

THE AFRICAN PEER REVIEW MECHANISM

Lessons from the Pioneers

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Country Case Studies

Democracy is not something you put away for 10 years, and then in the eleventh year you wake up and start practicing again. We have to begin to learn to rule ourselves again.

– Chinua Achebe, Nigerian writer

Democracy, good governance and modernity cannot be imported or imposed from outside a country.

– Emile Lahud, Lebanese politician

Our continued prosperity as nations, communities and ultimately as individuals is closely linked to our ability to create and maintain profitable, competitive and sustainable business enterprises.

– Karugor Gatamah, Centre for Corporate Governance, Kenya

GHANA

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In keeping with its tradition of 'firsts' on the continent, and as the first country to be reviewed in the APRM, Ghana is leading by example in the process. The National APRM Governing Council was granted autonomy in executing its mandate, which it discharged resolutely. The Technical Review Teams chosen to undertake the exercise were credible and competent research institutions, renowned both nationally and internationally. The Mission notes with great appreciation the high quality of the reports prepared by the four technical advisory teams.

– Ghana APRM Country Review Report¹

In every country that undergoes peer review, the specific political context influences the organisational structures set up to guide the process. After 22 years of Jerry Rawlings's rule ended in 2000, Ghana's new president, John Kufuor, sought to position the government as an enthusiastic democratic and economic reformer. The African Peer Review Mechanism (APRM) was seen as a vehicle for demonstrating greater transparency and candour in public policy to various audiences — domestic groupings, other African states, and, not least, international donors, which support about 40% of Ghana's budget.

According to Dr Baffour Agyeman-Duah, associate executive director of the Ghana Centre for Democratic Development (CDD-Ghana), one of the four think tanks that conducted research for the APRM report:²

John Kufuor believes that he is a democrat, and APRM was a way to demonstrate his personal commitment to promoting good governance in the country. He had already embarked on a policy of transparency and accountability in his administration, and APR [African Peer Review] was a mechanism to further this approach. ... No doubt part of Kufuor's thinking in being first was to attract investment and aid. If Ghana was perceived to be open and transparent, it would be seen as a good place to do business. The G8 will use how a country does in peer review to influence its decisions, whether formally or informally.

The APRM was seen as a vehicle for demonstrating greater transparency and candour in public policy to various audiences.

1. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Ghana', Midrand, South Africa, June 2005, p.xii.
2. Telephone interview with B Agyeman-Duah, Dar Es Salaam, 10 February 2006.

But, given Ghana's competitive politics, and the fact that it faced a national election in the middle of the peer review period, Kufuor believed the APRM and its findings could become a political football. Opposition parties could use the APRM report to criticise the incumbent government and gain an advantage in the elections, while Ghana's vocal and vibrant civil society would demand an objective, transparent, and fair APRM process, and a candid report. Therefore, the government chose to insulate the process from the acrimony of party politics, and make it visibly non-partisan.

APRM structures and institutions

Ghana showed its enthusiasm for peer review from an early stage. In November 2002, even before the process had been fully designed, Ghana became one of six countries that declared a desire to accede to the APRM. 'When Ghana signed up, they said, "We're ready," even though the preparatory phases for the institutionalisation of APRM were still under way,' recalls Evelynne Change, coordinator for corporate governance at the continental APRM Secretariat in Midrand, South Africa. 'The APR Panel [of Eminent Persons] still had to be put in place, and the documents for APRM implementation developed.'³ Ghana formally acceded to the APRM on 9 March 2003, but several more months elapsed before it started to work on the process.

With no road map to follow, Ghana would inevitably develop a precedent, and set the standard for future reviews. 'We had no template,' Professor SKB Asante, a member of Ghana's National APRM Governing Council, recalled in 2005. 'We were a forerunner, and so we had to break new ground and be innovative.'⁴ Ghana established several institutions to manage the various aspects of peer review, including a Focal Point, a National Governing Council and a Secretariat.

Focal Point. Each participating APRM country must establish a national Focal Point as a conduit for communications between the APRM Secretariat in Midrand, the government, and local APRM institutions. According to a communiqué issued after the first meeting of the APR Forum:⁵

The APRM National Focal Point should be at ministerial level or a high-level official reporting directly to the head of state or government and with access to all national stakeholders.

Ghana chose to locate its focal point outside a government ministry, and selected Dr Francis Appiah, former senior technical adviser to Ghana's minister of regional co-operation and Nepad, who became the executive

3. Telephone interview with E Change, 10 February 2006.

4. Asante SKB, remarks made after a presentation entitled 'Ghana's Implementation of the APRM: Lessons Learnt', hosted by the Southern African Regional Poverty Network (SARPN) at the Pretoria Country Club, 5 September 2005.

5. Communiqué issued at the end of the First Summit of the Committee of the Participating Heads of State and Government in the African Peer Review Mechanism (APRM) Forum, issued in Kigali, Rwanda, 14 February 2004, cited in *Rwanda Nepad Magazine*, 1, May–July 2004, p.6.

secretary of Ghana's APRM Secretariat. Subsequently, the National Governing Council was designated as the Focal Point.

National Governing Council. According to Appiah, Ghana's national APRM structures were developed in June 2003, and presented to cabinet for approval.⁶ Ghana pioneered the creation of a National Governing Council, outside government, to act as the board of directors and driving force for APRM at national level. Ghana created a seven-member National APRM Governing Council (NAPRM-GC), comprising respected non-partisan figures.

Ghana's National APRM Governing Council⁷

The seven members of National Ghana's Governing Council were:

The Reverend Professor Samuel K Adjepong, former vice-chancellor of the University of Cape Coast, and current president of the Methodist University (chairperson);

Alex Ntim Abankwa, former ambassador to Belgium, the Netherlands, Luxembourg, and Canada;

Professor Samuel K Botwe Asante, professor in international relations, international consultant, and former principal regional adviser to the UN Economic Commission for Africa (UNECA);

Bishop Paul Bemile, Catholic Bishop of Wa and director of the Inter-Region Dialogue;

Professor Miranda Greenstreet, leading educationist, former director of the Institute of Adult Education of the University of Ghana, and chairperson of the Coalition of Domestic Election Observers in the 2001 and 2004 Ghana elections;

Nutifafa Kuenyehia, lawyer and past president of the Ghana Bar Association and Media Commission; and

Gloria Ofori-Boadu, former executive director of the International Federation of Women Lawyers (FIDA) in Ghana, and current president of the Women's Assistance and Business Association (WABA).

Headed by the president of the Methodist University, Professor Samuel K Adjepong, it included retired diplomats, distinguished lawyers, international consultants, and senior religious leaders (see box above). In choosing this type of management structure, Ghana emulated the continental APR Panel of Eminent Persons.

Ghana decided to make its governing council functionally and constitutionally independent of government, thus insulating it against accusations of political bias and affiliations with party politics. Kufuor argued that opposition

Though created by government, the Ghanaian national structure was made independent of it in order to ensure broad-based participation. - Dr Francis Appiah⁸

6. Appiah F, Ghana's Experience and Lessons Learnt in the Implementation of the APRM, report for the Pre-Africa Governance Forum, Algiers, Algeria, 20–21 November 2004, p.7.

7. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Ghana', June 2005, pp.5–6; UNECA Economic and Social Planning Division (ESPD), 'Implementation of the African Peer Review Mechanism in Ghana', ESPD/NRP/01/05, October 2005, p.8.

8. Appiah, *op. cit.*, p.8.

Having no active politicians or government officials sitting on the governing council helped to counteract suspicions that the incumbent government might influence the process in its favour.

parties could undermine the ability of the APR to forge national consensus by using its findings as political ammunition. That risk would be compounded given that the country faced national elections in December 2004, just a few months after the start of the review. A defeat for his party could also derail the process.

According to Dr Chris Stals, member of the Panel of Eminent Persons responsible for Ghana's review:⁹

When we were there for the APR support mission in May 2004, the President told me that there would be an election at the end of the year, and rather than delaying APR until after the vote, Ghana would design a system that would not be affected by the election result.

The governing council was therefore given the same status and legal protection against government interference as the Electoral Commission and the Commission for Human Rights and Administrative Justice. Its members were not required to swear the customary oath of allegiance to the president or government when they were inaugurated by Kufuor on 18 March 2004.

Having completed all the stages of the APRM process, Ghanaian officials believe even more strongly than before that the peer review process should be separated from government, and managed by civil society instead. They further argue that active steps should be taken to pre-empt suspicions that government will attempt to control the outcome, or soften the conclusions. In Ghana's case, the fact that there were no active politicians or government officials sitting on the governing council helped to counteract suspicions that the incumbent government might influence the process in its favour.

The United Nations Economic Commission for Africa (UNECA) has noted that Ghana's choice of an independent governing council, consisting solely of civil society representatives, 'helped in reducing the scope for political interference while strengthening stakeholder ownership and leadership of the process'.¹⁰

Appiah recalls:¹¹

The argument all along was that since the governing council members were chosen by the president, they could therefore be influenced by government. It was critical, therefore, to create confidence in the council, its members, and the process as a whole. And that's also why we chose respected independent think tanks to do the technical review – it would reassure the people about the work being done at an operational level.

