Advocacy project (AfriMap), June 2007, p.14.

16. *Ibid.*

The draft Country Self-Assessment Report acknowledges the imbalance in inputs from government and civil society:<sup>17</sup>

The APRM exercise has been characterised by a predominance of inputs originating from public institutions. Despite the total freedom given to all parties to participate, NGOs and civil society organisations have generally shown low interest to be involved in the self-assessment exercise. This is evidenced both by the low number of NGOs involved and the quality of their submissions compared to those obtained from public institutions. It may be difficult to explain the causes of this low participation rate but certainly the fact that participation was not seen to be associated with visible benefit to private interest groups could be advanced as one of the main reasons.

Another factor that might have compromised civil society participation in the Mauritius process is the unique conflation of government and civil society in the country. Grant Masterson, a researcher at the Electoral Institute of Southern Africa (EISA), notes that, given the small size of this island community, the members of Mauritius's elite often assume multiple roles both within and outside government. One person can often simultaneously sit on corporate boards, represent CSOs, and consult for or work in government. This makes it extremely hard to identify and engage with 'independent' civil society voices. Masterson also suggests that not translating the questionnaire into Kreol, the most widely spoken language, curtailed the participation of many Mauritians.<sup>18</sup> However, the questionnaire was available electronically and in hard copy in both official languages, English and French.

### *No Programme of Action*

Countries participating in APRM must produce a Programme of Action that addresses the major governance gaps identified in the self-assessment process. Chapter 7 of Mauritius's draft report is entitled 'Recommendations and Basis for Programme of Action', which it states will be developed into a fully fledged Programme of Action at a later stage. It notes that the government already has programmes and policies in place to tackle shortcomings, and that the emphasis should now be placed on accelerating these programmes.

The recommendations are general in nature: building capacity and strengthening institutions; improving the business climate; continuing the welfare system; involving civil society in policy-making; increasing service levels and quality; protecting the fragile island environment; and adjusting traditional productive sectors to global economic conditions. The chapter does not provide a discrete list of interventions with time frames, responsible agencies, or budgets.

At the National Coordinating Structure meeting in March 2005, the NESC told participants that additional information was needed before sending the

**The eventual stalemate in the Mauritius process can be attributed to a change of government, funding problems, and increasing confusion about the process.**

17. NESC, *op. cit.*, p.59.

18. Masterson G, 'Peer Learning: How to Conduct Inclusive and Transparent Reviews', *Service Delivery Review*, South African Department of Public Service and Administration, 4, 3, 2006, p.20.

draft Country Self-assessment Report to the continental APRM Secretariat in Midrand, South Africa. The NESC acknowledged that the Programme of Action was rudimentary. Yet the report was forwarded to the Secretariat in April 2005 as a draft report, dubbed a 'work-in-progress'.

There are different views as to whether this draft report was rejected, and if so, by whom. Some in Mauritius contend that the Ministry of Foreign Affairs withdrew the report, realising it was inadequate. Others have intimated that it was the local UNDP office in the capital, Port Louis. Still others say the APRM Secretariat rejected the report.

According to Darga:<sup>19</sup>

What is fascinating about this failed process is that such a weak report was put up for validation at a workshop in March 2005, and it was in fact validated! Then this weak report was sent to the APRM Secretariat in South Africa, and Mauritius couldn't help getting a slap. Although never officially stated, the Secretariat felt the report was perfunctory and lacked substance.

The official response from the Secretariat – expressed by its executive director, Dr Bernard Kouassi – is that the report was not rejected, but considered incomplete because it lacked a Programme of Action.

### ***Stalemate***

The eventual stalemate in the Mauritius process can be attributed to a change of government, funding problems, and increasing confusion about the process.

In parliamentary elections in May 2005, the Social Alliance (dominated by the Labour Party of Navin Ramgoolam) ousted the incumbent Mauritian Militant Movement–Mauritian Socialist Movement (MMM–MSM) coalition led by Bérenger. This change of regime undoubtedly derailed the APRM. Mauritius is used to frequent (and peaceful) alternations of power, with senior civil servants shuffled among ministries and departments as new ministers assume office. When SAIIA researchers were conducting field work and interviews in Mauritius in July 2005 for an independent assessment of governance in that country entitled 'Mauritius: The Big Issues', it proved extremely difficult to speak to senior civil servants in the various ministries; many of them were in new positions or unsure of their future careers, and thus unable or unwilling to talk about governance issues.

The APRM Memorandum of Understanding was signed by the previous government, and therefore treated with some scepticism by the incoming administration. New government officials were poorly informed about the APRM, and did not understand the rationale for and potential benefits of undergoing this review. Additionally, the new government's focus lay not with the APRM but with severe threats to all the productive sectors of the country's economy: sugar, textiles, tourism, financial services, and information and communication technology. Ties between the NESC and the Ministry of

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19. Darga, *op. cit.*

Foreign Affairs were simultaneously strained by the change of key personnel in the latter. Political will – a vital ingredient of a successful APR programme – was absent.

Another factor contributing to the derailment was funding. Only the UNDP offered financial support for the APRM in Mauritius, and Bunwaree noted that some have blamed a scarcity of funds as the major reason for the slow process. Indications are that the NESC initially received just \$20,000 from the UNDP. This amount was far too small to do anything but the basics. The NESC did not have money to run additional workshops or fund research to revive the process, and appeared to lack the leadership required to get the process back on track. Academics and civil society organisations interviewed by SAIIA in July 2005 had little faith in the NESC's competence and management of the process, and the lack of genuine outreach to the population. In the wake of the non-acceptance of the draft report, the Ministry of Foreign Affairs has been far more involved in overseeing the NESC's operations, but with few tangible results to date.

At the end of July 2005, SAIIA researchers presented a draft of their independent report, entitled 'Mauritius: The Big Issues', to a workshop of about 40 key civil society stakeholders. The issues highlighted in SAIIA's draft report – including an analysis of weaknesses in anti-corruption infrastructure, some electoral practices out of step with African standards, a looming HIV/AIDS crisis, and profound political tensions between population groups – were vastly different from those profiled in the country's own draft Country Self-Assessment Report.

Given the contrast between the official report and the work produced by SAIIA, MACOSS invited SAIIA back to Mauritius in October 2005. They wanted to subject the SAIIA draft to another workshop of members of Mauritian civil society, to interrogate and adapt the text, endorse it, and submit it officially to the NESC as a civil society input into the national process. An early draft was sent to the NESC in November 2005. The two reports were so contrasting in style and content that the NESC was unsure how to integrate the texts. Bunwaree notes that several regional research institutions have been doing work on governance in Mauritius in conjunction with local consultants, which has 'resulted in some kind of confusion over "ownership". Who has produced what and when remains rather unclear.'<sup>20</sup>

More than three years after the launch of APRM, Mauritius's Country Self-Assessment Report and Programme of Action are still incomplete, despite the fact that a small team from the APRM Secretariat visited in April 2006 in order to explore new ways forward, and the selection of a new NESC chairperson in June 2006. Meanwhile, South Africa, which launched its APRM process in September 2005, overtook Mauritius when it hosted its Country Review Mission in July 2006 and was received by heads of state in July 2007.

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20. Bunwaree, 'Summary presentation for Banjul Meeting', p.3.

Discussions with Mauritian officials in Addis Ababa, Ethiopia, at a training workshop for APR Focal Points run by the UNECA and SAIIA in February 2007 revealed that in addition to the problems of political will, internecine local politics and funding mentioned above, there was considerable inter-departmental rivalry and bureaucratic infighting about restarting the APRM process among different parts of the Mauritian government, particularly between the ministries of foreign affairs and finance.<sup>21</sup>

## Conclusion

Finally, in January 2007 a tender was announced by the National Economic and Social Council inviting applications from agencies with experience or expertise in governance issues to apply to restart the Mauritian APRM process. The chosen agency would use the existing draft self-assessment as input, and would produce – after consultations – a new Country Self-Assessment Report, as well as a preliminary Programme of Action.<sup>22</sup>

The tender document specified that research would need to be conducted along lines specified by the APR Secretariat – in particular through the use of the questionnaire. Furthermore, it indicated that agencies would need to carry out the project by conducting ‘desk research, collecting existing reports, data, statistics and other relevant information, reviewing the APRM Questionnaire, organising meetings, focus groups discussions, and consultations through workshops to facilitate exchange of information and national dialogue.’<sup>23</sup> The consultancy firm, Ernst & Young, won the tender in April 2007 and have been proceeding with the exercise.

Perhaps chastened by the embarrassment of submitting its self-assessment prematurely in 2005, Mauritius has outlined a much slower timeline for its revived process. In February 2007, Ambassador Patrice Curé said that if the consultants were chosen in March 2007, they would have six months to complete their research and consultations (say by September 2007), to be followed by the Country Review Mission, making it unlikely for Mauritius to present its report to the APR Forum in early 2008, but rather by mid-2008.<sup>24</sup> This would therefore be over five years after the country had launched its APR process.

Perhaps chastened by the embarrassment of submitting its self-assessment prematurely in 2005, Mauritius has outlined a much slower timeline for its revived process.

21. Comments at the UNECA-SAIIA APRM Focal Points Training Workshop, 20–21 February 2007, Addis Ababa, Ethiopia.

22. National Economic and Social Council, Tender Document: Consultancy Services The Self-Assessment Report and the Preliminary Programme of Action (POA) for the African Peer Review Mechanism (APRM) in Mauritius, January 2007, p.3.

23. *Ibid.*, p.4.

24. Curé P, comment at the UNECA-SAIIA APRM Focal Points Training Workshop, 20–21 February 2007, Addis Ababa, Ethiopia.

## Lessons learnt

**Avoid APRM during elections, and depoliticise the process.** Where possible, avoid scheduling APRM reviews in years in which elections are planned. Elections consume the time and focus of many key local APRM stakeholders. In Mauritius there was a rush to complete the Country Self-Assessment Report before the campaign period. If the ruling party is voted out, this affects the continuity and momentum of the exercise. As was done in Ghana, APRM countries should set up governing councils independent of particular government departments or ministries, as this would minimise disruptions due to alternations of power. Mauritius suffered because the APRM was too politicised, and therefore closely associated with the policies of the outgoing government.

**Make APRM structures independent, strong, and empowered.** For the process to be smooth and successful, the champion of APRM at the national level must be credible, independent, and competent. The NESC proved unable to manage the process effectively. It also lacked credibility in the eyes of NGOs, and was too weak to adapt its strategies and approaches effectively. The National Coordinating Structure appears to have had no real decision-making power, and a body of 70 becomes unwieldy. Civil society groups were underrepresented on both these bodies.

**Prioritise publicity, sensitisation, and communication.** APRM is a novel, complex, and potentially daunting exercise. Citizens need to be clearly informed why the country has volunteered, what it sees as the national benefits, and, crucially, why individuals should get involved. An effective media and communications campaign is required to inform the broader public and the key organisations of 'what's in it for me and for us'. This takes time and money, but greases the wheels of the process. The NESC failed to inspire the nation. The private sector in particular saw no pay-off from the exercise, and no direct benefits.

**Do not rush, but do not drag.** All of the early countries have struggled to complete their self-assessments and Programmes of Action within the suggested six- to nine-month period. Although Mauritius's draft report was completed in about 10 months, its quality was poor, and it was not accepted. The premature submission of the draft Country Self-Assessment Report to the APR Secretariat was ultimately detrimental. From March 2005 to January 2007, the process was effectively moribund. Mauritius and other pioneer countries should lobby the APRM Secretariat to extend the recommended time frames.

**Involve the research community early.** Of all the pioneer countries, Mauritius' method for developing the Country Self-Assessment Report was one of the poorest. It was dominated by government views, by default as well as by design. Although early attempts were made to enlist established research institutions, including university departments, academics reported

that the process was not clearly explained or understood, and insufficient funding was offered. Given their experience, research bodies could have contributed considerably to designing more robust and representative research methods. For instance, as happened in both Kenya and Ghana, the report could have incorporated desk research, interviews with experts, and a household survey.

**Consult widely and effectively.** One of the biggest failings in Mauritius was the lack of civil society engagement. In order to gain the necessary legitimacy, the governing council should make a vigorous effort to involve players outside government in the process. Mauritius focused too doggedly on completing the Questionnaire. Other countries have demonstrated a variety of methods for capturing ‘the voice of the people’, including local and regional consultative events, focus groups, town hall meetings, household surveys and opinion polling, requesting sectoral submissions and providing funds for events, Internet-enabled responses, and so forth.

**Language matters – indigenise the Questionnaire.** Efforts should be made to translate at least a simplified version of the Questionnaire into indigenous languages. The lack of a Questionnaire in Kreol was exclusionary. South Africa has led the way in this area by translating the short version of its Questionnaire into all 11 official languages. It is also important to adapt the Questionnaire to local circumstances, including key governance issues that may not be sufficiently covered. While Mauritius did simplify the Questionnaire, it was not indigenised.

**Put effort into the Programme of Action.** While the process of gathering information for the Country Self-Assessment Report is very important, all the pioneer countries have spent too much time on this aspect of the APRM and not enough effort on developing practical, shared solutions to the biggest governance conundrums. The temptation is to list all existing government initiatives and assume they are dealing with all the problems, without interrogating their efficacy.

**At the outset of the process, the government failed to provide the necessary political leadership, including a clear vision of the objectives of the self-assessment exercise and the implementation process that should be followed.**

– Sheila Bunwaree<sup>25</sup>

25. Bunwaree, Lessons from Phase 1, p.13.



## SOUTH AFRICA

The reluctance to engage technical institutions at the beginning of the self-assessment process [in South Africa] led some stakeholders to suspect that the NGC wanted to manipulate the process and its outcome. This sentiment has lingered among segments of stakeholders, including civil society, academia and the media. This has been the case despite the involvement of technical institutions later in the process and the subjection of the CSAR ... to validation at both national and provincial levels.

– Country Review Report of South Africa<sup>1</sup>

It is natural that the rest of the continent will watch this process very carefully. They have expectations of this country that they don't have of other countries on the continent.

– President Thabo Mbeki<sup>2</sup>

By September 2005, when South Africa publicly embarked on its peer review process, there were already important lessons to be learnt from experiences in Ghana, Rwanda, Kenya, and Mauritius. Those pioneering countries had grappled to varying degrees with the common challenges presented by the APRM: building trust; insulating the process from politics and suspicions of government dominance; involving civil society stakeholders and research institutions in a meaningful way; and producing a credible report and a robust Programme of Action for redressing the most pressing governance shortcomings.

South Africa, with its ample financial and academic resources and close proximity to the continental APRM Secretariat, was well placed to have learned from its predecessors and to conduct an exemplary process. However, the way in which the South African government approached the APRM in the early stages suggested that it either did not fully understand the challenges

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– Thabo Mbeki

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1. APRM Panel of Eminent Persons, *African Peer Review Mechanism Country Review Report of the Republic of South Africa*, May 2007, p.43. At the time of writing, this report was posted on the APRM's website, <http://www.nepad.org/aprm/> with a note saying 'SA Report 14 May 07 (Pre-7th Forum and before final published book)'.
  2. South African Press Association, 'SA must lead by example in peer review assessment', *Dispatch Online*, 29 May 2005, <http://www.dispatch.co.za/2005/09/29/SouthAfrica/lepeer.html>.

ahead, or chose not to acknowledge them and not to build on best practice in those early countries.

The South African government initially envisaged completing the self-assessment report in two months, when most countries had taken a year or more. The minister driving the process declared that the 'APRM was not a research effort' and initially declined to engage experts to help deal with the many technical aspects of the Questionnaire, as Ghana and Kenya had done.<sup>3</sup>

It is important to recognise that peer review is unprecedented, and is a learning process for all concerned. The South African process did improve in significant respects over time, and there were attempts at innovation that deserve note, even where intent and execution diverged.

To simplify presentation and analysis, the following section will set out the basic approach and activities involved in the South African process. Subsequent sections will analyse the process in a thematic manner. The chapter will examine how an unrealistic timeline affected the level of civil society engagement and the quality of the Country Self-Assessment Report and Programme of Action. The analysis assesses the implications of appointing a cabinet minister to chair the governing council, and placing the national APRM Secretariat directly under her control. The depth and quality of interactions with civil society are evaluated by examining the activities of the council; commenting on submissions made by various sectors of South African society, APR workshops and consultations; and analysing the communication strategies employed. Finally, the chapter examines the diplomatic dimensions and implications of the South African APRM process.

SAIIA has followed the African Peer Review process in South Africa since its public launch in 2005. SAIIA's appointment in February 2006 as one of four Technical Support Agencies gave it an opportunity to follow closely the unfolding national process and to attend many APRM workshops and other events. Thus this country profile contains a greater level of detail based on personal involvement than the profiles of Ghana, Rwanda, Kenya and Mauritius, which were developed through written materials and interviews with participants.

The South African government initially envisaged completing the self-assessment report in two months, when most countries had taken a year or more.

### **Major APRM milestones in South Africa**

The South African process can be divided into seven major phases of activity, which are described below.

#### *Phase 1: Pre-launch (March 2003 to August 2005)*

In March 2003, South African President Thabo Mbeki signed the Memorandum

3. Authors' notes, from statements made by Minister Geraldine Fraser-Moleketi at a briefing launching APRM, Sheraton Hotel, Pretoria, 13 September 2005.

of Understanding committing South Africa to the APRM. South Africa was to be in the second group of countries to undergo peer review. The Minister of Public Service and Administration, Geraldine Fraser-Moleketi, was appointed as the APRM Focal Point in 2004, and an interim secretariat was established within the government department that she runs, the Department of Public Service and Administration (DPSA).

Official sources indicate that the government had been working on the APRM for a considerable period before the public launch of the process. In October 2004, the minister told a parliamentary briefing that ‘the preparatory processes for the African Peer Review Mechanism are underway’ and that a steering committee had been established in her ministry.<sup>4</sup> According to an official report on the APRM implementation process by the South African APRM Secretariat, two workshops on the APRM were held for senior civil servants between December 2004 and April 2005, in order to ‘create awareness and to outline the strategic approach and modalities for participation in the process.’<sup>5</sup>

As early as February 2005, government departments were tasked with completing sections of the APRM Self-Assessment Questionnaire, seven months before contributions from the public were sought.

In May 2005, the minister stated at another parliamentary media briefing:<sup>6</sup>

Cabinet has established the Focal Point (the Minister for the Public Service and Administration) and a Ministerial Committee to lead the African Peer Review Mechanism in South Africa. Consultations have been scheduled for May 2005 to July 2005. The first draft of the Country Assessment Report and Programme of Action are [*sic*] being completed and is expected to be finalised by July 2005.

As the process unfolded, it emerged that different government departments had produced lengthy reports on sections of the Questionnaire before public input was solicited, and these were being consolidated into a composite report, which later became known as ‘the government submission.’ Provincial Focal Points were designated in all nine provinces to drive the process. These were either the premier or a member of the provincial executive.

### *Phase 2: Initial plan (September 2005 to January 2006)*

Fraser-Moleketi publicly announced South Africa’s APRM plans at a briefing for stakeholders, followed by a press conference, on 13 September 2005 at the Sheraton Hotel in Tshwane (Pretoria), attended by the authors.

**Government had been working on the APRM for a considerable period before the public launch of the process ... different government departments had produced lengthy reports on sections of the Questionnaire.**

4. Fraser-Moleketi G, Governance and Administration Cluster Parliamentary Media Briefing: Update on Government’s Programme of Action by Minister for Public Service and Administration, 28 October 2004, see <http://www.info.gov.za/speeches/2004/04102908451001.htm>.

5. South African APRM Secretariat, *African Peer Review Mechanism (APRM) Implementation Process Report for the period April 2005 to June 2006*, 29 June 2006, pp.7–8. This report was submitted to the continental APR Secretariat along with the Country Self-Assessment Report.

6. Fraser-Moleketi G, Media briefing on Monitoring & Evaluation of Programme of Action: Governance and Administration Cluster by Minister of Public Service and Administration, May 2005, p.3, see <http://www.info.gov.za/speeches/2005/05050615451001.htm>.

These initial plans called for provincial premiers to organise 90 consultative meetings (10 per province), an official launch of the process on 28 September and for South Africa to complete the Country Self-Assessment Report by the end of November 2005. No other country had taken less than a year to complete its self-assessment. Fraser-Moleketi announced that there would be two National Consultative Conferences on the APRM – on 28–29 September 2005 to formally launch the process and, in November 2005, to discuss the first draft Country Self-Assessment Report.

She indicated that the report would draw on the ‘Ten Year Review’ of the first decade of democracy produced by the Presidency in 2003, and copies of a summary were distributed at the meeting.

In addition, community development workers (CDWs) – a cadre of specially trained civil servants who communicate government messages and liaise with local residents – would undertake consultations with citizens and local communities in municipalities across the country and ask them to respond to a simplified version of the APRM Self-Assessment Questionnaire.

The full size of the proposed National Governing Council was not announced, but Fraser-Moleketi said that five cabinet ministers would sit on it (herself plus the Ministers of Finance; Trade and Industry; Justice and Constitutional Development; and the Minister in the Presidency) and civil society would be represented by the local chapter of the African Union’s Economic, Social and Cultural Council (ECOSOCC). She did not clarify how these CSO council members would be selected.<sup>7</sup> The governing council would be supported by a Secretariat within the DPSA, which had already been established. When asked whether South Africa would, like Ghana and Kenya, utilise technical research bodies to help compile the report, she answered that there was no such formal role envisaged, given that South Africa had more and better available data and she stated that ‘The APRM is not a research exercise.’<sup>8</sup>

Given the depth of analysis required by the Questionnaire, the plan’s time frames seemed unworkable. There was insufficient time for genuine civil society input and influence, and the lack of research input and the melding of Focal Point, NGC Chairperson and Secretariat was contrary to the advice that the APRM Panel of Eminent Persons had given to other countries.

Concerned by these plans, representatives of a number of NGOs met. The South African Non-Governmental Organisation Coalition (Sangoco), Transparency South Africa (T-SA), the South African Council of Churches (SACC) and SAIIA jointly organised a workshop for South African civil society organisations in

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7. At this time, ECOSOCC was a new organisation continentally. Its intention was to allow civil society to nominate its own representatives from each country but to jump-start the process, governments were permitted to name the initial membership of national chapters. The sole mandate for these national chapters was to organise a national election process for the ECOSOCC chapters. This had not yet happened in South Africa, and its ECOSOCC members were selected by government without public consultation.

8. Authors’ notes, comments by G Fraser-Moleketi at the launch of the South African APRM process, Sheraton Hotel, Pretoria, 13 September 2005.

Johannesburg on 22 September 2005, ahead of the First National Consultative Conference on the APRM, planned for the following week.

At that workshop, CSOs openly challenged government's plans. Participants were highly vocal, calling for more time, greater civil society input, and clarity on the research and editing plans. The workshop developed a declaration of principles for civil society involvement in the process (see box below).

### **Principles which we will struggle for – CSO groups**

On 22 September 2005, SANGOCO, the SACC, SAIIA, and T-SA held a workshop for civil society organisations on the APR process in South Africa. Participants agreed that the following principles should be observed in the course of the process:

- Workshops and consultation with civil society should occur after the first draft self-assessment report has been written.
- The APRM process must reflect a plurality of views.
- There must be an honest and open reflection in the self-assessment of the views expressed by all stakeholders.
- The process should be transparent, with information shared as much as possible.
- The review should not only look at national government, but also provinces and local government.
- Provincially, civil society must play a key role and instead of the process being led by provincial premiers and Community Development Workers, there must be an open town hall meeting where premiers may play a role.
- Consultation should happen continuously, not just in the writing of the report.
- In the Programme of Action, the review should be able to contribute to sustainable development.
- This process must not only involve mass consultations, but should include academic research institutions and technical expertise by civil society.
- Chapter 9 Institutions [autonomous bodies created by South Africa's constitution, such as the Independent Electoral Commission, Auditor-General and South African Human Rights Commission] should be involved in the process.
- Urban and rural constituencies should be adequately represented.

Sangoco wrote about that meeting from its perspective:<sup>9</sup>

The workshop concluded to fight for various principles including inclusivity, and participation of all actors irrespective of organisational formation and/or political orientation, and the importance/enhancement of civil society in the process. We also agreed to mobilise all resources and expertise to ensure

9. Sangoco, *Sangoco and the APRM: a submission to the South African process*, March 2006, pp.10–11.

**A consultant representing government initially asserted that ‘the people’ would edit the final report, but when pressed, privately acknowledged that government intended to edit the document itself.**

the exercise was a success, in the national interest and our goals of fighting poverty and inequality and for solidarity. There was a need to organise the research/academic institutions and to be involved in the writing and editing of the country assessment report.

The South African government did not seem to appreciate the extent of public interest in making the APRM a fair and inclusive process. At the workshop, representatives of some NGOs expressed frustration that months of enquiries about the South African process had been rebuffed or ignored by government. They noted the plan’s emphasis on very broad but superficial engagements.

A consultant representing government initially asserted that ‘the people’ would edit the final report, but when pressed, privately acknowledged that government intended to edit the document itself. Conference participants resolved to attend the forthcoming consultative conference. Many did so without government funding or assistance.

Some 350 people attended the First National Consultative Conference on 28–29 September 2005, at Gallagher Estate in Midrand. In his address, President Thabo Mbeki questioned the motives of foreign-funded NGOs in South Africa, perhaps alluding to the criticism of the APRM.<sup>10</sup> Many civil society groups raised issues about the governance structures, proposed implementation plan and tight timelines. Concerns about government’s seeming desire to dominate the process and muffle civil society were also voiced. Civil society pressure seemed effective, as the date for the follow-up conference to validate the Country Self-Assessment Report (previously scheduled for November 2005) was not mentioned. At the conference, a 15-member National Governing Council was announced, including five ministers and 10 representatives from civil society. However, there was no public nomination or election process, and the names of the representatives were decided behind closed doors. (See a fuller discussion of the composition and role of the National Governing Council in the section entitled ‘APRM Structures and Institutions.’)

Advertisements appeared in the national press in October 2005, announcing that both Houses of Parliament – the National Assembly and National Council of Provinces – had formed a joint ad hoc committee on the APRM, and set up subcommittees for the four thematic areas covered by the process. Parliament would hold public hearings and accept submissions, and at that point it said that it would create and submit its own independent APRM assessment to the continental Secretariat.

South Africa hosted a Country Support Mission led by Professor Adebayo Adedeji of Nigeria, the member of the APRM Panel of Eminent Persons

10. President Mbeki at the conference said, ‘We have civil society organisations funded by the Americans, the Swedes, the Danes, the Japanese, who set agendas, who say, “These are the things that we want.” ... Do they reflect the ordinary people or do they represent other interests?’

overseeing South Africa's review, from 9–11 November 2005.<sup>11</sup> The mission met with the National Governing Council, some Provincial Governing Council members, government officials, business organisations and civil society groups.

Although such missions ostensibly provide an opportunity for civil society to alert the continental authorities of their concerns with the process, the Country Support Mission's schedule was overambitious and unrealistic, and the process of convening the meetings was chaotic. Many invitees were notified only hours before the event, which greatly limited participation and representivity. For example, on 10 November, senior representatives from universities and the 'Chapter 9' Institutions (named for the chapter of the Constitution in which they are described) such as the Independent Electoral Commission (IEC) and South African Human Rights Commission (SAHRC) arrived at the meeting venue in Midrand, only to have the Country Support Mission depart 30 minutes later for another meeting scheduled with Business Unity South Africa, some 40 km away in Johannesburg. They complained that they had been hastily informed about the meetings, with some having been telephoned that morning.

A report by the local APRM Secretariat on the missions says, 'Most stakeholders raised concerns around the short time frames and speed of the process. Professor Adedeji noted these concerns and stressed the need for the process to be thorough.'<sup>12</sup> Despite public comments that he would rather have a thorough process than a rushed one, Adedeji signed the MOU indicating that the Self-Assessment Report and Draft Programme of Action would be completed by 31 March 2006.

The mission raised three concerns with government: the structure of the National Governing Council; the seemingly parallel process initiated by parliament; and the non-involvement of research institutions. A follow-up mission by Adedeji on 4–8 December 2005, in which he visited three provinces (Limpopo Province, Eastern Cape and Western Cape), recommended contracting four Technical Research Institutions to assist in compiling the Country Self-Assessment Report in the four thematic areas. After this second visit, Parliament agreed to submit its report to the National Governing Council as an input to the national process rather than directly and independently to the continental APRM Secretariat, as Parliament had originally envisaged.

### *Phase 3: Research (November 2005 to March 2006)*

A number of mass meetings, consultation sessions, workshops and events related to the APRM were held in South Africa, at national, provincial and sectoral levels, to both publicise the process and gather input for the

**The Country Support Mission's schedule was overambitious and unrealistic, and the process of convening meetings was chaotic.**

11. President Mbeki signed the Memorandum of Understanding (MOU) between government and the continental Secretariat agreeing to undergo technical review on 11 November 2005.

12. South African APRM Secretariat, 'Report on the APRM Country Report Mission to South Africa, 9–11 November 2005,' November 2005, p.4.

Country Self-Assessment Report. Submissions were eventually uploaded to South Africa's APRM website,<sup>13</sup> providing a public record of the views of stakeholders. This was a strength of the South African process, contributing to openness and transparency.

In November 2005, the National Governing Council appointed a research subcommittee to oversee the compilation of the Country Self-Assessment Report, and by the start of 2006, it had resolved to involve research bodies in two ways.

Firstly, the research committee invited almost 200 institutions to apply for accreditation to become voluntary research partners, to review the work of the four research bodies that would be contracted to compile technical reports. Fifteen such bodies were accredited, but never actually met to review the technical reports.

Secondly, institutions were invited to tender to become contracted 'Technical Support Agencies' (TSAs) for one of the four thematic areas in the APRM. Each agency would have a fourfold task: to produce a draft technical report reflecting all submissions received for that particular thematic area; co-host a seminar of experts with the governing council to test the report's findings and amend that draft; participate in the second National Consultative Conference to validate the report; and produce a final draft technical report and preliminary Programme of Action.

Only four bodies completed proposals, and were appointed on 16 February 2006, five months after the South African APRM process had publicly commenced. They were the Institute for Democracy in South Africa (Idasa) (democracy and political governance); SAIIA (economic governance and management); the African Institute for Corporate Citizenship (AICC) (corporate governance); and the Institute for Economic Research on Innovation (IERI) (socio-economic development).

South Africa engaged the services of two 'Quality Assurance Agencies' to assess the quality of the work produced by the Technical Support Agencies and the extent to which the reports reflected public views. The Human Sciences Research Council (HSRC) oversaw work by Idasa and IERI, and the Office of the Auditor-General evaluated the work of SAIIA and AICC.

**Although the idea of quality assurance and verifying that the reports fairly reflected public views was sound, the actual execution was mixed.**

Although the idea of quality assurance and verifying that the reports fairly reflected public views was sound, the actual execution was mixed. The two Quality Assurance Agencies took different approaches in overseeing the work of the Technical Support Agencies, with a resulting lack of consistency. The Auditor-General took a highly technical approach to verifying the submissions received and summarised, while the HSRC became more involved in the research methods and style adopted by the research organisations. The Auditor-General was thorough in trying to verify when different texts arrived

13. [www.aprm.org.za](http://www.aprm.org.za).

but did not engage with the substance of the analysis or how the report was compiled.

In the end, the Auditor-General certified that the reports fairly reflected public inputs but did not comment when the reports were heavily edited after their public validation, a process that removed or downplayed many concerns expressed in public submissions. The HSRC is a large state-funded research institution, and similarly made no public comments on this issue.<sup>14</sup>

See the sections on 'Research, consultation and report writing' and 'Using Technical Support Agencies' later in this chapter for a fuller discussion.

#### *Phase 4: Revision and editing (May to June 2006)*

Draft technical reports were completed at the end of March 2006, after five weeks (the Technical Support Agencies were originally given just three weeks for this work). They were compilations of all responses in public and government submissions to each APRM objective and question in each thematic area. Time did not allow the research institutions to verify the claims made in these submissions, or supplement the material with interviews or additional research. Workshops for experts were convened from 4–7 April 2006 at the Indaba Hotel north of Johannesburg, with one day dedicated to discussing each of the four thematic areas. Participants included experts drawn from academia, business, parliament and government.

Attendees received copies of the draft reports, running to several hundred pages, on the day of the seminars, and so had no time to prepare critiques. Technical Support Agencies were later asked to reduce their technical reports to 20–page summaries (then expanded to about 40 pages), which would form the draft chapters for the Country Self-Assessment Report, thus losing much detail.

The National Governing Council met on 2 May, and some council members, notably from government, expressed dissatisfaction with aspects of the report.<sup>15</sup> That afternoon, the Technical Support Agencies were told to be at the minister's office in Pretoria the following morning for an urgent meeting at 7:00 a.m. This meeting took place on 3 May, the day before the Second National Consultative Conference. The Technical Support Agencies were requested to make adjustments to the draft text of their chapters. This was the first time that the TSAs had interacted with the relevant government officials directly. In the democracy and political governance section, Idasa researchers were pressured by Department of Justice officials to tone down discussion of floor

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14. In November 2005, the HSRC was involved in a public dispute with a senior staff member, political analyst Dr Xolela Mangcu, who resigned citing political interference with his work by government. The resignation reportedly arose from a disagreement with the organisation's Chief Executive Officer, Dr Olive Shisana, after she allegedly informed him that ministers were unhappy with his public writing. See Webb, B, 'Political pressure forces Mangcu to quit', *The Star*, December 2005.

15. South African APRM Secretariat, 'Minutes of the APRM National Governing Council Meeting,' held on 2 May 2006, Sheraton Hotel, Pretoria, pp.6–9.

The draft POA was considerably revised and downscaled, with many specific recommendations removed without explanation.

crossing, the ‘Oilgate’ scandal,<sup>16</sup> and alleged threats to judicial independence, among other issues. Hundreds of copies of the report prepared for Kliptown were destroyed and had to be reprinted overnight to incorporate these last-minute changes.

