

THE AFRICAN PEER REVIEW MECHANISM

Lessons from the Pioneers

Ross Herbert and Steven Gruzd



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The South African Institute of International Affairs
Jan Smuts House, East Campus
University of the Witwatersrand
Johannesburg, South Africa
PO Box 31596, Braamfontein 2017

www.saiia.org.za
info@saiia.org.za

Tel +27 11 339-2021
Fax +27 11 339-2154

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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*¹

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 Guidelines²

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.

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 Point³

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 Hounbo, UNDP's regional director for Africa, noted a variety of challenges relating to the funding and implementation of the APRM. Of these, he said:⁴

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:⁵

[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

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:⁶

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:⁷

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,⁸ 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.'⁹

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.
– GTZ¹¹

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.'¹⁰

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’¹² – 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:¹³

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.’¹⁴

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.’¹⁵ 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.’¹⁶ (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:¹⁷

... 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:¹⁸

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 Nepad 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

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:¹⁹

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.'²⁰ 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.'²¹

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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 Chairperson²³

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.²²

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:²⁴

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, 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.²⁵ 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

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

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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:²⁶

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).²⁷

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:²⁸

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.

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

Research institutions are different in orientation and with regards to efficiency, commitment and professionalism, which altogether impacts on the quality of their work. – GTZ²⁹

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,³¹ 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. – GTZ³⁰

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 RESEARCH¹

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 Questionnaire²

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.³ 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,⁴ 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;⁵
- 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

5. The official APRM website has dropped the word 'good' in describing this thematic area. See 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:⁷

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. – GTZ⁶

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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.⁸

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.⁹

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.

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.¹⁰ 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 Louw¹¹

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.¹² 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 Houngbo, UNDP regional director for Africa¹

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. Houngbo 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-Canada²

2. Déme 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. – GTZ³

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

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.

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

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

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, Afrobarometer⁴

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:⁵

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:⁶

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.⁷

- 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 ± 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 ± 4 points, while a sample of 4,800 gives a sampling error of ± 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.⁸

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-Canada⁹

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

9. Taylor B, Preface in Dème 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 Institutions, decisions would have to be taken about collaboration on these cross-cutting issues.

Best practices

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.

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.¹⁰ 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. – GTZ¹¹

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.

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 Guidelines¹

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.

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:²

- (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.

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:³

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:⁴

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.

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.’⁵

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.

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

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

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

Corruption – economic governance and management objective 4: Fight corruption and money laundering		
Expected output	Activities	Indicators
Ghana		
Improvement in service delivery.	• Formulate and implement a fair wage policy.	• Comparable salaries across the public sector
Improve in delivery of justice.	• Provide courts with necessary facilities and personnel and update court procedures as necessary.	• Increase in number of resolved cases. • Increase in necessary facilities. • Increase in budget allocation by 30%. • Retention of skilled staff.
Public awareness and education on what constitutes corruption is improved.	• Pass the Whistle Blower Bill. • Pass a Freedom of Information Bill. Increase public education on corruption and its impact. • Increase public education and awareness on rights and responsibilities of citizens. • Enforce the various service codes of conduct. • Introduce stiffer punishments for offenders. • Appropriate use of public funds.	• Periodic surveys on public perception and knowledge on corruption.
Updated guidelines for foreign exchange activities and payments.	• Pass the Foreign Exchange Bill. • Implement the Payment Systems Act (Act 662) of 2003.	• Foreign Exchange Act in place. • Increase in bank transfers/remittances.
A credit Reference Agency Established.	• Provide a database where the identity of individuals and corporate organisations can be cross checked. • Discourage use of cash. • Closely work with foreign exchange bureau to check money laundering through exchange. • Encourage banks to operate foreign exchange bureau.	• A relevant law in place. • Initiative to set up database. • Increase demand for cheque books.
Kenya		
Corruption cases prosecuted.	• Control corruption and enhance rule of law.	• Number of corruption cases convicted. • Number of corruption cases investigated.
	• Enhance information availability on fight against corruption.	• Press releases.
Security in the country.	• Improved security.	• Number of criminal offences reported. • Security reports and public awareness.
Clean money in the banking system.	• Improve the legal framework for anti-money laundering. • Improve the banking system.	• Laws to curb money laundering. • Number of criminal offences reported.
Rwanda		
Anti-money laundering law in place.	• Draft law document.	• Formulate an anti-money laundering law.
Effective measures to combat money laundering.	• Report on the modalities adopted.	• Implement the anti-money laundering and detective system.
South Africa – 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:⁶

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

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.

Non-response rates to APRM recommendations ⁷			
Country	Total number of Panel recommendations	Number of Panel recommendations not addressed in final POA	Percentage of Panel recommendations not addressed
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.

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

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

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:⁸

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:⁹

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

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:¹⁰

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

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:¹¹

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

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.¹² 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:¹³

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.¹⁴

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.¹⁵ 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

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:¹⁶

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-

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

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

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.

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 Nepad 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

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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.