However, initial government thinking about the process did shift, partly due to vigorous comments from civil society. When the government first announced its plans, the APRM Questionnaire and procedures had not yet been published. Yet at an APRM workshop for civil society organisations (CSOs) coordinated

9. Telephone interview with C Stals, Pretoria, 10 February 2006.

10. UNECA ESPD, *op. cit.*, p. 13.

11. Telephone interview with F Appiah, Accra, 28 July 2006.

Ghana advocates an independent governing council

A report on the APRM process in Ghana prepared for the Sixth Africa Governance Forum (AGF-VI) held in May 2006 in Kigali, Rwanda, made the following recommendations about governing councils:

- To ensure its credibility, the council should be independent of government, and devoid of any governmental or political interference.
- African countries must utilise autonomous and credible institutions to conduct the assessment surveys.
- Technical committees should refrain from making any public pronouncements during and after the study.
- Members of the public always find it difficult to believe that government appointees can act in a neutral manner. Therefore, governments should ensure that all its appointees are people whom the public can trust.
- The governing council should have an effective public relations officer who should ensure that all the findings are presented in a consistent way.
- The governing council should verify the political orientations of all prospective members of technical committees before appointing them.¹²

by SAIIA in Accra in November 2003, a government representative stated that the country had nearly completed its public consultations and was ready for review. The assertion that a wide range of stakeholders had already been consulted sparked off a very animated debate. Representatives of Ghanaian CSOs claimed that decisions about the process and the selection of governing council members had not been transparent. They also asked how consultation could have been completed if the Questionnaire had not been finalised.

Appiah acknowledges that by making its dissatisfaction with the proposed process known early on, civil society signalled its seriousness, influenced the choice of council members, and helped to bring about more extensive consultations than originally planned. He recalls:¹³

The strong reactions of civil society raised the alarm. They all indicated that they wanted input. This delayed the selection of the governing council for about three months, as we developed criteria for the council members that would be acceptable to the opposition, parliament and civil society – for instance they had to be non-state actors, not public servants, show public spiritedness, demonstrable non-partisanship and professional competence. They also needed skills covering the four areas of review, and take into account gender and regional representation. Civil society made it very clear that they wanted people who would not be easy to manipulate politically. Once these criteria were spelled out, we went round to parliament,

In a highly politically contentious country like Ghana you need to be able to convince all political parties that the process is non-partisan, all-inclusive and indeed it embraces everybody.
– Dr Francis Appiah¹⁴

12. Team Consultancy, Report on National Stakeholder Consultations: Implementing the APRM in Ghana – Challenges and Prospects, Africa Governance Forum Stakeholders' Consultative Workshop, October 2005, p.iv.

13. *Ibid.*

14. Videotaped interview with F Appiah, Nairobi, 27 April 2006.

opposition parties, the major CSOs and came up with a long list of eminent Ghanaians, and the President appointed seven of them.

In September 2005, three regional workshops were held in Ghana to review the APR in that country, in preparation for the upcoming Africa Governance Forum (AGF-VI) in Kigali, Rwanda. Delegates were asked: ‘What, in your estimation, could have been the impact if the APRM process had been led, for example, by a government minister?’ The responses were unequivocal: Ghanaians felt strongly that if the government had controlled the review process, citizens would not have trusted the outcome. They used phrases such as ‘poor participation and non-acceptance by people’; ‘perceived to be politically biased’; ‘inundated by partisan issues which would have marred the process’; ‘politically manipulated’; ‘loss of credibility’; and ‘no government should be allowed to chair the APRM’.¹⁵

National APRM Secretariat. The APR process would involve holding many workshops and conferences, managing surveys, and compiling an extensive report, all of which would require competent support staff. Ghana chose to establish an independent APRM Secretariat, not attached to any ministry or government department, to further insulate the APR process from government interference. The Secretariat was therefore made responsible only to the governing council, and moved from the Nepad ministry to offices elsewhere in Accra. Professional staff members were recruited from the private sector. The United Nations Development Programme (UNDP) paid the salaries of two of the Secretariat’s six staff members.

However, whether the Secretariat was entirely separated from government is questionable. Ghana’s Country Review Report stated:¹⁶

The core running costs of the Secretariat are borne by the government, which has seconded a further six support staff to provide secretarial, technical, coordinating and administrative support services to the Council.

Furthermore, the Secretariat is headed by an executive secretary, Dr Francis Appiah. Appiah was previously an adviser to Ghana’s Nepad minister, and therefore has some links with government.

Ghana chose to establish an independent APRM Secretariat, not attached to any ministry or government department, to further insulate the APR process from government interference.

Features of the review

Research methodology

As noted in chapter 4, the existence of an APRM Self-Assessment Questionnaire — covering the four broad thematic areas of democracy and political governance; economic governance and management; corporate governance and socio-economic development, and their many subsidiary objectives, questions, standards and indicators — has led to the notion that peer review is a relatively straightforward matter of responding to the questions. That

15. Team Consultancy, *op. cit.*, p.22.

16. APR Panel of Eminent Persons, Country Review Report of Ghana, p.6.

simplistic initial view created various complications, as countries only belatedly appreciated that the political dimensions of APR, and the need to consult civil society, required a far larger and more complex process, attuned to the political atmosphere and national sensitivities. If the APRM is to help forge national consensus, and result in a reform plan to which all parties are committed, reports must be written as fairly and inclusively as possible.

Ghana's critical contribution to the APRM was to realise the importance of this political dynamic, and to devise ways to pre-empt doubts or suspicions about the fairness of the process. The Questionnaire required in-depth research about various technical questions, such as the level of treaty ratification; assessments of the effectiveness of constitutional and legal instruments; and a detailed analysis of governance strengths and weaknesses. Equally, the report would have to incorporate the views of various sectors of society, including the business sector, youth, women; as well as modern and traditional leaders, and rural and urban constituencies. All this would have to be done in a manner perceived as fair, reflected in both the content of the report and the process that produced it.

Ghana selected a mix of instruments to gather input from these sources, but its approach might be usefully dubbed a 'survey and think tank' model.

Technical Review Institutes. To gather all the technical information required, Ghana commissioned four leading independent research organisations or think tanks, known as 'Technical Review Institutes (TRIs). While sometimes referred to as 'Technical Review Teams' (TRTs), the term 'TRIs' is used in this chapter. Each was assigned to head one of the four thematic areas of the APR, to compile the relevant portion of the Country Self-Assessment Report and to develop a draft Programme of Action.

Ghana's most important contribution... to the development of the APRM was to devise ways to pre-empt doubts or suspicions about the fairness of the process.

APRM thematic area	Technical Review Institute
Democracy and political governance	The Centre for Democratic Development (CDD-Ghana)
Economic governance and management	The Centre for Policy Analysis (CEPA)
Corporate governance	The Private Enterprise Foundation (PEF)
Socio-economic development	The Institute for Statistical, Social and Economic Research (ISSER)

According to Appiah, the choice of institutions was obvious, and each was a leader in its field, with proven expertise:¹⁷

When we designed the APR process in Ghana, for it to be civil society driven, it would be a contradiction to use government machinery to do the job.

17. Telephone interview with F Appiah, Accra, 28 July 2006.

Using Ghana's appointment process elsewhere could be problematic if competing research bodies believe there has been favouritism.

We wanted research institutions that were locally reputable, internationally recognised and had a solid track record.

Asante observes:¹⁸

When we got the Questionnaire from [the APRM Secretariat in] South Africa, we knew we would need help. We knew the reputable institutions, and that they would do a good job. We went to see them, and engaged them.

While these think tanks were well known, vocal, and not connected to government in terms of funding or reporting obligations, their selection was not put out to tender. In some countries, engaging service providers without a tendering process could contravene procurement rules. A tendering process also allows research institutions to develop a budget for their services. Using Ghana's appointment process elsewhere could therefore be problematic if competing research bodies believe there has been favouritism or other unfairness in the selection process.

For example, Dr Emmanuel Bombande, executive director of the West African Network for Peacebuilding (WANEP) – one of two Ghanaian think tanks involved in a parallel review called the African Human Security Initiative (AHSI), co-ordinated by the South Africa-based Institute for Security Studies (ISS) – acknowledges that, although the research and overall track record of the four think tanks was excellent, they were not the only, nor the obvious, choice to do the technical work.¹⁹

Dr Kwesi Aning, formerly associated with African Security Dialogue and Research (ASDR) – the other Ghanaian research body involved in AHSI – and now head of the AU's Common African Defence and Security Policy in Addis Ababa, goes further, and suggests that the choice of think tanks was influenced by a common political outlook:²⁰

There were other equally competent and critical institutions, such as the Institute for Democratic Governance (IDEG), which is scholarly, transparent and does excellent policy research. The organisations chosen share common political thinking and background with the incumbent government. They share the same political values and norms, and have similar ideological perspectives.

The introduction to Ghana's Programme of Action maintains that competent government bureaucrats could have produced a sound and professional self-assessment, but that these particular organisations were chosen because of their demonstrated leadership qualities within civil society, with proven lobbying skills that would help them to bring other civil society groups into the process.²¹

18. Telephone interview with SKB Asante, Accra, 28 July 2006.

19. Telephone interview with E Bombande, Accra, 1 September 2006.

20. Telephone interview with K Aning, Addis Ababa, 1 September 2006.

21. Ministry of Regional Co-operation and Nepad (MRCN) and NAPRM-GC, Republic of Ghana APRM Ghana National Programme of Action 2005–2008, November 2005, p.9.