The Second National Consultative Conference in Kliptown, Soweto, on 4–5 May 2006 attracted about 1,700 people. The conference was meant to validate the Country Self-Assessment Report and Programme of Action. However, participants were again given copies of the text only on the day of the conference. Less than two hours were spent in groups discussing the content of the reports, and draft Programmes of Action were not distributed. It proved to be extremely difficult to perform a genuine and credible validation of the report under these circumstances, given the large number of issues to be covered.

Following Kliptown, the draft self-assessment was heavily edited. Government claimed that a multidisciplinary task team comprising senior government officials, the local APR Secretariat, some civil society representatives and some Technical Support Agencies edited the text, but membership of this team was never made public. SAIIA researchers had less than 24 hours to comment on a revised draft. This concession was granted after the intervention of the Auditor-General’s office. An in-depth analysis by SAIIA (available on the SAIIA website) showed significant differences between the Kliptown version and the 9 June text of the Country Self-Assessment Report.<sup>17</sup> Contentious issues covering several paragraphs or pages had been watered down, often to just a single line or phrase alluding to ‘some submissions’ rather than precise sources (see section on Editing the Self-Assessment Report, below).

The draft Programme of Action was considerably revised and downscaled, with many specific recommendations removed without explanation. This final self-assessment was submitted to the APRM Secretariat on 30 June 2006.

### *Phase 5: Country Review Mission (July 2006)*

From 9–25 July 2006, the Country Review Mission visited South Africa for 16 days. The government set its schedule, and its official interactions with people tended to be in large meetings. However, the review team made efforts to reach out to a variety of sources outside the official programme. Through these more personal interviews, civil society provided a variety of views and documentation to the review mission. It spent relatively little time in Johannesburg and Pretoria, and six of the nine provinces were visited in this short period. The media and activist groups raised concerns that research was rushed and key issues were inadequately covered. Professor Adedeji

16. ‘Oilgate’ refers to the donation of R11 million towards the ANC’s 2004 election campaign by Imvume Management. The firm was under contract to purchase oil for the state-owned PetroSA and requested that its normal monthly fee of R15 million be paid twice for a particular month. The donation to the party came from this extra payment, which raised questions as to whether state-owned companies were being misused to finance the party or whether the donation was purely a unilateral act by Imvume. See <http://www.mg.co.za/specialreport.aspx?area=oilgate>

17. See [http://saiia.org.za/images/upload/SA-APRM\\_Overview.pdf](http://saiia.org.za/images/upload/SA-APRM_Overview.pdf) for a summary and [http://saiia.org.za/images/upload/SA-APRM\\_Comparison.pdf](http://saiia.org.za/images/upload/SA-APRM_Comparison.pdf) for the full comparison.

was heavily criticised in the media for praising the South African process and report during the visit, although he urged civil society to suspend judgement until the final report and Programme of Action were released.

### *Phase 6: The Panel's report (August to December 2006)*

The Country Review Team and continental APR Secretariat worked from August to early November to prepare their draft Country Review Report for South Africa. Some Country Review Team members stayed on in South Africa during this period, and several consultants spent additional months in-country working on the report and talking to stakeholders. A National Governing Council meeting was convened in November 2006 to discuss this report, and civil society council members were given 48 hours to respond in writing to the Panel's report.

Newspaper reports that appeared in December 2006 by journalists that had seen this report indicated clearly that many of the issues removed or marginalised in the Country Self-Assessment Report were highlighted and emphasised in the Panel's report.

The Panel made 182 explicit policy recommendations and requested South Africa to revise its Programme of Action in response. The South African government was reportedly reluctant to do so, and had several exchanges on the matter with the Panel and continental Secretariat.

Officially, the government maintains that it has responded to all of the Panel's recommendations and declined requests by civil society to discuss publicly the revisions to the programme. The National Governing Council was not convened after the November 2006 meeting until August 2007. However, analysis by the authors, who matched the 182 formal recommendations made by the Panel against the final Programme of Action released on 1 July 2007 to heads of state, demonstrates that in fact a large proportion are not addressed or only partially addressed. (See further discussion in the 'Programme of Action' section.)

### *Phase 7: The APR Forum (January and July 2007)*

President Mbeki was scheduled to face his peers at the Sixth APR Forum in Addis Ababa, Ethiopia on 28 January 2007. However, the day before the scheduled presentation a decision was taken to postpone it until the next heads of state summit scheduled for the end of June 2007, in Accra, Ghana. Official explanations claim that there was an administrative error, with the continental Secretariat having printed the wrong version of the report, which excluded South Africa's revised Programme of Action. (The reasons for the postponement are discussed in greater detail later in this chapter.) Mbeki eventually discussed the South Africa report with heads of state at the APR Forum meeting in Accra, Ghana on 1 July 2007.<sup>18</sup>

**People are willing to talk – they'll tell you frankly where they see the problems and where they see the strength.**  
– Professor Adebajo Adedeji.<sup>19</sup>

18. The Algerian report was meant to have been reviewed by heads of state on 30 June 2007, but too few had arrived in Accra, so both the Algerian and South African reports were discussed the following day.

19. Quoted in Oelofse L, 'Peer Review finds us "proudly South African"', *The Cape Times*, 26 July 2006.

## Key weaknesses of the South African APRM process

As the preceding section suggests, the South African process was affected by significant controversy, which reflects weaknesses in the APRM system as well as particular government decisions about the management and governance of the process. The following sections develop in greater depth four salient aspects of the South African process that deserve particular attention:

**Time frames.** The setting of unrealistic deadlines and inflexibility in response to the resulting problems affected the quality of the process and the report.

**APRM structures and institutions.** The effects of the country's institutional arrangements – particularly the relationship between the Focal Point, the National Governing Council, and the local Secretariat – fostered controversy, negative media coverage and complaint from researchers and non-governmental organisations, which continued throughout the process.

**Research, consultation and report writing.** Robust written submissions from the public were offset by significant problems with the other two forms of input used – a citizen survey and provincial reports. While APRM-related events were held countrywide and a large budget was spent on publicity, this consultation process realised only limited public awareness and involvement, and pointed to design and management weaknesses. The late appointment of Technical Support Agencies, lack of clarity on editing and writing standards, significant revision of publicly validated texts and a rushed process for formulating the POA negatively affected the quality of South Africa's APRM outputs.

**Continental interactions.** Checks and balances built into the APRM system as a whole – such as the work of the Country Review Mission to take their analysis beyond the Country Self-Assessment Report – compensated for several of the weaknesses in the South African process, but South Africa's approach and interactions with the APRM Panel, Secretariat and other APRM countries highlighted key weaknesses deserving further attention.

## Time frames

South Africa is the only APRM country so far to have completed its self-assessment in less than a year, taking nine months from the public launch of the process at the First National Consultative Conference on 28–29 September 2005 to the submission of the Country Self-Assessment Report to the continental APRM Secretariat on 30 June 2006. The official guidelines originally envisioned a process that would take six to nine months, including development of the self-assessment, conduct of the Country Review Mission and completion of the Panel's report.<sup>20</sup> Leaving aside the questions raised

20. Although the original guidelines set this duration at six to nine months, the description of the APRM process that was included in the final report on South Africa says that the duration is 'nine to 12 months' from start until presentation before heads of state. See *APRM Panel of Eminent Persons, APRM Country Review Report No. 4, Country Review Report of the Republic of South Africa*, May 2007, p.37.

by South Africa's management of the process, its difficulties in meeting this proposed schedule reflect on the practicality and complexity of the APRM process as a whole, as well as on failures during the early planning stages to anticipate the nature of the challenges imposed by the APRM.

With ample tax revenues and the willingness to self-finance the process, South Africa had none of the problems experienced by other countries in locating funds for the APRM. A budget of about R20.5 million (about \$3 million) was developed in 2005 to fund the entire APR process until after the Country Review Mission.<sup>21</sup> At the first council meeting in October 2005, the budget was presented by government and it was made clear that South Africa would finance all its own activities and not utilise donor funds. Fraser-Moleketi said that budget allocations had been made and there was no flexibility to discuss or alter the use of funds.<sup>22</sup>

South Africa was also aided by having the continent's largest complement of research bodies and civil society organisations, which gave it an advantage not enjoyed by some smaller nations less well endowed in this regard. Even with these advantages, the process took South Africa 21 months to complete from the public launch to the presentation to heads of state (or 33 months from the time government first declared it had begun internal preparations).

For South Africa, completing the self-assessment phase in nine months proved taxing on civil society, research institutes and government staff. Meeting this deadline came at the considerable cost of superficial consultation, lack of consensus on key problems and ongoing disputes about the management of the process.

The timeline had significant implications for several aspects of the process. The reasons for the original two-month schedule and institutional arrangements were not made public, which created distrust and provoked protests from some groups within civil society. Indeed, the South African government appears to have engaged in little meaningful public consultation, engagement with the research community or with other APRM nations to arrive at its original plan.<sup>23</sup> Had it done so, many of the difficulties and disputes affecting the process could have been avoided, particularly regarding the planning of the flawed citizen survey and the use of research institutions. Given the scale of the consultations proposed, the huge task of reviewing so many aspects of governance in South Africa and the manifest complexity of the APRM Questionnaire, CSOs speculated that the government was not serious about an in-depth review, and had already prepared a text responding to the Self-Assessment Questionnaire.

**For South Africa, completing the self-assessment phase in nine months proved taxing on civil society, research institutes and government staff.**

21. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, pp.26–27.

22. Telephone interview with Z Twala, 16 August 2007.

23. At the briefing on 13 September 2005, youth organisation representatives that had recently attended a workshop on APRM in Kenya made comments that indicated that they had superficial knowledge of the Kenyan APRM process. Two were subsequently employed in the APRM Secretariat in the DPSA to assist with community mobilisation efforts.

**Deadlines for public submissions kept shifting, particularly because so few had been received, but no comprehensive review of deadlines was conducted.**

As mentioned in the brief description of the pre-launch phase above, although Fraser-Moleketi did not publicly launch the APRM process until September 2005, government had been making its preparations since at least October 2004, according to a briefing at Parliament by the minister, and workshops were held for government officials. In May 2005 she mentioned at another parliamentary briefing that the first draft Country Self-Assessment Report and draft Programme of Action were being completed.<sup>24</sup> There were no significant press articles reporting on the minister's comments in either of these briefings about the APRM, and for practical purposes, the public remained unaware of the start of the process until the launch in September 2005. By February 2006, when the Technical Support Agencies were engaged, government departments had produced comprehensive reports answering almost the entire Questionnaire, which were then consolidated into a 'government submission'.<sup>25</sup>

The tight timelines undoubtedly deterred several institutions that could have made significant submissions. Many organisations in South Africa close over the festive season (from either early or mid-December to early or mid-January). Local government elections held on 1 March 2006 might also have affected the volume and quality of submissions, which might explain why no political parties made submissions (with the exception of some limited inputs to parliamentary hearings for the APRM on issues such as floor-crossing).

In January 2006, national APRM Secretariat officials informed SAIIA that fewer than 10 submissions outside government had been received. As the process unfolded, the deadlines for public submissions kept shifting,<sup>25</sup> particularly because so few had been received, but no comprehensive review of deadlines was conducted. There was no clear public announcement that the original plan had been modified.<sup>26</sup>

Zanele Twala, former executive director of the South African Non-Governmental Organisation Coalition (Sangoco) and head of the research subcommittee of the South African National Governing Council, argued that civil society members on the council were working only part-time on the APRM process and the council met infrequently. Between NGC meetings, government and its Secretariat took many decisions on the process. She noted:<sup>27</sup>

24. Fraser-Moleketi G, Media briefing on Monitoring & Evaluation of Programme of Action: Governance and Administration Cluster by Minister of Public Service and Administration, May 2005, p.3, see <http://www.info.gov.za/speeches/2005/05050615451001.htm>.

25. The South African APRM website [www.aprm.org.za](http://www.aprm.org.za) contains 19 submissions from 11 different government departments, in the section entitled: 'Submissions, government', which were consolidated into a single government submission.

26. Initially, the deadline had been the end of October 2005, then 31 December and then January 2007. Finally, a cut-off date was set for 17 March 2006, with material received thereafter to be added to summaries of the technical reports.

27. Informal conversations suggested that government announcements on deadlines were not necessarily its true views. A consultant employed by the DPSA said that announced deadlines by government are 'always unrealistic' and 'every deadline should be multiplied by two to get the real deadline.'

The NGC was very much government led. It depended very much on them to bring decisions to the floor on the NGC. For a whole lot of things that happened, from how to collect the data, decisions around the way to systematically present it, the writing and editing, civil society representatives were not systematically involved. When problems were raised around the process, we had very little influence.

When asked whether the council ever met to decide on how to respond to the lack of input from the provinces or problems with the survey, she responded:<sup>28</sup>

The NGC selected the research subcommittee to take care of all aspects related to research material, reports and so on. The civil society members were not working full time on the APRM – we still had our full-time jobs. The government side included the consultant Dugan Fraser,<sup>29</sup> the Director-General in the Department of Public Service and Administration, Professor Richard Levin, and Professor Anver Saloojee from the Presidency. So there was this internal, call it a 'parallel' group working on this from government's side. So I have no doubt this government part of the research subcommittee met and discussed this, but by the time these issues had been brought to our attention, the government had already decided. We were not able to stop the train.

Time pressures also affected the quality of work. The Technical Support Agencies were contracted on 16 February 2006 and their terms of reference required them to produce their draft technical reports, summarising all relevant submissions (running to hundreds of pages) by 7 March 2006, just three weeks later.<sup>30</sup> This was later extended by two weeks. This already difficult task was compounded because submissions arrived late. According to a schedule summarising the status of submissions received by the Secretariat on 13 March 2006, final reports had been received by that date from only two of the nine provinces (Free State and North West), and draft reports from two others (Gauteng and the Eastern Cape).<sup>31</sup>

Given the extremely tight time frames, the Secretariat was very slow in forwarding electronic and hard copy submissions to the support agencies after their appointment on 16 February 2006. Furthermore, not all the support agencies received the same material from the Secretariat. Submissions made to parliament were not kept at the Secretariat, and the Technical Support Agencies had to procure these documents directly from parliament in Cape Town. Several public holidays in March and April reduced the working days in this period, as did the local government elections held on 1 March. The entire DPSA, where the Secretariat was housed, moved from one building in Tshwane (Pretoria) to another during this period. According to a staff member, the Secretariat struggled to secure sufficient office space in the new

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28. Telephone interview with Z Twala, 16 August 2007.

29. *Ibid.*

30. Dugan Fraser was hired by and reported to government rather than the NGC.

31. South African APRM Secretariat, 'Terms of Reference: Technical Support Agencies', February 2006.

building, with delays in being assigned desks, telephones and computers.<sup>32</sup> The bulk of the submissions finally began to arrive at the support agencies almost daily in March. This made the compilation of the technical reports extremely difficult, as the body of material kept expanding. In some cases, newer versions of submissions were received, superseding drafts previously submitted to the Secretariat.<sup>33</sup>

The short time allotted for transforming scores of submissions into an organised, coherent, and readable text – five weeks – meant that the support agencies were neither able to verify the validity of facts or figures presented in submissions, nor undertake additional research or interviews to fill gaps in the report. In particular, government had taken some steps to fix a variety of problems but many of the public submissions asserted that these efforts were too slow, were not working or needed revision. But there was not time to evaluate government efforts, talk to participants in those reforms and identify what additional steps, laws, resources or managerial guidance were needed.

Requests by the support agencies to the local Secretariat to slow the process down were not entertained, and were not taken to the governing council for discussion. The response was that dates for the research seminars and consultative conference had been set (and co-ordinated with the minister's diary) and could not be changed. In fact, the TSAs did not interact with the council (except for members of the research subcommittee) and were not invited to governing council meetings.<sup>34</sup>

As the subsequent section on research outlines in detail, there was a frequent clash between the time constraints imposed by government and the demands of quality research. Advertising and public statements from government promised a process that would consult widely, include provincial views and citizen input through a survey. But government was unwilling to allow more time for these inputs to be analysed and incorporated. (See later discussion of the Community Development Worker survey and provincial reports.)

Time limitations also turned public conferences into largely symbolic exercises that offered little real opportunity to either confirm or meaningfully contest the self-assessment or Programme of Action. At the research seminars (4–7 April 2006) and the Kliptown conference to validate the self-assessment (4–5 May 2006), delegates did not receive the texts before arriving at these events, and therefore did not have enough time to engage critically with the material or offer any meaningful comment. Researchers requested that copies be circulated prior to such meetings but were told there was insufficient time.

**Time pressures meant that the support agencies were neither able to verify the validity of facts or figures presented in submissions, nor undertake additional research or interviews to fill gaps in the report.**

32. South African APRM Secretariat, 'Summary of Submission Status', 13 March 2006.

33. Interview with K Alexander, South African APRM Secretariat, 10 April 2007.

34. Informal links were maintained with individual research subcommittee members, but it was difficult for the Technical Support Agencies to discern the thinking of the National Governing Council as a whole.

Civil society groupings represented on the council also noted that they lacked sufficient time to study the final version of the self-assessment report in depth before assenting to it.

Zanele Twala said:<sup>35</sup>

There was never enough time in this whole process to allow real critical engagement. There was never enough time to engage with the contents, nor resolve issues on which there was no consensus. Remember, the CSOs were still working in their regular jobs full time. The government team could at least drop everything and devote all their time to the APRM. There wasn't enough time to go carefully through over a hundred pages. We tried to see if issues that were high on our organisation's agenda were accurately reflected. We usually got copies of drafts about a week before meetings, but that's still hard if you're working full time.

When the draft Country Review Report was received from the APR Panel in November 2006, civil society members on the governing council were given 48 hours in which to respond and only after an explicit request to the minister to be allowed to do so. Although the final report made 182 recommendations that South Africa was expected to incorporate into its Programme of Action, government declined to allow the NGC to see how government intended to respond to the recommendations until after the heads of state review. No further meetings were convened to discuss the substantial number of recommendations that government declined to incorporate.

Dissatisfaction with the pace of the process was widespread. The box below contains extracts from various public submissions to the APRM, describing the process as unnecessarily rushed with insufficient time for stakeholders to prepare for events or compile substantial and detailed responses.

**There was never enough time in this whole process to allow real critical engagement. There was never enough time to engage with the contents, nor resolve issues on which there was no consensus.**  
– Zanele Twala

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35. Telephone interview with Z Twala, 16 August 2007.

### Complaints about time constraints

**Congress of South African Trade Unions (COSATU):**<sup>36</sup> Very short notification [of meetings] was problematic and prevented adequate preparation, engagement and perspectives to be tabled at the [First National Consultative] Conference ... despite our proposal to delay the appointment of the Governing Council until further consultation with civil society institutions could be conducted in a more thorough manner, the Governing Council was launched.

We remain of the view that this process is too fast, to the exclusion of real civil society participation and call for a process whereby genuine consultation can be facilitated. The time frame for the whole process (nine months) remains too short and requires an additional period for consultation. An alternative time frame should be proposed by the Governing Council.<sup>37</sup>

**Parliament (Joint Ad Hoc Committee on Economic Governance and Management):**<sup>38</sup> The Committee held hearings on 1, 3 and 15 November 2005, and also on 11 January 2006. The challenge experienced in this regard was that the hearings were held too close to the holiday period, and as such many stakeholders were unable to attend. Academic institutions indicated that the end of the year is problematic as students were still writing exams. This hindered broader consultation with organisations across society.

The revised time frames for the process affected the quality of the product. These have resulted in activities being eliminated (e.g. the provincial public hearings of the Committee) and has [*sic*] also compromised effective engagement with previous country assessment reports and other stakeholders. It is important in processes such as the APRM to learn from best practices and to have as effective an engagement with stakeholders as possible. The Committee also had to reconsider commissioning research on critical strategic issues identified due to time constraints.<sup>39</sup>

**AICC technical report on corporate governance:**<sup>40</sup> We faced the following limitations in the course of preparing this report: Time issues due to which we could not meet with the various contributors to validate their submissions; and we could not undertake additional research to initiate a gap analysis. Not all submissions were included due to the cut-off point (17 March 2006) after which submissions that were received were flagged but not incorporated into the Technical Report. The nature of some of the submissions was limiting because in some cases they were merely power point [*sic*] presentations.

36. COSATU, 'COSATU Submission on Economic Governance and Management as a Review Mechanism for the African Peer Review Mechanism for South Africa: Submission to the Joint Ad Hoc Committee on Economic Governance and Management', p.5.

37. *Ibid.*, p.19.

38. South African Parliament, 'Report of the Joint Ad hoc Committee on Economic Governance and Management: A Response to the African Peer Review Mechanism Questionnaire', p.6.

39. *Ibid.*

40. AICC, 'South African Technical Report on Corporate Governance by the African Institute of Corporate Citizenship', March 2006, p.8.

### **Complaints about time constraints (Continued)**

**Parliament (Joint Ad Hoc Committee on Democracy and Political Governance):**<sup>41</sup> The revised time frames for the completion of Parliament's assessment impacted negatively on the programme of the Committee, which had to be compressed for purposes of expediency. This limited the effectiveness of Committee's information-gathering activities, as planned visits to the Limpopo province had to be cancelled and hearing days had to be reduced. Furthermore, the Committee could not reach as many communities as envisaged. This could have compromised the representation of certain groups. For example, although the South African Council of Churches (SACC) was invited to present on behalf of the church, it became evident that they do not represent all churches in South Africa, as there are some independent churches that are not affiliated to the SACC. Also, the presentation by the South African Non-Governmental Organisation Coalition (Sangoco) cannot be said to be representative of the NGO sector, as Sangoco only has a fraction (4,000) of the entire NGO community (approximately 30,000) affiliated to it. Finally, the presentation by the South African Local Government Association (Salga) only focused on the activities of its Mpumalanga branch, and not on the national position of Salga.

**Parliament (Joint Co-ordinating Committee on the APRM):**<sup>42</sup> While Parliament placed great emphasis on engaging civil society organisations, corporate South Africa and ordinary citizens, the limited time for the completion of the process negatively affected the extent of these engagements. We are confident that we will do better in subsequent peer review processes where we now have a better understanding of what is required and the time needed to complete the process adequately.

**Free State Province Submission:**<sup>43</sup> The time frame given for the community engagement process was too short and was perceived as a constraining factor ... The fact that the process started during the festive season means that most community members did not want to be disturbed while spending quality time with their loved ones. Participants were not willing to spend lengthy periods of time to complete the questionnaires and this compromised the quality of the responses.

**SAIIA-AICC-ISS Joint Submission:**<sup>44</sup> Although socio-economic issues are of great public concern, it was not possible to examine health, education, welfare, sanitation, housing and other issues, given the time allotted for the South African review.

41. South African Parliament, 'Joint Ad hoc Committee on Democracy and Good Political Governance: Public Hearings Report', p.6.

42. South African Parliament, 'Parliament of South Africa Joint Co-ordinating Committee on the African Peer Review Mechanism: A Response to the African Peer Review Mechanism Self-Assessment Questionnaire, Synopsis', p.5.

43. Free State PGC, 'Free State Provincial Governing Council: Community Engagement First Draft Report (March 2006)', p.36.

44. SAIIA, ISS and AICC, 'South Africa: An APRM Submission', p.4.

The *APRM Implementation Process Report* is the official history of the South African review process, written by the local Secretariat in Minister Fraser-Moleketi's office. The report acknowledged that the time frame proposed by the continental Secretariat was impractical:<sup>45</sup>

The process had tight time frames and the National Governing Council and PGCs [Provincial Governing Councils] had to work fast in order to meet the time frames suggested by the APRM guidelines and in particular the time frames agreed with the Country Support Mission (CSM). Although the National Governing Council and PGCs worked hard to comply with the agreed time frames, the timing of the mobilisation process coincided with the festive season, thus making it impossible for sectors and provinces to do much work between December 2005 and January 2006.

The time frames agreed with the CSM in November 2005 were therefore changed in order to accommodate the request for extensions from many stakeholders. These changes serve as proof of the effort made by the National Governing Council to make the process more robust and inclusive, but also justify the need to review the ideal/recommended time frames in which the process should be completed.

In a September 2006 interview by the Institute for Global Dialogue, Fraser-Moleketi said:<sup>46</sup>

The time frames were a major challenge. According to the APRM guidelines, the process is supposed to be completed within nine months, or at least a year. We thought this was a feasible target, given the credibility of our data and existing sources of information and infrastructure. That said, we still experienced difficulties in meeting the deadlines, and eventually acknowledged that the timelines were quite tough.

Although these comments by Fraser-Moleketi suggest that the government responded favourably to public complaints about timing, there was no public announcement of such decisions, and timing remained a considerable source of friction throughout the process. Research agencies were rebuffed, and at times verbally chastised, for raising issues related to timing and the negative effects it had on research quality. For example, when one of the authors sent a letter to the National Governing Council explaining the difficulties of compiling a credible report in this short period, and the problems with the CDW surveys, the DPSA director-general telephoned the researcher, angrily saying that contacting the council was 'inappropriate.'

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45. South African APRM Secretariat, 'African Peer Review Mechanism (APRM) Implementation Process Report for the period April 2005 to June 2006,' 29 June 2006, p.30.

46. Ajulu C, F Ikome and S Zondi, 'Geraldine Fraser-Moleketi', interview, *Global Dialogue*, September 2006, p.17.

During the Country Support Mission in November 2005, Professor Adedeji publicly urged South Africa to slow down, and said he would prefer a thorough process to one rushed to meet arbitrary deadlines,<sup>47</sup> but this advice was disregarded. South Africa's process would have been strengthened if more time had been allowed to make submissions, compile and check the technical reports, and validate the Country Self-Assessment Report.

The minister's emphasis on the quality of the 'data' reflected a recurring theme in her early discussions of the process. For example, a discussion document on the research plan distributed at the first meeting of the National Governing Council on 14 October 2005 said, 'The overall research strategy is based on the view that most of the empirical data needed to respond to the Questionnaire is fairly readily available.'<sup>48</sup> Her staff emphasised that other countries used more involved research processes because, effectively, they lacked accurate statistics and adequate analysis of causes to problems.

This approach did not give adequate attention to the possibility that the content and tone of the self-assessment might be subject to dispute, with differing interpretations about causes of problems or their solutions. The tight timelines were justified on the grounds that the exercise was one of assembling data, not of exploration or of resolving conflicting evidence and opinions.

Frequently, enquiries about why the process was being rushed were deflected, or the tight timelines were attributed to the Panel's requirements. Civil society scepticism increased when invitations for events were sent out too close to the events, or key groups seemed not to have been included on invitation lists. These may have been innocent mistakes or a function of poor planning or limited capacity in the Secretariat, but many parties interpreted them as intentional efforts at exclusion.

### *APRM structures and institutions*

Like several other APRM countries such as Ghana and Kenya, South Africa created three main institutions for implementing the APRM: the APR Focal Point (the Minister for Public Service and Administration, Geraldine Fraser-Moleketi); the National Governing Council (see following box); and a local APRM secretariat.

**The tight timelines were justified on the grounds that the exercise was one of assembling data, not of exploration or of resolving conflicting evidence and opinions.**

47. Although Adedeji made these remarks during the November 2005 Country Support Mission, government maintains that the Memorandum of Understanding signed during that visit agreed upon 31 March 2006 as the date for completion of the self-assessment. This suggests that either the Panel felt this was sufficient time to conduct a self-assessment or was unwilling to insist on a longer process. The APR process as a whole was under considerable pressure to accelerate the pace of reviews at this point as only three reviews had been completed since the process was launched in 2002.

48. South African APRM Secretariat, 'Documents for the APRM Governing Council Workshop to be held on 14 October 2005,' 14 October 2005, p.9.

### South Africa's National Governing Council<sup>49</sup>

The members of South Africa's governing council were announced at the first National Consultative Conference, held on 28–29 September 2005. They had not been elected, and no indication was given of how they had been chosen, although the government had previously indicated that they would be drawn from the South African chapter of the AU's ECOSOCC.

**The 10 civil society members were:** Bheki Sibiya, Business Unity South Africa;<sup>50</sup> Looks Matoto, Disabled People South Africa; Zanele Twala, Sangoco; Dr Nomonde Mqhayi, South African Youth Council; Thabisile Msezane, South African Council of Churches; Randall Howard, South African Transport and Allied Workers' Union (representing COSATU); Dr Mongane Wally Serote, representing the 'Arts and Culture' sector; Master Mahlobogoane, South African National Civics Organisation; Laura Kganyago, National Women's Coalition; and Moemedi Kepadisa, National Council of Trade Unions.

**The five government representatives were:** Dr Essop Pahad, Minister in the Presidency; Trevor Manuel, Minister of Finance; Mandisi Mpahlwa; Minister of Trade and Industry; Bridgette Mabandla, Minister of Justice and Constitutional Development; and Geraldine Fraser-Moleketi, Minister of Public Service and Administration, as chairperson.

Following the visit of the Country Support Mission, headed by Professor Adebayo Adedeji, in November 2005, the council was expanded by 14 members. Many of these were alternate representatives from the same organisations in the original 15-person council. While this arrangement ensured consistency in representation, it did not bring significantly different institutions or perspectives to the council. Noticeably absent from the National Governing Council were parliamentarians, journalists and academics or researchers. The new members were: Mandisa Mbekeni, Nepad Business Foundation;<sup>51</sup> Fadila Lagadien, Disabled People South Africa; Hassen Lorgat, Sangoco; Martha Makholo, SACC; Ashwin Trikamjee, South African Hindu Maha Sabha; Bheki Ntshalintshali, COSATU; Kholiwe Makhohliso, Cultural Sector/Freedom Park; Donovan Williams, South African National Civic Organisation (SANCO); Dudu Mhlongo, National Women's Coalition; Mahlomola Skosana, National Council of Trade Unions (NACTU); Jabu Moleketi, Deputy Minister: Finance; Professor Anver Saloojee, the Presidency; Advocate Johnny De Lange, Deputy Minister of Justice; and Dr Rob Davies, Deputy Minister of Trade and Industry.

49. Updated from [www.aprm.org.za](http://www.aprm.org.za).

50. Bheki Sibiya was subsequently replaced by Jerry Vilakazi.

51. Mandisa Mbekeni was subsequently replaced by the new Chief Executive Officer of the Nepad Business Foundation, Lynette Chen.

But, in marked contrast to Ghana, where steps were taken to separate the government, the National Governing Council, and the local Secretariat, in South Africa the three were conflated. This undermined the independence of the governing council and the status of the final report in several important ways.

A cabinet minister chaired the council. She closely managed discussions, with few civil society members willing or able to openly challenge her. Few meetings were called during key phases (for example, just two meetings were held in the first five months of 2006), and the National Governing Council was not convened between November 2006 and 7 August 2007. The minister's own tight schedule dictated when meetings could be held, and the timetable for important events such as the research seminars and consultative conferences. Council members said decisions were often presented to them for approval rather than for genuine debate.

Four other senior cabinet ministers and four deputy ministers or senior officials, well versed in government policies, sat on the governing council. Ministers all have other responsibilities and busy schedules. For example, several Secretariat staff and council members said that the Minister of Finance, Trevor Manuel, who had attended very few council meetings, was dissatisfied with the draft report presented at a council meeting held on the eve of the Kliptown conference, which precipitated the emergency meeting of 3 May 2005. This suggests that ministers had limited involvement and engagement with the report up to that point.

Some significant civil society groups infrequently attended council meetings. This was true of COSATU, the nation's largest labour union federation. COSATU is in a political alliance with the ruling party but has at times taken an oppositional stance toward government policy. Others seen as sympathetic to or financially dependent on government did not challenge or question government representatives on the council. This increased the chairperson's ability to dominate the proceedings, despite the nominal majority of civil society organisations on the council.

Housing the local APRM Secretariat within the Focal Point's ministry and staffing it with people ultimately reporting to the minister, served to undermine its independence.<sup>52</sup> SAIIA found that Secretariat staff members were reluctant to convey concerns raised by the Technical Support Agencies about the research process – such as the rushed time frames, or inadequate treatment of the CDW material – to the minister or the council. Government employees can be notoriously reluctant to contradict or question superiors, and the situation of the Secretariat within the minister's own department

**A cabinet minister chaired the council, with few civil society members willing or able to openly challenge her.**

52. 'The National APRM Secretariat is comprised of two members from the office of the Director-General, four contracted researchers, five members from the Ministry and two members seconded from ECOSOCC – SA Chapter. Additional capacity from the Department of Public Service and Administration (DPSA) is brought in from time to time to assist the team during "peak periods".' South African APRM Secretariat, *APRM Implementation Process Report, op. cit.*, p.11.

reinforced this tendency, especially considering some of the highly political and sensitive topics discussed in the APRM.

The provincial governing councils were run by provincial premiers or their representatives, and therefore faced challenges similar to those described at a national level.

National Governing Council members were not paid for their time. Many came from institutions that could ill afford to have their national leaders involved in non-remunerative activities connected with the APRM. Thus, participation placed a strain on these structures.

COSATU stated in its APRM submission: 'We remain concerned that this process appears to be led by government and fails to take into account several concerns, prior to these processes being rolled out further.'<sup>53</sup>

Zanele Twala said:<sup>54</sup>

Some NGOs definitely did not exercise their watchdog role. And you definitely had some NGOs aligned to the ruling party. The Focal Point minister was also a member of the ruling party, and you saw alliances emerging, especially over sticky issues like political party financing and eliminating presidential term limits. I think this reflects the mood in terms of civil society in this country after 1994; many have worked closely with the state on issues like service delivery and poverty reduction. I think we didn't strike the right balance between political legitimacy and professional and technical competence on the NGC. Too much emphasis was on getting groups that would be politically correct rather than on those who would help us to pass the scrutiny of having a robust report and transparent process.