Choosing think tanks was only part of the challenge. Another was developing a robust, objective, and defensible research approach. Ghana's research methodology was modelled on that developed by UNECA for its annual African governance report. CDD-Ghana conducted the UNECA study within Ghana, and Agyeman-Duah confirms that the UNECA instruments made available to them were slightly adapted for use in the APR.

Agyeman-Duah stresses that the reports had to be seen to be fair. He recalls:²²

Fairness was one of our key criteria. This was impressed on us right from the start. The reports had to be broad-based, regionally inclusive and use objective, standard research approaches. Where we had different views on the same issue – for instance on conflicts about land – we convened a 'focus group' of chiefs, department of land officials, land owners, tenants, experts to brainstorm on the issues and attempt to mitigate differences. But when we could not reach consensus, the report expressed that different views could not be reconciled.

The TRIs developed a research process with four phases: pre-field methodology, field methodology, in-house methodology, and post-field methodology.

Pre-field methodology

The pre-field methodology had five 'strands': (a) staging an education and sensitisation drive to inform and excite Ghanaians about the APRM, and foster a sense of national ownership; (b) coordinating and harmonising the approaches of the four teams; (c) identifying stakeholders; (d) adapting the self-assessment questionnaire into a scientific survey instrument; and (e) gathering information and data for use by the APR Secretariat and Panel member who would eventually conduct the external review of Ghana.

To popularise the complex and unfamiliar concept of APR, and inform the public of progress made, the governing council published a monthly newsletter. It also held a series of country-wide meetings and workshops in order to solicit input from Ghanaian society at large. Sensitisation workshops were held for police and the army, trade unions, youths and children, the physically challenged, professional bodies, the media, and the National Commission on Civic Education, among others. During the Country Support Mission, in May 2004, a four-day workshop was held for various stakeholders. During the workshop, the TRIs were charged with familiarising participants with the APRM, and redefining research and consultation methods.²³

According to Adjepong, rapporteurs took notes of the proceedings of all stakeholder meetings, and the Secretariat set up a documentation centre to make all APRM material available to researchers.²⁴ 'Focal persons' were designated in particular ministries, government departments, or agencies

22. Telephone interview with B Agyeman-Duah, 18 July 2006.

23. UNECA ESPD, *op. cit.*, p.9.

24. Videotaped interview with S Adjepong, Nairobi, 27 April 2006.

to provide information to researchers. Also, a simplified questionnaire was translated into indigenous languages, and an APRM jingle was developed. Seminars were held to educate the media on APRM, and an APRM website was launched.²⁵

Ghana used a variety of methods to identify the groups with information needed for the Country Self-Assessment Report. The secretariat appointed a stakeholder liaison officer, who travelled to Ghana's ten administrative regions to identify individuals and groups who would form part of the consultations, and the technical teams identified various stakeholders. Members of the governing council also toured the country on an outreach and education campaign, and the secretariat estimates that the National Governing Council and Secretariat interacted with 18,000 to 20,000 people.

Dr Stals singles out Ghana's effective sensitisation efforts, and notes that every time he visited that country, his arrival was prominently covered in the print and electronic media.²⁶ Kofi Yeboah, a journalist at Ghana's *Daily Graphic* newspaper, confirms that 'there was a lot of interest when he was here', and says the Ghanaian Secretariat had generally been good about keeping the media informed of APRM events.²⁷ But Kojo Kwarteng, a journalist at the same newspaper, says:²⁸

APRM is still seen very much as an academic exercise, within the elite. It has not really descended to the people – it's so full of political jargon. It needs to be translated to local dialects and simplified for people to understand it. A public relations company can make sure the room is filled with people when there is a high-profile visitor, and a few will ask questions. But do they know the issues and the right questions? And what's the quality of what they eventually write or broadcast? I really don't think APRM is a household term yet in Ghana, in the same way that poverty is, for example.

Dr Rose Mensah-Kutin, director of Abantu Development for Women, concurs:²⁹

I would agree that APRM was not very well publicised. Yes, some publicity went on, but we advocate on a wide range of issues and only attended one workshop. The country could have done a lot more in this regard; it did not really touch the ordinary person's life.

As with all APRM countries, it is extremely difficult to measure the effectiveness of outreach and communication efforts. Eric Opoku of the UNDP, in a case study of stakeholder involvement in Ghana's APRM, concluded that lack of overall planning on public education and sensitisation 'resulted in illogical sequencing of activities', which affected the cumulative effects of the process. He characterised the education programme as 'low intensity' and

25. Ghana's APRM website can be found at www.naprm-gc.org.

26. Stals led three missions to Ghana: a Country Advance Mission in February 2004, a Country Support Mission from 24–29 May 2004, and a Country Review Mission in April 2005. He also attended a final workshop on the programme of action in June 2005.

27. Telephone interview with K Yeboah, Accra, 1 September 2006.

28. Telephone interview with K Kwarteng, Accra, 1 September 2006.

29. Telephone interview with R Mensah-Kutin, Accra, 1 September 2006.

noted that the timing between the sensitisation and the commencement of research was 'inadequate.' He also observed that most activities were centred on regional capitals and urban areas, and that budget constraints meant that most events were by invitation rather than open to the public.³⁰

The governing council's website claims that the governing council and partners, including the National Commission on Civic Education, 'interacted with about 50,000 people, in all regions of the country'. But Aning asserts:³¹

I think such a figure is wildly exaggerated. Ghana has ten regions, some sparsely populated, and underdeveloped. Was it 5,000 in each region? Which towns, exactly, held these events? And what exactly was discussed, and how? When we delve into that, the figure will begin to unravel. Go 100 kilometres out of Accra or Kumasi or Cape Coast and it's obvious that at the grass-roots level, knowledge about Nepad and APRM is virtually non-existent, and there is very little buy-in. APRM was a process that circulated among elites, the upper political and economic classes. I would have really wanted wider inclusion and better use of local languages.

Participants in the workshops for the AGF-VI report pointed to weaknesses in the education of ordinary people and the media, which led to political point-scoring:³²

The public was not well informed about the entire process, hence the politicisation of the outcome of the report, especially after the Abuja Conference [i.e. presentation to the APR Forum in Nigeria in June 2005] ... either journalists did not understand the entire process or did not have access to the right information, hence their comments on the report, especially after the Abuja Conference.

Field work

The field work involved: (a) distributing elite surveys among 250 experts from government, academia, the private sector and civil society, considered to have in-depth knowledge about key governance issues in all 10 administrative regions of Ghana; (b) surveying 1,200 randomly selected households in all regions to gather representative views;³³ and (c) holding focus group discussions with targeted groups (such as women, youths, or people with disabilities) on particular issues or themes.

Dr Peter Quartey, director of the Institute for Statistical, Social and Economic Research (ISSER), which was charged with writing the section on socio-economic development, explains why a variety of research tools was necessary:³⁴

As with all APRM countries, it is extremely difficult to measure the effectiveness of outreach and communication efforts.

30. Opoku E, 'Effective Stakeholder Participation in the APRM Process for the Promotion of Democratic Governance (Case Study: Ghana)', unpublished draft manuscript, UNDP, New York, November 2006, p.22.

31. Telephone interview with K Aning, 1 September 2006.

32. Team Consultancy, *op. cit.*, p.12.

33. 'The multi-stage area probability sampling technique was used to select a representative sample from the voting population, giving each Ghanaian of voting age an equal chance of being included in the sample. The sample provided a representative view of ordinary Ghanaians' opinions on the subject at a 95% confidence level, with a margin of error of $\pm 5\%$.' CDD, 'Methodology used by the technical review teams: an overview', in Team Consultancy, *Ibid.*, p.7.

34. Telephone interview with P Quartey, 18 July 2006.

The grass-roots and the experts have different perceptions, so you need a means to reflect on both. Sometimes ordinary people are in the dark about what treaties we've signed or exactly how policies are structured.
 – Dr Peter Quartey

The grass-roots and the experts have different perceptions, so you need a means to reflect on both. Sometimes ordinary people are in the dark about what treaties we've signed or exactly how policies are structured. We needed to do surveys to come up with objective results.

The importance of this combination of methods and the need for a scientific survey is underscored by Agyeman-Duah:³⁵

Through the elite survey, we targeted people known to have knowledge on specific issues, and got the technical information that ordinary people would not necessarily know. And the mass survey captured the different views and experiences of people in urban versus rural regions. We could not just rely on desk research – we wanted to get the best picture we could of what Ghanaians thought about governance at this time.

The Technical Research Institutes each recruited about 30 people (many of them postgraduate students), and trained them for a week to administer both the mass-based and expert surveys face-to-face. They were paid about \$30 a day. The initial questionnaires were tested to identify and remove any ambiguities. This fieldwork took about three to four weeks, with research institutions receiving about \$70,000 each for their work.

A self-evaluation of the expert surveys developed by the Centre for Policy Analysis (CEPA), which worked on economic governance and management, is instructive, and worth examining in some depth. It forms part of the September 2005 report for AGF-VI.³⁶ CEPA noted that the exercise presented significant challenges in that it had to be transparent, democratic, and participatory; balanced and nationally representative; and had to be completed in a short period. Stakeholders consulted on the various questions in the questionnaire all responded with different degrees of technical knowledge, expectations, and enthusiasm:³⁷

For stakeholders drawn from government institutions, the self-assessment in many ways may be viewed as a report card on public sector institutions and performance. Seen in this way, there is always the danger that they will overrate their own performance or the performance of other government institutions. Such a tendency will bias the result and just as important may even limit the willingness of officers who are strategically located to disclose institutional bottlenecks that exist in practice and impede the efficient functioning of the public sector.

CEPA took the approach that senior bureaucrats were 'neither cohesive nor dubious enough' to conspire as a group to undermine the assessment, and would want to appear as loyal and efficient civil servants, but said the level of co-operation varied considerably. In contrast, representatives of civil society and ordinary Ghanaians welcomed the review as an opportunity to

35. Telephone interview with B Agyeman-Duah, 18 July 2006.

36. Centre for Policy Analysis, 'Economic Governance and Management Methodology', in Team Consultancy, *op. cit.*, pp.8–10.

37. *Ibid.*, p.8.

give their views on economic governance, highlight perceived gaps, and suggest solutions, but '[t]hey too share perspectives that can hardly be free of response biases'. According to CEPA, the team was 'aware of the risks of an unbalanced assessment and the political sensitivities of the outcome',³⁸ which was why a sampling technique was used.

CEPA asked donor agencies for relevant evaluations of Ghana. Response rates varied, with the World Bank and International Monetary Fund (IMF) providing the most information.

CEPA then designed a questionnaire for each of the standards and codes cited in their thematic area of the APRM to assess levels of implementation, institutional arrangements, and levels of resource allocation. However, researchers found that after a preliminary search, information on treaty signature and accession was not readily available, the government had no central document inventory, and concerted efforts would have to be made to find the necessary data.

A separate questionnaire was designed for the section on economic governance and management, which comprises five objectives with 16 broad questions, each with quantitative and qualitative indicators. These were converted into 83 survey questions, in order to collect the data required. Again, CEPA noted that it was much more difficult to survey government than civil society. Three types of questions were designed, asking respondents to: rate the effectiveness or performance of particular institutions; rank improvements in certain sectors or processes; and list a set of activities, measures, or outcomes. A five-point rating scale was used where appropriate. Both general and country-specific questions were asked – the former examined areas such as the macroeconomic policy framework, policy-making and resource mobilisation, and the latter focused on specific national policies, programmes or institutional process, such as those emerging from the Ghana Poverty Reduction Strategy (GPRS), Public Financial Management Reform Programme, Budget and Public Expenditure Management System, and Medium-Term Expenditure Framework.

The two questionnaires were then piloted among a sample of private and public sector institutions. A team of two or three CEPA researchers conducted each pilot survey, and invited respondents to answer as many questions as they could, and not to respond to those which they believed they could not answer. This helped CEPA to determine how long it would take to complete the questionnaires, and whether the questions were clear or too complex; and to test the interview process. Questions were then revised to make them clearer and more concise.³⁹

We also realised that the expertise, the knowledge and the capacity to monitor and evaluate official policies as well as the institutions and processes of

38. *Ibid.*

39. *Ibid.*, p.10.

economic management differed widely among the respondents, some more speculative than others.

A simplified subset of questions was extracted, and the 83 questions were grouped into 13 sections. The Questionnaire was posted to relevant people and organisations, with a note stating that on-site interviews would be arranged. CEPA convened meetings with the other technical teams to identify common and overlapping areas of enquiry, co-operate with them where possible, and minimise duplication.

CEPA interviewed 134 stakeholders, including all line ministries and selected departments and agencies, with government representing about 45% of the sample. Members of parliament of both the ruling and opposition parties – most of them members of the public accounts and finance committees – were interviewed. Two districts in each of the 10 administrative areas were chosen, with an attempt made to balance small and large districts, as well as poor and less poor areas. Representatives of district administrations comprised about 24% of the sample. Private sector respondents were included either as individuals or as representatives of their fields of work, and civil society respondents included representatives of NGOs, research institutes, and private individuals working in fields relevant to economic governance and management.

Most participants at the September 2005 workshops that evaluated the APR process in Ghana appeared not to have seen the original Self-Assessment Questionnaire from the continental APR Secretariat, and were similarly unaware of the modifications made by the think tanks, particularly the Ghana-specific questions that were inserted. Ghana should have made the original Questionnaire more widely available to those interested, in electronic or printed form, as well as highlighted how it had been adapted for local use.⁴⁰

Opoku, however, notes that the four TRIs did not follow a unified and consistent methodology. ISSER, for example, did not conduct a mass survey for the socio-economic development section. Opoku reports that ISSER instructed its research assistants to paraphrase some questions for the mass survey to make respondents feel more at ease, while CDD's field officers were required to read the questions exactly as written to avoid any changes in presentation, nuance and hence meaning and utility, and record exact responses too. The Private Enterprise Foundation (PEF), which worked on corporate governance, invited respondents to workshops where they were briefed and filled in the questionnaires at the workshops, and then invited to a subsequent discussion forum.⁴¹ These slight methodological variations between the TRIs do not detract from Ghana's overall robust approach to APRM research, and the TRIs met regularly to compare notes.

40. *Ibid.*, p.14.

41. Opoku E, *op.cit.*, p.25, citing his observations of presentations by TRIs at the APRM Country Report Validation Workshop, GIMPA, Accra, 10–13 February 2006.

In-house methodology

The in-house methodology covered the internal operation of the research teams. This involved extensive desk research, literature reviews, and regular meetings to present and exchange ideas. The CDD established a 15-member internal peer review and advisory group, comprising experts in various aspects of democratic governance, which met frequently to offer comments on the research and help with the final design of the research methods.⁴² Proposed 'internal peer reviews' among the teams did not occur, although 'the governing council had a lot of academics who took a keen interest in the quality of the drafts', according to Agyeman-Duah.⁴³

The number of people working on the report varied from team to team, but each institution assigned at least six staff members to its part of the project. Some TRIs subcontracted other experts to do aspects of their work – for example, CDD outsourced work to specialists on conflict management and the legal and judicial system.

CSOs did not make written submissions to the technical teams, but many representatives of CSOs were involved in the focus group discussions, or engaged as experts. 'I think they did not feel the need to make submissions because they had confidence that the process was open and that the teams would do a good job,' says Agyeman-Duah.⁴⁴

Originally, the teams estimated that the research phase would take about four months, but because the scope of the exercise was broadened and they travelled beyond the capital, it took roughly six to eight months. Even this extended period was considered too rushed. Each team eventually produced a detailed technical report of about 300 pages, amounting to more than 1,200 pages in total, by February 2005. They were then told to shorten them considerably, to make them more readable. The reports were then edited by the governing council. Adjepong recalls:⁴⁵

The Council went through the reports page by page to ensure that there was no political colouration. The report says it as the people said it. In fact, anything that smacked of bias we removed, because the technical teams were not to offer an opinion on it ... We said, 'don't give commentary' – that's what we removed.

TRIs summarised their own technical reports in a period of about three to four weeks. Then a combined task group formed by all four TRIs combined these into the draft Country Self-Assessment Report. Much detail was removed in order to reduce the draft report to 270 pages.

Ghana should have made the original Questionnaire more widely available to those interested, as well as highlighted how it had been adapted for local use.

42. Team Consultancy, *op. cit.*, p.8.

43. Telephone interview with B Agyeman-Duah, 18 July 2006.

44. *Ibid.*

45. Videotaped interview with S Adjepong, 27 April 2006.

Post-field methodology

Finally, a post-field methodology was devised for testing the findings generated during the first three phases. Independent experts in each thematic area were contracted to interrogate the four draft technical reports and the four corresponding thematic areas in the draft self-assessment over a period of about a month.⁴⁶

When you are talking about governance, when the chips are down, it is public scrutiny that really matters.

– Professor Sam Adjepong⁴⁹

APRM thematic area	Independent reviewer
Democracy and political governance	Kwasi Jonah, director of governance, Institute of Economic Affairs
Economic governance and management	Professor Cletus Dudonu, of ClayDord Consult, an economist
Corporate governance	Dr Robert Adjaye, a partner at Ernst & Young
Socio-economic development	Dr Samuel Aikins, Centre for Development Studies, University of Cape Coast

At a validation workshop held at the Ghana Institute of Management and Public Administration (GIMPA) on 10–13 February 2005, the technical teams presented key findings to about 200 stakeholders including government, trade unions, parliamentarians, and business people. The expert reviewers presented their critiques, and breakaway groups then discussed each section of the report. Participants were not given copies of the complete report in advance, and received only 10-page summaries at the workshop. This was a shortcoming of the validation process, because participants were effectively being asked to critique and validate a report without having seen the full text. They had to react to a short summary while conference proceedings were underway.