**I think we didn't strike the right balance between political legitimacy and professional and technical competence on the NGC. Too much emphasis was on getting groups that would be politically correct rather than on those who would help us to pass the scrutiny of having a robust report and transparent process.**  
– Zanele Twala

In an exercise such as the APRM, it is natural for government evaluating itself and the state of the nation to want to give itself the best possible marks, emphasise its achievements, and play down its failures. The South African government, however, showed acute sensitivity, suggesting that the APR process should be managed to contain criticism.<sup>55</sup>

Implementation of the mechanism should be guided throughout to ensure that it does not become a 'complaints and finger-pointing forum.' There must be a balance between challenges, achievements and best practices that can be shared with other countries. As stated by a National Governing Council member, the mechanism encourages countries to engage in a 'self-assessment process and not a self-destruction process'.

With a minister chairing the governing council, South Africa faced questions about how candid and forthright the self-assessment would be. These institutional arrangements seemed to contradict guidance by the Panel of Eminent Persons. In a training videotape recorded for SAIIA in April 2006, Ambassador Bethuel Kiplagat, at the time the chairperson of the APR Panel of

53. COSATU, *op. cit.*, p.6.

54. Telephone interview with Z Twala, 16 August 2007.

55. South African APRM Secretariat, *APRM Implementation Process Report, op. cit.*, p.32.

Eminent Persons, said unequivocally that the ‘leadership of the ... governing council ... should come from the civil society or the corporate sector and not from the government because we don’t want to see this as a government project. The government cannot be driving a programme for which itself is being evaluated.’<sup>56</sup>

The fact that the head of the governing council was also the minister responsible for the civil service as well as for spearheading the government’s anti-corruption efforts, presented a conflict of interest, as the Questionnaire requires a direct critique of her work. The sections on corruption that appeared in the draft report that was discussed at Kiptown were among those most heavily edited in the final Country Self-Assessment Report submitted to the continental APRM Secretariat, with much material critical of government efforts removed and replaced with a list of positive achievements and future intentions.

As mentioned in chapter 3, the question of the composition and independence of the governing body was vigorously disputed at the UNDP’s Sixth Africa Governance Forum as a result of South Africa’s posture. Many participants noted that if government dominates the process, the APRM would be no different from the many bland national development reports that are produced regularly but fail to affect governance. Other participants noted that when the review is completed, government must allocate the funds and implement the recommendations. If government does not accept the recommendations, the process will not deliver results. Fraser-Moleketi took the debate further by repeatedly challenging the very notion of independence as a reasonable criterion by asking ‘independent from what?’

As noted previously, the Africa Governance Forum’s report summarised the controversy thus:<sup>57</sup>

The acceptable level of APRM structures’ autonomy from governments was seen as a challenge that is yet to be resolved in some countries. On the one hand, there was a strong argument for internalising the APRM processes within the government system as a way of securing its legitimacy and access to public resources. On the other hand, some countries argued for the exact opposite: the independence of the governing Councils so as to secure freedom to effectively undertake the APRM reviews. This issue provoked a considerable level of debate/reflection during the plenary sessions as well as during the Heads of State segment. It was generally concluded that ‘absolute independence’ from the governments was neither feasible nor desirable while there is value in ensuring that APRM structures at the country level retain significant professional leverage and freedom of action to manage the processes without undue state influence that could compromise professional judgement.

**The fact that the head of the governing council was also the minister responsible for the civil service as well as for spearheading the government’s anti-corruption efforts, presented a conflict of interest, as the Questionnaire requires a direct critique of her work.**

56. Videotaped interview with B Kiplagat, Nairobi, Kenya, 27 April 2006.

57. United Nations Development Programme (UNDP) Africa Governance Forum, ‘Implementing the African Peer Review Mechanism: Challenges and Opportunities, Report of the Sixth Africa Governance Forum (AGF-VI),’ Kigali, Rwanda, 9–11 May 2006, p.18.

South Africa adopted a radically different and far less rigorous methodological approach than Ghana and Kenya did.

The Forum report also noted that ‘The role of the Focal Point is not to make decisions but to serve as the co-ordinator and interface between the government, civil society and private sector entities with respect to the conduct of APRM business.’<sup>58</sup> Its final presentation recommended that ‘the body implementing the APRM programme should, *as much as possible*, be independent of the government, [and] devoid of political interference to ensure its credibility’ (emphasis added). This reflected resistance to turning the process over to civil society leadership, notably from South Africa.

In a September 2006 interview with the Institute for Global Dialogue, Fraser-Moleketi was still determined that the governance model chosen by South Africa was correct:<sup>59</sup>

I don’t think that a government-driven process should be perceived as negative ... Overall, government has not been overbearing ... I don’t think there is anything wrong with having a representative of government being either a Focal Point or a chairperson. After all, I am an elected representative through my party.

Instead of openly acknowledging the concerns of civil society groupings that government could dominate the process or that time frames were inadequate, the government made piecemeal changes to the process. Thus, opportunities to build trust and defuse tensions were missed.

### Research, consultation and report writing

As outlined in previous chapters, to generate their self-assessment reports, both Kenya and Ghana drew on the methods used by UNECA to produce its governance studies – they appointed reputable think tanks with a track record of objective analysis of governance issues early in the process. These research bodies employed a combination of: desk research; a scientifically valid national household survey; interviews with hundreds of experts within and outside government; focus groups and the records of public consultations. In Kenya, the technical research organisations (called ‘lead technical agencies’) were non-voting members of the governing council.

However, South Africa adopted a radically different and far less rigorous methodological approach. As noted earlier, the minister stated at the 13 September 2005 briefing that peer review was not a ‘research exercise’, and that the country had reliable data and statistics and enough capacity within the Secretariat, so would not need to involve research institutions or experts to the same extent as other countries had.

This attitude damaged the credibility of the exercise throughout the process. In the introductory chapter to the South African APRM Country Review Report, the APRM Panel of Eminent Persons wrote:<sup>60</sup>

58. *Ibid.*, p. 28.

59. Ajulu C *et al*, *op. cit.*, pp.16-17.

60. APRM Panel of Eminent Persons, Country Review Report of South Africa, p.43.

The reluctance to engage technical institutions at the beginning of the self-assessment process led some stakeholders to suspect that the NGC wanted to manipulate the process and its outcome. This sentiment has lingered among segments of stakeholders, including civil society, academia and the media. This has been the case despite the involvement of technical institutions later in the process and the subjection of the CSAR, as reported above, to validation at both national and provincial levels.

As early as October 2004 the government had begun compiling a draft APRM Self-Assessment Report. The initial November 2005 deadline for public submissions would not have allowed enough time for strong public interest or considered input. With a substantial portion of the report effectively already written, additions would have been cosmetic.

Unlike Ghana and Kenya, no scientifically valid mass opinion survey was conducted, and no systematic, standardised interviews were conducted with experts and key players within and outside government. Instead, the governing council relied on the work done by government departments and parliament, and the contributions of individuals, communities, and various sectors of society, through consultative forums and workshops.

In its APRM submission, COSATU raised some vital issues about the editing of the report, and how diverse views would be reflected:<sup>61</sup>

Whilst a statement by the Focal Point has outlined the research strategy (but not research plan) of the APRM Governing Council's work, it remains unclear how reports will be drawn up in the final document. Clarity is needed with regards to who will appoint 'moderators' that will oversee the research reports in each of the thematic areas 'to ensure credibility and integrity.' What would happen if debates have significant differences from various sectors?

### *Shortened Questionnaire*

The local APRM Secretariat developed a shortened version of the Self-Assessment Questionnaire before the NGC was established (and not afterwards, as stated by the APRM Implementation Process Report), and distributed the Questionnaire at the first National Consultative Conference on 28–29 September 2005. It attempted to present key governance issues in a simple, easily understandable way that could be answered by all citizens. This two-page version was translated into all 11 of the country's official languages, uploaded to the South African APRM website, and made available at government offices.<sup>62</sup> The website also posted the full Self-Assessment Questionnaire and summaries of the objectives and questions in each thematic area, and allowed electronic responses to each question. In theory, anyone could find the information and make a contribution, but no more than a handful of private citizens sent in electronic responses.<sup>63</sup>

61. COSATU, *op. cit.*, p.7.

62. [http://www.aprm.org.za/docs/APRM\\_English\\_Questionnaire.pdf](http://www.aprm.org.za/docs/APRM_English_Questionnaire.pdf).

63. The Socio-Economic Development Technical Report produced by IERI in March 2006 listed six submissions from individuals on page 4.

The table below contains some examples of the questions in the simplified Questionnaire. While there is a need to simplify complex concepts for ordinary people, these examples fail to capture the essence of the objectives and original, full-length questions:

<b>Original versus simplified questions</b>		
<b>Objectives</b>	<b>Long questions</b>	<b>Questions for discussion groups</b>
<b>Democracy and political governance:</b> Uphold the separation of powers, including protecting the independence of the judiciary and an effective legislature.	What are the constitutional and legislative provisions establishing the separation and balance of powers among the executive, the legislature and the judiciary? To what extent is the judiciary independent? How would you rate the independence of the legislative body in your country?	How good are our judges at making their own decisions?
<b>Democracy and political governance:</b> Ensure accountable, efficient and effective public office holders and civil servants.	What measures have been taken to strengthen the institutions for an efficient and effective public service? To what extent is there a transparent system of recruitment, training, promotion, management and evaluation of civil servants?	How good is Government at delivering its services?
<b>Economic governance and management:</b> Fight corruption and money-laundering.	What is the prevalence of corruption in public administration and what measures have been taken in this regard? What is the prevalence of money-laundering and what has been done in this regard?	Are you affected in any way by corruption in Government?
<b>Socio-economic development:</b> Promote self-reliance in development and build capacity for self-sustaining development.	To what extent does the country have effective ownership of the orientation and design of national development programmes? How is the national development programme funded?	Is our vision for the future shared and owned by all South Africans?

Gathering public input by CDWs had significant flaws and, despite vehement government assertions to the contrary, the material was not meaningfully incorporated into the national self-assessment.

### *Surveys by Community Development Workers (CDWs)*

A central component of South Africa's efforts to gather public input was the campaign by CDWs to administer these shortened Questionnaires to individuals in municipalities throughout the country. But this method had significant flaws (explained below) and, despite vehement government assertions to the contrary, the material was not meaningfully incorporated into the national self-assessment.

While the scale of interactions with South Africans (especially in rural areas) was unprecedented, the CDW process presented many problems in its

planning and execution. This affected the extent to which it was possible to incorporate the views of those who interacted with the CDWs into the self-assessment.

The exact number of Questionnaires printed and distributed is not known. The Questionnaires were not standardised, and provinces asked different questions. Many CDWs had only limited training.<sup>64</sup> Some struggled to steer the conversations, capture inputs, and return them to the Secretariat. The bulk of the responses were in languages other than English, and no provision of time or funding was made for translation. There was insufficient space to write responses on the printed sheets, and most questions were open ended. Because the questions did not ask people to rank or quantify responses, it was virtually impossible to compare and summarise thousands of forms. The forms did not capture demographic information such as the respondent's name, age, sex, or location, making statistical analysis impossible. CDWs are deployed in poor areas and there was no documented plan for scientifically distributing the survey forms. Thus, the information captured was not representative of the nation but the extent of the problem is impossible to ascertain because no statistically valid sample was used.

By the time that TSAs were to have completed their reports in March 2006, the Secretariat had received CDW Questionnaires from only two of the country's nine provinces. The process of receiving the responses at the Secretariat was haphazard, and lacked rigour. Perhaps most importantly, however, the CDW Questionnaire had not been properly adapted to be a survey instrument. An opportunity was therefore lost to administer a scientific survey that could accurately measure public opinion on governance or identify the location of particular problems.

These methodological problems were noted by researchers hired by the Free State province to compile its submission (see box below).

At the Kliptown conference in May 2006, Minister Fraser-Moleketi insisted that CDW material had been fully considered in the draft Country Self-Assessment Report. She asserted that although the CDW surveys had not been analysed nationally, the provincial APRM reports incorporated the responses to the CDW Questionnaires. However, this argument is tenuous for several reasons.

**An opportunity was lost to administer a scientific survey that could accurately measure public opinion on governance or identify the location of particular problems.**

64. The Secretariat and ECOSOCC conducted a national training session for 120 CDWs from all nine provinces on 17 September 2005, before the National Governing Council was established at the end of September. According to government's process implementation report, additional training was undertaken in all provinces between October and December 2005.

### **The Free State Province's experiences with CDW Questionnaires<sup>65</sup>**

The Free State provincial submission was compiled by the Centre for Development Support at the University of the Free State, which attempted to analyse and quantify the CDW responses. It catalogued several concerns about the CDW process:

#### **Logistics**

- lack of co-operation from some ward councillors and ward committees;
- short time frames and interruptions due to the festive season;
- perceptions from some respondents that the APRM was part of the local government elections;
- non-participation of white and coloured communities, and hence the possibility that their views were not adequately represented;
- difficulties in reaching remote areas due to a lack of transport for CDWs;
- the length of time the Questionnaires took to complete, compromising quality; and
- Questionnaires were sometimes distributed in languages that respondents did not understand.

#### **Questionnaire content**

- both content and layout of the shortened Questionnaire had 'serious weaknesses ... which could have hampered the integrity of the data';
- many questions were clearly misunderstood by ordinary people, either due to poor explanations by CDWs or because they were not sufficiently targeted at semi-literate community members;
- CDWs struggled to understand the Questionnaire, even in local languages;
- the language used on the Questionnaire was too academic and too technical;
- closed-type questions may have been better suited to semi-literate respondents, where a clear choice of answer was offered, with a few open questions to allow elaboration; and
- very limited scope for probing and explaining questions was possible in a self-administered Questionnaire, and better results might have been obtained from interviews.

#### **Questionnaire layout**

- the layout of the Questionnaire was confusing, and some people answered both the 'long questions' and the 'questions for discussion', which made the Questionnaires difficult to administer;
- there was insufficient space for respondents to write down their opinions, and many attached additional sheets, complicating the process of translation and data capturing;
- some questions ran two or more issues together;
- some questions were omitted in translation, others had their sense and meaning altered; and
- the numbering in some language versions was inconsistent or incorrect.

65. Free State PGC, *op. cit.*, pp.36–38.

Firstly, most provincial reports were among the last submissions received. As mentioned previously, four days before the 17 March 2006 cut-off date, only four provincial reports (two final and two draft versions) had been received by the Secretariat. Therefore if the national self-assessment was to be based on the reports from the TSAs and the TSAs had not received the provincial reports, much of the public's input was excluded from consideration. The provincial reports that were received on time did not indicate clearly what content was based on the work done by the CDWs.

Secondly, very few CDW reports were received and analysed before the completion of the self-assessment. Researchers from SAIIA and AICC physically collected five large boxes of CDW Questionnaires from the DPSA's old offices in Pretoria on 28 February 2006. These represented CDW submissions from the Northern Cape and the Free State. Two boxes had not been opened. SAIIA hired four Sesotho-speaking temporary workers to translate and collate responses from the Free State, but they processed fewer than 800 over two weeks. SAIIA sent one box to Idasa in Cape Town.

Idasa noted in its Technical Report:<sup>66</sup>

Approximately 2,705 Community Development Worker (CDW) reports were received from the Secretariat two weeks before submission of the Technical Report. CDW reports were received in all of South Africa's vernacular languages. Synopses of CDW reporting were also received in some provincial submissions. Time constraints and linguistic capabilities have meant that not all CDW reports were captured during the writing of the Technical Report. It was also noted by researchers that the CDW reporting, in cases, displayed duplication suggesting that some field workers did not accurately capture citizen responses.

Under the time pressures, neither of the other two Technical Support Agencies – AICC and IERI – had the time or personnel to analyse the CDW reports.

Thirdly, the DPSA initiated a separate process to analyse these Questionnaires after the second National Consultative Conference in May 2006. The first draft report was produced in August 2006, a month after the Country Review Mission had visited South Africa. In a September 2006 interview, Fraser-Moleketi said: 'As part of the post-country assessment, we have a team collating all the inputs from community development workers so that we can also archive the analysis and the detail for further use.'<sup>67</sup> This confirms that the CDW material was not adequately processed in time to be incorporated into the Country Self-Assessment Report.

Quotations from CDW reports were placed in boxes throughout the Country Self-Assessment Report but the selection of quotes 'did not follow any systematic process,' according to Twala. The NGC did not discuss that the time schedule precluded incorporation of the provincial reports or CDW submissions.

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66. Idasa, 'African Peer Review Mechanism Technical Report: Democracy & Good Political Governance', April 2006, footnote p.17.

67. Ajulu C *et al*, *op. cit.*, p.17.

Given the large number of CSOs in South Africa, as well as their diversity, their submissions were generally disappointing.

### *Submissions by provinces*

Another unique feature of the APR process in South Africa was the formation of Provincial Governing Councils. Controlled by the offices of the provincial premiers, each tried to follow the formula of having one-third of their members as government representatives, and two-thirds from civil society. The Provincial Governing Council reports were of varying quality. Some provinces (notably North West and Northern Cape) made a significant effort, attempted to analyse issues at the provincial level, and produced their reports timeously and professionally. Others (notably the Eastern Cape) submitted their reports close to or even after the deadline. Some provincial submissions were poorly written, and padded with long activity reports and speeches delivered at various consultation workshops. KwaZulu-Natal submitted a draft report in May 2006, well after the 17 March deadline. All provincial reports claim to have been based to some extent on the CDW material, but it was unclear exactly how these surveys were incorporated. Given the flaws in the shortened Questionnaire noted earlier, as well as the logistical problems, it is difficult to see how the Provincial Governing Councils could have adequately analysed these forms, with the exception of the Free State province.

### *Submissions by institutions*

The Country Self-Assessment Report was largely based on written submissions by institutions. Most CSOs that made submissions chose to focus on a few issues that they felt strongly about, notably in the democracy and socio-economic development thematic areas. There were far fewer inputs on economic or corporate governance. The effects on the quality and number of submissions of shifting deadlines, the holiday period, and the local government elections have already been discussed.

Given the large number of CSOs in South Africa, as well as their diversity, their submissions were generally disappointing. Relatively few organisations mobilised to make direct responses to the Self-Assessment Questionnaire, or to submit relevant reports that had been written for other purposes. Some NGOs asked for funding to enable them to compile submissions, but the governing council was not in a position to provide this. However, civil society groupings represented on the council successfully lobbied for funding to consult members in their own sectors (such as NGOs; civics; organisations for disabled people, youth and women; faith-based organisations; and trade unions), and each received between R40,000 and R60,000 (about \$5,500 to \$8,500) for this purpose. However, some used the funds for meetings that dealt only peripherally with the APRM, and many of these reports were among the last submissions received.

There were very few inputs from academics, university departments or political parties (apart from some limited contributions within the parliamentary APRM process). Parties were preoccupied with local government elections

on 1 March 2006, but their low level of participation also points to poor communication and mobilisation of inputs on the part of the governing council and the Secretariat, and a general tendency of opposition parties to reject or boycott processes that are or perceived to be driven by government.

### *Communication and consultation*

South Africa spent a sizeable amount of its budget on mass communication and awareness-raising about the APRM, using brief, high volume messages through radio and television advertisements, developing an APRM song with international artists such as Yvonne Chaka Chaka, and promotional material including banners, T-shirts, caps and fliers, among other methods (see box below).

#### **Mass communication**

The *APRM Implementation Process Report* gives examples of APRM communication efforts through a variety of channels:<sup>68</sup>

- Radio jingles were aired on 19 stations with national coverage, and were broadcast in all official languages (October–November 2005), followed by province-specific advertisements and discussion forums. In some provinces, there were weekly radio discussions with provincial governing council members.
- The APRM was discussed on several of the most prominent radio talk shows, including SAFM's *AM Live* and *The Vuyo Mbuli Show*, Metro FM's *Given Mukhari Show*, and 702's *Tim Modise Network* as well as *Talk@ 9*.
- A 30-second television advertisement was commissioned, and was flighted on four channels – SABC 1, SABC 2, SABC3 and eTV – between 9 and 25 December 2005. A follow-up advertisement was flighted in January 2006.
- Brief interviews were given on television shows such as *Morning Live* (SABC 2); *Morning Edition* (eTV), *The Ambassadors* and *180 Degrees* (both SABC Africa).
- The current affairs programme *Asikhulume* ('Let's talk') featured APRM in April 2006; 72% of its viewers answered 'yes' to the question 'Will ordinary South Africans benefit from the APRM?' in an SMS poll.

Viewed in isolation from the broader consultative processes – incorporating interactive meetings such as the two large national conferences at the start and end of the process, four experts' workshops, public meetings convened by the nine provinces and a citizen survey administered by community development workers (all discussed elsewhere) – the mass communication efforts had some value in raising awareness that the APRM was happening and citizens could get involved. However, the timing of communication efforts was not always ideal. For example, the expensive APRM television

68. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, pp.14–16.

advertising campaign was flighted during the holiday period in December 2005, when viewership was likely to be low. A radio campaign was launched *after* the deadline for submissions had passed, in March and April 2006, thanking South Africans for their involvement.

Given the demands of the APRM process and the difficulty of evaluating governance, the messages were insufficient to the challenge, regardless of how frequently or broadly they were distributed. This is not a problem unique to South Africa. While the APRM calls for broad public participation, there are very real limits on the ability of ordinary citizens to participate meaningfully in such a complex and demanding process. Raising awareness and reaching ordinary citizens is particularly difficult in geographically large or populous countries, where any one media outlet reaches only a small fraction of predominantly urban citizens.

Heavy spending on widespread but shallow communication or sensitisation efforts must be weighed against the opportunity costs imposed on other more constructive forms of consultation, given the reality of funding constraints. In South Africa, some other forms of engagement were limited because government said that there were insufficient funds. Examples include the one-day expert seminars held in April 2006 that could not be extended to two days, and printing and distributing copies of texts in advance of consultation conferences.

South Africa's *APRM Implementation Process Report* acknowledges that efforts to promote the APRM in the print media were 'mixed' because of other issues, particularly the local government elections held on 1 March 2006, dominating the headlines and editorial pages.

This problem – of other news stories taking precedence over the APRM process – has been a significant challenge in all APRM countries. In a competitive media environment with many other major stories and controversies breaking regularly, the APRM was not seen as big news. It enjoyed a round of news coverage at the time of its launch and additional coverage of the criticisms of government's handling of the process. The coverage was thus focused on events – short articles announcing a visit or major stage in the process – or controversies.

**In terms of its ability to get the public or media to discuss the substantive issues of governance, the communications efforts in South Africa were not ideal, a problem experienced in all of the early APRM countries.**

However, the media did not use the APRM as an opportunity to ask where government should be headed or what changes are needed. Such issues arose only when the Country Self-Assessment was discussed at a major conference and when the Eminent Person's final report was leaked to the press. Then several journalists offered a brief litany of the types of problems described. These stories enjoyed very few follow-on articles, aside from comments and rebuttals from government concerning the leaks themselves.

In terms of its ability to get the public or media to discuss the substantive issues of governance, the communications efforts in South Africa were not ideal, a problem experienced in all of the early APRM countries.

The *APRM Implementation Process Report* makes a bold claim about how many South Africans were reached by the APRM:<sup>69</sup>

It is difficult to give a definite number, but it is safe to estimate that through the various consultative processes at national, provincial, district and sectoral levels, outdoor broadcasting events and through the community development workers and the communication campaign, between *five and six* million people, would have been reached by the time this leg of the process ends. It would, however, be difficult to estimate how many people have a satisfactory or thorough understanding of the APRM process. (Emphasis added)

This would mean that about one in eight South Africans would know about the APRM. However, 2,400 respondents interviewed by the Afrobarometer in January and February 2006 as part of their South Africa Survey project indicated that far fewer people had even heard of the APRM or become involved in the process. Interviewees were asked two questions: 'Have you ever heard about the African Peer Review Mechanism (APRM), or haven't you had a chance to hear or read about this yet?' and 'Have you participated in the South African APRM process in any of the following ways: Filled out an APRM Questionnaire? Attended a public meeting?' The survey results indicate that 6% of South Africans had heard of the APRM, 3% had attended a public meeting, and 2% had filled in a Questionnaire. Results showed that people in the Limpopo Province seemed much more aware of the process than those in other provinces.<sup>70</sup>

Although the Afrobarometer's figures suggest lower numbers than five to six million people, they should also be treated with some degree of scepticism – it is highly unlikely that over 1 million South Africans attended a public meeting on the APRM, for example.

### *Using Technical Support Agencies*

The only original desk research produced for the APRM was a set of eight short papers or 'opinion pieces' commissioned before the first National Consultative Conference in September 2005 (two each on the four thematic areas). Only five were eventually produced.<sup>71</sup> The South African government's initial APRM plan did not intend to involve research bodies or academics in compiling the Country Self-Assessment Report in any formal way beyond that.

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69. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, p.31.

70. Mattes R, 'Public Participation in South Africa's African Peer Review Mechanism: Results from the January–February 2006 Afrobarometer – South Africa', presentation at APRM Lessons Learned – A Workshop for Practitioners, Researchers and Civil Society, Johannesburg, South Africa, 12 September 2006.

71. They were by Dr Chris Landsberg on 'Democracy and Political Governance'; Nomini Rapoo on 'Corporate Governance and State-Owned Entities'; Advocate Pansy Tlakula on 'Corporate Governance'; Dr Iraj Abedian on 'Fiscal and Monetary Policy Management', and Dr Lumkile Monde on 'Economic Governance and Management.' See 'Opinion pieces' on [www.aprm.org.za](http://www.aprm.org.za).

**We had running battles with the media from the onset, especially on the government-led process. To accommodate their concerns, we commissioned and appointed research institutes and formed TSAs in the various thematic areas.**  
 – Minister Geraldine Fraser-Moleketi

In its submission to parliament in November 2005, COSATU wrote:<sup>72</sup>

Several NGOs and CBOs, particularly those attached to research institutions and universities appear to have been excluded from the General Council [*sic*], given the hurried manner in which the Council was established. This remains a source of concern – the challenge for civil society is to work together in a manner that must constructively realise several developmental goals – these include the RDP, Millennium Development Goals and the Freedom Charter.

The official position changed in December 2005, and four think tanks were formally appointed as Technical Support Agencies in February 2006. Several factors contributed to this shift. The government was being sharply criticised over its apparent control over the process; the Country Support Mission had twice urged the inclusion of research bodies;<sup>73</sup> the provincial and CDW processes had, by February, failed to produce results; and provinces were asking for training and guidance that the Secretariat did not have the staff to deliver. In a September 2006 interview, Fraser-Moleketi suggested that media pressure had influenced this decision:<sup>74</sup>

We had running battles with the media from the onset, especially on the government-led process. To accommodate their concerns, we commissioned and appointed research institutes and formed TSAs in the various thematic areas.

The governing council came to accept the view that completing the self-assessment was a highly technical process requiring the expertise of research organisations.<sup>75</sup> Some civil society members of the governing council urged the government to devise a coherent process for involving competent governance research bodies. They hoped to enhance the credibility and legitimacy of the report by involving analysts outside government. Thus the terms of reference for Technical Support Agencies stated: ‘The South African APRM Secretariat has limited capacity and requires assistance from institutions able to participate in and support the report writing process.’

This led to the formation of a research subcommittee in November 2005. A letter from Zanele Twala, head of the APRM research subcommittee, was sent out to about 15 institutions, inviting them to become (voluntary) research partners in mid-December 2005, but was retracted later on the same day.

72. COSATU, *op. cit.*, p.7.

73. A government report on the First Country Support Mission (in November 2005) stated: ‘After their meetings and consultations the CSM was concerned that South Africa’s technical and research institutions were not being drawn adequately into the process.’ It says that, ‘However, once the proposed research strategy was properly explained and discussed, these concerns were addressed. In terms of the strategy, all credible institutions will be given an opportunity to contribute submissions as well as participate in the seminars for preparing the country self-assessment and programme of action. Provided this is the case, the Mission was satisfied that our research strategy provides vibrant and dynamic institutions with adequate opportunities to participate and contribute.’ APRM Governing Council, Report on the APRM Country Support Mission to South Africa. 9–11 November 2005, November 2005, p.5. The Second Country Support Mission, in December 2005, seems to have pushed the issue of including research bodies more forcefully, as it was after that visit that the revised research plan began to take shape.

74. Ajulu C *et al*, *op. cit.*, p.18.

75. South African APRM Secretariat, ‘Terms of Reference for Technical Support Agencies’, February 2006, p.1.

In January 2006 the subcommittee requested two types of involvement by research bodies. First, it invited almost 200 research and advocacy institutions to apply for accreditation to become unpaid research partners. To be accredited, the institution had to have made a submission to the APRM process, and demonstrated its technical expertise and research experience. Fifteen institutions applied and were accredited. They were meant to provide a peer group to review the work of the Technical Support Agencies and play a quality control role. However, apart from an initial briefing on 16 February 2006 at the Reserve Bank in Pretoria, these research partners were never again convened as a group, and did not perform any of these functions. This failure reflected the rushed time schedule as there was no provision for circulation of drafts. However, as a concept, use of such a peer review group was sound. The plan for these reviewers to work for free is another weakness as the process generated more than 1,700 pages of analysis, which is a lot to ask institutions to assess meaningfully without some remuneration.

Secondly, the subcommittee announced its intention to engage four Technical Support Agencies. According to a government consultant, this name was deliberately chosen to characterise their role as one of 'support' rather than 'research.' The agencies would have four key tasks, to: produce a draft technical report for one of the four APRM thematic areas, based on and fairly reflecting all the submissions; co-host an experts' seminar with the governing council to test the draft technical report and amend that draft; participate in the second National Consultative Conference; and produce a final amended draft and preliminary Programme of Action.

The conditions for submitting a tender required that institutions had made an APRM submission, and had to restrict their fees to less than R200,000 (about \$28,500), to avoid more onerous tender procedures that apply to higher-value tenders. Four institutions were appointed by the research subcommittee on 16 February 2006, five months after the APR process had begun. The agencies and their thematic areas are set out in the table below.

<b>APRM thematic area</b>	<b>Technical Support Agency</b>
Democracy and political governance	The Institute for Democracy in South Africa (Idasa)
Economic governance and management	The South African Institute of International Affairs (SAIIA)
Corporate governance	The African Institute for Corporate Citizenship (AICC)
Socio-economic development	The Institute for Economic Research on Innovation (IERI)

The four research institutes came into the middle of a problematic research process.

The four research institutes came into the middle of a problematic research process the parameters of which had already been decided. Unlike similar bodies that were engaged in the Kenya and Ghana reviews, the research institutions in South Africa were not involved in the data collection process or the design of the research methods, and were confined to collating the submissions received. The development of the citizen survey form, the training and collection regime and sampling system (or lack thereof) had been decided by government prior to the inauguration of the National Governing Council. Similarly, public consultation meetings were managed by the provinces (aside from the first and last National Consultative Conferences) and were not attended by the research institutes, with isolated exceptions. As noted earlier, the governing council engaged the services of two quality assurance agencies to assess and check the quality of the work produced by the support agencies. The HSRC oversaw work by Idasa and IERI, and the Auditor-General evaluated the work of SAIIA and AICC.

Because of the volume of written submissions and the short period allocated for this work – initially three weeks, later extended to five weeks – the Technical Support Agencies did not have time to undertake independent research, or probe key claims. For example, many submissions noted major problems with provincial and local governance, and asserted that the government's remedial plans were inadequate. The government itself did not provide details about its various reform efforts, which left many policy issues inadequately covered in the Technical Reports.

Researchers were instructed to try to identify areas of consensus among the public submissions and areas of disagreement about either problems or solutions. At the start of the Technical Support Agencies' work, the local Secretariat agreed that the draft Country Self-Assessment Report should reflect a variety of views and not attempt to assert a single consensus position where there were disagreements. However, there was not a clear agreement about how the report should be written to reflect various views or the extent to which the report should directly quote the analysis in public submissions or note which groups supported which contentions.<sup>76</sup>

The terms of reference given to the Technical Support Agencies on 16 February 2006 originally envisaged that they would produce their initial draft technical reports within three weeks (by 3 March 2006), and their role would be completed by mid-April.<sup>77</sup> This schedule (see table below) was unrealistic, and proved to be impossible to meet.

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76. This lack of an agreement on how to utilise sources and reflect diverse views led to significant tensions at the end of the process. The technical teams drafted reports citing many public submissions and other evidence of the nature and extent of governance problems. But the final editing of the Country Self-Assessment Report removed nearly all citations and footnotes, replacing specific evidence and testimonials with unattributed statements such as 'some sources said "such and such" was a problem.'

77. South African APRM Secretariat, 'Terms of Reference: Technical Support Agencies', distributed on 16 February 2006, pp.8–9.

<b>Deadlines for research phases</b>	
<b>Activity</b>	<b>Deadline</b>
Preparation of a technical report on the thematic area	3 March 2006
Co-facilitate an Experts' Seminar with good attendance by all appropriate Research Partners	Week of 13–17 March 2006
Develop draft Country Self-Assessment Report and detailed Programme of Action	31 March 2006
Participate in Second National Consultative Conference and finalise report	Conference 7 April 2006 Final Draft 14 April 2006

As mentioned in the section on time frames above, there were delays and problems from the start. The Secretariat handed each agency copies of only a few civil society submissions on 16 February. Other submissions continued to trickle in throughout the contract period. A substantial number arrived very late, and the agencies were not all given an identical set of documents. Submissions and supporting documentation from the Public Service Commission and the Department of Trade and Industry, for example, were not forwarded timeously or to all agencies. The Secretariat did not gather or distribute all the contributions made to the parliamentary committees, and the agencies had to solicit these directly from Parliament. During this research and report writing phase, the entire DPSA was in the process of moving to a new building, and the management of the submissions was compromised. Embarrassingly, a substantial submission made by South African Women in Development (SAWID), headed by first lady Zanele Mbeki, in January 2006 was misplaced, and not passed on to the agencies by the Secretariat. This emerged only when the research seminars were held in April 2006, much to Mrs Mbeki's annoyance. The DPSA was never able to produce a final and definitive list of all submissions received.

The agencies commenced work without a contract, which was signed only several weeks later. Because the timeline forced researchers to begin work without all the relevant materials, it was very difficult to ensure that all sections of the Questionnaire were addressed with equal rigour. A variety of questions were not addressed by any public or government submissions but this lack of evidence could not be ascertained up front. Because the public submitted narrative reports that did not follow the Questionnaire's structure, all had to be read and categorised to determine which opinions reflected on which aspects of the Questionnaire. Once all inputs had been categorised, the evidence had to be assessed for its validity and gaps identified.