Naturally – given that Ghana had no precedent to follow – there were aspects of the research process that could have been improved. Nana Oye Lithur, a researcher subcontracted to work on issues related to human rights and freedom of information, notes that ‘the big challenge lay in getting information, especially from government sources’.⁴⁷ A Freedom of Information Bill had existed for some years but had not been passed by parliament, and some ministries and departments were either reluctant to provide certain data or did not have proper records.⁴⁸

Furthermore, she claims that ‘the same people and groups were invited to the validation workshops, the formal launch, the pre-testing phase and so

46. Team Consultancy, *op. cit.*, p.5.

47. E-mail correspondence with N Oye Lithur, 16 February 2006.

48. The reintroduction of parliamentary deliberations on the Freedom of Information Bill in September 2006 was directly attributed to the issue being raised strongly in Ghana’s APRM process.

49. Videotaped interview with S Adjepong, 27 April 2006.

on', indicating that well-known institutions close to the capital and other big cities found it easier to attend meetings and express their views than rural and poorly funded organisations.⁵⁰ This reinforces the view repeatedly expressed by analysts, journalists, and representatives of NGOs that mainly urban-based elites were involved in the APRM.

Dr Mensah-Kutin suggests that more public hearings should have been held at the district level to develop basic documents to feed into the process. She observes:⁵¹

We're one of the most widely recognised organisations working on women's rights issues in Ghana, but we just participated in one meeting [the final validation workshop]. We raised concerns that we only had a few days' notice, and received no background documents before the workshop. On the day, there was no access to the full report – we didn't get a copy, just a summary, so I still can't tell you exactly how women's rights issues were handled in the report. Since the report came out, there has been very little public education about it. But this happens all the time in Ghana – with the GPRS, the MDGs [Millennium Development Goals] – people get 'consulted' and then confused by all these initiatives, and seldom get any feedback or follow-up.

In the September 2005 workshops to analyse the APR process in preparation for the AGF in Kigali, although Ghanaians said they were broadly satisfied that people had been consulted, they pointed to certain weaknesses. Points made included:⁵²

- The process did not reach enough districts or communities, and there were insufficient resources to do so.
- 'As long as one has heard about the process and been asked to make input, "consultation" has occurred. However, the time for active deliberation has not been enough.'
- 'Participation has been distributive [50,000 people across all regions], but not deep enough.'
- 'The depth of consultation is debatable ... the time for discussion was ... limited, and should be extended.'
- 'Consultation was selective; [it] should be more broad-based and representative.'
- Delegates attending APRM forums did not adequately brief their organisations and constituents.

UNECA observed that participants in the multi-stakeholder forum were not 'adequately informed on the conceptualisation and operationalisation of the APR Questionnaire'. In future, it stated, this event should be better prepared, and there should be more interaction between the technical teams and the Focal Point.⁵³

50. Oye Lithur N, *op. cit.*

51. Telephone interview with R Mensah-Kutin, 1 September 2006.

52. Team Consultancy, *op. cit.*, p.19.

53. UNECA ESPD, *op. cit.*, p.13.

In terms of benefits, depending on the sincerity of the country's commitment to the APRM process, successful peer reviews could lead not only to increased aid flows but also to increased political and economic stability in the country.
– SKB Asante⁵⁵

In March 2005, a year after the inauguration of its governing council (and two years after it had signed the memorandum of understanding establishing the APRM), Ghana submitted its Country Self-Assessment Report to the APRM Secretariat. The submission consisted of a consolidated report, an executive summary, the four technical reports as appendices, and a Programme of Action, totalling more than 2,000 pages of text.

Country Review Mission

On 4–16 April 2005 Dr Stals led a 16-member Country Review Team to Ghana. It mainly comprised people seconded from the APRM's 'Strategic Partners' – UNECA, the UNDP, and the African Development Bank (ADB) – as well as some members of the continental APRM Secretariat and African academics and consultants (see box below).

The mission interacted with government, opposition parties, parliament, CSOs, the media, academics, and professional bodies across the country, but UNECA noted that the team's time in country was not optimally utilised and that APR missions needed to be 'meticulously planned' to get the most out of them. Nevertheless, the mission concluded that the self-assessment was 'technically competent, credible, and free of manipulation'.

As Ghana was the first country under review, certain administrative issues arose, which participants said affected the process. Members of the Country Review Team were drawn from several countries, had not met before arriving in Ghana, and took a few days to become acquainted with the process. Some had very little knowledge of the APRM, its purpose and operations, and little specific knowledge of Ghana or West Africa. They also had not had the time prior to arriving in the country to absorb the extensive material prepared by Ghana, or the background research prepared by the APRM Secretariat. UNECA's comments in this regard are revealing:⁵⁴

The APR consultants were inadequately prepared to conduct the Country Review Missions. Quite disconcertingly, most consultants were not familiar with the methodology and modalities for executing the Country Review Visit as well as drafting the Country Review Reports. This hasty preparation resulted in the delay of the Country Review Mission consultation process. Secondly, the quality of the draft Review Reports for Ghana and Rwanda by the consultants left a lot to be desired. Moreover, many of the reports prepared by consultants did not fully correspond to the APRM Self-Assessment Questionnaire. As a result, the APR Secretariat had to invite strategic partners to South Africa for a working session to help in reviewing the draft reports for Ghana and Rwanda before their finalisation ... the strategic partners had to do a lot of work to bring the reports to a stage where they could be presented to the APR Panel.

54. UNECA ESPD, *op. cit.*, p.14.

55. Asante SKB, *Implementing the New Partnership for Africa's Development: Challenges and the Path to Progress*, Accra: Ghana Academy of Arts and Sciences, 2006, p.70.

Composition of the APRM Country Review Mission to Ghana⁵⁶

Date of Mission: 4–16 April 2005

Member of the APRM Panel of Eminent Persons: Dr Chris Stals.

APRM Secretariat: Dr Bernard Kouassi, executive director; Evelynne Change, co-ordinator: corporate governance; Dalmar Jama, research analyst: corporate governance.

Nepad Secretariat: Sudir Chuckun, co-ordinator: multilateral relations and policy.

Independent technical consultants: Democracy and political governance: Professor Ahmed Mohiddin, director of the 21st Century Africa Foundation; Professor Michelo K Hansungule, professor of human rights law, Centre for Human Rights, University of Pretoria, South Africa; Alfred Mubanda, former UNDP resident representative in Ghana (1981-1986) and former Minister of State for Foreign Affairs of Uganda; Economic governance and management: Dr Afeikhena T Jerome, consultant and senior lecturer, Department of Economics, University of Ibadan, Nigeria; Dr Omotunde Johnson, consultant on economic issues and former IMF resident representative in Ghana; Corporate governance: Gertrude Takawira, former country director, South and Eastern African Trade Information and Negotiating Institute (SEATINI) and managing consultant, Governance and Development Services, Zimbabwe; Socio-economic development: Professor L Adele Jinadu, executive director, Centre for Advanced Social Science, Port Harcourt, Nigeria.

Partner institutions: Seward M Cooper, chief counsel and head of the Good Governance Unit, ADB; Professor Claudius Dele Olowu, principal governance expert, public administration, ADB; Zemenay Lakew, senior programme co-ordinator, AU-Nepad Support Unit, UNDP; Dr Okey Onyejekwe, senior regional adviser, UNECA.

The report for AGF-VI noted that the mission seemed to have worked in great haste and that its members had not interacted extensively with Ghanaians, particularly in the hinterland. Certain analysts claimed that the mission was carefully stage-managed by the local Secretariat, with little contact with Ghanaians beyond the official itinerary. The reasons for this may include the lack of preparation time before the team's arrival, as well as its short visit.⁵⁷ However, Appiah points out that the review team was at liberty to contact any institutions or individuals.

Critics further argue that civil society was too divided and too passive to take advantage of the opportunity represented by the mission. If civil society had been more assertive and prepared, it could have lobbied the Country Review

56. APRM Panel of Eminent Persons, *op. cit.*, p.8. Designations were correct at the time of the mission, although some people have since changed jobs.

57. The Panel of Eminent Persons has noted the need for more time in the country undergoing review, and allocated slightly more time for country review visits in Kenya and South Africa.

Team, and more effectively monitored the process in general. Additionally, some observers said ordinary citizens were not properly informed about the process.

Nevertheless, the mission and the APR Panel were impressed with Ghana's research approach to the APRM, and noted 'with great appreciation':⁵⁸

... the high quality of the reports, the methodologies followed, the efforts to solicit broad participation, the analyses presented and the recommendations made that have greatly facilitated the task of the Country Review Mission. The reports have also enabled the Council to produce a final Country Self-Assessment Report that meets the AU's unqualified requirements of professionalism and credibility. If published, these reports could make an important contribution to a better understanding in Ghana, and in other African countries, of the objectives and procedures of the APRM process.

The procedure after a country visit is that the APRM Secretariat and Panel then amalgamate their own background paper, the Country Self-Assessment Report, the report of the Country Review Mission, and the APR Panel's recommendations to the country into a draft Country Review Report. The country's government gets an opportunity to comment on that report, and can append these comments but not amend the main report. The tone and tenor of the Ghanaian government was generally accepting of the review's findings.

Ghana's final Country Review Report was presented to the APR Forum (the heads of state of all participating APRM countries) at its meeting in Abuja, Nigeria, in June 2005.