The tight time frames prevented meaningful interaction between the Technical Support Agencies, which would have prevented duplicated work on the

**The tight time frames prevented meaningful interaction between the Technical Support Agencies, which would have prevented duplicated work on cross-cutting areas.**

There were advantages in involving Technical Research Institutions in the process, but at times they involved themselves subjectively as advocates of particular positions rather than as objective analysts and facilitators. – South African APRM Secretariat

cross-cutting areas of corruption, decentralisation, gender and sustainable development. As a result, their approaches to compiling the reports were not sufficiently standardised. The national Secretariat had recommended that areas of agreement be clustered together at the start of each APRM objective, followed by areas of disagreement, gaps, and notes. This suggested structure tended to split the discussion of certain topics unnaturally, and made the narrative difficult to follow.

<b>Length of technical reports prepared by support agencies</b>		
<b>Technical Support Agency</b>	<b>Thematic area</b>	<b>Length of technical report</b>
Idasa	Democracy and political governance	130 pages
SAIIA	Economic governance and management	267 pages
AICC	Corporate governance	578 pages
IERI	Socio-economic development	771 pages
<b>Total</b>		<b>1,746 pages</b>

The four draft technical reports produced at the end of March 2006 therefore differed greatly in format, style, and length. Each agency used different methods for citing the submissions and references. Idasa and SAIIA attempted to summarise and group the arguments made in the submissions, whereas IERI included all the text referred to in an enormous appendix,<sup>78</sup> and the AICC report included full copies of all relevant submissions for every question. The table below gives the number of pages in each technical report.

The government and national Secretariat expressed distrust of researchers and argued that their work had to be edited because it was biased. The Secretariat wrote:<sup>79</sup>

There were advantages in involving Technical Research Institutions in the process, but at times they involved themselves subjectively as advocates of particular positions rather than as objective analysts and facilitators. The lesson here is to ensure in future that the terms of reference given to contracted institutions are clear and tight and that the deliverables are reviewed critically to prevent research institutions from using the process as an advocacy platform.

These sentiments (partly quoted earlier) were reiterated by Fraser-Moleketi in an interview:<sup>80</sup>

One of our major lessons was our engagement with the Technical Support Agencies (TSAs). We had running battles with the media from the onset,

78. E-mail correspondence with T Pogue, 29 September 2006. According to IERI researcher Thomas Pogue, large extracts of submissions were included in an appendix to allow readers to decide whether the submissions were clearly and fairly reflected.

79. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, p.32.

80. Ajulu C *et al*, *op. cit.*, p.18.

especially on the government-led process. To accommodate their concerns, we commissioned and appointed research institutes and formed TSAs in the various thematic areas. However, when they compiled the first research report it was dominated by their own views. It was clear that they were using the platform to push their own agendas. To avoid this we opened up the process and included multidisciplinary teams to complement the TSAs' work.

Such accusations of bias were never put directly or formally to researchers so they could be debated and resolved. The public was not informed that the editing process was to be changed and the names of these 'multidisciplinary teams' were never made public. These comments illustrate the government's sensitivity to criticism, and their viewing perspectives that disagree with government policy as 'advocacy'. It is important to note that the research subcommittee required organisations who wanted to be appointed as a Technical Support Agency to have made a public submission, which meant the process effectively selected institutions that had already expressed clear views on the issues.

A close examination of all four technical reports illustrates the extent to which researchers tried incorporate the many and differing voices that emerged in the submissions, rather than emphasising any particular ideology or issues advocated by the Technical Support Agencies themselves.<sup>81</sup>

A crucial shortcoming of the South African process, which has echoes in all the other APRM reviews, is the limited degree to which senior government officials interacted and debated their objections directly with researchers and the organisations that made submissions. Problems with the reports produced by the TSAs were not put on the table and discussed with them, especially if there was a perception that TSAs were not impartial. The four one-day experts' workshops did involve mid-level government personnel and academics, and the interaction was very positive and healthy. Although these sessions were too short to discuss the many issues in the draft reports, the format was constructive. Unfortunately, the government representatives in attendance were not in a position to make policy or, in most cases, even directly interact with their minister to explain the logic of the arguments put forward by civil society. As a result, senior political leaders were isolated from the process, and when they read the reports at the end, they were surprised. Instead of re-opening debate to build consensus, the process was rushed along in an attempt to stick to schedule.

### *Research seminars*

The draft technical reports were loaded on to the APRM website, and subjected to critique at four daylong research seminars with experts (one day per report). These seminars were held from 4–7 April 2006 at the Indaba Hotel in northern Johannesburg, and run jointly by the Technical Support Agencies and local APRM Secretariat. Attendance varied from day to day, with about

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81. See [www.aprm.org.za](http://www.aprm.org.za) for copies of the draft technical reports.

200 people attending over the four days. Attendees included the Technical Support Agencies, Secretariat staff, quality assurance agencies, governing council members, members of parliament and parliamentary researchers, senior representatives of national government departments, academics and analysts, organised business and organised labour, Chapter 9 institutions (including the Auditor-General, Independent Electoral Commission, and Commission for Gender Equality), and various umbrella civil society organisations and groups, some of which had made submissions.

Business representatives, particularly auditors, were noticeably absent from the corporate governance seminar. *After* the Kliptown conference, which had ostensibly validated the technical reports, a separate session for business was held by the AICC, the Department of Trade and Industry, and Business Unity South Africa.

A key concern raised by the Technical Support Agencies was that the participants would have insufficient time to read the drafts. Some agencies had asked for two-day seminars per thematic area, but this was rejected as too expensive and impractical, as were suggestions of delaying the seminars to allow hard copies of the texts to be distributed beforehand to all attendees. Instead, copies were handed out at the start of each seminar. Therefore, participants were being asked to evaluate a voluminous text that they had had no time to read or study. The reports were uploaded to the Internet only after these workshops.

A few days before the seminars, the Technical Support Agencies were asked to produce short summaries of about 10 pages each, distilling the arguments and evidence presented over several hundred pages. Agencies were requested by the Secretariat to follow a format that entailed grouping areas of agreement, points of dissention, gaps and notes. These summaries were hastily assembled by the agencies and, in the case of democracy and political governance, by the Secretariat.

Therefore, participants in the seminars reacted to these short summaries and presentations made by support agencies because there was not enough time to interrogate the full technical reports. The seminars were nevertheless useful as they highlighted areas of weakness and gaps in the reports, produced further examples and evidence, brought senior government officials more closely into the research process, and elaborated on many of the themes raised.

In a meeting between the support agencies and Secretariat following the research seminars, on 10 April 2006, the Secretariat announced that the TSAs should concentrate on amending their summaries rather than on incorporating the outcomes of the seminars into their longer Technical Reports. Agencies were told that these four updated summaries, after being ‘validated’ at Kliptown, would form the basis of the Country Self-Assessment Report.

As mentioned in the earlier description of the APRM phases in South Africa, when the Technical Support Agencies were summoned to an early morning

**Participants were being asked to evaluate a voluminous text that they had had no time to read or study.**

meeting at the minister's office on 3 May 2006, they were told that their draft reports had to be amended before being presented to the second National Consultative Conference at Kliptown beginning the following morning. The reasons given were that some council members were unhappy about certain sections, that there were unsubstantiated assertions, and that a lot of material about the government's positive achievements and programmes had been omitted. Working groups comprising representatives of Technical Support Agencies, Secretariat researchers, members of the research subcommittee, and senior representatives of lead government departments (Justice and Constitutional Development, National Treasury, Trade and Industry, and the Presidency) were formed to edit aspects of the text. This was the first time that Technical Support Agencies had interacted formally with government officials outside the DSPA or the governing council's research subcommittee during the entire process. Hundreds of copies of the draft report, already printed and ready for the conference the next day were destroyed. The revised version was sent for printing overnight. In the economic governance section, the amendments were not substantial, but the research institution working on the political governance section was put under pressure by justice department officials to remove or tone down references to several sensitive issues, including a proposed constitutional amendment that could affect the independence of the judiciary, political party financing, and several recent corruption scandals. The presidency also requested revisions to information presented on HIV/AIDS and poverty measures in the socio-economic development section.

The validation conference at Kliptown on 4–5 May 2006 was well attended by about 1,700 people, but once again participants received the material they were meant to react to on the day, received a 10-minute presentation on each of the four thematic areas, and had only a few hours to discuss the issues. Draft Programmes of Action prepared by the Technical Support Agencies were not included in the conference material, and the time allowed to discuss and debate solutions to the governance problems – the essence of a Programme of Action – was far too short. As a result, the discussions were vague and superficial, and did not produce a strong and implementable Programme of Action.

### *Editing the Country Self-Assessment Report*

Following the Kliptown conference, the draft Country Self-Assessment Report was substantially edited. For instance, over 10 pages of analysis and evidence on corruption in the Kliptown version of the report were compressed to the following:<sup>82</sup>

Some contributors argue that whistleblowers are not adequately protected, especially from physical harm, while other submissions raised concerns around party-political funding and the movement of public officials into the

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82. South African National Governing Council, *South Africa's Country Self-Assessment Report*, 9 June 2006, p.48, paragraph 20.

private sector. Deficiencies in government procurement practices, including the absence of uniform procedures and concerns over conflicts of interest concerns, were also raised.

Official documents claim that a ‘multidisciplinary task team’ comprising senior government officials, members of the APR Secretariat, and some representatives of CSOs and the Technical Support Agencies revised the report. The engagement by those outside of government was extremely limited. The report was thoroughly rewritten, with the bulk of the editing apparently done by government officials and the local Secretariat. Most members of SAIIA’s APR research team were abroad during this period, and researchers saw the revised draft only on 14 May 2006, one day before the deadline, and only after the Auditor-General’s Office in their capacity as a Quality Assurance Agency had insisted that SAIIA researchers be allowed to examine the text edited in their absence, and suggest final amendments.

From 15 May 2006, when their contracts formally ended, the Technical Support Agencies were no longer officially permitted to see the draft report, despite having worked on it for three months. The council argued that the information was sensitive, and would not be made public until the final release of the report. Even at a workshop held in Pretoria on 20 June to refine the Programme of Action, the report was not made available, which made it difficult to match the proposed reforms against issues raised in the report.

The draft Country Self-Assessment report dated 9 June 2006 – the version submitted to the South African Cabinet, and forwarded to the continental APRM Secretariat – was significantly edited compared to the text ‘validated’ at Kliptown the month before. Sections critical of current government policy were blunted or completely omitted, and the language in the entire draft had been carefully revised compared to the draft ‘validated’ at the second consultative conference a month earlier. Language describing many important governance issues was softened considerably, and expressed in vague terms. Almost all evidence included in the Kliptown draft was excised; names of individuals were removed, as were indications of which submissions had raised particular points, and the strength of the feelings about those issues.

**Sections critical of current government policy were blunted or completely omitted, and the language in the entire draft had been carefully revised.**

Controversial corruption cases were referred to obliquely, many issues lacked contextual explanations, and the discussions of key issues such as political party funding, poorly performing local government, and conflicts of interest within the civil service had been significantly amended. A full comparison by SAIIA of changes to the Kliptown text and the version produced on 9 June 2006 is available on SAIIA’s website.<sup>83</sup>

The chief concern expressed by civil society at the very beginning of the process had materialised. Despite public consultations and the involvement

83. See [http://saiia.org.za/images/upload/SA-APRM\\_Overview.pdf](http://saiia.org.za/images/upload/SA-APRM_Overview.pdf) for an overview of the edits, and [http://saiia.org.za/images/upload/SA-APRM\\_Comparison.pdf](http://saiia.org.za/images/upload/SA-APRM_Comparison.pdf) for a matrix showing the major changes made from the Kliptown version to the final Country Self-Assessment Report produced on 9 June 2006.

of independent think tanks, the government had indeed substantially altered the report. The governing council ultimately assented to the text, settling for allusion to or mention of key issues, rather than insisting that the text offer a full explanation. Both the editing and the secrecy surrounding the text are contrary to the spirit of the APR process, which emphasises transparency, accountability and inclusiveness.

As part of their brief, the Technical Support Agencies were required to assemble a draft Programme of Action for each thematic area, based on suggestions emanating from the submissions, but these drafts were not distributed at Kliptown. At a workshop in Pretoria on 20 June 2006, where the task teams met to discuss the Programme of Action, a substantially altered version was presented, which had been produced by the Secretariat. The detailed drafts had been reduced to no more than three or four seemingly arbitrary issues per thematic area. The final Programme of Action is discussed at length towards the end of the following section.

**The South African case illustrates the limits of the Panel's ability or willingness to change the attitudes and behaviour of a government.**

## **Continental interactions**

South Africa is an important leader on the continent, and its approach to the APRM will undoubtedly set precedents for others. Checks and balances built into the APRM system as a whole – such as the work of the Country Review Mission in taking their analysis beyond the Country Self-Assessment Report, and the independence of the Panel of Eminent Persons – compensated for several of the weaknesses in the South African process, and ultimately produced a stronger Country Review Report. But the South African case also illustrates the limits of the Panel's ability or willingness to change the attitudes and behaviour of a government with regard to the Programme of Action, the ultimate test of what will be done about governance deficiencies.

This section examines the interactions between South Africa and the continental institutions such as the Country Review Mission, the continental APRM Secretariat and the Panel of Eminent Persons, and highlights both strengths and weaknesses.

### *The Country Review Mission*

On 9–25 July 2006, a 22–person Country Review Mission led by Professor Adedeji visited South Africa (see box below).

### **Composition of APRM Country Review Mission to South Africa**

**Date of Mission:** 11–25 July 2006

**Member of the Panel of Eminent Persons:** Professor Adebayo Adedeji.

**APRM Secretariat:** Dr Bernard Kouassi, executive director; Evelynne Change, co-ordinator: corporate governance; Dr Afeikhena Jerome, co-ordinator: economic governance and management; Ferdinand Katendeko, research analyst: democracy and political governance; Rachel Mukamunana, research analyst: democracy and political governance; Eunice Kamwendo, research analyst, economic governance and management; Dalmar Jama, research analyst: corporate governance; Nana Boateng, research analyst: socio-economic development.

**Independent technical consultants:** democracy and political governance: Professor Amos Sawyer, former president of Liberia and professor of political science, Indiana University; Professor Peter Anyang' Nyong'o, former Minister of National Planning and Development and member of the Kenyan Parliament; economic governance and management: Professor Roland Ubogu, retired chief economist, African Development Bank, economic development/statistician consultant; corporate governance: Dr Babacar Ndiaye, former president of African Development Bank; and Professor Adebayo Ogunlesi, head of the Global Investment Division, Credit Suisse First Boston; socio-economic development: Dr Francis Chigunta, lecturer in development studies and environment, Department of Developmental Studies, University of Zambia; Professor Mbaya Kankwenda, former UNDP resident representative in Nigeria; and Professor Julia Duany, political science at Indiana University and Makerere University.

**Partner institutions:** Charles Muthuthi, principal governance expert, African Development Bank; Professor Ahmed Mohiddin, expert consultant, UNDP; Professor Emmanuel Nnadozie, senior economic affairs officer, Economic Commission for Africa; Dr Bartholomew Armah, senior regional advisor, Economic Commission for Africa; and Dr Kojo Busia, development management officer, Economic Commission for Africa.

As mentioned earlier, they spent relatively little time in the major urban areas of Johannesburg and Pretoria, and their scheduled interactions with people representing various sectors of society tended to be in large meetings and gatherings rather than in smaller, more personal encounters or interviews.

While the team was in South Africa, the media and activist groups raised concerns that research was rushed, key issues were inadequately covered, the self-assessment had been watered down, and that the Programme of Action did not address many specific problems identified in the Country Self-Assessment Report. Despite these significant complaints, Adedeji publicly complimented South Africa's process and urged civil society to suspend judgement until the final report and Programme of Action were released.

At a press conference at the end of the Country Review Mission, Adedeji was asked about whether he was aware of the controversies surrounding the APRM process and the extensive editing of the self-assessment. He said that perfection was not achievable but that South Africa's Country Self-Assessment Report was 'a benchmark for the rest of Africa to follow' and added, somewhat enigmatically: 'It's not a one shot in the arm affair. It's not the end, it's the beginning and to us, a half truth is better than no truth at all'.<sup>84</sup> The same article quotes him as mentioning that five million people participated in the review. Newspapers commented that he seemed to have pre-judged the South African process and the content of the Country Self-Assessment Report before gathering all the evidence, and noted the worrying precedent this could set for other countries.

**Review team members discretely reached out to a wide variety of civil society organisations and individuals to discuss issues and request additional information.**

The official review schedule had proved exhausting, with most review team members visiting six of the country's nine provinces in short order: Gauteng (9–15 July), Free State (16–17 July), Western Cape (17–18 July), KwaZulu-Natal (18–19 July), Mpumalanga (20 July) and North West Province (20–21 July) leaving insufficient time to conduct interviews or reflect on material and information.<sup>85</sup> For example, in their only official meeting with the Country Review Team at the South African Reserve Bank on 11 July 2006, each Technical Support Agency was given just three minutes to address the review team. In this three-hour meeting, tightly managed by the minister in the chair, she permitted a single follow-up question from just one of the Technical Support Agencies.

The review team allowed the South African government to set the overall schedule and manage the invitations to events. However, realising that there had in fact been considerable editing of the self-assessment between the Kliptown conference on 4–5 May and the version that was submitted to the APRM Secretariat at the end of June 2006, review team members discretely reached out to a wide variety of civil society organisations and individuals to discuss issues and request additional information, despite Adedeji's downplaying of controversy in public.

Recognising that they had an opportunity to influence the outcome of the review visit, and hence the Country Review Report that would be written after the mission, several civil society groups embraced this opportunity for dialogue with the review team.

Although the Country Review Mission to South Africa ended officially on 25 July 2006, several academics and consultants from the review team stayed on in the country for many weeks working on the Country Review Report in conjunction with the continental APRM Secretariat based in Midrand.

For the APRM overall, the South African process represented a critical test of integrity. The South African review received considerably greater scrutiny

84. Musgrave A, 'AU team defends SA's self-assessment', *Business Day*, 26 July 2006.

85. South African APRM Secretariat, 'APRM Country Review Team Visit Schedule', July 2006.

In all the submissions we have received, both from the country's self-assessment and throughout the interaction we have had, corruption and crime have been discussed extensively.  
– Adebayo Adedeji<sup>88</sup>

than earlier processes and the South African review came at a time when a growing number of participants were questioning the slow pace of the APRM process. As the home of the APRM Secretariat and a major hub for international media, South Africa also was a founder of Nepad and the APRM and a leading advocate for governance at home and abroad.

There was also clear evidence of how the APR process in South Africa had been less candid and open than it could have been, that the content of the self-assessment had been heavily altered, and that the Programme of Action was weak, downplaying or excluding some of the country's most burning governance issues, including regulation of political party funding, lack of accountability in the political system and violent crime. The Panel and Secretariat therefore faced some tough choices about how to compile and word the Country Review Report.

### *Receiving the draft Country Review Report*

A draft Country Review Report – that is, the report jointly produced by the Panel of Eminent Persons, the continental APRM Secretariat and the Country Review Team, that builds on the Country Self-Assessment Report, background papers and the observations of the Country Review Mission – was presented to the South African government in early November 2006. The report devoted many pages to highlighting instances of best practice that emerged during the APRM process. It listed 18 such areas, including macro-economic management, consultation initiatives conducted by the President (such as *izimbizo*) and Parliament and efficient tax collection. It also mentions politely but strongly the vast majority of issues excised or watered down from the Kliptown text. It identifies overarching issues, among them violent crime, unemployment, social cleavages such as the disparities between rich and poor, and the lack of skills. It also notes that Black Economic Empowerment strategies were enriching a very small number of people, and were encouraging politicians to enter business. It noted further that 'race relations remain brittle and sensitive. Many whites, coloureds and Indians feel alienated and marginalised. Some blacks, on the other hand, feel too little has changed.'<sup>86</sup> In this draft Country Review Report, the Panel made 182 explicit policy recommendations,<sup>87</sup> but left the original POA itself intact.

86. Boyle B, 'Fight Crime, Africa Tells SA', *Sunday Times* (South Africa), 3 December 2006.

87. The Country Review Report contains both formal lists of recommendations, as well as other implicit recommendations, making the total number of recommendations subject to interpretation. The *Sunday Times* mentioned 154 recommendations, when journalist Brendan Boyle compared the Panel's recommendations against the official comments by the South African government to the report, dated 18 January 2007. At that time, Boyle did not have access to the POA, as it had been revised in response to the Panel's report. Boyle reached his conclusion based on the tone of rejection in the country's official response that commented negatively on the issues contained in 153 recommendations. At this writing, the authors have examined the final POA and conclude that while the number of recommendations ignored by South Africa is not as stark as Boyle concluded, the final POA makes no response to 10 objectives comprising 74 out of 182 recommendations and offers many solutions that are vague, unmeasurable, continuations of existing programmes or only partially address underlying problems. Several sources said that South Africa declined to take action on the large majority of recommendations.

88. Quoted in Oelofse L, *op.cit.*

The National Governing Council met to consider the findings of that report in November 2006. Fraser-Moleketi announced that according to APRM rules, government and not the governing council must respond to the Panel. 'The country needs to respond to the Panel,' said Twala, 'but the minister made it clear that now the "country" is the "government" of South Africa.'<sup>89</sup> Sangoco requested permission to comment on the report, and was granted 48 hours within which to submit these comments to government.

Sangoco's written comments reached government within that deadline, and were also circulated to members of the APR Panel and the Secretariat. The chief thrust was to urge a revision of the Programme of Action to incorporate the Panel's recommendations. However, no subsequent meeting was held to consider the inclusion of any comments produced by non-government members of the governing council, and no non-government members of the council accompanied the South African government delegation to the APR Forum meeting in Addis Ababa in January 2007.

On 3 December 2006, the front-page story in the *Sunday Times* was headlined 'Fight Crime, Africa Tells SA'. The newspaper had obtained a leaked copy of the Panel's report. Editor Mondli Makhanya confirmed that he had been placed under considerable pressure by senior government sources not to run the story. 'I don't think the eminent persons' report came out to be what the government had expected,' Twala observed.<sup>90</sup>

The following week, on 10 December, the *Sunday Times* ran further extracts from the report. Government refused to comment on the leaked draft. The National Governing Council did not meet between November 2006 and August 2007, perhaps as a consequence of this leak, and the interpretation of APRM rules that it was solely the government that must interact with the continental APRM bodies, and not the National Governing Council.

Although continental authorities were unwilling to speak on the record, senior figures said that the South African government had refused several requests to amend its Programme of Action, repeatedly citing that its pre-existing policies and programmes covered many of the issues raised by the Panel. However, on 17 December 2006, the Panel gave the South African government a one-month ultimatum to amend its Programme of Action, in advance of the APR Forum meeting scheduled for 28 January 2007, in Addis Ababa, Ethiopia.

### *APR Forum meetings*

South Africa was expected to be the fourth country to be peer reviewed by heads of state at the APR Forum in Addis Ababa, Ethiopia, on 28 January 2007. However, this review did not take place as planned. Reports in the media, sources who observed the process and the South African government give conflicting accounts of what happened.

**I don't think the eminent persons' report came out to be what the government had expected.**  
– Zanele Twala

89. Telephone interview with Z Twala, 16 August 2007.

90. Boyle B, *op.cit.*

A heated meeting among the Secretariat, Panel and APR Focal Points was held at the United Nations Economic Commission for Africa (UNECA) conference centre in Addis Ababa on 26 January 2007. At this meeting, the continental APR Secretariat presented a printed and bound draft Country Review Report for South Africa, which contained neither the comments of the South African government, nor a revised Programme of Action. The Secretariat claimed that the mid-January 2007 deadline for these documents meant that they were received too late to incorporate into the printed draft. Given the fundamental nature of the recommendations put to South Africa, it was impractical to have expected the country to revise its Programme of Action and present its review in January. The South African delegation (composed entirely of government officials) in turn claimed that these documents had been e-mailed to the Secretariat in good time, produced hard copies at the meeting, and insisted that the review should go ahead as planned on 28 January. The Panel, however, noted that they had not had time to consider the revised Programme of Action, and some pioneer countries were reportedly equally insistent that the peer review should not proceed, as South Africa was not ready. Sources report that the meeting concluded with a decision that the report would be briefly discussed by Professor Adedeji on 28 January, but that the formal review would be postponed to the next Forum meeting (then scheduled for the last weekend in June 2007 in Accra, Ghana). Ghana and Rwanda had experienced similar delays in their reviews in mid-2005.

However, the report did not appear on the Forum's agenda and was not discussed at all at the Forum meeting two days later. As the Forum meeting commenced, South African President Thabo Mbeki requested that the Strategic Partners – UNDP, UNECA and ADB – leave the meeting as it was meant to be only for heads of state. Despite pleas from President Obasanjo in the chair for them to remain in the room, Mbeki insisted that they leave, which they did. Some observers claimed that the chief target was the UNDP, whom the South Africans reportedly blamed for perceived criticisms in the report, compounding an uneasy relationship between the South African government and UNDP that has existed for several years.<sup>91</sup>

After the meeting, conflicting versions of events were circulated. The South African government claimed there had been a big administrative snafu: the Secretariat had circulated a draft version of the report, which contained an earlier (and now obsolete) Programme of Action, therefore the review had to be postponed. Fraser-Moleketi said, 'The heads of state did not table South Africa's report largely because it is still a draft and incomplete.'<sup>92</sup> She also claimed that the report 'contained errors'. Journalists in Ethiopia and in South Africa speculated about a deliberate attempt by South Africa to block the review, given the embarrassing revelations of the report leaked to the

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91. For example, in 2003 the UNDP had produced a report on South Africa's human development programmes to which the government took exception.

92. Gadebe T, 'Tabling of South Africa's APRM report postponed to July', *Bua News*, 29 January 2007.

*Sunday Times*. The government denied that it tried to force South Africa's APRM report off the agenda.<sup>93</sup>

A variety of factors contributed to the delay. The Panel should have anticipated that it would be unreasonable to expect the government to revise its Programme of Action in a month. It should have checked whether the deadline would leave sufficient time for reproduction, translation and distribution, and it should have questioned whether it was appropriate to insist that a country respond to recommendations that call for electoral and other fundamental reforms without leaving sufficient time for civil society to comment on the proposals. The Secretariat should have been more efficient and should have clarified which was the correct version before printing the report. But the root cause of the delay was South Africa's deficient Programme of Action, which did not deal with many of the problems noted in the Country Self-Assessment Report. Although the draft Programme of Action was completed on 30 June 2006, government did not use the ensuing period to engage in any additional consultation, despite discussion in the media that the Programme of Action did not deal with the most important social, political and economic issues. The document laid heavy emphasis on consultations, awareness-raising and education campaigns but ignored dozens of specific recommendations offered by the public to improve public services, the fight against corruption and many other governance problems. The overwhelming message of the draft Programme of Action was that government believed existing programmes needed no major modifications, new laws, resources or enforcement mechanisms.

**The overwhelming message of the draft Programme of Action was that government believed existing programmes needed no major modifications, new laws, resources or enforcement mechanisms.**

Following the non-presentation of South Africa's report in Addis Ababa in January 2007, there was little public comment on APRM in the media, apart from a press conference on the minister's return to clarify why the heads of state review had been postponed. The National Governing Council was not convened to explain what had happened, and a written request from Sangoco to the minister to convene a council meeting to discuss the Programme of Action went unanswered.

Zanele Twala said: 'They cannot go to Ghana and claim it [the Programme of Action] is a collective product. She [Minister Fraser-Moleketi] must convene the NGC as a matter of urgency.'<sup>94</sup> She formally complained to the Panel of Eminent Persons and government that the council had not been consulted on the Programme of Action or how government intended to respond to some of the major issues – crime, corruption, 'unbridled proportional representation,' racism, xenophobia, lack of political party finance regulation, joblessness, lack of service delivery and dysfunctional local and provincial levels of government – the solutions to which would require substantial public debate.

93. Katzenellenbogen J, "'Wrong version" of SA's peer review given to AU', *Business Day*, 21 February 2007.

94. See Boyle, B, 'Furore over peer review redraft', *Sunday Times*, 20 May 2007.

**Government vehemently denied that it had rejected the Panel's report, and claimed that it had addressed all the recommendations in a revised Programme of Action. However, the minister refused to convene the National Governing Council in advance of the APR Forum meeting in Ghana.**

Several, sometimes conflicting arguments were advanced for this lack of consultation. In some instances, government argued that the Programme of Action had not fundamentally changed and hence felt that no new consultation or endorsement was needed. In other instances, government asserted that it has embraced nearly all of the recommendations. However, given the fundamental nature and large number of recommendations by the Panel, some civil society organisations argued that if the programme had not changed, South Africa was essentially rejecting the Panel's recommendations, which it pledged to implement.

Then in May 2007, the *Sunday Times* ran a story on the contents of South Africa's official comments on the Panel's report, produced on 18 January 2007 and distributed in Addis Ababa. Those comments were extremely defensive and undiplomatic in tone, which was widely discussed in the media and Western and African diplomatic circles. They disputed the factual base and ideological agenda of the report's authors, asserted that they lacked understanding of South Africa's history, that an 'honest' analysis would have come to other conclusions and even when strong evidence was cited for the existence of problems, South Africa implicitly argued that some evidence of its problems should be excluded because 'the risk is that general perceptions, often essentially racist, about the hopelessness of the African situation are all too easily confirmed by statistical constructs that have a very tangential relationship to the actual universe.'<sup>95</sup>

The headline on the *Sunday Times* article suggested that the government had rejected the report outright. The article claimed that South Africa had rejected all but one of the Panel's recommendations (erroneously counted as 154 rather than 182) based on the tone and contents of the comments, without having seen the latest version of the POA. Government vehemently denied that it had rejected the Panel's report, and claimed that it had addressed all the recommendations in a revised POA. However, the minister refused to convene the National Governing Council in advance of the APR Forum meeting in Ghana, despite a second request by Sangoco. The minister also dismissed a legal opinion provided by the Open Democracy Advice Centre in Cape Town that it should convene the council and make the latest version of the Programme of Action public.

Following Algeria, South Africa became the fifth country to be reviewed by the APR Forum, on 1 July 2007 in Accra, Ghana.<sup>96</sup> As he had done in

95. See Makhanya, M, *op.cit.* Makhanya quotes from the official government response, dated 18 January 2007, which was leaked to the *Sunday Times* and posted on its website. After South Africa's review was postponed, it withdrew this set of remarks and issued a new set of official comments to participants at the 1 July 2007 APR Forum. This latter set has not been released publicly.

96. Algeria was meant to have been reviewed on the previous day, but that meeting was postponed because there were too few heads of state in Accra at the time. The Forum meeting was combined with the Nepad Heads of State and Government Implementation Committee meeting, where Senegalese President Abdoulaye Wade announced that he had resigned from Nepad, and had to be persuaded by his peers to reverse this decision. This limited the time for review of each country.

Addis Ababa in January, South African President Thabo Mbeki insisted that some delegates leave the room for the peer review portion of the meeting. Revised comments on the report were circulated, and Mbeki questioned the methodology and rigour of the review mission, but reportedly in more muted tones and diplomatic language than in the January 2007 comments. Newspaper reports quoted the president and minister emphasising the areas of best practice highlighted by the review and issues such as fast tracking land reform.

The Country Review Report and POA were not publicly released at the time, but the minister said that she hoped they would be made public sooner than the six-month delay mentioned in APRM guidelines.

### *The Programme of Action*

All of the early APRM countries spent many months preparing to get started. Once the process began in earnest, they spent far more time than anticipated on research, consultation and report writing. After months or years leading up to the Country Self-Assessment Report, pressure to complete the process naturally intensifies, but this is the moment when countries first begin to grapple with the very difficult task of responding to the identified problems. Policy-making under such rushed conditions is far from ideal and countries are unlikely to find appropriate solutions to complex social, political and economic problems that may have a variety of causes and require multifaceted solutions. Time pressures at the end of the process have contributed to a hasty search for easily identifiable actions.

Officially, the South African government maintains that it responded to all of the Panel's recommendations. As noted earlier, an analysis of the South African POA suggests otherwise. The APRM Questionnaire includes 25 objectives plus four questions (tantamount to objectives) asking the extent of ratification and implementation of various international standards and codes embraced by the APRM. The South African POA provides no response whatsoever to 10 objectives and the four standards questions. In total the POA provides no response to 97 of the 182 recommendations. (see the table below). Of the remainder, a substantial number of the action items are only partially or tangentially relevant to the recommendations and underlying problems as expressed by the final report.

The tabular format adopted by the APRM for Programmes of Action describes required actions in extremely brief phrases that leave questions about what exactly is being proposed and by what methods. There is consequently some difficulty in determining whether proposed solutions fully or only partially address the underlying problem articulated by the Panel.

<b>Analysis of South Africa's responses to Panel recommendations</b>						
<b>Objectives in Country Report</b>		<b>Number of Panel recommendations</b>	<b>This objective specifically mentioned in South Africa's POA</b>	<b>Recommendations not addressed at all by POA</b>	<b>Recommendations partially addressed in South Africa's POA</b>	<b>Recommendations adequately addressed in South Africa's POA</b>
<b>Democracy and political governance</b>	Implementation of international standards	3	No	2	0	1
	1. Prevention and reduction of intra- and inter-state conflicts	6	No	2	1	3
	2. Constitutional democracy, incl. periodic political competition, rule of law, citizen rights and supremacy of the Constitution	5	Yes	4	1	0
	3. Promotion and protection of economic, social and cultural rights	4	Yes	2	1	1
	4. Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective legislature	4	No	4	0	0
	5. Ensure accountable, efficient and effective public office holders and civil servants	5	No	4	1	0
	6. Fighting corruption in the political sphere	6	Yes	3	1	2
	7. Promotion and protection of the rights of women	4	Yes	2	1	1
	8. Promotion and protection of the rights of children and young persons	3	No	1	1	1
9. Promotion and protection of the rights of vulnerable groups, including internally displaced persons and refugees	4	No	3	1	0	
<b>Economic governance &amp; mgmt</b>	Implementation of international standards	2	No	1	1	0
	1. Promote macroeconomic policies that support sustainable development	6	Yes	3	2	1
	2. Implement sound, transparent and predictable government economic policies	7	Yes	4	2	1
	3. Promote sound public finance management	7	Yes	4	2	1
	4. Fight corruption and money laundering	5	No	2	3	0
5. Accelerate regional integration by participating in the harmonisation of monetary, trade and investment policies	3	Yes	2	1	0	
<b>Corporate governance</b>	Implementation of international standards	6	No	2	4	0
	1. Promote an enabling environment and effective regulatory framework for economic activities	16	Yes	7	4	5
	2. Ensure that corporations act as good corporate citizens with regards to human rights, social responsibility and environmental sustainability	6	Yes	1	3	2
	3. Promote adoption of codes of good business ethics in achieving the objectives of the corporation	10	Yes	7	1	2
	4. Ensure that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner	6	Yes	4	2	0
5. Provide for accountability of corporations, directors and officers	15	No	11	3	1	
<b>Socio-economic development</b>	Implementation of international standards	5	No	3	2	0
	1. Promote self-reliance in development and build capacity for self-sustaining development	4	No	1	0	3
	2. Accelerate socio-economic development to achieve sustainable development and poverty eradication	4	Yes	1	3	0
	3. Strengthen policies, delivery mechanisms and outcomes in key social areas including education and combating of HIV/AIDS and other communicable diseases	18	Yes	9	7	2
	4. Ensuring affordable access to water, sanitation, energy, finance (including micro-finance), markets, ICT, shelter and land to all citizens, especially the rural poor	6	Yes	2	3	1
	5. Progress towards gender equality in all critical areas of concern, including equal access to education for girls at all levels	7	No	3	3	1
6. Encourage broad-based participation in development by all stakeholders at all levels	5	No	3	0	2	
<b>Totals</b>		<b>182</b>		<b>97</b>	<b>54</b>	<b>31</b>

The South African plan calls for very few tangible changes or legal reforms. It pledges to embark on reviews of a whistle-blowers 'law, labour legislation and the Companies' Act as well as a criminal justice review. Much of the rest calls for strengthening or enhancing existing programmes without detail about how these improvements would be made. The Panel called for action on crime, regulation of political party finances (called for in the UN and African Union anti-corruption codes), action on racism and xenophobia, reconsideration of South Africa's electoral system, efforts to strengthen parliament, and a variety of actions to fight corruption. These are addressed with varying degrees of clarity, but are in many instances ignored or dealt with superficially. In this, South Africa has demonstrated very real limits to the ability or willingness of the system to press unwilling nations toward particular reforms. The table below examines Objective Two in the socio-economic development thematic area ('To accelerate socio-economic development to achieve socio-economic development and achieve sustainable development'). The left-hand column contains the four recommendations made by the Panel under this objective, and the three columns on the right are from the final Programme of Action. This example demonstrates the fundamental mismatch between the recommendations and the responses by South Africa.

**The South African case raises some fundamental questions about the utility and integrity of the entire APRM endeavour.**

The provisions on fighting corruption are noteworthy for their lack of detail. Corruption appears in both the political and economic sections of the APRM Questionnaire. In the political section, South Africa's commitment to fight corruption in the political sphere says only 'Awareness raising with respect to anti-corruption legislation, codes of conduct, enforcement and implementation in all sectors and across all spheres; review Protected Disclosures Act.' On the other hand, the Ghanaian, Kenyan and Rwandan Programmes of Action are significantly more specific in many areas.

The South African case raises some fundamental questions about the utility and integrity of the entire APRM endeavour. The Panel accepted South Africa's assurances that it had consulted on the Programme of Action, even though the National Governing Council had not met between November 2006 until the meeting held on 7 August 2007, and members such as Sangoco had formally raised complaints about the lack of consultation in writing. The 30-day 'ultimatum' in December 2006 to revise the Programme of Action was wholly inadequate, given the far-reaching nature of the Panel's recommendations. And as the comparison of the recommendations to the final action items in the Programme of Action demonstrates, the Panel ultimately acquiesced to South Africa's defiance and non-response to their recommendations. The South African experience has set a less than ideal precedent for future reviews.

<b>Example of Panel recommendations and South Africa's Programme of Action response*</b>			
<b>Socio-economic objective 2: Accelerate socio-economic development to achieve sustainable development and poverty eradication.</b>			
<b>Country Review Report</b>	<b>South Africa's Programme of Action response</b>		
Recommendation	Activities by APRM objectives	Required action	Monitorable indicator
<ul style="list-style-type: none"> <li>• Develop a long-term strategic plan that exploits the nexus of growth, employment, poverty reduction, income and wealth redistribution, and systematically reduces social grants while emphasising empowerment and considering sustainability issues</li> <li>• Fully integrate the MDGs in a national development strategy. They should be credibly costed, funded and implemented, preferably through the budget and expenditure framework</li> <li>• Periodically review and evaluate existing programmes for their effectiveness in dealing with the problems they were meant to solve. Non-governmental stakeholders can take the lead in initiating, monitoring and evaluating the alignment</li> <li>• Enhance the role and impact of the legislatures in addressing key development challenges</li> </ul>	No consensus among stakeholders on definitions and measurements of poverty  Access to rural land	Local, provincial and National Consultative Conferences on poverty definition and measurement	National poverty barometer as part of official statistics, with resolution at municipal level
		Development of the poverty barometer	Improved system of identification, as well as targeting of vulnerable and marginalised groups
		Design and implementation of monitoring, evaluation and learning system	Established frameworks for the design and implementation of programmatic initiatives
		Rapid implementation of land redistribution, restitution and tenure reform projects	Establishment of an effective system of monitoring, evaluation and learning system
			Land reform implementation is speeded up to meet 2014 targets
* The final report makes the four recommendations at left but the POA actions bear no direct relationship to these recommendations.			

## Conclusion

Despite some innovations, particularly in sensitisation and the use of the Internet, which may be applicable to future countries, South Africa's APRM process was not up to the standard that it might have been. South Africa is, by African standards, well endowed with financial and intellectual resources. It was able to self-fund the entire exercise and could devote a great deal of money

to the various activities that made up its process. It has lively civil society, business and academic communities, and a tradition of vocal public airing of opinions. These were clearly elements that could have been structured into a national conversation and reflected in the country's APRM report.

The process did not achieve this and an opportunity for broad consultation and public input into policy making was missed. Equally seriously, the conduct of the government throughout the process suggested that it wanted to ensure particular outcomes and to avoid criticism. This could have an unfortunate knock-on effect. APRM is rooted in the idea that Africa needs to improve its governance and be seen to be doing so. Negative precedents could encourage other countries, which are less democratic and less well governed than South Africa, to undergo review in the expectation that this process can be controlled and will overlook serious problems. This would generate domestic and international cynicism about the process and suggest that Africa's reform efforts are half-hearted.

The negative effects of the South African experience are already being felt. Some Panel members have told upcoming countries that it is possible to have a minister lead the governing council, as South Africa has already done this. At an APRM workshop conducted by SAIIA and the Foundation for Democratic Process (Fodep) in Lusaka, Zambia in March 2007, a participant asked why Zambia should be held to a higher standard if South Africa – as a champion of good governance and founder of Nepad and the APRM – had not taken the APRM seriously.

The South African process was a key credibility test for the APRM as a whole. To the credit of the Panel, Secretariat and Country Review Mission, they did not merely accept the Country Self-Assessment Report at face value, and worked hard to ensure that fundamental governance issues such as crime, violence against women and children, HIV/AIDS and political party finance reform were raised strongly in the Country Review Report. They have sent a clear signal that governments should not seek to manipulate the process or the reports, because ultimately the important issues must be raised and must be dealt with. However, their ultimate acquiescence over the deficient Programme of Action illustrates the limits of the system's ability to influence policy change.

## Lessons learnt

**Open up the process.** South Africa's process was launched in a way that suggested that the government had learned little from what other countries had done, or ignored best practices thus far. Certain civil society groupings felt excluded and concerned about the rushed timetable, shallow consultation process, and substandard research methods initially proposed. To the media, and many CSOs and researchers, the government's initial plan seemed manifestly unworkable, but government signalled that it was unwilling to

**Negative precedents could encourage other countries, which are less democratic and less well governed than South Africa, to undergo review in the expectation that this process can be controlled and will overlook serious problems.**

respond to criticisms or allow others to help it change the plan. A national conversation to garner ideas about how to implement the APRM before launching the process (as happened in Kenya) could have strengthened the exercise, lent it greater credibility and inclusiveness, built trust, and deepened ownership.

**Do not fear peer review.** South Africa is one of Africa's best-governed countries, and government should have had little to fear from undergoing review. There was no need for the government to control and dominate the process. A more independent structure and process would have increased the legitimacy of the exercise and alleviated the civil society concerns that ultimately drove media criticisms of the process.

**Set realistic deadlines.** By initially rushing the process, calling for submissions over the year-end holiday period, and then constantly postponing the closing date for submissions, the quality of the inputs and hence the Country Self-Assessment Report as well was compromised. The original deadline of two months for civil society submissions was unreasonable, and deterred some institutions from making submissions. There was no reason for rushing the process, as South Africa did. Stakeholders should be given enough time to read and comment on texts they are meant to validate.

**Involve researchers early.** The South African government's resistance to utilising research bodies meant that the Technical Support Agencies joined the process five months after it had begun, and, crucially, after most of the material for the self-assessment had been collected. Because it was designed without consulting survey experts, the CDW process was flawed, and represented a major missed opportunity to gather detailed information on the country's service delivery problems. The technical and complex nature of the Questionnaire has required expert input in all the early countries, and this expertise will most probably be needed for all APRM processes across the continent. It is therefore important for upcoming countries to choose strong, experienced research institutions, and involve them at the start of the process in design as well as execution of research strategies.

**Empower civil society.** Because some CSOs and NGOs in South Africa were informed about the APR process, and mobilised early enough, they were able to bring their influence to bear and alter its course. They forced the government to expand the governing council and change its composition, pressed for the inclusion of researchers, and deepened the consultation and submission process. They made their own submissions, presented their views to the parliamentary hearings, engaged with the process in the media and, by providing information to the Country Review Team, succeeded in getting marginalised issues restored to the final APRM report.

**Let the governing council govern the APRM.** South Africa's government has reacted in a hostile manner to criticism of the tight hold it exerted on the APRM process. Despite the governing council being numerically dominated by CSOs, it was run on government's terms. With the Secretariat housed

within a government department, many of the CSOs represented on the governing council being political allies of government, and a powerful minister in charge, the council took few independent decisions.

**Use the Internet.** South Africa made good use of its APRM website to inform the public about the process. Although few citizens used this facility, people could send their own ideas and responses directly to the Secretariat. Loading the submissions and technical reports on to the website also added to the credibility and openness of the process. Uploading the Country Self-Assessment Report and Programme of Action could have further enhanced transparency.

**Use indigenous languages.** South Africa was exemplary in translating its shortened Questionnaire into all official languages, and making the various language versions available on the APRM website. This opened the APR process up to thousands who might not have taken part had the material been available only in English. However, better quality control should have been exercised over the translations, in order to retain the original meanings.

**Plan consultation more thoroughly.** The CDW exercise had enormous potential. It was ambitious and well intentioned in that it targeted thousands of South Africans, many in rural areas far from urban centres, but the process of receiving and processing the Questionnaires was poorly organised. No provision was made to translate them, collate them, or analyse them. The Technical Support Agencies were unable to include them in their reports.

**Understand the roles of the Country Review Mission and Panel of Eminent Persons.** Throughout the process, South African civil society groups and the government had significant differences of opinion over how the process should be conducted. The government wielded a deciding influence over the final Country Self-Assessment Report and Programme of Action, which suggested that the outcome of South Africa's peer review would exclude or downplay many issues of concern to civil society. However, the in-country leg of the APRM does not conclude the process, and the Country Self-Assessment Report – while an important document – will neither be the final report on a given country, nor will it be the only piece of evidence consulted by the Country Review Team. Ultimately, the Panel of Eminent Persons will have to compile a Country Review Report, and it is this that will be considered by the Forum of heads of state of participating countries. In South Africa they demonstrated a willingness to contradict the Country Self-Assessment Report, and to raise issues that could be potentially embarrassing for the government and the country as a whole. Furthermore, the problems confronting a society are seldom a secret. Parties seeking to sanitise the process should remember that it will come under intensive scrutiny by the Panel, while those dissatisfied with the Country Self-Assessment Report should raise their concerns with the Panel. Civil society did this in South Africa, and this may explain – at least in part – why the country report was robust and forthright.

**The APRM is not about impressing neighbours, it is about being a better country.**  
– Brendan Boyle

97. Boyle B, 'SA's peer report masks some scars', *Sunday Times*, 30 July 2006.



## Appendices

It is time to use regional and international co-operation to enforce a policy of zero-tolerance of political corruption and to put an end to practices whereby politicians put themselves above the law.

– Akere Muna, President, Transparency International Cameroon Chapter

Transparent and enforceable corporate governance principles are essential for sustainable business environment in Africa. In fact the APRM will be greatly undermined without proper African corporate governance structures.

– Conference on corporate governance In Africa, Johannesburg 2005

All participating countries must be involved in the preparation of future questionnaire developments by receiving and passing on inputs for their comments.

– Ghanaian National APRM Governing Council



# SUMMARY OF THE OFFICIAL GUIDANCE DOCUMENTS



It is important to note that the APRM system has evolved over time. Beginning with the APRM Protocol or so-called 'Base Document', several other official documents have been released at different times. They contain significant inconsistencies about how the process should be conducted, particularly regarding the requirements of public participation and the role and powers of the Focal Point and National Governing Council. Although new guidance documents have been issued over time, none has been officially repealed or withdrawn from the APRM website.

As the Secretariat and Panel of Eminent Persons have not issued a written clarification of the ambiguities, it is useful to note the sequence with which the different documents were published. The most recent document, the 'Supplement to the Country Guidelines' or 'Supplementary Guidelines', offers much more detailed discussion of the roles of the national APRM institutions and can be therefore interpreted to represent the most current rules. Civil society and governments should be aware that reading the Base Document and original guidelines without also consulting the later documents would result in a very different conception of the APRM rules. They should also note that the oral explanations offered by the Eminent Persons have varied considerably from country to country and this oral advice differs from the written rules (See also chapter 3, on the governance of the national process).

Please note that full versions of all the documents discussed below are contained on the APRM Toolkit CD-ROM that accompanies this book. Please note that the subheadings under each document below are provided to facilitate finding key topics, but they do not appear in the originals, with the exception of the Supplementary Guidelines and the Prerequisites for Country Support Missions, both of which are reproduced here in full.

## APRM Protocol or Base Document<sup>1</sup>

This document was enacted by the Organisation of African Unity (OAU) at its 2002 summit in Durban, South Africa.<sup>2</sup> It defines four types of reviews, the role and term of office of the Panel of Eminent Persons, and the five official stages of the process. It asserts that all reviews should begin within 18 months of accession to the APRM, and that each review should take no more than six months from inception to presentation of the Country Review Report to the heads of state. Pioneer countries have asserted that this timeline is highly unrealistic, with most countries taking more than a year just to produce a self-assessment. Additional delays occur because heads of state generally gather only twice a year. The description of the goal of the APRM and the level of quality expected should be borne in mind in planning any review:<sup>3</sup>

2. The primary purpose of the APRM is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies and assessing the needs for capacity building.
3. Every review exercise carried out under the authority of the Mechanism must be technically competent, credible and free of political manipulation. These stipulations together constitute the core guiding principles of the Mechanism.

Four types of review are defined in the Protocol as follows:<sup>4</sup>

- The first country review is the base review that is carried out within 18 months of a country becoming a member of the APRM process;
- Then there is a periodic review that takes place every two to four years;
- In addition to these, a member country can, for its own reasons, ask for a review that is not part of the periodically mandated reviews; and
- Early signs of impending political or economic crisis in a member country would also be sufficient cause for instituting a review. Such a review can be called for by participating Heads of State and Government in a spirit of helpfulness to the Government concerned.

## APRM Organisation and Processes<sup>5</sup>

This document outlines the responsibilities of the different APRM institutions. It provides only a basic outline of the process and roles of the Heads of State

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1. Organisation of African Unity (OAU), 'The New Partnership for Africa's Development – The African Peer Review Mechanism (APRM)', Durban, South Africa, 8 July 2002.  
 2. The African Union came into force at the same summit. While the APRM is commonly referred to as a programme of the African Union, the protocol was officially released as an OAU document.  
 3. OAU, *op. cit.*, p.2.  
 4. *Ibid.*, paragraph 4.  
 5. Nepad Heads of State and Government Implementation Committee, 'African Peer Review Mechanism Organisation and Processes', 9 March 2003.

Forum, Eminent Persons, Secretariat and Country Review Teams. Significant aspects of it differ from the Country Guidelines and Supplementary Guidelines (see below). This document vests the main powers for setting the rules and supervising reviews with the Panel of Eminent Persons, who 'exercise oversight of the APR process with a view to ensuring the independence, professionalism, and credibility of the process.'<sup>6</sup>

This document states that the Eminent Persons themselves are to serve a term of four years (five for the chair of the Panel) and must be:<sup>7</sup>

Africans who have distinguished themselves in careers that are relevant to the work of the APRM. Members of the Panel must be persons of high moral stature and demonstrated commitment to the ideals of Pan-Africanism. The composition of the Panel will also reflect broad regional balance, gender equity and cultural diversity.

### **Accession Memorandum of Understanding<sup>8</sup>**

When a country accedes to peer review, it does so by signing this Memorandum of Understanding.<sup>9</sup> This document commits the signatory government to ensure participation of all stakeholders in the development of the Programme of Action and to implement faithfully whatever recommendations are made to the country in the final report. In signing up to the APRM, the government agrees to:<sup>10</sup>

Ensure the participation of all stakeholders in the development of the national Programme of Action including trade unions, women, youth, civil society, private sector, rural communities and professional associations ... [Governments also agree to] take such steps as may be necessary for the implementation of the recommendations adopted at the completion of the review process within the specified time frame and integrate them into our respective national Programmes of Action.

### **Objectives, Standards, Criteria and Indicators (OSCI)<sup>11</sup>**

This document sets out the main areas of inquiry of a peer review. It provides the framework and objectives that the Nepad Secretariat and the APRM Secretariat later used to develop the APRM Self-Assessment Questionnaire. The Questionnaire notably cites different standards in some sections from

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6. *Ibid.*, p.3.

7. *Ibid.*, p.4.

8. Nepad Heads of State and Government Implementing Committee, 'Memorandum of Understanding on the African Peer Review Mechanism', 9 March 2003.

9. Note: When the country is ready to proceed with the actual review, it hosts a Country Support Mission. During that mission, a second Memorandum of Understanding is negotiated, which includes the specific time frames and types of assistance the country is expected to afford to the Country Review Team.

10. Nepad Heads of State and Government Implementing Committee, 'Memorandum of Understanding on the African Peer Review Mechanism', 9 March 2003, p.5.

11. Nepad Heads of State and Government Implementation Committee, 'Objectives, Standards, Criteria and Indicators for the APRM', NEPAD/HSGIC/03-2003/APRM/Guideline/OSCI, 9 March 2003.

those listed in the OSCI, and it also expands upon the criteria and indicators offered in the OSCI. In a few cases, the standards cited by the OSCI were incorrectly named. Because the Questionnaire came later, and was developed after significant consultation, it should therefore be considered the more authoritative reference. Some key passages include the following:

***Goal of the APRM***<sup>12</sup>

- 1.3 The overarching goal of the APRM is for all participating countries to accelerate their progress towards adopting and implementing the priorities and programme of the New Partnership for Africa's Development (NEPAD), achieving the mutually agreed objectives and compliance with best practice in respect of each of the areas of good governance and development. This can only be achieved through the sustained efforts of the country itself, involving all stakeholders. It requires that each country develops a Programme of Action with time bound objectives and linked to national budgets to guide all stakeholders in the actions required by all – government, private sector, civil society – to achieve the country's vision.

***Purpose of first review***<sup>13</sup>

- 6.3 The first cycle of the Peer Review process will enable participating countries to determine their initial baseline conditions, which will then become the baselines for the continental exercise, based on a careful review of each country's assessment of its own situation and its time-bound Programme of Action for improving its governance and socio-economic development performance.

***Programme of Action***<sup>14</sup>

- 6.4 The intention is that the first APR report for a country will provide a basis for assisting the country in improving its Programme of Action and for strengthening its capacities to accelerate progress towards its vision of excellence in performance in the areas being reviewed. It is hoped that the report will also provide a basis for consolidating shared values and standards in these governance areas and accelerating socio-economic development in Africa, leading to more rapid poverty eradication and achievement of objectives of Nepal and Millennium Development Goals.
- 6.5 It is expected that country efforts will be enhanced and strengthened by the APR process and that, after the first review, countries will sustain their efforts to achieve the shared objectives identified in the APRM and their Programmes of Action. This will require updating these Programmes of Action on a regular basis on the basis of self-monitoring results of their own progress and lessons learned from sharing with other countries, which will be facilitated actively by the APRM. On the basis of these activities it is anticipated that they will be able to establish new benchmarks and targets each year in terms of such concepts as outlined here. Subsequent peer reviews will monitor progress against

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12. *Ibid.*, p.2.

13. *Ibid.*, p.30.

14. *Ibid.*, pp.30-31.

these benchmarks as defined in the countries' evolving programmes of action. If this happens, the APRM will have served its intended purpose.

## **Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism<sup>15</sup>**

Hereafter referred to as the 'Country Guidelines', this text expands on the above documents with more specific advice on processes and the inclusion of civil society. However, it does not address some of the most important and controversial aspects of civil society participation and governance of the national process. It therefore must be read together with the Supplementary Guidelines document.

Participants should be aware of the contradictions that exist with other guidance documents. Paragraphs 12–13 and 35–37 of the Country Guidelines reinforce the idea of the central role that civil society must play in the APRM. Paragraph 34 is key to defining the Focal Point. It discusses the need for participation, but describes the Focal Point as an individual at ministerial level. However, this conception of Focal Point as minister is in conflict with the references in the Questionnaire and APR Questionnaire General Guidance. The Questionnaire puts the emphasis on the Focal Point as a committee by noting that 'prior to receiving the Questionnaire each country would have established a national Focal Point comprised of [*sic*] representatives of all stakeholders.'<sup>16</sup>

But the APR Questionnaire General Guidance posits the Focal Point as the chief decision maker:<sup>17</sup>

The Technical Committee of the APR Focal Point would then collate the responses [to the completed Self-Assessment Questionnaires] and compile a consensus response to submit to the APR Focal Point for consideration.

The Eminent Persons and Supplementary Guidelines assert that the decision-making powers about the process vest with a committee that should have a civil society leader and majority, with the Focal Point holding an administrative function to liaise with government (see chapter 3). The following are the key passages of the Country Guidelines.

Obligation to integrate the APRM with other national processes<sup>18</sup>

12. National ownership and leadership by the participating country are essential factors underpinning the effectiveness of such a process. This includes leadership in ensuring consistency with existing national

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15. APRM Secretariat, 'Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism', November 2003.

16. APRM Secretariat, 'Country Self-Assessment for the African Peer Review Mechanism' otherwise known as the Questionnaire, Midrand, South Africa, undated [2004], p.9.

17. APRM Secretariat, 'APR Questionnaire General Guidance,' Midrand, South Africa, undated [2004], p.4.

18. APRM Secretariat, 'Country Guidelines', p.2.

efforts, like the Poverty Reduction Strategy Papers (PRSP) processes, other national poverty reduction strategies, Medium Term Expenditure Framework (MTEF), National Human Rights Action Plans, Millennium Development Goals (MDG) strategies, ongoing institutional reforms, and other relevant governance and socio-economic development strategies, programmes and projects. It also includes efforts by the participating country to address capacity constraints in an integrated manner within all of these activities, as well as facilitating and co-ordinating the alignment of international support behind the national Programme of Action that participating countries are expected to develop and implement.

### *Participatory requirements*<sup>19</sup>

13. The APRM process is designed to be open and participatory. Through a participatory process, the APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increase the transparency of the decision-making processes, and build trust in the pursuit of national development goals.

### *The Programme of Action*<sup>20</sup>

32. The primary purpose of the National Programme of Action is to guide and mobilise the country's efforts in implementing the necessary changes to improve its state of governance and socio-economic development. In addition, the National Programme of Action is the key input delivered by the country into the peer review, and it, therefore, serves to present and clarify the country's priorities; the activities undertaken to prepare and participate in the APRM; the nature of the national consultations; as well as explicitly explain the responsibilities of various stakeholders in government, civil society and the private sector in implementing the Programme.
33. As such, the National Programme of Action should include the following:
  - a. Assessment of compliance with the APRM Objectives, Standards, Criteria, and Indicators, and a discussion of major development and governance challenges facing the country.
  - b. Outline of the priorities for enhancing governance and socioeconomic development in the short, medium and long term.
  - c. Description of ongoing efforts by the country in this regard, like PRSPs or other poverty reduction programmes, MDG strategies, Human Rights Action Plans, institutional reforms, and other development strategies.
  - d. Clear, time-bound commitments on key governance and socio-economic development priorities over the next three years, including the identification of key stakeholders for implementation, and the estimated budgetary implications and allocations.

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19. *Ibid.*, p.3.

20. *Ibid.*, pp.10-11.

- e. Description of the national consultations that have taken place doing the self-assessment and developing the National Programme of Action
- f. Outline the feedback mechanism established to keep local stakeholders involved in the process, including efforts to disseminate information in an easily accessible and understandable manner.
- g. Description of the capacity building and resource mobilisation requirements for undertaking the Programme of Action.
- h. Outline the implementation, monitoring and evaluation mechanisms for the Programme of Action.

#### *Focal Point as individual<sup>21</sup>*

- 34. It is the responsibility of the participating country to organise a participatory and transparent national process. In so doing, each participating country must establish a Focal Point for the APR process, which should be at a Ministerial level, or a person that reports directly to the Head of State or Government, with the necessary technical committees supporting it. The APR Focal Point can be established as an integral part of existing structures or as new ones. However, it is critical that the work of the APR Focal Point is inclusive, integrated and co-ordinated with existing policy-decision and medium-term planning processes.

#### *Process requirements<sup>22</sup>*

- 35. Further to the above listed responsibilities, it is recommended that the participating countries:
  - a. Define, in collaboration with key stakeholders, a roadmap on participation in the APRM, which should be widely publicised and provide information about the national co-ordinating structures, the stages of the APRM and the roles and responsibilities of stakeholders from government, non-governmental organisations, private sector and international development partners.
  - b. Establish and publicise feedback mechanism between different levels of government and with non-governmental stakeholders.
  - c. Ensure participation by relevant stakeholders in the implementation of the Programme of Action.
  - d. Make annual progress reports to the APR Secretariat on the implementation of the Programme of Action.

#### *Participation and trust-building required<sup>23</sup>*

- 36. The organisation of public participation in the APRM process is in itself a central aspect of enhancing the state of governance and socio-economic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing engagement and empowerment of stakeholders. These processes will be most effective if they build on existing structures, rather than duplicating or creating

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21. *Ibid.*, p.11.

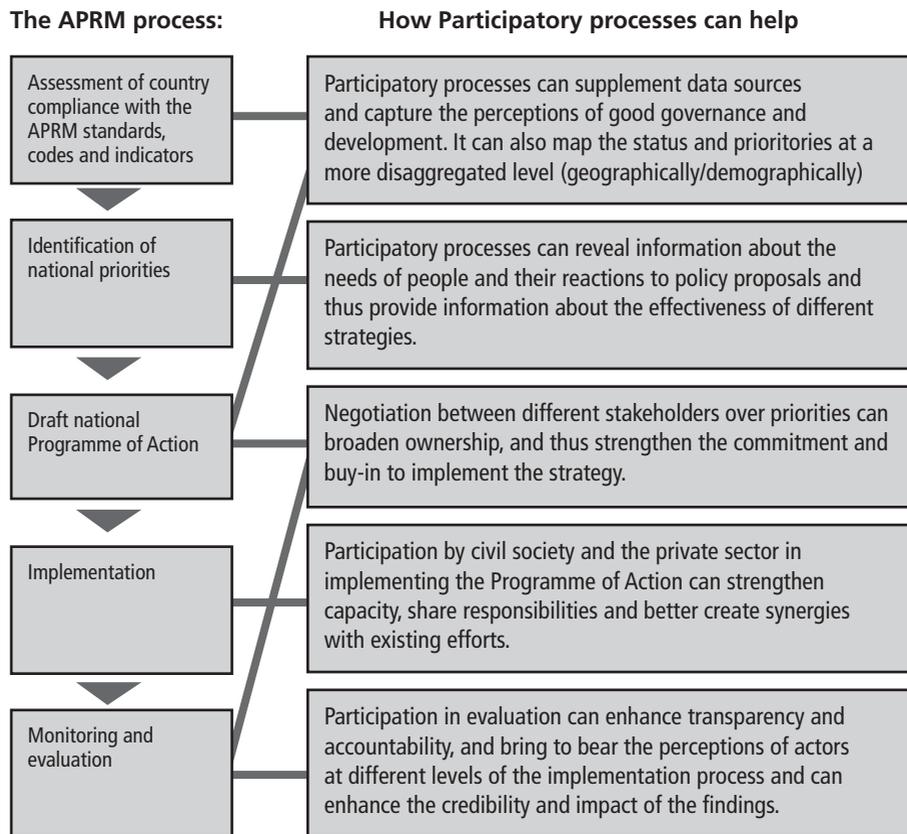
22. *Ibid.*, pp.11–12.

23. *Ibid.*, p.12.

parallel processes such that learning becomes cumulative. Figure 2 outlines the potential benefits of public participation in the various stages of the APRM.

37. Existing national oversight institutions should be an integral part of the national preparation for and participation in the APRM, especially those oversight institutions whose constitutional functions cover the four identified areas of governance and development; for example, the Auditor-General, the Public Accounts Committees of Parliament and the Human Rights Commission. These institutions will be useful in helping to identify key areas of concern, ensuring the technical competence and integrity of the review process, as well as in drawing up and implementing the national Programme of Action.

### Participation in the APRM



The chart above appears in the Country Guidelines to explain the value attached to civil society participation in the APRM.<sup>24</sup>

24. *Ibid.*, p.14.

## Country Self-Assessment Questionnaire<sup>25</sup>

This document offers guidance on the kinds of factors to be considered in conducting a governance analysis. It includes 25 objectives, 58 questions and 183 indicators, as well as questions inquiring about the ratification and implementation of the various APRM standards. The objectives are broad and in some places contain several different ideas. The questions are meant to focus on particular facets of governance under the broad objectives. The indicators give further detail on the factors to consider. At 88 pages, the Questionnaire expanded significantly on the OSCI, including more standards, criteria and indicators. Thus the Questionnaire can be seen as superseding the OSCI. The Questionnaire is divided into four thematic areas: democracy and good political governance; economic governance and management; corporate governance; and socio-economic development.

Each thematic area is introduced with useful explanatory material on the factors to consider in evaluating governance in that area. There also is some guidance on the overall conduct of the APRM. The Questionnaire mentions eight so-called cross-cutting issues: poverty eradication, gender balance, decentralisation, country capacities to participate in the APRM, access to and dissemination of information, corruption, broad-based participation, and sustainability in both financial and environmental senses. The Questionnaire notes that it does not include specific questions on each cross-cutting area in each objective, but it encourages countries to sensitise participants about them and include relevant analysis. (Please note that the headings below are to assist the reader but do not appear in the Questionnaire itself.)

### *Purpose and participation<sup>26</sup>*

The Questionnaire is also intended to promote national dialogue on development issues and to facilitate the evaluation of countries on the basis of the realities expressed by all stakeholders. It is therefore important that there be broad-based representation at the national structure co-ordinating the APR process as well as wide dissemination of the Questionnaire and active participation of all stakeholders in providing responses to the Questionnaire.

### *Broad participation led by government<sup>27</sup>*

1.1.4 The overarching goal of the APRM is for all participating countries to accelerate their progress towards adopting and implementing the priorities and programmes of the New Partnership for Africa's Development (Nepad), achieving the mutually agreed objectives and compliance with best practice in respect of each of the areas of governance and development. This can only be achieved through the sustained efforts of the country itself, involving all stakeholders. It

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25. APRM Secretariat, 'Country Self-Assessment for the African Peer Review Mechanism', Midrand, South Africa, undated [2004].

26. Savané M-A, cover letter in *ibid.*, p.5.

27. APRM Secretariat, 'Country Self-Assessment Questionnaire', p.6.

requires that each country carefully assess its own situation through a broad participatory process led by the government that results in a Programme of Action with time bound objectives to guide all stakeholders in the actions required by government, private sector and civil society to achieve the country's vision.

### *Five stages of APRM<sup>28</sup>*

1.2.1. The APR process will be conducted under the leadership of the APR Panel and the technical support of the APR Secretariat. It consists of five stages that are defined in the APRM Base Document and discussed in detail in the Guidelines for Countries to Prepare for and to Participate in the APRM.

**Stage One** is the preparatory process both at the level of the APR Secretariat and the national level. During this stage, the APR Secretariat will send a Questionnaire to all participating countries on the basis of the mutually agreed Objectives Standards, Criteria and Indicators. The country will develop a self assessment on the basis of the Questionnaire. The country is also expected to formulate a Preliminary programme of action based on existing policies, programmes and projects. Upon receiving the self assessment and the preliminary programme of action, the APR Secretariat which during this time has developed a Background document on the country, through research and gathering information relevant to the country will prepare an Issue paper that will guide the country in the review process. If on the basis of all available data the APR Secretariat determines that the issues require further in-depth assessment analysis, it will make arrangements for a competent partner institution to conduct the assessment. Upon completion of the technical assessment, the assessment report is sent to the APR Secretariat and the APR Panel.