Draft minutes of the APR Panel's meeting in Abuja on 16–17 June 2005 include comments by the then chairperson, Marie-Angelique Savané, that the review missions to Ghana (4–16 April 2005) and Rwanda (18–30 April 2005) had been unduly rushed:⁵⁹

[Savané] underscored the need to carefully plan the review processes of other participating countries, and not yield to, at times, unrealistic deadlines set by Heads of State and Government. She recalled that even the normal duration of the Country Review Missions had been shortened from three weeks to two weeks so as to meet such deadlines.

Also, having the two reviews back to back did not allow lessons learnt from the Ghana mission to be implemented in Rwanda.

Highlights of the Country Review Report

The Country Review Report laid out in detail the results of interactions between the review mission and the stakeholders consulted, as well as recommendations for government action. This section highlights selected 'overarching issues' raised.

58. APR Panel of Eminent Persons, *op. cit.*, p.10.

59. APR Panel of Eminent Persons, Draft Minutes of the Twelfth Meeting of the APR Panel of Eminent Persons, 16–17 June, Abuja, Nigeria, paragraph 8.

The mission recommended that several 'potential and real areas of conflict need appropriate attention'.⁶⁰ These included land ownership, chieftaincy and conflicts surrounding elections. It stressed that there was some disagreement on the role that chiefs should play in politics, and recommended that the institution of chieftaincy be reviewed to ensure that it meets the demands of a changing society and is responsive to the wishes and aspirations of the country's people.⁶¹

While acknowledging that separation of powers was a central feature of the country's constitution, the report noted that this principle was not always adequately respected. It recommended a number of changes including reforms to limit the power of the president to establish ministries and to bolster the oversight role of parliament.⁶²

The Country Review Mission pointed out that corruption was viewed as a serious problem by stakeholders, and recommended stronger and more comprehensive action against it, including enacting a whistleblowers' law to protect people who exposed corruption.⁶³

It noted that while Ghana was officially committed to gender equality, the condition of Ghanaian women left 'much to be desired' and called for better application of policies and laws to deal with this. This would include a definite time frame for ratifying the 2003 AU protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa.⁶⁴

Ghana's economic management was seen to be trying to follow best practice, but was not always able to do so due in part to inefficient management. It also needed to function with more transparency and a greater sense of national ownership.

In the corporate governance area, the Panel noted that 'it could not be established conclusively that international accounting standards are in mandatory use' and, in respect of labour rights said that 'the level of implementation and enforcement of these standards is generally weak and the process for realising these rights protracted'.⁶⁵ Various constraints on entrepreneurial activity were also discussed.

The report also pointed to the difficulties that Ghana faced in dealing with socio-economic problems, but noted that 'there were no suggestions as to specific measures for effecting change.' The solutions proposed were rather general in nature, for instance, educating the public about the value of such traits as thrift, discipline and hard work.⁶⁶

If civil society had been more assertive and prepared, it could have lobbied the Country Review Team, and more effectively monitored the process in general.

60. APR Panel of Eminent Persons, Country Review Report of Ghana, June 2005, p.12.

61. *Ibid.*, p.19.

62. *Ibid.*, p.30.

63. *Ibid.*, pp.35; 70-71.

64. *Ibid.*, pp.37-38.

65. *Ibid.*, p.77.

66. *Ibid.*, pp.107-8.

Politicians at the highest level agreed beforehand to accept the report's conclusions and recommendations.

The Programme of Action

Ghana's approach to the Programme of Action – the document that is meant to remedy all the problems pointed out in the Country Self-Assessment Report – was exemplary in certain respects. While certain government figures were involved in its formulation, the most highly placed political decision-makers were not necessarily aware of its specific content or recommendations until late in the process. Some of the problems identified in peer review can affect political reputations, and recommendations – even when sound – can be controversial or politically costly. If top politicians have not thought through particular problems and solutions before they read the final report it can create political conflict.

In this regard, Ghana made two important political commitments. Firstly, politicians at the highest level agreed beforehand to accept the report's conclusions and recommendations. Secondly, once the Programme of Action had been drafted, the cabinet undertook not to alter its recommendations. 'Government was not permitted to tamper with the core issues of the Programme of Action,' says Sam Cudjoe of Ghana's APRM Secretariat.⁶⁷

Developing a draft Programme of Action was part of the terms of reference for the TRIs, and they had to ensure that it addressed the problems and gaps identified in their technical reports. The recommendations of the ASDR and IDEG, which had produced 'shadow reports' (alternative reviews of governance in Ghana not part of the official research exercise) were fed into the process to produce the Programme of Action.⁶⁸ The draft Programme of Action was also validated at a separate three-day workshop. This meant that participants could concentrate fully on assessing solutions once the problems had been identified. Thereafter, the draft Programme of Action was sent to the National Development Planning Commission (NDPC) for integration with existing national development plans and initiatives, including presidential special initiatives and the GPRS. Then the draft plan was given to ministries and departments, so that they could develop a budget.

On 18–20 February 2005, Kufuor held a three-day cabinet retreat to examine and discuss the draft Programme of Action. To prevent duplication, and minimise the wasting of resources, participants decided to include ongoing initiatives as well as new endeavours in the programme. It was therefore integrated with various initiatives overseen by Ghana's NDPC, including an updated poverty reduction strategy (GPRS II), the MDGs, and the Millennium Challenge Account. The total cost of implementing the plan – including ongoing initiatives – was estimated at \$5 billion. Of this, Appiah estimates that about \$2.5 billion pertains to new initiatives.

67. Cudjoe S, Presentation on Ghana's Programme of Action at the Hanns Seidel Foundation conference on the APRM, Nairobi, Kenya, 25–26 April 2006.

68. The incorporation of material from shadow reviews demonstrates the level of maturity achieved by Ghana by the end of its APRM process, as there had initially been some hostility between these organisations and the official process.

The continental APRM Secretariat then asked Ghana to revise and sharpen its draft Programme of Action. The Secretariat initially provided scant guidance about the programme's format, and later advised Ghana to follow Rwanda's lead by using a matrix.⁶⁹ 'We were not given any format whatsoever for the Programme of Action,' says Appiah, 'and our initial effort looked sketchy and lacked realistic costings, means of verification, and specific activities.'⁷⁰ Under pressure from the heads of state to accelerate the process, the Country Review Mission arrived in Ghana in April 2005 while a ministerial committee was still working out a costing for the initial plan. This revised Programme of Action reached the continental Secretariat in mid-May 2005. Stals then helped the governing council to revise it – he suggested the inclusion of an explanatory narrative for each section, and helped Ghana develop the plan in matrix format, assigning deadlines, responsibilities and expected outcomes for specific actions and projects. Stals, Savané, and the continental Secretariat held a workshop on the draft Programme of Action with stakeholders in Ghana on 8 June 2005. 'In the end, the government committed strongly to the Programme of Action,' says Stals, 'and brought some practical sense to what was previously in some respects an ambitious, rather unrealistic wish list generated by civil society.'⁷¹

Key goals emerging from the Programme of Action include: resolving conflicts over land use and ownership; overcoming delays in the justice system; strengthening the separation of powers among the legislature, the judiciary and the executive to prevent political manipulation; speeding up the political decentralisation process; fighting corruption more vigorously; improving service delivery and use of public resources; and creating mechanisms to allow all groups – particularly women, children, young persons, persons with disabilities, and the aged – to assert their rights.

Ghana is currently developing a system for monitoring the implementation of the Programme of Action, once again involving the Technical Research Institutions and umbrella civil society groupings. The National Governing Council has been appointed to spearhead this exercise, tasked with tracking and gathering the various monitoring and evaluation efforts by CSOs and government departments.

69. Comments by Ghanaian representatives at SAIIA's APRM Lessons Learned Workshop, 12–13 September 2006.

70. Telephone interview with F Appiah, 28 July 2006.

71. Telephone interview with C Stals, 10 February 2006.

Peer review by the APR Forum

Although both Ghana and Rwanda received County Review Missions in April 2005, neither head of state was actually reviewed by his peers at the APR Forum meeting in Abuja, Nigeria in June 2005. Instead, the APR Panel members responsible for Ghana (Dr Chris Stals) and Rwanda (Dr Dorothy Njeuma) presented the reports to the APR Forum, and Presidents John Kufuor and Paul Kagame made general comments.⁷²

Kufuor was finally ‘peer reviewed’ at the APR Forum meeting held in Khartoum, Sudan, in January 2006. During a four-hour session, he faced questions from his fellow presidents and prime ministers. He stated that at that time, 19 of the 159 recommendations in the Programme of Action were already being implemented. He was reportedly not defensive, and appeared to be familiar with the report’s content.⁷³

Some observers expressed their disappointment about the Forum meeting, which was meant to be the climax of the entire process. They said there was little discussion of best practices in Ghana; some heads of state seem to not have grasped the ethos of peer review, and spent time castigating Ghana for following (and the APR Panel for endorsing) allegedly Western-inspired neoliberal policies. Ghana’s report was candid, so there was little for the peers to add. Although there was public and media interest in the report, no media conference was arranged for Kufuor, either in Sudan or back in Ghana. The report for AGF-VI stated: ‘The entire APRM process appears to be a process for external consumption. This is informed by the fact that the assessment report has been released to the Heads of State in the AU but not to the people of Ghana.’⁷⁴

According to Appiah, after the Khartoum meeting, the national Secretariat printed 10,000 copies of the report, and distributed them in the course of 2006. An additional 10,000 copies have been ordered. Who has actually received them is unclear. In August and September 2006, the authors conducted telephone interviews with a range of Accra-based journalists, activists, and analysts. While this was well over a year since the final report had been completed, few had seen a copy at that time. Some analysts subcontracted by the technical teams said they had not seen the final copy before it was presented to the continental Secretariat. The report can date quickly, and it is difficult to maintain and sustain public interest as the months pass between its completion and its release. This was recognised by the APR Panel of Eminent Persons, which stated:⁷⁵

Ghana’s report was candid, so there was little for the peers to add.

72. Kufuor only underwent the formal peer review in Khartoum, Sudan, in January 2006. President Paul Kagame of Rwanda and President Mwai Kibaki of Kenya were peer reviewed in Banjul, The Gambia, in June 2006.

73. Rwanda had also hoped to be peer reviewed, but President Kagame was not present in Khartoum at the time and its review was deferred to the Banjul Summit in the Gambia in June 2006.

74. Team Consultancy, *op. cit.*, p.iii.

75. APR Panel of Eminent Persons, Country Review Report of Ghana, p.11.

There is a real danger ... that if delayed too long, stakeholders in Ghana may lose interest and the present pulsating momentum within the country may fade. As Ghana is also the first country to reach this final stage of the APRM process, there is undue interest within Africa and in the rest of the world in this report for Ghana's process to be finalised.

The report can date quickly, and it is difficult to maintain and sustain public interest as the months pass between its completion and its release.

Implementing the Programme of Action

Ghana's APRM Programme of Action tackles many of the key problems identified in its self-assessment, and in general has practical and achievable action items. The Country Review Report of Ghana contains a total of 196 recommendations made by the Panel of Eminent Persons. In some cases, the Panel gave advice on needed reforms, without making explicit recommendations. These instances have been included in this total of 196. In addition, a small number of recommendations were listed as indicators in Ghana's APRM Programme of Action, and not as action items. Ghana's POA appears to contain no action items for 135 of these 196 recommendations (approximately 69% of the new issues raised by the Panel).⁷⁶

Ghana is required to submit reports at six monthly intervals on the progress in implementation of its Programme of Action.

The January 2007 implementation report was compiled using a mixture of desk research (reviewing data and information from government, the private sector and civil society), and conducting a survey of a representative sample of some 1,200 Ghanaians.⁷⁷

The implementation report dealt with a large number of areas addressed by the country's APRM Country Review Report. It highlights achievements, intentions and setbacks, including the following:

- **Decentralisation.** The report noted that progress was mixed. Fiscal decentralisation was proceeding (composite budgets were being piloted for 20 District Assemblies), and a Local Government Service Act had been passed. However, a Local Government Service Council had not been instituted, and elections for chief executives for sub-national tiers of government were 'a long way coming'.⁷⁸
- **Resources available to government institutions.** While significant increases were made to government institutions in the 2006 budget, the actual funds received fell short, thus hampering the ability of institutions to carry out planned projects.⁷⁹
- **Involvement in dialogue and decisions.** Some 43% of Ghanaians felt that they were involved in public debate on policy, although there was

76. This analysis of Ghana's APRM Programme of Action is based on a draft paper by SAIIA Researcher Faten Aggad.

77. Ghana National African Peer Review Mechanism Governing Council, Implementation of the National Programme of Action Annual Progress Report 2006, January 2006, pp.vii, 3-5.

78. *Ibid.*, pp.vii, 13.

79. *Ibid.*, pp.viii, 30.

dissatisfaction that the National Economic Dialogue had been poorly organised in 2005 and not organised at all in 2006.⁸⁰

- **Corruption.** A substantial majority of Ghanaians (89%) felt that corruption was a significant problem in the public sector and only 23% felt that enough was being done to fight it. The report noted that a number of pieces of legislation – identified as problematic in the APRM Self-Assessment Report and the Country Review Report – had been reviewed or passed. These included the Whistleblowers Act, 2006, the Public Office Holders (Declaration of Assets and Disqualification) Act, 1998, and the Freedom of Information Bill. The Bank of Ghana, the police and other investigators undertook seminars on financial fraud investigation, although the judicial service was not part of these efforts. A bill on combating money laundering had been drafted and the Attorney-General was preparing to gazette it.⁸¹
- **Gender.** The Criminal Code of 1998 has been altered to deal with some cultural practices harmful to women. A law on female genital mutilation and another on domestic violence have been presented to parliament. The labour law sought to improve the position of women in the mining industry and to outlaw sexual harassment in the workplace.⁸²
- **Predictable government economic policies.** A Ministry of Public Sector Reforms was established to oversee the Public Sector Reform Strategy. The strategy produced revisions of pensions and a Fair Wages Commission, among other things. Efforts were made to invite public input into the budget, but a large proportion of Ghanaians (47%) felt that their involvement in economic policy making was low or very low.⁸³
- **Sound public finance management.** Revenue agencies were provided with more resources (such as vehicles) and incentives to improve revenue collection. The Ministry of Finance and Economic Planning, along with the Bank of Ghana and Controller and Accountant General's Department established an expenditure tracking committee.⁸⁴
- **Enabling environment for the corporate sector.** Reform of business registration was underway, and included establishing and equipping a Front Office to provide customer friendly service. The withholding tax rate had been reduced and Ghana was setting up a system for speedy clearance of cheques and a better payments system.⁸⁵
- **Corporations and stakeholders.** Additional company inspectors were employed to enforce compliance with annual reporting. A committee was established to review the Companies' Code. Investigations were also underway to address laws and regulations on unclaimed dividends.⁸⁶

80. *Ibid.*, pp.viii, 31-32.

81. *Ibid.*, pp.viii-ix, xi, 34-38.

82. *Ibid.*, pp.ix, 23-24.

83. *Ibid.*, pp.x, 48-49.

84. *Ibid.*, pp.x, 50-51.

85. *Ibid.*, pp.xii, 61-62, 68-69, 70.

86. *Ibid.*, pp.xiii, 63, 75.

- **Acceleration of socio-economic development.** A commission was undertaking monitoring and evaluation to see to what extent the objective of the country's Growth and Poverty Reduction Strategy was being met. Land Banks were established to make land available to investors. The Micro-Financing and Small Loans Centre strengthened the small loans scheme to provide credit to the 'productive poor'.⁸⁷

The second implementation report also indicated what measures had been taken to address the 'overarching issues' identified in the Country Review Report. In brief these were:

- **Capacity constraints.** Programmes had been instituted to address this, including a Civil Service Training Programme, while qualified staff were being recruited. Non-financial incentives to retain skilled professionals in the rural areas had not materialised.⁸⁸
- **Gender disparity.** Skills training for girls, greater educational exposure of girls to mathematics, science and technology, as well as an affirmative action programme were attempting to deal with gender disparities.⁸⁹
- **Corruption:** Various pieces of legislation had been proposed or passed.⁹⁰
- **Decentralisation.** A comprehensive policy was to be formulated. Some degree of reform towards decentralisation has occurred.⁹¹
- **Land issues.** Consultants were engaged to demarcate the boundaries of several traditional areas. A drafting committee was working on a Land Agency Law.⁹²
- **Chieftaincy.** A Ministry of Chieftaincy was established to deal with chieftaincy and to empower chiefs to 'lead their people to economic prosperity and political maturity'.⁹³
- **Unemployment.** Employment-creating schemes were providing opportunities for many people, while the National Board for Small Scale industries provided business skills to potential entrepreneurs.
- **External dependency.** Ghana would soon wean itself off International Monetary Fund financial assistance but would have access to this body's policy support capabilities.⁹⁴

Governance and development assistance

Development partners have been reluctant to link new aid directly to APRM, partly because they then stand to be accused of imposing new conditions on

87. *Ibid.*, pp.xiv, 78, 79.

88. *Ibid.*, p.92.

89. *Ibid.*, pp.92-93.

90. *Ibid.*, pp.93-94.

91. *Ibid.*, p.94.

92. *Ibid.*, p.94-95.

93. *Ibid.*, p.95.

94. *Ibid.*

Development partners have been reluctant to link new aid directly to APRM, partly because they then stand to be accused of imposing new conditions on assistance. However, there is growing evidence that Ghana's commitment to a candid, robust and credible APR process is paying dividends.

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On 1 August 2006, Ghana signed a compact with the Millennium Challenge Corporation (MCC) (a corporation of the United States' government which aims to promote development in the world's poorest countries). In terms of this, about US\$547 million would be made available over five years. It would aim at reducing poverty by raising farmers' incomes through increasing production and productivity and enhancing the country's export base.⁹⁵

In a press release, the Chief Executive Officer of the MCC, Ambassador John Danilovich, said that 'this agreement is testament to Ghana's strong commitment to good governance and building the necessary institutional framework for aid to be used effectively. President Kufuor's leadership was instrumental in producing a programme that will help the poor in Ghana build a better life for themselves and their children.'⁹⁶ According to commentary on the UNECA website, during the negotiations for accessing these funds, the government of Ghana was asked to reduce state expenditure, which was bloated by the large number of ministries, as had been proposed in Ghana's APRM Programme of Action. These cuts were made in May 2006. 'Thus,' said UNECA, 'the APRM report is already beginning to have an influence on government decisions in Ghana.'⁹⁷

Conclusion

At the celebrations marking Ghana's fiftieth year as an independent nation in March 2007, President John Kufuor said that recent history had seen encouraging prospects for improvement in Africa, and Ghana's status as an APRM pioneer was celebrated. Referring to the African Union, Kufuor said that it is 'anchored on good governance, respect for human rights, and sound economic management as the way forward for the development of the continent'. He added that Ghana was committed to this vision and the responsibilities it placed on members, and for this reason had submitted to the African Peer Review Mechanism.⁹⁸ The Ghanaian ambassador to Liberia, Major General Francis Adu-Amanfoh had earlier noted similarly that APRM was 'an attestation of the government's commitment to accountability, good governance and the rule of law.'⁹⁹

Ghana has also been assiduous in branding reforms as part of the APRM process, and the national Secretariat and Governing Council have continued to traverse the country promoting and discussing the Programme of Action.