**Stage Two** marks the visit of the APR Team to the country concerned with a view to holding extensive consultations with all stakeholders.

**Stage Three** is the drafting of the report by the APR Team. The report is prepared on the basis of the Background document and the Issue Paper prepared by the APR Secretariat, and the information provided in the country during the extensive consultations held with stakeholders.

In **Stage Four**, the APR Team's report is submitted to the APR Secretariat and APR Panel. After deliberation by the APR Panel, the report is then submitted to the APR Forum for consideration and formulation of actions deemed necessary in accordance with the mandate of the APR Forum.

**Stage Five** is the final stage of the APR Process. It involves making public the report and related actions. Six months after consideration of the report by the APR Forum, the report will be formally and publicly tabled in key regional and sub-regional structures.

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28. *Ibid.*, p.7.

### *Focal Point as a committee*<sup>29</sup>

2.1.1. It is hoped that prior to receiving the Questionnaire each country would have established a national Focal Point comprised of representatives of all stakeholders to co-ordinate the APRM process.

### *Using the Questionnaire*<sup>30</sup>

2.1.2. It is expected that the APR Focal Point in each participating country will draw up a list of the stakeholders (government, private sector, civil society) that would participate in responding to the Questionnaire. It would then distribute the entire Questionnaire to all stakeholders through their representatives in the Focal Point. The APR Focal Point would also provide the APR Secretariat with a list of all the recipients of the Questionnaire.

2.1.4 The stakeholders would be given a time frame within which to complete and return the Questionnaires along with an overall report on their assessment and available documentation to the national APR Focal point.

2.1.5. The APR Focal Point would then collate the responses, and consult with stakeholders to build a consensus response. It would also use the responses and the available assessment reports to compile the country's Self-Assessment Report, based on the Questionnaire responses and other research. It would ensure that there are detailed references to the sections of the Self-assessment Report in which a question is answered and the indicators are defined more fully.

## **The APR Questionnaire General Guidelines**<sup>31</sup>

This document uses language identical to the Questionnaire itself to describe the process, stages and public participation aspects. As noted earlier, these General Guidelines posit the Focal Point as the chief decision-maker and make reference to the Focal Point as having a 'Technical Committee' that is mentioned nowhere else in the rules:<sup>32</sup>

The Technical Committee of the APR Focal Point would then collate the responses [to the completed Questionnaires] and compile a consensus response to submit to the APR Focal Point for consideration.

Given that this description is directly contradictory to the later Supplementary Guidelines as well as the many references to the process being independent and autonomous from government, it is suggested that the APR Questionnaire General Guidelines be rescinded.

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29. *Ibid.*, p.9.

30. *Ibid.*

31. This document, available on the official APRM website, does not include any date of publication or release. However, the computer properties of the Adobe Acrobat file say that it was created on 30 March 2006.

32. APRM Secretariat, 'APR Questionnaire General Guidance,' Midrand, South Africa, undated [2004], p.4.

### **Prerequisites for Country Support Missions<sup>33</sup>**

This one-page document lists the preparations a country is supposed to have made before receiving its Country Support Mission. This document has not been posted on the official APRM website as of November 2007 but it was distributed to a training workshop for Focal Points, by SAIIA, UNECA and the Secretariat in February 2007. The Secretariat said the document is given to countries as they prepare for the process.

Notably, it asserts that before a Country Support Mission is fielded, countries should have already established a National Governing Council and Secretariat; chosen Technical Research Institutes, conducted public sensitisation and established a ‘road map of activities’ to be included in the research plan, which has been publicly debated.

This appears to be a sharp change in policy from the Country Guidelines document. The latter describes the Country Support Mission as designed to provide governments and civil society with information on the process, but the Prerequisites document assumes that countries already know the rules and have set the whole process in motion, with budgets and research plans. As noted in earlier chapters, the very limited support offered by the Secretariat has become a common refrain from participating countries, particularly as the system has been unable to accelerate the speed of reviews.<sup>34</sup> Many countries note that the Secretariat and Eminent Persons arrive at the Country Support Mission expecting the country to have established its structures, but the countries complain that they cannot because they lack information on the requirements. In particular, countries note that the official documents do not discuss how public consultation and research should be conducted or what the costs have been in early countries. This lack of guidance has contributed to significant delays. The lack of information and consistency of rules also has contributed to countries setting up structures contrary to the rules. Once publicly committed to a path, they can be reluctant to change because modifying the announced system would involve acknowledging a wrong decision.

The following is the full text of the Prerequisites document:

#### ***Prerequisites for Country Support Mission***

The following are the prerequisites that should be put in place by the country prior to receiving the Support Mission.

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33. This document is not dated and has not been released on the official APRM website as of this writing but was distributed by the APRM Secretariat at a the workshop ‘APRM Best Practices and Lessons Learned: Exploring the Process and National Experiences,’ which was conducted for Focal Points staged by SAIIA, the UN Economic Commission for Africa and the Secretariat in Addis Ababa, Ethiopia, 20–21 February 2007.

34. Ghana, the first country to begin the process, started public consultations in late 2003. Since then reviews have been completed for Ghana, Rwanda, Kenya, South Africa and Algeria, by July 2007. At the pace of five reviews in three and a half years, it will be 2021 before all signatory countries complete their first review.

- a. **National Commission:** A national commission to manage the APR process at national level should be established. This commission should be autonomous from government and inclusive of all key stakeholders (state and non-state actors).
- b. **National APR Secretariat:** Provision should be made for a Secretariat to assist the national commission. This Secretariat should have appropriate staffing, equipment and budget to facilitate its effectiveness.
- c. **Technical Research Institutions:** The commission also needs access to research institutions to lead the self-assessment process in the four focus areas of the APRM. It should be noted that the support mission team includes experts from strategic partner institutions for all the four thematic areas of the APRM. These would be ready to engage with stakeholders on the technical issues relating to the self-assessment particularly with respect to the Questionnaire. This means that the Technical Research Institutions should have internalised the Questionnaire and identified the criteria for reaching key stakeholders for effective engagement.
- d. **Sensitisation of stakeholders** should also be at an advanced stage prior to receiving the support mission as a prerequisite to creating national ownership.
- e. **Timeline for implementation of the APRM at national level.** A road map of activities to be undertaken at national level from the Country Support Mission to the review period should be communicated to the Secretariat for guidance. This road map will also be discussed during the support mission.
- f. **Funding:** Indication as to the Budget and source of funding for the entire national APRM activities should be given.
- g. **The MOU on Technical Assessment Missions and the Country Review Visit:** This document will be forwarded to your country prior to the Support Mission. All issues arising there from needed to be brought to the attention of the Secretariat for resolution as this MOU would be signed at the beginning of the support mission.
- h. **The Programme for the support mission:** A programme outlining the activities to be undertaken during the support mission should be proposed. This usually includes a national workshop or open forum with key stakeholders, interactions with specific stakeholders groups e.g. civil society, the private sector, parliamentarians etc; Technical discussions with the Thematic [*sic*] Research Institutions; Courtesy calls on high level dignitaries in the country including the President.

## **Supplementary Document to APRM Guidelines for Country Review – The APRM National Structure<sup>35</sup>**

This document, otherwise referred to in this book as the ‘Supplementary Guidelines’, contains significantly greater detail on the role of the Focal Point, Governing Council, stakeholder participation and Technical Research Institutions. It offers the most extensive discussion of questions of participation and need for independence of the national institutions from government. Because it is the most comprehensive, detailed and recent guidance, its full text is included below:

### ***I. Introduction***

The organisation of an inclusive national structure to implement the APRM is highly crucial to the success of the APRM process. The participation of diverse key stakeholders in the APRM is in itself a central aspect of enhancing the state of governance and socio-economic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing empowerment of stakeholders.

The Guidelines for Countries to Prepare for and to Participate in the APRM (Country Guidelines) call for countries to put in place relevant structures to facilitate the effective implementation of the APRM. From the countries reviewed so far, the practice has been to designate the following:

- a) a National APRM Focal Point
- b) a National Commission
- c) an APRM Secretariat, and
- d) Technical Research Institutions

### ***II. The National Focal Point***

The Country Guidelines recommend that the Focal Point for the APRM ideally should be established at a Ministerial level, or a high level government official that reports directly to the Head of State or Government. The practice has been divergent in many countries [*sic*] some appoint Ministry of Foreign Affairs as this is the Ministry that traditionally handled the Trade Regional Integration and by extension Nepad/APRM issues. Others appoint officials in the Presidency as the APRM is a key initiative and commitment by the Head of State or Government. For some it is the Ministry of Finance, Planning, Public Service or other ministry concerned with social and developmental issues. However, it is critical that the work of the APRM Focal Point is inclusive, integrated and co-ordinated with existing policy-decision and medium-term planning processes.

### ***III. National Commission/Governing Council***

This is the body that provides strategic policy direction to the implementation of the APRM. This body must contain upstanding citizens who command

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35. This document is not dated and has not been released on the official APRM website as of this writing but was distributed by the APRM Secretariat at the workshop ‘APRM Best Practices and Lessons Learned: Exploring the Process and National Experiences,’ which was conducted for Focal Points staged by SALLA, the UN Economic Commission for Africa and the Secretariat in Addis Ababa, Ethiopia, 20–21 February 2007.

the respect of the general public. The Country Guidelines provide that the National Commission established to manage the process at national level should be autonomous from government and inclusive of all key stakeholders. In this context, membership must be diverse and representative to ensure to the spirit [*sic*] of the APRM – broad-based participation.

**Composition of the National Structure.** Both state and non-state actors participate in the process. This includes some representatives of key line ministries, civil society, parliament, media, private sector, youth, women groups, disabled, marginalised groups, rural populations, etc. The National Commission should offer a microsm [*sic*] of the nation. Where possible, it should be chaired by a non-state functionary. If the commission is too small [*sic*], it may bring perceptions of non-inclusivity. If too large, it may make decision-making cumbersome and would be encouraged to appoint an executive council from itself.

**Responsibilities of the National Structure.** In addition to providing guidance in terms of policy direction, the Commission/Council is expected to ensure professionalism, credibility and independence of the process. The NC/NGC is also to ensure that the process is technical and free from political manipulation. The NC/NGC is supposed to lead the sensitisation programmes country-wide and ensure that all stakeholders participate in the process so as to create ownership.

The NGC must have clear written terms of reference for operation. Other issues that need to be worked out include: legal status of the same (gazettement, inauguration, etc.), terms of service (honoraria etc.) and duration of appointment. It is recommended that the NGC be involved in follow up of implementation of POA. With regards to the POA, the NGC must ensure that all the concerns outlined in the self-assessment report are addressed in the POA. The NGC must also ensure that the POA meets all the criteria identified in the guidelines (i.e. costing, time frames, outputs, etc.).

#### IV. *National APRM Secretariat*

The National APRM Secretariat provides technical and administrative support to the National Commission/Governing Council. They assist the NC/NGC in organising sensitisation programmes at the national and local levels. The Secretariat (which should have ideally a CEO or Executive Director) will also be responsible for liaising between the NC/NGC and the continental APRM Secretariat in South Africa. The Secretariat should also facilitate and support and [*sic*] the work of the Technical Research Institutions.

#### V. *Technical Research Institutions*

These are the institutions that assume the responsibility of executing the APRM Questionnaire. They should be well-known for their competence and technical capabilities to conduct sound and objective research in the four APRM thematic areas. The TRIs will be collating data, analysing and presenting the views of the general population. The research methodology should therefore rely on multi-method approach [*sic*] (qualitative and quantitative) to ensure comprehensive data collection. The final output

should undergo validation to ensure that the report is representative of the public views.

The TRIs are appointed by the NGC and report directly to it. A contractual agreement protecting the intellectual property of the self-assessment should be signed. The NGC has to protect the confidentiality of the self-assessment process so as not to prejudice or pre-empt the ensuing stages of deliberation of the report by the Panel and Forum.

#### *VI. Budgetary Framework*

It is advisable for the country to see to it that budget for the APRM is independently managed in order to promote sustainability. The country should also endeavour to keep the budget at a minimum and link the disbursement of funds to outputs and activities so as to control the level of spending. Prudent financial planning in the early stages by the NGC to cover all the activities from inception to completion and periodic accounting of expenses is highly critical to the success of the APRM process.

# THE APRM STANDARDS BY OBJECTIVE



The African Peer Review Mechanism (APRM) cites a variety of standards, codes and declarations that are the criteria against which governance in African can be measured. This appendix was assembled to assist APRM participants in finding the relevant international standards that relate to particular APRM objectives. The full text of the standards can be found in the APRM Toolkit CD-ROM included with this volume. They are also available in *The APRM Governance Standards: An Indexed Collection*, which was produced by SAIIA in French and English in printed and electronic form (see [www.saiia.org.za](http://www.saiia.org.za) to order or download).

The standards embraced by the APRM are contained in two of the official APRM documents: the Objectives, Standards, Criteria and Indicators (OSCI) and the Self-Assessment Questionnaire and the list below includes all the standards cited in both.<sup>1</sup> However, the allocation of standards to particular objectives in this appendix is based on SAIIA's analysis of the standards themselves, and not only the allocations in the OSCI and Questionnaire.

The APRM Questionnaire allocates standards to particular objectives only in the democracy and political governance section (or thematic area). The other three thematic sections of the Questionnaire only list the standards that apply to the entire theme. Readers should note that the OSCI and Questionnaire do not fully agree with each other. In some cases, standards are listed in one document but not the other. In other cases, the Questionnaire cites a standard as applying only to one theme, but the text of that standard makes clear that it also applies elsewhere. This list attempts to match standards to all of the objectives to which they could reasonably apply and thus goes beyond the notations in the Questionnaire.

In two cases, the African Union has adopted declarations since the creation of the APRM – related to gender and elections – which are included here because

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1. The one exception is the 'African Platform on the Right to Education (1999)'. It is cited in the Questionnaire but the authors were unable to find this document through the African Union or United Nations.

such standards presumably apply to all APRM members.<sup>2</sup> In a few cases, footnotes indicate where names of standards or the issuing organisation was not clear in the OSCI or Questionnaire. For example, the Financial Action Task Force issues standards on money laundering. It issued an addendum relating to terrorist financing that was not named by the APRM but it is included here because it would appear to be a part of the main set of anti-money laundering standards.

In some cases, certain areas of governance in the Questionnaire are logically related. For example, the rules for effective fiscal management are thematically related to the rules that are necessary for an effective anti-corruption system. In such cases, readers may want to look at the standards listed under related topics.

The exact number of standards cited by the APRM is difficult to establish. The OSCI and Questionnaire cite 'regional codes and standards' without specifying which ones (and these would vary according to region of the continent). In the corporate governance and socio-economic development sections, they cite the codes of the International Labour Organisation and World Health Organisation, respectively, without specifying which of the many codes from those organisations apply. This list includes the eight standards that the ILO considers to be 'fundamental.' This list includes only one entry for World Health Organisation codes.

The Questionnaire notes that the following five documents should be seen as standards applying to all sections of the APRM: (in chronological order)

- The UN Charter of the United Nations (1945)
- The UN Universal Declaration of Human Rights (1948)
- The AU Constitutive Act of the African Union (2000)
- AU New Partnership for Africa's Development – Framework Document (2001)
- AU Declaration on Democracy, political, Economic and Corporate Governance (2003)

In the sections below, the standards are arranged alphabetically by issuing agency under each objective. Abbreviations and acronyms are defined at the beginning of the book.

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2. The Solemn Declaration on Gender Equality in Africa (2004) and The African Charter on Democracy, Elections and Governance (2007) were adopted by the African Union after the APRM was established, in 2002, but are both directly relevant to the APRM and thus are included.

## Democracy and political governance

### *Objective one: Prevention and reduction of intra- and inter-state conflicts*

- AU – Protocol Relating to the Establishment of a Peace and Security Council of the AU (2002)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Solemn Declaration (2000)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Memorandum of Understanding (2002)
- OAU – Declaration and Plan of Action on Drug Control Abuse and Illicit Drug Trafficking in Africa (1996)
- OAU – Declaration on the Establishment, within the OAU, of the Mechanism for Conflict Prevention, Management and Resolution (1993)
- UN – Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)
- UN – Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949)
- UN – Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- UN – Security Council Resolution 1325 on Women in Conflict (2000)

### *Objective two: Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizen rights and supremacy of the Constitution*

- AU – African Charter on Democracy, Elections and Governance (2007)
- ILO – Freedom of Association and Protection of the Right to Organise Convention (1948)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Solemn Declaration (2000)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Memorandum of Understanding (2002)
- OAU – Declaration on Principles Governing Democratic Elections in Africa (2002)
- OAU – Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000)
- OAU – Grand Bay (Mauritius) Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999)
- OAU – The African Charter on Human and People’s Rights (1981)
- UN – The International Covenant on Civil and Political Rights – Optional Protocol [empowering UN High Commissioner for Human Rights to receive and act on evidence of human rights abuse from individuals] (1976)

- UN – The International Covenant on Civil and Political Rights (1966)
- UNESCO – Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War (1978)

Note: The principles of democratic governance are closely tied to the respect for human rights. See also the standards listed under objective three below.

***Objective three: Promotion and protection of economic, social and cultural rights, civil and political rights as enshrined in African and international human rights instruments***

- AU – African Charter on Democracy, Elections and Governance (2007)
- OAU – African Charter on Human and People’s Rights (1981)
- OAU – Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000)
- OAU – Grand Bay (Mauritius) Declaration and Plan of Action for the Promotion and Protection of Human Rights (1999)
- UN – Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1975)
- UN – Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment – Optional Protocol establishing Subcommittee on Prevention and Investigation (adopted 2002, entered into force 2006)
- UN – Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- UN – Declaration on Basic Principles of Justice for Victims of Crime and Abuse of Power (1985)
- UN – Declaration on the Elimination of All Forms of Intolerance and of Discrimination based on Religion and Belief (1981)
- UN – Declaration on the Protection of All Persons from being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1975)
- UN – Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984)
- UN – Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1998)
- UN – Declaration on the Right to Development (1986)
- UN – Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992)
- UN – Geneva Convention Relative to the Protection of Civilian Persons in Time of War (1949)

- UN – International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- UN – International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (adopted 1990, entered into force 2003)<sup>3</sup>
- UN – International Covenant on Civil and Political Rights – Optional Protocol [empowering UN High Commissioner for Human Rights to receive and act on evidence of human rights abuse from individuals] (1976)
- UN – International Covenant on Civil and Political Rights (1966)
- UN – International Covenant on Economic, Social and Cultural Rights (1966)
- UNESCO – Declaration on Fundamental Principles Concerning the Contribution of the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racism, Apartheid and Incitement to War (1978)

Note: Please also see the eight ‘fundamental’ labour rights from the International Labour Organisation in the corporate governance section below.

***Objective four: Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective legislature***

- AU – African Charter on Democracy, Elections and Governance (2007)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Solemn Declaration (2000)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Memorandum of Understanding (2002)
- OAU – Declaration on the Framework for an OAU Response to Unconstitutional Changes of Government (2000)

***Objective five: Ensure accountable, efficient and effective public office holders and civil servants***

- AU – The AU Convention on Preventing and Combating Corruption (2003)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Solemn Declaration (2000)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Memorandum of Understanding (2002)

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3. The Questionnaire refers to the ‘International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families’ (democracy and political governance section, relevant to objectives 3 and 9) and the ‘Convention on Protection of Rights of Migrant Workers,’ (democracy and political governance, relevant to objective 3). It is assumed that they refer to the same standard, the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families by the United Nations.

- OECD – Conventions on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)

***Objective six: Fighting corruption in the political sphere***

- AU – The AU Convention on Preventing and Combating Corruption (2002)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Solemn Declaration (2000)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa (CSSDCA) – Memorandum of Understanding (2002)
- OECD – Conventions on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)

***Objective seven: Promotion and protection of the rights of women***

- AU – Protocol to the African Charter on Human and People’s Rights on the Rights of Women in Africa (2003)
- AU – Solemn Declaration on Gender Equality in Africa (2004)
- OAU – The African Charter on Human and People’s Rights (1981)
- UN – Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- UN – Convention on the Elimination of All Forms of Discrimination against Women (1979)
- UN – Convention on the Political Rights of Women (1952)
- UN – Declaration on the Elimination of Violence against Women (1993)
- UN – Fourth World Conference on Women, Beijing Declaration and Programme of Action (1995)

***Objective eight: Promotion and protection of the rights of children and young persons***

- OAU – African Charter on the Rights and Welfare of the Child (1990)
- OAU – The African Charter on Human and People’s Rights (1981)
- UN – Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others (1949)
- UN – Convention on the Rights of the Child (1989)
- UN – Declaration on Social and Legal Principles Relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (1986)
- UN – Optional Protocol to the Convention on the Rights of the Child on the Involvement of Children in Armed Conflict (2000)
- UN – Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)

*Objective nine: Promotion and protection of the rights of vulnerable groups including internally displaced persons and refugees*

- OAU – Convention Governing Specific Aspects of Refugee Problems in Africa (1969)
- OAU – The African Charter on Human and People’s Rights (1981)
- UN – Convention Relating to the Status of Refugees (1951)
- UN – Declaration on the Rights of Disabled Persons (1975)
- UN – International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families (1990)
- UN – Protocol Relating to the Status of Refugees (1967 entry into force)

## **Economic governance and management**

*Objective one: Promote macroeconomic policies that support sustainable development*

- IMF and World Bank – Guidelines for Public Debt Management (2001)
- UN – Report of the World Summit for Social Development (1995)
- UN – World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002)

*Objective two: Implement sound, transparent and predictable government economic policies*

- IMF – Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles (1999)
- IMF – Revised Code of Good Practices on Fiscal Transparency (1998)
- IMF and World Bank – Guidelines for Public Debt Management (2001)
- International Accounting Standards Board – International Accounting Standards<sup>4</sup>
- International Federation of Accountants – International Standards in Auditing: The Handbook of International Auditing, Assurance, and Ethics Pronouncements (2006 edition)
- OECD – Best Practices for Budget Transparency (2001)

*Objective three: Promote sound public finance management*

- Bank for International Settlements – Core Principles for Systemically Important Payment Systems (2001), Committee on Payment and Settlement Systems
- Cadbury Commission – Report of the Committee on the Financial Aspects of Corporate Governance - Cadbury Report (1992)<sup>5</sup>

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4. Both the OSCI and Questionnaire refer to International Accounting Standards, but do not specify the source of these. The International Accounting Standards Board produces such standards and has therefore been referenced here. They are updated continuously so do not have a single year of issuance.

- Commonwealth Association for Corporate Governance – Principles for Corporate Governance in the Commonwealth (1999)
- IMF – Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles (1999)
- IMF – Revised Code of Good Practices on Fiscal Transparency (1998)
- IMF and World Bank – Guidelines for Public Debt Management (2001)
- International Associations of Insurance Supervisors – Insurance Core Principles (2000)<sup>6</sup>
- King Committee – Report on Corporate Governance for South Africa (2002)<sup>7</sup>
- OECD – Best Practices for Budget Transparency (2001)
- OECD – Guidelines on Corporate Governance of State-Owned Enterprises (2005)<sup>8</sup>
- OECD – Principles of Corporate Governance (2004)<sup>9</sup>

***Objective four: Fight corruption and money laundering***

- AU – Convention on Preventing and Combating Corruption (2003)
- Financial Action Task Force – Special Recommendations on Terrorist Financing (2004)<sup>10</sup>
- Financial Action Task Force – The Forty Recommendations (2003)<sup>11</sup>
- International Federation of Accountants (IFAC) – International Standards in Auditing – The Handbook of International Auditing, Assurance, and Ethics Pronouncements (2006 edition)
- OECD – Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997)
- UN – Convention against Corruption (2003)

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5. This does not appear in the list of standards of the OSCI or Questionnaire, but in a list of key corporate objectives the OSCI notes that countries should 'promote the adoption of good business ethics (e.g. Cadbury and King codes) in achieving the objectives of the organisation.' Therefore, it has been included as a standard.

6. The OSCI refers to 'Principles for Securities and Insurance Supervision and Regulations' and the Questionnaire to 'Core Principles for Security and Insurance Supervision and Regulations.' These documents do not, however, specify the issuing agency. Since the International Association of Insurance Supervisors is acknowledged as an insurance authority across the world, its Insurance Core Principles have been included here.

7. See footnote 6. Explanatory material in the Questionnaire in the corporate governance section discusses the King report and cites its definition of corporate ethics. Therefore, it has been included.

8. The Questionnaire lists only 'principles of corporate governance (international and national)' without giving a source. The OSCI also refers generically to 'principles of corporate governance (OECD and Commonwealth)' but does not give the specific name of the standard. Because the OECD covers the rules for state-owned enterprises in a separate document but they are an essential aspect of corporate governance, this document is included here as a standard.

9. The Questionnaire lists only 'principles of corporate governance' without giving a source but the OSCI mentions the OECD and Commonwealth principles.

10. This is not mentioned by name in the OSCI or the Questionnaire but the special recommendations are considered an addendum to the main 40 recommendations of the FATF. Thus they were included.

11. The Questionnaire does not list this as a standard but it provides a table of 'useful websites' that includes the FATF as a source of information on money laundering standards. Thus it has been included it as a standard.

*Objective five: Accelerate regional integration by participating in the harmonisation of monetary, trade and investment policies*

- OAU – Treaty Establishing the African Economic Community (1991)
- Regional economic community agreements

## **Corporate governance**

*Objective one: Promote an enabling environment and effective regulatory framework for economic activities*

- Bank for International Settlements – Core Principles for Systemically Important Payment Systems (2001), Committee on Payment and Settlement Systems
- Basle Committee on Banking Supervision – Core Principles for Effective Banking Supervision (1997)<sup>12</sup>
- Cadbury Commission – Report of the Committee on the Financial Aspects of Corporate Governance - Cadbury Report (1992)
- Commonwealth Association for Corporate Governance – Principles for Corporate Governance in the Commonwealth (1999)
- IMF – Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles (1999)
- IMF – Revised Code of Good Practices on Fiscal Transparency (1998)
- IMF and World Bank – Guidelines for Public Debt Management (2001)
- International Association of Insurance Supervisors – Core Principles for Security and Insurance Supervision and Regulation (2000)
- International Associations of Insurance Supervisors – Insurance Core Principles (2000)
- International Federation of Accountants (IFAC) – International Standards in Auditing – The Handbook of International Auditing, Assurance, and Ethics Pronouncements (2006 edition)
- International Standards in Auditing – The Handbook of International Auditing, Assurance, and Ethics Pronouncements (2006 edition), International Federation of Accountants (IFAC)
- King Committee – Report on Corporate Governance for South Africa (2002)
- OECD – Guidelines on Corporate Governance of State-Owned Enterprises (2005)
- OECD – Principles of Corporate Governance (2004)

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12. The OSCI and Questionnaire refer to Core Principles for Effective Banking Supervision, but do not specify the issuing agency. The Basle Committee is the recognised international standards body in this area and their standard carries the same name, so has been included here.

*Objective two: Ensure that corporations act as good corporate citizens with regards to human rights, social responsibility and environmental sustainability*

- Cadbury Commission – Report of the Committee on the Financial Aspects of Corporate Governance - Cadbury Report (1992)
- Commonwealth Association for Corporate Governance – Principles for Corporate Governance in the Commonwealth (1999)
- King Committee – Report on Corporate Governance for South Africa (2002)
- OAU – African Charter on Human and People’s Rights (1981)
- OECD – Guidelines on Corporate Governance of State-Owned Enterprises (2005)
- OECD – Principles of Corporate Governance (2004)
- WHO – Codes on Industrial and Environmental Safety and Hygiene<sup>13</sup>

*Objective three: Promote adoption of codes of good business ethics in achieving the objectives of the corporation*

- International Accounting Standards Board (IASB) – International Accounting Standards
- Basle Committee on Banking Supervision – Core Principles for Effective Banking Supervision (1997)
- Cadbury Commission – Report of the Committee on the Financial Aspects of Corporate Governance - Cadbury Report (1992)
- Commonwealth Association for Corporate Governance – Principles for Corporate Governance in the Commonwealth (1999)
- International Association of Insurance Supervisors – Core Principles for Security and Insurance Supervision and Regulation (2000)
- International Federation of Accountants (IFAC) – International Standards in Auditing – The Handbook of International Auditing, Assurance, and Ethics Pronouncements (2006 edition)
- International Standards in Auditing - The Handbook of International Auditing, Assurance, and Ethics Pronouncements (2006 edition), International Federation of Accountants (IFAC)
- King Committee – Report on Corporate Governance for South Africa (2002)
- OAU – African Charter on Human and People’s Rights (1981)
- OECD – Guidelines on Corporate Governance of State-Owned Enterprises (2005)
- OECD – Principles of Corporate Governance (2004)

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13. Both the OSCI and Questionnaire refer to codes of the World Health Organisation regulating Industrial and Environmental Safety and Hygiene, but do not specify which of these are applicable.

*Objective four: Ensure that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner*

- ILO – Abolition of Forced Labour Convention (1957)<sup>14</sup>
- ILO – Discrimination (Employment and Occupation) Convention (1958)
- ILO – Equal Remuneration Convention (1951)
- ILO – Forced Labour Convention (1930)
- ILO – Freedom of Association and Protection of the Right to Organise Convention (1948)
- ILO – Minimum Age Convention (1973)
- ILO – Right to Organise and Collective Bargaining Convention (1949)
- ILO – Worst Forms of Child Labour Convention (1999)
- UN – World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002)
- WHO – Codes on Industrial and Environmental Safety and Hygiene

*Objective five: Provide for accountability of corporations, directors and officers*

- Basle Committee on Banking Supervision – Core Principles for Effective Banking Supervision (1997)
- Cadbury Commission – Report of the Committee on the Financial Aspects of Corporate Governance - Cadbury Report (1992)
- Commonwealth Association for Corporate Governance – Principles for Corporate Governance in the Commonwealth (1999)
- International Accounting Standards Board – International Accounting Standards
- International Association of Insurance Supervisors – Core Principles for Security and Insurance Supervision and Regulation (2000)
- International Federation of Accountants (IFAC) – International Standards in Auditing – The Handbook of International Auditing, Assurance, and Ethics Pronouncements (2006 edition)
- King Committee – Report on Corporate Governance for South Africa (2002)
- OAU – African Charter on Human and People’s Rights (1981)
- OECD – Guidelines on Corporate Governance of State-Owned Enterprises (2005)
- OECD – Principles of Corporate Governance (2004)

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14. The various ILO standards are included generically in both the OSCI and Questionnaire. Those included in the table, although by no means a complete list, are regarded by the ILO as ‘fundamental’ and were therefore considered worth noting specifically.

## **Socio-economic development**

### *All objectives*

- OAU – African Charter on Human and People’s Rights (1981)
- UN – Declaration on the Right to Development (1986)
- UN – Millennium Declaration (2000)
- UN – Millennium Development Goals (2000)<sup>15</sup>
- UN – Report of the World Summit for Social Development (1995)

### *Objective one: Promote self-reliance in development and build capacity for self-sustaining development*

- IMF – Code of Good Practices on Transparency in Monetary and Financial Policies: Declaration of Principles (1999)
- IMF – Revised Code of Good Practices on Fiscal Transparency (1998)
- IMF and World Bank – Guidelines for Public Debt Management (2001)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa – Solemn Declaration (2000)
- OAU – Conference on Security, Stability, Development and Co-operation in Africa – Memorandum of Understanding on Security, Stability, Development and Co-operation in Africa (2002)
- UN – International Conference on Popular Participation in the Recovery and Development Process in Africa, African Charter for Popular Participation in Development and Transformation (1990)
- UN – Report of the World Summit for Social Development (1995)
- UN – World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002)

### *Objective two: Accelerate socio-economic development to achieve sustainable development and poverty eradication*

- UN – World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002)

### *Objective three: Strengthen policies, delivery mechanisms and outcomes in key social areas including education and combating of HIV/AIDS and other communicable diseases*

- UN – World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002)
- WHO – Codes on Industrial and Environmental Safety and Hygiene

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15. These are not referenced directly in the OSCI or Questionnaire, but as they are related to the UN’s Millennium Declaration – which is mentioned. Therefore the Millennium Development Goals have been included.

*Objective four: Ensuring affordable access to water, sanitation, energy, finance (including micro-finance), markets, ICT, shelter and land to all citizens, especially the rural poor*

- AU – Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003)
- OAU – African Charter on the Rights and Welfare of the Child (1990)
- UN – Fourth World Conference on Women, Beijing Declaration and Platform for Action (1995)
- UN – World Summit on Sustainable Development, Johannesburg Declaration on Sustainable Development (2002)

*Objective five: Progress towards gender equality in all critical areas of concern, including equal access to education for girls at all levels*

- AU – Protocol to the African Charter on Human and Peoples’ Rights on the Rights of Women in Africa (2003)
- OAU – African Charter on the Rights and Welfare of the Child (1990)
- UN – Fourth World Conference on Women, Beijing Declaration and Platform for Action (1995)

*Objective six: Encourage broad-based participation in development by all stakeholders at all levels*

- UN – International Conference on Popular Participation in the Recovery and Development Process in Africa, African Charter for Popular Participation in Development and Transformation (1990)



# USEFUL SOURCES FOR DESK RESEARCH ON GOVERNANCE



This list suggests useful sources for desk research on governance. It is arranged alphabetically by major topics covered in the APRM Questionnaire for ease of use. Some sources have been repeated when they pertain to multiple topics.

## All issues and sections

**National development plans.** Each country usually produces comprehensive plans that set out national development priorities. These are useful to identify government programmes and initiatives, especially in infrastructure, social services, health, education, housing poverty reduction, and industrial development. Source: Ministry of Planning or equivalent, government website or government printing office.

**UNECA governance studies.** The 2005 UNECA African Governance Report is the result of research covering governance practices in 27 African countries. UNECA does extensive research on governance issues in general. See also Synopsis of the African Governance Report 2005.  
Source: <http://www.uneca.org/publications1.htm>

**Google.** An ordinary Google search can find myriad studies, papers and websites pertaining to particular countries. Enter key phrases for areas where evidence is lacking and it can find sources to support arguments.  
Source: <http://www.google.com>

**Google scholar.** This is a sub-section of the Google search site that can help find academic studies on particular countries.  
Source: <http://scholar.google.com/>

## Corporate governance

**World Bank Investment Climate Surveys.** These surveys are designed to monitor the business environment, not governance *per se*. ICS collects data from firms on both objective and subjective indicators covering a wide range of investment climate dimensions. Its database contains information on about

75 countries; it aims to cover 20–30 countries each year and re-survey each country every three years or so.

Source: <http://iresearch.worldbank.org/ics/jsp/index.jsp>

**World Bank/IFC Doing Business surveys.** These are useful to corporate governance assessments. The database covers 155 countries and all country scores are updated annually. The surveys show the cost of doing business in terms of time and money in dealing with a variety of government agencies in each country. The surveys addresses 10 areas of regulation: starting a business, dealing with licenses, hiring and firing workers, registering property, getting credit, protecting investors, paying taxes, enforcing contracts, trading across borders, and closing a business. Source: <http://www.doingbusiness.org/>

**World Economic Forum Global Competitiveness Index.** This index ranks the competitiveness of global economies and is relevant to the economic governance, corporate governance and socio-economic development sections of the APRM. See also the Africa Competitiveness Index.

Sources: <http://www.weforum.org/en/initiatives/gcp/Global%20Competitiveness%20Report/index.htm> and <http://www.weforum.org/en/initiatives/gcp/Africa%20Competitiveness%20Report/index.htm>.

## Corruption

**Anti-corruption reports.** Most countries have local Anti-Corruption Commissions or similarly named bodies that produce annual reports. This should be supplemented with independent assessments produced by local anti-corruption groups or lobbies, investigative newspaper reports, local chapter of Transparency International or similar bodies. Sources: Anti-Corruption Commission, Transparency International Chapter, other local anti-corruption organisations, investigative newspaper articles.

**Auditor-General's reports.** These documents are useful as they outline systemic problems in fiscal and economic management, which departments and regions are performing well or poorly, and often identify specific cases of economic mismanagement and potential or actual corruption. Source: Office or website of the auditor-general or government printing office.

**Center for Public Integrity.** This non-profit, non-partisan research organisation in Washington, DC concentrates on ethics and public service issues. It produces the Global Integrity Index (GII) that evaluates aspects of governance and anti-corruption systems in many countries. The index focuses on measurement of 'the existence and effectiveness of mechanisms that prevent abuse of power and promote public integrity, and on the access that citizens have to their government.' The GII is based on answers to more than 290 detailed questions that identify specific elements that make up a sound public integrity system. Although the index does not cover all APRM countries, its questions provide a valuable checklist for examining governance. Sources: [www.publicintegrity.org/](http://www.publicintegrity.org/) and [www.globalintegrity.org](http://www.globalintegrity.org).

**IMF Fiscal Reports on Observance of Standards and Codes (ROSCs).**

Participation in an ROSC is voluntary and the authorities retain the right not to publish the final report, although most have agreed to publish fiscal ROSCs. As of the end of 2005, fiscal ROSCs have been completed for 80 countries, and 76 of these have been published.

Source: <http://www.imf.org/external/np/rosc/rosc.asp>.

**Ombudsman's reports.** Most countries have an ombudsman charged with following up claims of mal-administration and corruption. The ombudsman should produce annual reports. Source: Office of the Ombudsman (sometimes called the Public Protector).

**Organisation for Economic Co-operation and Development–Development Assistance Committee (OECD-DAC) Baseline Indicator Set (BIS) for Procurement tool.** This tool provides an approach to assessing procurement systems but rankings are not available for many countries. Specific 'actionable' indicators measuring key aspects of public administration have been piloted in three countries. Source: <http://www.oecd.org/dataoecd/12/14/34336126.pdf>.

**Transparency International's Corruption Perception Index and Bribe Payers Index.** These indices show perceptions of corruption in particular countries, as well as which countries pay the most bribes, and to whom.

Source: [www.transparency.org](http://www.transparency.org).

**World Bank Institute.** The WBI produces rankings of national governance along six attributes. Data are available for more than 160 countries and each country is ranked according to its performance relative to other nations or regional averages. The data can be obtained easily from the World Bank Institute website. The rankings amalgamate a variety of indicators of governance into six broad measures:

- Voice and accountability
- Political stability and absence of violence
- Government effectiveness
- Regulatory quality
- Rule of law
- Control of corruption

Source: [www.worldbank.org/wbi/governance/govdata/](http://www.worldbank.org/wbi/governance/govdata/)

**Democracy and political governance**

**Afrobarometer.** This project surveys opinions on democracy, elections, and governance across many (but not all) African countries. The information can be a valuable form of evidence in preparing an APRM submission.

Source: [www.afrobarometer.org](http://www.afrobarometer.org).

**Election observer reports.** African countries host a number of local, African and international observers for local, parliamentary and presidential

elections. Comparisons of the issues raised in these reports are good pointers to weaknesses in electoral laws and practice in a country. Note that they often differ in what is reported and how it is interpreted. Sources: useful reports are available from National Electoral Commissions, local election monitoring groups, SADC (or other relevant regional body), SADC Parliamentary Forum, the African Union, the Electoral Institute of Southern Africa, Commonwealth, European Union, UN and US government observer missions.

**Human rights reports.** Most countries have local Human Rights Commissions that produce annual reports. Depending on the country, reports from Amnesty International, Human Rights Watch and the US State Department highlight key human rights and governance issues. Sources: Human Rights Commission, Amnesty International, Human Rights Watch, or US Department of State Human Rights Reports and websites.

**International Freedom of Information Exchange.** This global association keeps track of media freedom issues and has alerts on countries where violations of media freedoms occur. It also has a list of related websites dedicated to human rights, democracy and other pertinent issues related to political freedoms. Source: <http://www.ifex.org/en/content/view/full/264>.

**International Institute for Democracy and Electoral Assistance.** This Swedish institute known as IDEA does research and produces a variety of publications useful in assessing aspects of democracy, elections, parliament and other aspects related to the APRM. Source: <http://www.idea.int/>.

**Judicial services commission reports.** Most countries have a judicial services commission that reports on the operation of the judiciary. Similar reports may be produced by the law society or legal bodies. Sources: Judicial Services Commission and Law Society.

**Media Institute of Southern Africa (MISA).** One of several organisations that keeps track of and comments on instances of infringement on the freedoms of speech and the media, which are important but not explicitly part of the APRM Questionnaire. There are 11 national chapters in Southern Africa. The group also prepares a report on the status of media freedom in the region. Source: <http://www.misa.org/sothisisdemocracy.html>.

**Parliamentary oversight committee reports.** These are crucial reports that should monitor and track government expenditure, and hold departments and officials to account for spending. Others such as ethics committees hold MPs accountable for their conduct and actions. Sources: Public Accounts Committee, Ethics Committee.

**World Bank Institute.** The WBI produces rankings of national governance along six attributes. Data are available for more than 160 countries and each country is ranked according to its performance relative to other nations or regional averages. The data can be obtained easily from the World Bank Institute website. The rankings amalgamate a variety of indicators of

governance into six broad measures:

- Voice and accountability
- Political stability and absence of violence
- Government effectiveness
- Regulatory quality
- Rule of law
- Control of corruption

Source: [www.worldbank.org/wbi/governance/govdata/](http://www.worldbank.org/wbi/governance/govdata/).

## **Economic governance and management**

**Auditor-General's reports.** These documents are useful as they outline systemic problems in fiscal and economic management, which departments and regions are performing well or poorly, and often identify specific cases of economic mismanagement and potential or actual corruption. Source: Office or website of the auditor-general or government printing office.

**Budget speech.** The Minister of Finance's annual budget speech usually provides details of government priorities and spending patterns, as well as key programmes and initiatives. Source: Ministry of Finance/Treasury, government website.

### **IMF Fiscal Reports on Observance of Standards and Codes (ROSCs).**

Participation in an ROSC is voluntary and the authorities retain the right not to publish the final report, although most have agreed to publish fiscal ROSCs. As of the end of 2005, fiscal ROSCs have been completed for 80 countries, and 76 of these have been published.

Source: <http://www.imf.org/external/np/rosc/rosc.asp>.

**International Budget Project.** This organisation provides a useful newsletter and a variety of guides to assist NGOs in monitoring government budget expenditure and how to assess parliaments and other institutions.

Source: <http://www.internationalbudget.org/index.htm>

**Parliamentary oversight committee reports.** These are crucial reports that should monitor and track government expenditure, and hold departments and officials to account for spending. Others such as ethics committees hold MPs accountable for their conduct and actions. Sources: Public Accounts Committee, Ethics Committee.

### **World Bank Country Policy and Institutional Assessments (CPIA).**

CPIA quintile rankings (all countries are divided into five groups based on their rank relative to other nations) have been disclosed by the World Bank but not the actual scores for each element of governance measured. Country performance assessment ratings, largely determine the allocation of development banks' concessional funds. CPIAs examine policies and institutions, not development outcomes, which can depend on forces outside

a country's control. The CPIA looks at 16 distinct areas grouped into four clusters (see below). Bank staff score individual countries along an absolute 1–6 scale based on highly specific criteria.

Source: [www.worldbank.org/wbi/governance/data](http://www.worldbank.org/wbi/governance/data) and <http://info.worldbank.org/governance/kkz2002/notes.html>

#### **A. Economic management**

1. Macroeconomic management
2. Fiscal policy
3. Debt policy

#### **B. Structural policies**

4. Trade
5. Financial sector
6. Business regulatory environment

#### **C. Policies for social inclusion/equity**

7. Gender equality
8. Equity of public resource use
9. Building human resources
10. Social protection and labour
11. Policies and institutions for environmental sustainability

#### **D. Public sector management and institutions**

12. Property rights and rule-based governance
13. Quality of budgetary and financial management
14. Efficiency of revenue mobilisation
15. Quality of public administration
16. Transparency, accountability, and corruption in the public sector

### **Socio-economic development**

**Budget speech.** The Minister of Finance's annual budget speech usually provides details of government priorities and spending patterns, as well as key programmes and initiatives. Source: Ministry of Finance/Treasury, government website.

**Public Affairs Foundation.** *Citizen Report Cards: A Resource Kit* provides an introduction to the concept citizen report cards or surveys. *Citizen Report Cards – A Brief Introduction* provides a short introduction to the concept of conducting citizen report cards on government activities, which can be a useful form of evidence in the APRM.

Sources: <http://www.citizenreportcard.com/index.html>  
[http://paf.mahiti.info/pdfs/CRC\\_Profile\\_eamonedit\\_.pdf](http://paf.mahiti.info/pdfs/CRC_Profile_eamonedit_.pdf)

**Sectoral reviews.** There will be reviews of particular sectors of the economy, including health, education, water, housing, sanitation and so on. Sources: university departments or think tanks, donors or regional or international research institutions.

**Southern African Regional Poverty Network (SARPN).** This website posts a wide variety of studies and news on economic development, poverty and governance. Searching on a given country can find authoritative sources that can be used as evidence, particularly on socio-economic matters.

Source: *www.sarpn.org.za*.

**UN agencies reviews.** Both the UNDP and UNECA have done considerable work on governance issues, and may have produced reports on particular countries. Sources: *www.undp.org* and local UNDP office, and *www.uneca.org* and local UNECA office.

**UNAIDS.** This UN site has up-to-date country profiles on the state of HIV/AIDS across the globe. Source: *www.unaids.org*.



# WHAT TO ASK FOR – A CIVIL SOCIETY CHECKLIST



The following is a summary of the key issues that civil society groups should be aware of before, during and after their national APRM process. Issues are arranged as questions that CSOs should be asking.

## **How the National Governing Council is selected and led**

- Should the governing council follow an Eminent Person model, or be representative of all major constituencies?
- Should civil society elect its own representatives or should government select based on nominations?
- Does the governing council have a civil society majority and a civil society chair in keeping with the APRM Supplementary Guidelines?
- Does the Focal Point allow the council to make the decisions on research and writing of the report, as outlined in the Supplementary Guidelines, or does he/she attempt to control or lead the council?
- Do the selected civil society representatives have sufficient professional and managerial experience?
- Are they credible and widely accepted as non-partisan?
- Will the civil society representatives be able to work full time on the APRM for an extended period or can provision be made for full-time secondment?
- Should council members be paid, and if so, what is a fair amount and payment system?
- Is the proposed council too large for efficient decision-making?
- Should government representatives be non-voting members, as in Kenya?
- If the council is divided into subcommittees, does civil society retain a majority on the subcommittees?
- Can subcommittees take decisions on important matters such as research, editing and writing without consulting the wider council membership?

## **How the National Governing Council operates**

### *Independence*

- Is the local Secretariat to be chosen by the governing council or by government?
- Are its staff members to be drawn from business and civil society rather than from government?
- Who chairs the council?
- Where should council and local secretariat offices be located – inside government or at independent premises?
- To what extent can the council take spending decisions without seeking government approval for specific forms of research or consultation?
- If civil society members have full-time jobs and cannot attend all meetings, how are decisions taken? Can they nominate alternates?

### *Transparency and council operations*

- Should council meetings be public? Should they be open to the media?
- Are governing council meetings, decisions and debates properly recorded and the minutes made publicly available?
- How should decisions be taken if all members cannot attend a meeting?
- If the Secretariat is located in government offices what measures ensure that it takes direction from the council and not from government?
- Is it permissible for an executive committee to take decisions without consulting the wider membership?
- Has the council formally discussed research methods and committed the research and consultation to paper?
- Has the research and consultation plan and the associated budget been circulated for comment before finalisation?
- Does the council have a website for displaying all public inputs, survey results and draft thematic reports?

### *Budgeting*

- Does the council require legal status to approve spending? If so, have the necessary laws been passed? If not, what provisions have been made to ensure that the council has autonomy in its conduct of research?
- How should council decisions relate to national tendering and procurement laws?
- Are the funds adequate to conduct all of the forms of research and consultation required by the APRM?
- Has adequate provision been made for a citizen survey?
- Has adequate provision been made for desk research to ensure that the APRM takes on board the recommendations of the national development plan, MDG plans, Poverty Reduction Strategy Papers and other reviews?

- Has adequate provision been made to allow for printing and distribution of desk research and draft reports well before public consultations and expert workshops occur?
- Is there provision for funds to assist civil society organisations in drafting their own APRM submissions, to cover costs for facilitators, rental of meeting space, and/or hiring of editors to help write a submission?

## **Processes for research and consultation**

### *Research mix*

- What combination of technical research, desk research, surveys and public consultation methods should be used?
- Does the research plan reach all regions, ethnic groups and ages effectively?
- Does the research plan identify the particular experts, interest groups and government officials needed to deal with the main issue clusters in the Questionnaire?
- Does the research plan incorporate a well-planned public opinion survey based on a representative sample that reaches all regions, ages and ethnic groups?
- Has time been allocated for conversion of the APRM Questionnaire into a robust survey instrument that is translated into local languages?
- Does the country have a statistically representative survey sample system or must one be created?
- Does the research plan provide enough time, staff and resources to answer the many technical questions in the APRM concerning the constitution, separation of powers, trade policy, monetary policy, budgetary procedures, human rights, social development indicators and local or provincial government administration, among other subjects?
- Does the research plan make provision for use of independent Technical Research Institutes to summarise public inputs and ensure that the APRM Questionnaire is properly answered without political interference?
- Are the criteria for selection of Technical Research Institutes clear and appropriate, given the demands of the Questionnaire?
- Are the Technical Research Institutes allowed to subcontract if necessary to obtain specialised expertise?

### *Writing and editing*

- Are there written guidelines to ensure that the style, sections and use of evidence and footnotes are consistent across the four APRM thematic areas produced by different research institutes?
- Are there clear rules about how summarising longer technical reports produced by the Technical Research Institutes should be done to prevent the removal of controversial issues or evidence?

- Research institutes are typically responsible for drafting the Country Self-Assessment Report and Programme of Action but precisely how are final revisions done?
- If the council revises the draft, precisely how is the text edited and who approves? Should the council edit and government members comment on the edits? If the Secretariat edits the text and it reports to government, what controls does the council have to prevent edits from taking out controversial issues?
- Have clear editing guidelines been agreed so that the final report acknowledges sources and continues to reflect different opinions?
- Does the final report include specific comments, quotes and points of view when there are divergent views on certain aspects of governance or does it attempt to assert one consensual voice?
- Are the sources of data and opinion clearly footnoted?

#### *Validation*

- Does the research plan make provision for time and funds to circulate the draft Country Self-Assessment Report for comment?
- Does the research plan include separate seminars of adequate length to validate the draft Country Self-Assessment Report and Programme of Action, which may run to hundreds of pages and require discussion of many specialised aspects of governance?

#### *Programme of Action*

- Does the research and consultation plan include adequate time for development of a comprehensive Programme of Action?
- Have government departments been given authorisation to participate in the process so that civil servants are free to comment about needed reforms and provide evidence of how to improve existing programmes?
- Has the desk research phase clearly noted recommendations made in other national reviews and the status of their implementation?
- Have researchers investigated the reasons that have delayed or weakened implementation of past reforms to determine how the Programme of Action should take account of these obstacles?
- Is the Programme of Action realistically costed?
- Does Programme of Action provide detailed separate documents for each action item? Do these stipulate the management, resources, timing, technical obstacles and preliminary steps required, such as writing and passing legislation and obtaining budget authorisation?
- Is responsibility clearly assigned?
- How should it be handled when the testimony and/or evidence suggests that existing reform programmes are not working?

*Adequate time*

- Does the envisioned time frame allow adequate opportunity for civil society, business and other interested parties to make written submissions?
- Is there provision to halt the process for elections?
- Are consultation meetings advertised well in advance to give citizens a fair chance to participate?
- Are all public submissions, the Country Self-Assessment Report and Programme of Action made public in a timely way?
- Are participants in validation meetings afforded access to the draft Country Self-Assessment Report and the proposed Programme of Action with sufficient time to allow for meaningful comment on their contents?
- Does the research and validation plan allow adequate time for senior government officials, research agencies and civil society to debate draft reports and recommendations? This would require at a minimum two to three days dedicated to each of the APRM's four thematic areas.

**Content – What the reports and Programme of Action say***The Country Self-Assessment Report*

- Does the report answer all of the APRM questions?
- Does it reflect on the country's positive achievements?
- Does it reflect best practices?
- Does it include all of the major problems and their contributing causes?
- Does it reflect the differing views presented in public submissions, including by government?
- Is it fair, comprehensive and technically competent?
- Is the text candid in discussing problems?
- Are there major national problems that are not addressed or are given inadequate explanation?
- Is the assessment based on fair and broad consultation and rigorous technical research?
- Does the final text reflect the version publicly validated by citizens?

*Programme of Action*

- Do the solutions proposed in the Programme of Action offer a realistic potential to address fully the problems identified in the self-assessment?
- Are the actions or methods used to solve problems clearly explained?
- Is the Programme of Action realistically costed?
- Is responsibility clearly assigned?
- Does the Programme of Action acknowledge problems that are very large in scale, socially complex, and without apparent solutions, and make provision for additional research and policy experimentation?

### *Country Review Report*

- Are there key issues that have been left out of the Country Self-Assessment Report or Programme of Action that the review team should be made aware of?
- Are there key documents supporting these areas that would help the review team understand and assess the missing issues?
- Does the Country Review Team have contact details of key experts and organisations who would add valuable perspective to the Country Review Team deliberations?
- Can CSOs find out and widely share information on who is on the Country Review Team, when they arrive, what hotels they will use and when and where they will hold public consultations?

### **How the APRM is Institutionalised and monitored**

- Is there a suitable system to independently monitor progress on the Programme of Action?
- Is there a separation between the agency responsible for implementation and the one responsible for monitoring and reporting?
- Has authority for such monitoring and appropriate funding been provided to an appropriate institution?
- Has parliament been involved in monitoring the APRM through the public accounts committee or the auditor-general?
- Has budgetary provision been made to enable effective implementation of Programme of Action items?
- Does the final Programme of Action clearly distinguish which programmes or activities are new as a result of the APRM process?
- Does the final Programme of Action make clear which programmes will be funded through the next national budget and which require new sources of funding?



# 80 LESSONS FOR SUCCESS

This book is a practical guide to the processes and internal dynamics of the African Peer Review Mechanism (APRM). Its goal is to strengthen the system by helping future participants better anticipate the challenges of peer review and more successfully take advantage of the opportunities it offers. The following list summarises the major lessons offered by participants in the pioneer countries, which have been discussed in greater detail throughout the book. The lessons below roughly follow the sequence in which ideas were developed in the book, with a few exceptions. The media was mentioned in various places but has been included here as a separate section. Planning was discussed throughout the book, but it is placed first in this appendix because the principles of effective planning are important to bear in mind from the very beginning.

## **Getting the foundation right – approaches to planning the APRM process**

- 1. Good planning means anticipation.** Good management requires a clear understanding of what one intends to achieve, anticipation of problems and deployment of strategies to realise the positive while minimising the negative. Each participating nation must produce a Country Self-Assessment Report and Programme of Action. In addition, participants must consider in their planning how best to manage the politics of consensus building and forging trust. APRM plans should include a list of specific challenges and the approaches needed to address each one. On the research side, participants need to fully appreciate the complexity of the Questionnaire, what forms of desk research are needed, the realistic time and costs of research and public consultation, and what forms of investigation and participation are needed to ensure that the APRM Programme of Action (POA) adds to rather than repeats other development plans. (See research, consultation, media and Programme of Action sections below.)
- 2. Good management is proactive, not reactive.** Strategies to maximise benefits and minimise problems should be put in place before problems

strike. It is easier to prevent problems than perform repairs after the damage is done. Thus the first step should be to list the expected benefits and problems in completing the APRM, then design specific strategies to deal with them. Study the mistakes and lessons from the pioneer countries and incorporate them into plans.

3. **Accurate budgets should be based on a detailed activity plan.** Inaccurate estimates of the cost of the APRM can result in funds running out midway through the process. To ensure that budgets are accurate and adequate, they should be based on the actual activities required, including surveys, regional consultation meetings, fees for Technical Research Institutes, printers, conference venues and other costs.
4. **Arranging funding and financial management systems takes much longer than anticipated.** Whether countries rely on internal funding or seek aid from development partners, the early countries have found that negotiations with government and donors is difficult, time-consuming and affects APRM planning.

There is a chicken-and-egg question involved in budgeting. Although budgets should be prepared at the beginning of the process, the research and consultation plan should be decided by the National Governing Council on a consultative basis. This means that the process requires discussion on how to form the council, which then agrees on the activity list and the budget. If these steps are followed, there will be a gap in activity as parliament allocates expenditure or government seeks funds from aid donors. If the APRM is funded by government, it must be provided for in the annual national budget, which must be prepared well before actual disbursement can begin. Depending on when the APRM is initiated relative to the budget cycle, this can result in further delays. If countries hope to rely on donor funds, donors also require clear and accurate budgets and some require that the funds be administered by the National Governing Council, which means it must be granted legal status, an accounting system and rules to govern its use of funds.

5. **Studying the Questionnaire is vital to effective planning.** Before finalising consultation plans, it is vital that participants familiarise themselves with the kinds of questions asked in the Questionnaire and the many forms of expertise that it requires. Identifying clusters or related issues and experts or institutions that can help analyse them can make the research phase go more smoothly. Such a list also is a useful planning tool to help match the issues with interested parties or experts who should be invited to participate.
6. **APRM plans should be committed to writing.** The act of creating a written plan can improve time management by helping participants to think of all the sub-activities and interim deadlines. Identifying all the needed activities and research methods can improve budgeting and build trust, by allowing participants to see the agreed steps and, where

needed, provide a critique of them. Start by listing the technical and popular consultation methods that will be needed, including a citizen survey, desk research, focus groups, outreach to key constituencies, regional consultations, validation workshops, and efforts to develop the Programme of Action. For each major activity, identify sub-activities and deadlines for advanced preparation. Then estimate costs and circulate the plan for additional comment. Adjust the plan to accommodate concerns to make it realistic and achievable.

7. **Conform to the highest APRM standards.** An effective APRM review would be candid, open, planned, participatory, exemplary and rigorous –‘COPPER’.

**Candid** – The end result should be a report and Programme of Action that discuss problems, solutions and best practices honestly and frankly. Describing problems in candid terms reinforces perceptions of honesty, which adds positively to internal and external perceptions of the process.

**Open** – The process used to develop the report and Programme of Action should be open and transparent. Openness and transparency are the best ways to build trust, pre-empt criticism and deflect concern over political manipulation. Citizens readily conclude that closed processes are hiding something.

**Planned** – The process should be well planned, anticipate problems and incorporate the lessons from the APRM pioneer countries. The better the planning, the more likely the results will achieve the country’s goals.

**Participatory** – The process should involve broad and meaningful participation from the public, business, government and different regions, ethnic and religious groups. The more participatory the process, the more likely civil society will remain supportive and the more likely the process will produce a comprehensive report that all parties support.

**Exemplary** – A process that reflects well on government and the nation should strive to incorporate the best practices from other APRM nations and bring some innovations to strengthen the APRM system. Actively seeking out best practices can demonstrate sincerity and credibility.

**Rigorous** – The research and analysis should be of a high quality, be systematic and objective. The more robust the research, the more likely the process will result in reforms that make fundamental improvements to governance.

## Governing the process at national level

### *Selecting a council*

8. **Civil society should lead the National Governing Council and have a majority of seats.** The Supplementary Guidelines urge countries to establish a governing council or commission composed of respected, non-partisan professionals the majority of whom should come from civil society and business. Best practice suggests allowing the council to elect its own chairperson, taking into account professional and management experience. Government should be a minority on the council and allow the council to take the key decisions about public consultation, choice of research institutes, and research methods as well as writing and editing.
9. **Civil society needs full-time representation.** Managing the APRM is a time-consuming process and if civil society is only represented at infrequent meetings, government and the local Secretariat can effectively control decision-making between meetings. To ensure that the council functions as a representative body, it needs civil society representatives who can be seconded to it on a full-time or near full-time basis.
10. **Persons selected for the National Governing Council should be widely recognised as competent and non-partisan.** Applying the 'Eminent Persons' concept to the selection of National Governing Council members lends credibility to the process, builds trust and can improve management. People chosen for the council should be widely accepted by government and civil society as distinguished citizens who are knowledgeable, objective, respected and non-partisan. Council members also should be able to dedicate full-time attention to the process.
11. **Selections for the National Governing Council should be subjected to public comment.** Once names are put forward for possible council positions, the list of nominees should be circulated for public comment so that the media, political parties and civil society organisations can comment.

### *Roles and Responsibilities*

12. **The Focal Point should be a liaison with government and not the chairperson of the National Governing Council.** The Focal Point function should fill a diplomatic role, facilitating government participation, leaving the National Governing Council to make the key decisions concerning the process, the research to be used and the selection of personnel. As noted in the Base Document, the process must be credible and free of political manipulation. It should also be perceived as such.
13. **The support Secretariat should be chosen by the National Governing Council.** Control of the national support Secretariat matters as much as the composition of the governing council in delivering a candid, fair report. The support Secretariat will be involved in many decisions affecting the impartiality of the process. To ensure that it acts fairly and in accordance with the National Governing Council, the Secretariat should

not be drawn from government, should be selected by the council and have its offices located outside government premises.

14. **The National Governing Council should control its own funding.** The National Governing Council should be established as a legal entity able to manage its own funding to avoid having to obtain separate approvals for every spending item. This may require special administrative arrangements or laws to be passed before work can begin. Approval processes and compliance with national procurement laws and any relevant donor agency rules should be made clear at the outset.

#### *Administrative arrangements*

15. **The National Governing Council requires substantial manpower.** Participants in the early countries tended to underestimate the amount of clerical and logistical support that the process requires. The National Governing Council could also help build interest and expertise by creating a university internship programme, which would select graduate students to take one semester off from studies and work for the council and/or Technical Research Institutes as paid interns.
16. **The process requires proper computer, e-mail, and website support.** A smooth-running computer set-up with e-mail and a website can make the consultation process much easier and more effective. There should not be software and connectivity problems when invitations have to be sent. Relying on established research institutes that already have such infrastructure can be one way to get the operation up and running quickly.
17. **The governing council needs an accurate database of experts and civil society groups.** The council should ensure that its support Secretariat dedicates staff and ample research time to developing a database of civil society, business, academia, government and quasi-government bodies (such as the human rights and electoral commissions). This is important to ensure that all major constituencies are consulted and invitations to APR events or requests for comment can be sent with ample advance warning. Umbrella organisations of non-governmental organisations or business frequently have limited staff and financial resources, hampering their ability to inform all members of events in a timely way. If they fail to communicate effectively, civil society more broadly may still blame the process and the government. Instead of assuming that the vice-chancellor of a university will pass on invitations to the relevant academic departments, it is much better to develop a discrete list of experts by holding brainstorming sessions with knowledgeable people. Building such a list will require many telephone calls and invitations for interested parties and groups to submit names and contact details for inclusion on the national APRM list. It can be useful to place newspaper advertisements inviting interested parties to forward their contact details.

## Media strategy

Having an effective media strategy is an essential part of both building trust and encouraging public debate. However, the media will not necessarily dedicate time and space to the substantive issues of governance. Frequently, the media focuses heavily on the events and transactions of the APRM: the arrival of the Country Support Mission, inauguration of the National Governing Council or disputes over managing the process. These event-driven stories can raise awareness, but do not necessarily build trust or foster conversation about underlying governance problems. To do that, more specific strategies are needed.

- 18. Build relationships and trust with editors.** The decision about what to cover and how much reporting time should be focused on the APRM will be largely made by editors rather than reporters. If editors do not understand the APRM or do not believe that the process will be truly open, they may be unduly skeptical. The best way to convince editors that the process will be different, and thus worth covering, is to be open and candid with them. Regular briefings, a dedicated spokesperson and open meetings all help.
- 19. Provide media management training for National Governing Council.** The media will be interested in the process and will want to ask many questions. Basic training for the National Governing Council can make members much more effective and avoid some common mistakes that can create distrust or antagonistic stories.
- 20. Broadcast validation conferences.** Television and radio can be used to spread the word on the APRM and signal government commitment to the Programme of Action. Staging a live broadcast of launch conferences, expert workshops, parliamentary hearings and/or validation conferences could help with this. This would require funds for the TV crews and live links.
- 21. Assign research institutes to prepare interim reports reflecting public views.** Governments are usually reluctant to allow journalists access to reports before they are complete, for fear that preliminary drafts will be taken out of context or misused. But the value of the APRM is in encouraging discussion of the various approaches to solving problems. There need not be one right answer and various participants will place different emphasis on different strategies to solve problems. To generate more coverage, research institutes should be encouraged to produce interim reports that are released to the media on key issues of interest to the public. These reports should be short – less than 1,000 words – and written in accessible language. They should reflect the various comments and competing strains of thought on the issue. They need not decide which is the right approach but reflect that citizens voiced concern about the quality of education or lack of transparency in tendering, for example. Putting such issues into the public domain also can have the

effect of galvanising government departments to explain their policies and performance, and make suggestions about what could be improved.

22. **Serialise reports in newspapers.** Several countries so far have struggled to gather written input from society. The perceived openness of the process affects the level of political commitment and follow-through that it enjoys. One way to generate media stories would be to create shortened versions of the expert desk-research papers, which could outline some of the key policy issues for which input is sought. These shortened papers could include the main issues and recommendations gathered so far. They could be introduced with a short introduction by the National Governing Council inviting the public to comment.
23. **Discuss media freedoms.** Media freedoms are central to accountability, fighting corruption and ensuring that elections are fair. One way to get the media to engage with the APRM is to invite them to make submissions on media freedoms and the related issues of licensing of journalists, defamation laws, freedom of information laws, and criminal libel.

## The Questionnaire

The Questionnaire provides a crucial foundation for research and thus should influence the types of research used, the methods for consultation and the Programme of Action. The experience of early APRM countries has brought out important lessons about the Questionnaire.

24. **The Questionnaire's four thematic sections affect research planning.** Early countries have divided research efforts using the Questionnaire's thematic divisions, but this can create difficulties if the research institutions do not have sufficient staff or particular forms of expertise. Thus the assignment of particular research institutions to particular sections should take account of the number and difficulty of questions in each section and the number of researchers that those institutions can lend to the process for the duration of the APRM review. Breaking the research task into smaller, more manageable pieces can reduce the time needed for a review.
25. **The Questionnaire requires many forms of expertise.** The Questionnaire contains 25 objectives and 58 questions, many of which contain multiple ideas. The research effort may require specialised expertise to deal with such areas as trade, central banking, business regulation, the environment, health, education and other policy areas. Identifying the experts and interest groups pertaining to these fields can assist in planning consultations. It also can accelerate the research process if specialists knowledgeable in each field are engaged to pull together the relevant descriptions of problems and recommendations from past planning and research. For example, an energy expert is more likely to know what reviews have been done of the energy sector and the key government and non-government actors knowledgeable in that area.

- 26. The breadth and depth of the Questionnaire will affect the funding needed for research and consultation.** If research institutes only assign one researcher to the APRM, the whole process will take longer, which affects the overall cost. The number of specialised consultations and interest groups to be engaged will also have cost implications and affect the overall time needed to complete the Country Self-Assessment Report and Programme of Action.
- 27. If a citizen survey is to be conducted, the Questionnaire needs to be adapted.** The APRM Questionnaire poses questions in an open-ended format that allows participants to provide narrative answers. If a citizen opinion survey is to be conducted, the Questionnaire must be adapted to allow participants to choose a response from a list of choices or rankings. Such an approach makes it possible to quantify the responses. Adapting the Questionnaire in this way takes time and requires an experienced surveyor. In addition, the technical language of the Questionnaire would have to be simplified and multi-part questions divided into separate questions. Time must be allocated to translate the revised questions into local languages and to test the accuracy of the translation to prevent misunderstandings.
- 28. The Questionnaire includes cross-cutting themes that create research and report-writing challenges.** The Questionnaire includes discussion of corruption, gender, sustainable development and decentralisation in more than one of the four thematic areas. If research is assigned to four research institutes, there will be duplication in handling these cross-cutting sections. It would thus make sense to group the gender, human rights and vulnerable-groups issues together in a cluster. Likewise the questions on managing an effective civil service, corruption, and money laundering, which are spread through the political, economic and corporate sections, would be easier to research if grouped in a cluster related to oversight and corruption. This would make it easier to split research into particular working groups of experts and interest groups who would work together on specialised questions.
- 29. Some questions would be more easily answered if given an institutional rather than thematic focus.** The questions are broadly oriented along thematic lines, but in some cases, the research and report writing would be easier if the questions were changed to ask for an assessment of particular institutions. For example, an effective anti-corruption system requires an anti-corruption authority and other prosecutorial services; oversight – from parliament, the auditor-general, and ombudsman; effective budget controls within each ministry and from the ministry of finance; and clear rules on conflict of interest, tendering and accounting. Thus, each of these areas needs to be reviewed to determine if it has the needed staff, budget, legal powers and independence. The socio-economic section asks a variety of thematic questions as they apply to many sectors. In practice, those who know about the management or affordability of health care will not

necessarily know the issues that pertain to land, water or microfinance. To make it easier to assign questions to the right experts or interest groups, it makes sense to ask for an analysis of each sector using a standard set of questions.

30. **The Questionnaire could benefit from clearer language and definition of terms.** Many questions are quite technical in nature and do not define terms that might be unfamiliar to non-specialists. Simplifying the language or adding definitions would make the Questionnaire more accessible.
31. **Create technical background sections.** The Questionnaire is meant to be accessible to ordinary citizens, but in some cases, the complexity of its language and its requests for technical detail can represent substantial barriers to participation. It would be an improvement if the more technical material were separated from general purpose questions and put under a sub-section labelled 'Technical Background' under each objective.
32. **Research would be simplified if questions and indicators were combined into a single list of questions with one numbering system.** The present structure of themes, objectives, questions and indicators makes research awkward. Research and report writing would be simplified if the thematic distinctions were removed and one consistent numbering system was adopted, from top to bottom. Where indicators are not mandatory but suggestive of the kinds of factors to examine, they should be transformed into a section of guidance that attaches to each question.
33. **Explore one idea per question.** The Questionnaire frequently includes multiple ideas in one question. For example, the first question under Objective 4 in the democracy and political governance section asks: 'What are the constitutional and legislative provisions establishing the separation and balance of powers among the Executive, the Legislature and the Judiciary branches of government?' In practice, the issues affecting the judiciary are quite different from those affecting the legislature and different expertise would be needed for each component of this question. Dividing this question into two would improve ease of use and researchability. It would also make it easier to write the subsequent self-assessment and final country reports.
34. **Use a standardised question format.** In different areas, questions take varied forms. Some questions ask for a list of positive actions taken, while others ask for an assessment of accomplishments and challenges. The Questionnaire would be easier to use if questions, as far as practicable, adopted a more standardised structure that asks participants to do four things: analyse performance in the given area; identify systemic reasons for this performance – gaps in law, resources, technical capacity or constitutional powers; provide supporting evidence; and make recommendations to address any shortcomings.

- 35. A number of subjects are left out or marginalised in the Questionnaire.** These include media freedoms, traditional rule, land and crime. The Questionnaire focuses on the independence of the judiciary and asks about affordable access to justice but does not ask about the overall criminal justice system, which deserves to be treated as a whole. It should include a look at the police, detective services, prosecution agencies, courts and detention practices. The details of democratic practice are absent and should include discussion of the freedom of assembly, access to the media during elections, voter registration procedures and other key elements affecting the fairness of democracy. The discussion of spheres of government below the national level is inadequate and could benefit from more specific questions.
- 36. The evaluation of compliance with standards is weak.** The Questionnaire asks about the extent to which nations have complied with international codes and standards, but the Questionnaire does not provide guidance on what these codes and standards require. A section of guidance or separate studies to assist countries with this task would strengthen the system.

### **The Programme of Action**

Many of the problems faced by African countries involve complex social, political and economic factors. For solutions to be effective, they need to be well considered and well planned, particularly when they touch on political and democratic practices. Ultimately, the strength of the APRM system rests on the quality of the solutions it brings about. Thus the Programme of Action (POA) deserves much greater attention. Several related approaches can help improve the quality of policy-making that goes into the POA.

- 37. The Programme of Action should not be left until the end.** All the early countries put off development of the POA until late in the process. The process of drafting the self-assessment has taken much longer than the six to nine months originally envisaged. As a result, little time has been left for the POA. That can lead to hasty and ill-considered policy making. Given that good policy is usually not made in a rush, it would be best practice to take steps early in the process to start building the POA. Instead of drafting of the Country Self-Assessment Report first and then searching for solutions, the process should encourage participants to put forward both descriptions of problems and proposed solutions with a view to incorporating them into the POA.
- 38. Desk research should pull together proposed solutions from all national planning documents and studies.** At the beginning, Technical Research Institutions should be given the task of identifying recommendations that have already been articulated in Poverty Reduction Strategy Papers, national development plans, departmental strategic plans, auditor-general's reports, long-term vision documents, and medium-term expenditure frameworks. Gathering recommendations and noting where

each originated and the status of its implementation can help in two ways. It can ensure that the POA does not duplicate solutions already underway. And it will avoid creating a list of actions detached from existing national planning and management processes. Each recommendation should be assessed to determine the extent of its implementation, whether it succeeded in solving the intended problem, and if not, the reasons for its lack of success or full implementation.

39. **The Programme of Action should not ignore complex or hard-to-solve social problems.** The tendency to leave the solutions until the end of the process can result in a POA populated with short-term interventions that are relatively easy to conceive and execute. However, there are some complex, large-scale problems – such as unemployment, corruption and growth strategy – that will require long-term efforts to research and experiment with solutions. The Programme of Action should make provision for establishing national commissions of inquiry to conduct research and seek solutions to such seemingly intractable problems. Countries can learn valuable lessons by conferring with other APRM countries on the challenges involved in drafting a POA.
40. **Separate consultation and validation processes should be dedicated to the Programme of Action.** To ensure that sufficient time is built into the process and the right experts are consulted for solutions, a separate set of workshops and validation meetings should be dedicated to the POA. Workshops need to focus on problem areas much narrower than the four thematic sections of the APRM, looking at smaller, specific clusters of issues. The cross-cutting issues of corruption, gender and local government appear in several of the thematic sections of the APRM Questionnaire. To ensure that they are treated comprehensively, these issues should each be the focus of a separate POA workshop.
41. **Government and parliament should be given ample time to recommend solutions to problems identified in the Country Self-Assessment Report.** To ensure government support and ownership of the resulting recommendations, much more time needs to be dedicated to consultations on the POA. This consultation needs to be organised to allow senior government and political decision-makers to hear the arguments for specific reforms and debate them with civil society.

## **Research, consultation and report writing**

42. **Make best practices research a formal part of the research plan.** The intent of the APRM is partly to encourage countries to study best practices and adopt them. However, so far, countries have not conducted research to discover how other countries handle particular issues. This can be expensive and could not be done for all parts of the Questionnaire, but could provide valuable input on areas of major concern to society. To give this idea substance, countries could commission a series of best practices papers that examine how certain issues are handled elsewhere in Africa and the world. These papers could be discussed in POA workshops and suitable approaches embraced as part of the national POA
43. **Research and consultation should be managed by independent research bodies, not government.** To boost public confidence in the process and ensure that government is not reviewing itself, APRM research, consultation processes and report writing should be managed by independent Technical Research Institutes or competent non-partisan academic bodies.
44. **Technical Research Institutions require time, resources and clear guidelines.** An APRM review can take a year or more, which is a substantial commitment of time for the Technical Research Institutions. They need to be compensated fairly, provided with written contracts, given realistic amounts of time to complete work and allowed free access to the National Governing Council to discuss issues and research plans. For their part, Technical Research Institutions must designate which staff will be available for the duration of the APRM review and guarantee that the staff pledged will not be drawn away to do other consultancy work.
45. **The process requires a mixture of technical and popular consultation methods.** Because of the diversity of subjects in the APRM Questionnaire and the need to cross-check information, the process should use a combination of technical and public consultation methods. Certain questions will require discussion with experts. Problems with complex causes may require dedicated focus group discussions or commissioned research. And many questions of concern to all citizens should be discussed in public meetings as well as citizen surveys.
46. **Research plans should identify the particular forms of expertise needed.** Participants involved in writing APRM reports have noted that it can speed up the research process and produce more effective results if the Questionnaire is broken into smaller clusters of issues. Each cluster could be given out as a desk-research commission to experts and interest groups knowledgeable in the given area. The consultation plan should thus identify the questions and topics that require more specialised expertise from inside and outside of government.
47. **The consultation plan should incorporate a series of inclusive public meetings.** Meetings that are open to the public and advertised in advance

play a key role in signalling the transparency of the process and afford citizens the opportunity to comment. It is important to ensure that such meetings include a balance of stakeholder groups such as those from urban and rural areas, different provinces or districts, and other key dimensions that may be sensitive such as north-south, Christian-Muslim, coastal and inland. To give citizens a fair chance to participate, the date and place of meetings should be announced well in advance. To ensure that all participants have an opportunity to speak and that their views can be effectively captured, meetings should not exceed 100 participants. Notes should be taken along with tape recordings, and sufficient time should be allowed to discuss issues in depth.

48. **Public meetings should be complemented with active forms of outreach.** Public meetings are important politically, but can be an ineffective means of answering the Questionnaire. They should be complemented with a citizen survey, outreach to key constituencies, invitations to make submissions, focus groups discussions, and desk research that brings in the conclusions of studies and reports by key constituencies and experts.
49. **Civil society needs assistance in preparing submissions.** The APRM may offer an opportunity to contribute, but if civil society organisations lack the funding and staff writers to make meaningful written submissions, they will be unable to participate substantively. This is particularly true for rural constituencies who may lack access to the media and find it difficult to travel to the capital. An organised effort to help civil society groups hold workshops and write submissions will build trust and enhance participation.
50. **A citizen survey is crucial to ensure that all regions and demographic groups are fairly represented.** Public meetings are not necessarily representative and are an expensive means of reaching all major regions and groups. A well-planned citizen survey based on a statistically valid sample can ensure that public input is gathered in a structured way that reaches all major ethnic groups, ages and regions. A good survey requires ample time for planning, training of survey administrators, translation of questions into local languages, testing and validation of translations, and analysis of the findings. Kenya and Ghana used household surveys that interviewed heads of households, but the Afrobarometer project noted that some distortions can come from polling mainly older males. This tends to underplay the views of women, youth, single people, the elderly and others. Thus an opinion survey of randomly representative citizens would be preferable to a household survey.
51. **Building consensus requires specific events to foster discussion between civil society and senior government officials.** Because the end product of a national self-assessment is a lengthy report, the process can tend to take on a technocratic aspect, with the report writing delegated to Technical Research Institutes and the National Governing Council.

However, if the process reaches conclusions that government or political figures do not accept, there can be problems when it comes to drafting and implementing a Programme of Action. As a result, consideration should be given to how best to facilitate dialogue between civil society and government. An effective process should take active steps to get top government officials to read through draft reports and engage in discussion of issues, without dominating the conversation. Government must leave space for alternative views to be expressed and dedicate time to absorbing the findings and discussing them internally. One approach would be to ensure that permanent secretaries or other top civil servants attend public meetings and experts workshops and participate in the debates.

52. **Keep a thorough record of the process.** Participants noted that it is important for both the credibility of the process and for the APRM's goal of learning from best practices that the process be well documented. A researcher could be commissioned to follow all of the stages and write a process report, so that other countries could learn from national experiences.

### **Building trust, managing politics**

Government, civil society, parliament and political parties all will have a degree of concern about the APRM process, but they may not all agree on the best way forward. Thus it is very important that the Focal Point and Governing Council take steps to build trust and consensus. The approaches to organisation, research and consultation above provide an important foundation for ensuring a fair process that builds trust. Lessons more specifically focused on building trust and credibility follow.

53. **Trust and credibility are easier to build initially and harder to restore later.** If the process builds up a reservoir of goodwill it can later overcome problems, but if it starts on a negative footing, trust and credibility are much harder to restore once damaged.
54. **Trust must be earned through action.** The public will not trust the process or believe in its credibility simply because government declared it to be fair and transparent. Trust and credibility must be earned, by signalling intent early and following it with concrete steps and transparent actions.
55. **The government and National Governing Council should communicate early, often and candidly.** The APRM is designed to help nations break out of the business-as-usual mode that can grip national planning and budgeting processes, by bringing fresh voices into the national policy conversation. The public will examine early communication around the APRM to determine if it truly signals a fresh start. If it suggests a closed, government-controlled process, distrust can begin to build very early. If, in contrast, government uses public debates to signal that it has not made up its mind, that it is comfortable with civil society leadership

and input, the APRM will be far more likely to achieve these goals. Good public communication cannot be done once, but must be sustained through campaigns in newspapers, magazines, radio and television. Many governments are reluctant to hold a press briefing until they have a definitive policy. But governing the APRM is about debate and compromise. A good way to get the public talking and start getting civil society ready to provide well-formed submissions is to put government, business and civil society representatives on radio or television talk shows that debate the various options for organising and conducting the APRM. This kind of media intervention takes time and planning, but can defuse tensions and establish public buy-in.

56. **Allow civil society to select or nominate its own representatives.** A National Governing Council hand-picked by government will cast doubt on the credibility of the process. To build trust and prevent complaint, civil society should be allowed to choose or nominate its own representatives to the National Governing Council in a transparent process.
57. **Political fears should be addressed candidly.** In the APRM, government will be concerned that civil society, the media or the political opposition might use the process to blame the incumbent administration. Civil society will be concerned that government might try to dominate the APRM and doctor its conclusions. Denying that such anxieties exist will ensure that they fester. The best way to manage them is through candid discussion and confidence-building measures. Government should reassure the public that the process will be open and transparent, that government will consult before naming a governing council, and that all decisions will be taken by the council.
58. **Parliament, the judiciary, the political opposition and quasi-government bodies should be consulted.** One of Ghana's innovations was to consult with all political parties about the proposed APRM structure and the list of NGC members proposed to lead it. By doing this, the government was able to partially allay opposition fears that the process would be used to settle scores, blame the previous administration or to deflect criticism of the incumbent government. Parliaments in all early countries have expressed a desire to be involved in the process, and the parliamentary hearings on the APRM in South Africa helped broaden public discussion. The judiciary and such bodies as the auditor-general, anti-corruption authority, human rights commission and electoral commission should be informed of the process early and be invited to contribute.
59. **Consultation requires time, money and planning.** Speed and trust-building pull in opposite directions. For the APRM to realise its goals of building trust and consensus around solutions to national challenges, governments must communicate intensively with researchers and civil society. This takes time, money and planning to reach all regions and sectors. Citizen surveys and focus groups can be important aids

in ensuring comprehensive consultation, but these require additional planning and funding.

- 60. Ask civil society before committing to a process.** In all the early peer review countries, debates have erupted over how the process itself should be governed. Some participants and governments have dismissed arguments about the process as a sign that civil society is quarrelsome and immature by nature. But having a robust, transparent and inclusive debate about process is essential to the APRM's credibility. Without an open conversation about how the APRM should be conducted and governed, public trust in the process will decline. Distrust limits the process's ability to build consensus and break out of the acrimony that characterises politics in many countries. Kenya defused initial complaints and helped build public support for the process by permitting civil society organisations to propose how the process should be governed and to elect their own representatives. This process took time and had its problems, but in a political environment often characterised by distrust, the investment of time helped pre-empt complaints.
- 61. Participants should commit to producing the Country Self-Assessment Report and Programme of Action according to published principles.** To reassure both government and civil society, particularly in situations affected by political tensions or distrust, it can be useful for all parties to commit publicly to following a set of principles to guide the process. These could include:
- **The process should uphold the standards set out in official documents.** The key standards include Article 3 of the APRM Base Document: 'Every review exercise carried out under the authority of the Mechanism must be technically competent, credible and free of political manipulation.' The Supplementary Country Guidelines, note that 'The National Commission established to manage the process at national level should be autonomous from government and inclusive of all key stakeholders.'
  - **Government should agree to consider all recommendations and offer reasons for those rejected.** Many recommendations will come from public testimony, written submissions, desk research and experts. Some may be inappropriate, but should not be dismissed out of hand. Technical Research Institutes should be given the task of cataloguing all recommendations by source, and the National Governing Council and government should release a report offering reasons for the inclusion or exclusion of each recommendation in the Programme of Action. This would enhance credibility that citizen views are being considered.
  - **All assertions in the Country Self-Assessment Report should be backed with solid evidence.** Unfounded statements about problems, solutions or successes should be avoided. Where possible, descriptions

should cite surveys, government reviews, academic analyses and statistical evidence with all information properly footnoted.

- **The Country Self-Assessment Report should credit the positive.** It is important that the report format expressly dedicate space to articulating the positive things that have been done by the incumbent government.
- **The Country Self-Assessment Report should fairly reflect all views.** Not everyone will agree about the nature, extent or even existence of all problems. Where disagreement exists, the report should not try to assert that there is only one view. Forcing opinion into a single consensus position raises suspicions about who chose that position, and what was left out. Allowing major points of view to be reflected in the report indicates reality and builds trust. If government and civil society disagree, let the disagreement be reflected in the text.
- **Writing and editing processes should be done collectively and transparently.** Individuals should not be allowed to edit the text. It should be done in a group. Committing to this practice upfront will reassure participants.
- **Issues should be judged on strength of evidence, not popularity.** The decision about whether to include or exclude an issue from the text should be based on the strength of the evidence backing it, not on how many submissions may have raised it. Particularly on technical issues – such as monetary policy mechanisms or the rules of evidence in legal matters – there may be very few people with the requisite knowledge to identify certain problems.
- **No issue should be removed without discussion at the full National Governing Council.** Some testimony or evidence will focus on localised issues. Some of these may reflect larger, systemic problems. Research institutes should err on the side of inclusiveness and issues should not be deleted or marginalised without discussion before the full National Governing Council.
- **Proceedings of the National Governing Council should be open to the public and the media.** To ensure transparency and fairness, the proceedings of the Council should be open to all parties, and minutes of the meetings and its decisions should be posted on the Internet.
- **The Country Self-Assessment Report and Programme of Action should be publicly validated.** Consultation at the start of the process is not enough. The Country Self-Assessment Report and Programme of Action should be subject to multiple forms of validation, including reviews by sector experts, by public meetings and through distribution of text to civil society constituencies for review and comment. Sufficient time must be allocated to make these validation exercises meaningful and allow for follow-up research.

- **Civil society should be afforded adequate time to read and analyse draft reports before validation meetings.** The process will generate hundreds of pages of analysis. If the texts are not distributed in advance of validation meetings, it is not possible for civil society to comment meaningfully or endorse the wording.
- **All key documents and drafts should be posted on the Internet.** Technical Research Institutes will produce many documents in the process that should be part of the public record. These include the reports on the four thematic areas of the APRM, written submissions from civil society organisations, reports by commissioned researchers, notes and transcripts of focus group discussions and public conferences, compilations of survey data, submissions from government agencies and lists of suggestions and recommendations for the draft Programme of Action. In addition, there will be many administrative documents relating to decisions taken about the process itself, such as research plans, meeting minutes, survey forms, invitations to conferences, lists of participants, press releases, decisions of the governing council, and research contracts, among others. All of these texts should be publicly available on the Internet so that all participants can examine the testimony and the process. Making such records available on the Internet eases the research effort by the continental Secretariat and the Country Review Team. It will also help upcoming countries with ideas and resource documents to modify and improve upon.
- **Where problems are noted, the process should allow time for concerned parties to comment and clarify.** Often, citizen surveys and written submissions will note a problem but not have enough information to understand the full picture or craft solutions. Therefore, sufficient time should be allocated to Technical Research Institutes to conduct follow-up interviews with the relevant government departments to ensure that the final text reflects an accurate picture. This can take weeks or months, depending on the manpower available in each Technical Research Institution.
- **The National Governing Council should provide regular updates and press briefings.** As many parties may not be able to attend all meetings and the public will be eager to track progress, the council should undertake to provide weekly updates through the Internet, e-mails to a database of civil society organisations and press briefings.

### **The keys to civil society influence**

The lessons above apply to the overall management of the APRM process and particularly to the choices that governments, Focal Points and National Governing Councils must make. However, civil society has different choices.

It cannot set the rules, but it can influence how the process is conducted and what conclusions are embraced by the APRM.

62. **Civil society should study the APRM rules and Questionnaire.** Civil society has a right to participate in the APRM, but making the most of that opportunity requires that citizens have a firm grasp of the process and the lessons learnt in the pioneer countries. They need to understand where the rules are clear, where decisions require negotiation and compromise and how to influence the decisions of the National Governing Council, government, Country Review Team and other participants. They also need to understand the Questionnaire and research methods so they know what to ask for when APRM preparations are underway.
63. **Success in the APRM depends on effective strategies for influence.** The APRM is about building consensus behind the need for specific changes. Civil society cannot force its views on other participants, but must find ways to persuade and influence other civil society groups, parliament, the National Governing Council, the Technical Research Institutes, the Country Review Team, and the government, which ultimately must accept the problems as defined in the report and implement its recommendations. Effective influence requires staying engaged throughout the process, talking to many groups and using both public and private forms of persuasion.
64. **Signal interest through the press and direct contact.** Signalling civil society's knowledge and intentions is important in the early phases of national preparation. Sending clear signals to government can change the course of the process, through opinion articles in newspapers as well as personal contact. Civil society should demonstrate that it is informed about the rules, has clear expectations that the process should be transparent and civil-society led, and that civil society intends to play an active role. This combination of personal contact and use of the media can be useful throughout the process to demonstrate that civil society continues to monitor and engage with the process and will expect it to meet the highest standards.
65. **Reach out to parliament.** Parliament is an important political force and is often neglected in the APRM. It can be an important civil society ally. It can convene public hearings on the APRM and can provide valuable committee reports that can help civil society prepare persuasive, evidence-based written arguments.
66. **Build coalitions within civil society.** No one organisation, no matter how prominent, can influence the APRM alone. Civil society organisations have much more political impact if they co-operate to build a coalition of organisations. They can prepare joint written submissions endorsed by many groups. They can exchange information and use personal contacts to find out what is happening with the process and what is coming. They can work together to increase the number of opinion and news articles

on the APRM in the media. And they can apply persuasion and pressure on government and the National Governing Council to change plans or improve certain aspects of the research or validation programme.

- 67. Build personal relationships with key participants.** Relationships with government and APRM structures are just as important as relationships within civil society. Because of the anxieties that can accompany the process, such relationships must be built on trust, fair play and personal relationships. To do that effectively, civil society should try to maintain personal contact with the relevant people in government, Technical Research Institutions, the National Governing Council, the staff of the national Secretariat, the staff of the continental APRM Secretariat, the member of the Panel of Eminent Persons managing the country's review, members of the Country Review Team, the media, parliament, other civil society groups and influential business and quasi-government organisations, such as anti-corruption, human rights or electoral commissions.
- 68. Make written submissions.** Making oral input at public APRM meetings has limited value as it may or may not influence the final report and POA. A thoughtful written submission from civil society, even if focused on only a limited number of important areas, can be highly persuasive. Once prepared, it can be presented to the National Governing Council, Technical Research Institutions, continental Secretariat and to the Country Review Team. Having arguments set out in writing and backed up by solid evidence and recommendations makes the job of these groups much easier. As a result, preparing a written submission is one of the most influential steps civil society can take.
- 69. Start compiling recommendations early.** Getting recommendations into the POA should be the ultimate goal of civil society because those are the actions government will be expected to carry out and which can bring positive change. Knowing that the POA tends to be left until the end can be an advantage for a well-prepared civil society. To take advantage of this, civil society should start researching and writing down its thoughts on policy recommendations from the beginning. In many cases, solutions have already been endorsed through national development plans and various research reports but they often have not been fully implemented because of lack of funds or waning political commitment. Where civil society believes in a given solution that has already been endorsed by other plans or research, their submissions should cite that research.
- 70. Stay engaged throughout the process.** The APRM process is long and can be draining on the time and resources of civil society organisations, particularly those chosen to sit on the National Governing Council. Lending support to one another and the council, in terms of research or assistance in reviewing draft texts, can be very helpful. Remaining engaged until the end can prevent key issues from getting lost and can provide civil society with the information it needs to monitor government's implementation of the Programme of Action.

**71. Influence the Country Review Team and Panel.** The final goal of influence is what the final Country Review Report says, the recommendations it makes to government and thus the action items that go into the Programme of Action. The experts on the Country Review Team consider the Country Self-Assessment Report and draft Programme of Action but they will go deeper into neglected areas and can make recommendations for other remedies to be included in the final POA. This can be a daunting task, given that they have only a few weeks in country and governments generally have been allowed to set the agenda for the Country Review Team visit. However, this is an opportunity for civil society to get any ideas that it feels were neglected in the self-assessment phase into the final report. The Country Review Team will not always have had much preparation time before arriving in-country. They are conscientious and will particularly appreciate discussions, reports or written submissions offered by civil society. It can be valuable to find out who is on the team, their intended schedule and which hotels they will stay in. Attend the public meetings they convene and meet them privately to provide other information and documents that can assist in their research. If there is time for nothing else, CSOs can still make a big impact by providing the team with a set of key reports and plans, such as surveys, citizen report cards, position papers on key issues, national development reports, and reports of the parliamentary public accounts committee and auditor-general. Marking the important passages or conclusions with paper clips can make their job much easier and direct their attention critical issues.

### **Improving continental processes**

**72. The Panel should revise the official process rules.** The various official documents should be consolidated into a single new text that removes the ambiguities that presently exist on the role of the Focal Point, National Governing Council, support secretariat and research institutes. The guidelines also should clarify the processes for developing the final Programme of Action. It should clearly state that new guidelines supersede previous versions. Clearer, published rules would give both governments and civil society a better framework within which to work. While the APRM documents note that the process should have substantial public input, there are few specifics about how that should occur. The rules are left flexible and open to substantially different interpretations. Instead of offering the rules through private consultations that can be ignored, the Secretariat should publish clear, updated rules on what is expected and the processes and procedures needed. This would help remove misunderstandings and avoid the need to change the plans of countries that misinterpret the guidelines. Too much flexibility will ultimately weaken the credibility of the APRM.

- 73. The Secretariat should offer clear advice on the Programme of Action format and expected levels of detail.** The early countries have struggled to write their Programmes of Action and have noted that the Secretariat should provide clear written guidance and in-person assistance. Countries have asked whether the POA should include all needed actions or only wholly new ideas not already in national plans. They have asked how the POA should be costed and they have questioned the utility of the present matrix or tabular format, which does not permit sufficient room for a proper explanation of POA items. Some participants have noted that the POA should include a master table, each line of which is backed up by a separate document describing the POA items in detail.
- 74. The Secretariat should clarify the rules on public consultation over the final Programme of Action created in response to recommendations from the final country report.** Each country submits a draft POA before the experts in the Country Review Mission do their work. The Panel of Eminent Persons, in conjunction with the Country Review Mission and continental Secretariat, writes the final Country Review Report, which includes recommendations that the country is expected to respond to in a final Programme of Action. In some cases, the recommendations can be very far reaching, including fundamental aspects of democratic practice. But governments maintain they are not obliged to consult with the public on how they should respond to the recommendations. In the Memorandum of Understanding that countries sign in acceding to the APRM, they are required to consult on the POA, but some participants have maintained that other clauses demanding confidentiality take precedence over the need to consult.
- 75. The Secretariat should offer clear guidance to both civil society and government.** Early countries have noted that the quantity and quality of advice offered is inadequate. At present, the Secretariat issues guidance principally through advance missions and Country Support Missions, but these have concentrated on governments and left the public uninformed about its rights and roles in the process. The base document asserts that the Country Support Mission is intended to educate participants on the process, but supplementary guidance issued by the Secretariat insists that countries have all processes, institutions and budgets in place before the Country Support Mission arrives. Several conferences reviewing the APRM have called for a document to explain research methods. Participants in particular have asked for advice on the practical matters of consultation, planning, budgeting, report writing, surveys, POA and monitoring and evaluation of progress.
- 76. The Secretariat should clarify country responsibility for funding.** Each nation is required to pay a membership fee to the continental Secretariat (currently \$100,000 per country annually), but some have expressed the belief that this fee is to fund their own national reviews. It is actually intended to support the costs of the Secretariat. Notably, countries are

obliged to fund their own national processes and the in-country costs of the Country Review Mission.

77. **Country Self-Assessment Reports and draft Programmes of Action should be released publicly after completion.** The public has a right to participate in the APRM process and selected citizens are involved in validation and editing of these documents. But governments maintain that they are not allowed to release the Country Self-Assessment Report and Programme of Action to the wider public once they have been submitted to the Panel of Eminent Persons. Given that the public has been involved in the drafting of these documents which are already, in theory, public, there seems no reason to restrict their release. Restrictions block public accountability and undercut the ability of the public and the media to sustain the political momentum behind APRM reforms. They also increase suspicion that government may be 'cooking the books.'
78. **The final APRM reports should be released immediately after consideration by heads of state.** The APRM rules assert that the final APRM reports can be released only six months after they are presented to heads of state. However, this time lag and the delay in scheduling the heads of state review undercuts the momentum and transparency of the process. In some cases, this procedure has resulted in documents becoming public one to two years after public consultations were completed.
79. **The Panel of Eminent Persons and continental Secretariat need more capacity.** The APRM system produced only five complete reviews by July 2007. At the present pace, it will take 15 years for all 27 countries that have signed up so far to get through their first review. More countries may join the APRM. But the system pledged to review each country every two to four years. Unless the pace of reviews is dramatically accelerated, the system will lose public credibility and it will fail to make the impact on the continent that its creators had hoped for. Many of the lessons above, if addressed, would accelerate the pace of reviews. But it is clear that both the Panel of Eminent Persons and the continental APRM Secretariat require more capacity to supervise reviews, conduct background research, and assist countries in preparing for the process. At the time this book was completed, there were plans being discussed to expand the number of Eminent Persons, which would permit more reviews to be conducted in parallel.
80. **Fiscal management issues need transparency.** The management of the APRM Trust funds should be according to the highest standards of fiscal transparency that the APRM embraces in international governance standards. Lack of regular financial reports to the public on the APRM Trust Fund has resulted in some concern from participating countries and development partners.



# RECOMMENDED READING

Many of the following can be found on the attached APRM Toolkit CD-ROM or SAIIA's website, [www.saiia.org.za](http://www.saiia.org.za).

## **APRM Country Review Reports**

Country reports and official documents can be found at [www.nepad.org/aprm](http://www.nepad.org/aprm)

APRM Panel of Eminent Persons, Country Review Report of the Republic of Ghana, June 2005, <http://www.nepad.org/2005/files/aprm/APRMGhanareport.pdf>

APRM Panel of Eminent Persons, Country Review Report of the Republic of Kenya, May 2006, <http://www.aprmkenya.org/downloads/Kenyareport.pdf>

APRM Panel of Eminent Persons, Country Review Report of the Republic of Rwanda, November 2005, (English and French), [http://www.nepad.gov.rw/docs/FINAL\\_RWANDA\\_REPORT\\_SEPT\\_22\\_2006\\_nb.pdf](http://www.nepad.gov.rw/docs/FINAL_RWANDA_REPORT_SEPT_22_2006_nb.pdf)

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## **Workshop and conference reports**

African Development Bank Group, 'Report of the consultations on support to the implementation of APRM – National Programmes of Actions', Tunis, Tunisia, 12-13 March 2007

Africa Governance Forum VI, 'Implementing the African Peer Review Mechanism: Challenges and opportunities', Kigali, Rwanda, 9-11 May 2006, <http://www.undp.org/agf/> (English, French and Portuguese)

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Hanns Seidel Foundation, press statement, 'Making the APRM Work Expert Conference on APRM Implementation and Monitoring' Nairobi, Kenya, 25-27 April 2006

Report on the APRM Inter-Country Experience Sharing Seminar for West Africa Hosted by APRM Nigeria, Held at Le Meridien Hotel - Abuja, Nigeria, 1-2 November 2006

United Nations Economic and Social Council, 'Strategies for promoting effective stakeholder participation in the African Peer Review Mechanism', Third meeting of the Committee on Human Development and Civil Society, Addis Ababa, Ethiopia, 4 -6 May 2005

Workshop of APRM 'pioneer' countries on the design of an M&E framework for the implementation of APRM POA Kigali, Rwanda, 11 December 2006

Workshop on Sharing National Experiences in APRM Implementation Process, Report on Proceedings, Algiers 20-21 November 2004, <http://www.undp.org/agf/bgdocuments/Workshop%20on%20Sharing%20National%20Experiences%20n%20APRM%20Implementation%20Process%20held%20in%20Algiers.pdf>

### **Occasional papers, journal articles and other analysis**

Africa Governance Monitoring and Advocacy Project (AfriMAP), 'Critical review of the African Peer Review Mechanism process in Rwanda', AfriMAP, Kigali, January 2007

Akoth SO, 'The APRM Process in Kenya – a pathway to a new state?', Open Society Initiative for East Africa (OSIEA), Nairobi, Kenya, March 2007, [http://www.afri-map.org/english/images/report/APRM\\_Kenya\\_EN.pdf](http://www.afri-map.org/english/images/report/APRM_Kenya_EN.pdf)

Allan C & N Overy, 'APRM's Economic Governance and Management Standards: What Civil Society should look for', conference paper commissioned by South African Institute of International Affairs, 3 August 2006

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Ekpo AH, 'Economic Governance and the Partnership for African Development (NEPAD)', paper presented at the African Forum for Envisioning Africa, Nairobi, Kenya, 26 – 29 April 2002

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Herbert R and S Gruzd, 'Taking stock of the African Peer Review Mechanism', *The South African Journal of International Affairs*, Vol 14, Issue 1, Summer/Autumn 2007, pp. 5-28

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