95. <http://www.mcc.gov/countries/ghanalindex.php>.

96. Millennium Challenge Corporation, 'Ghana and the Millennium Challenge Corporation sign \$547 million Grant to combat Poverty', 1 August 2006.

97. <http://www.uneca.org/aprm/Story101806.asp>.

98. <http://www.ghanacastle.gov.gh/newsd.cfm?EmpID=1461>.

99. 'Ghanaian Ambassador Raps on Country's Progress', *The Inquirer*, 1 March 2007.

Representatives of CSOs interviewed for this chapter unanimously commended the Ghanaian government for committing itself to peer review, agreeing to be scrutinised, and taking important steps to make the report credible, objective, and non-partisan. They are encouraged that the door was opened for them to become involved, and are keenly following the implementation of the Programme of Action, to see whether action will match official rhetoric and whether the lives of Ghanaians will improve.

Concerns have already been raised as to how much difference APRM will really make. Bombande observes:¹⁰⁰

An issue identified strongly in the report was insufficient separation of powers. There are so many ministers given the size of parliament that government can rush bills. The report recommended a drastic reduction in the number of ministers, but there doesn't seem to be the political will required for dramatic changes like this ... The report praises our systems of political decentralisation, and on paper they are good, but in reality we don't elect our mayors – the president still appoints them and the districts inevitably affirm them. There is still a lot of central control. You have to ask if the tone of the report was in part to impress the international community that we're working so hard to reduce our democratic deficit – remember there is a lot of donor dependency in Ghana.

He also worried about a tendency to use the APRM for publicity purposes:¹⁰¹

This is a government that promised to deliver many things, but has not fulfilled all those promises. There is a perception that [the APRM] was good government public relations. There is a fear that APRM is going to be used to make this government look good. Dr Appiah, despite his efforts, is perceived as the government's man. Even though they brought in a religious leader [as governing council chairperson], he was seen as sympathetic to government. People perceive a very clever game going on here – to target opposition parties and make the government look good. Ghanaians are demanding – they want to know that the next government will be better than this one, not that this one is better than the last one! Society is also so polarised, and everything, everything gets politicised in Ghana.

The AGF-VI report agreed that opposition parties were quick to amplify the shortcomings of the current regime, and that the incumbent government quickly sought to claim credit for achievements, with both sides using the report to score political points. The governing council's attempts to intervene were not entirely successful.¹⁰²

But Aning observes:¹⁰³

Irrespective of its weaknesses, this was a largely inclusive and transparent process, so much so that even someone commonly called a 'social critic' like me was invited to be part of it. The minister, Appiah, the team did what they could to make it inclusive.

100. Telephone interview with E Bombande, 1 September 2006.

101. *Ibid.*

102. Team Consultancy, *op. cit.*, p. 15.

103. Telephone interview with K Aning, 1 September 2006.

According to Asante:¹⁰⁴

For us, in Ghana, the APRM is seen as a major plank in the country's quest for building a democratic, accountable and transparent government and for fostering a more positive image of Ghanaian institutions and attracting the much-needed private investment. This is a choice the people of Ghana see as irreversible.

Lessons learnt

Early civil society pressure delivers results. Continental APRM officials say that government should consult civil society on how the process should be structured. But, in practice, government has great latitude to determine the timing, scope and character of the process. This can leave civil society groupings continually trying to play catch-up. Ghana shows that when civil society is informed and vocal, especially before structures and plans have been cast in stone, they can exert influence by lobbying for a more inclusive and consultative process. Opportunities to change the dynamics diminish as systems solidify.

Independence lends credibility. Ghana's report will be more likely to be taken seriously because of the autonomy of its researchers and its governing council.

Governing councils must be seen to be independent and neutral. By choosing competent, respected, media-savvy, independent public figures who were widely regarded as non-partisan, government ensured that Ghana's governing council had the trust of the people. The strategy to insulate the APRM from party politics and the elections was largely successful, despite some opposition parties attempting to use early drafts and findings to criticise the incumbent administration. Although the council was widely regarded as independent, various civil society participants would have preferred a more open process of nominating its members. UNECA noted that the Country Support Mission was impressed with Ghana's APRM structures, and recommended that they be replicated:¹⁰⁵

The Government of Ghana is very serious about the review and has put in place good mechanisms to ensure its success ... It was recommended that the APRM Secretariat should inform other participating countries of the institutional framework put in place in Ghana and advise them on the need to adopt similar structures.

Irrespective of its weaknesses, this was a largely inclusive and transparent process.

Preparing the ground for the APRM builds public acceptance. Ghana's efforts to raise awareness of and interest in APRM before embarking on the field research meant a more educated and receptive populace. Ghana involved a broad spectrum of people and constituencies – including traditional

104. Asante, *Implementing the New Partnership for Africa's Development*.

105. UNECA, 'First APRM Support Mission to Ghana', mission report, Ethiopia, 2005, mimeo, quoted in UNECA (ESPD), *op. cit.*, pp.11–12.

leaders and rural dwellers – in preparing and endorsing the Country Self-Assessment Report. It advertised APRM events widely in major national and local newspapers, and used local radio.

Sound research methods enhance quality. The mix of research approaches – education and sensitisation, eliciting expert views, undertaking broad household surveys, conducting exhaustive desk research, using focus groups to examine complex questions from several angles, and validating and testing findings – resulted in an accurate, fair, and representative report. This also insulated the report from political forces that might be tempted to assert that the process was not fair and objective.

Allow more time for developing the Programme of Action. The vast majority of analytical time spent in the process was dedicated to identifying and describing problems. Far less attention was given to developing the Programme of Action. As a result, Ghana was asked to redraft its Programme of Action several times. This process also illustrated the importance of how early and thoroughly senior political figures begin to apply their attention to the report and recommendations coming out of the process. While researchers can sketch out a Programme of Action, the line ministries affected must buy into the process and the reasoning that justifies each recommendation. It is a challenge to get away from a government's tendency to claim that existing programmes or future plans already address the key issues. A separate public validation process should be introduced to assess the Programme of Action.

The final peer review must be reconsidered. Ghana's process shows that the final APR Forum meetings need to be better planned and executed to make the peer review process by heads of state more meaningful. While it saves money to hold these meetings during AU Summits, this arguably dilutes the importance of the APRM.

Reports must be made public more quickly. Ghana completed its Self-Assessment Report in March 2005, but it was made public only in February 2006, after the Khartoum meeting. Such long delays dilute the impetus and effect of the APRM.

Country Review Missions need to be better prepared. Stals observes that the research provided by the APR Secretariat needs to be improved, and should be provided to country review teams at a much earlier stage. There was insufficient time for him to meet and brief his team before its arrival in Ghana, and not enough time to read and analyse the draft country report.

KENYA

The four-stage methodology comprising desk research; national sample surveys; focal group discussions targeting special groups; and expert panel opinion [*sic*], is apt and highly recommended to other countries. Detailed results of the findings were presented in a clear and objective manner. The CSAR submitted by Kenya meets the AU's requirements of professionalism and credibility. The Panel therefore notes with admiration the high quality of the report, which is a forthright and candid assessment of the country's governance situation ... Kenya is, in fact, a model of best practice in organising the review process.

– Kenya APRM Country Review Report¹

In every country, the launch of the APRM raises questions about how the process will be managed, who will be consulted, and how candid the report will be. These concerns are inevitably affected by the prevailing political climate. As was the case in Ghana, when Kenya's APR process began, its government had recently unseated a party that had been in power for decades. Both newly elected leaders – President John Kufuor in Ghana, and President Mwai Kibaki in Kenya – seized on the APRM as an opportunity to signal a different, more accountable mode of governing.

Professor Peter Anyang' Nyong'o, Kenya's former Minister for Planning and National Development and former Focal Point for Nepad and the APRM,² has observed:³

We chose peer review because our past experience had taught us that political transparency is the best guarantee for individual freedom. Kenya under NARC [the National Rainbow Coalition], therefore, acceded to the [APRM] because it was already sold on the idea of transparency in national governance when it came to power. Our citizens would not hear of anything less.

Kenya introduced valuable innovations for the launch and governance of the process, but its experience also highlights the difficulties that can arise around civil society consultation and the management of the APRM.

1. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Kenya', Midrand, South Africa, May 2006, pp.37-38.
2. The Minister of Planning and National Development serves as the Focal Point for both Nepad and APRM. Anyang' Nyong'o served in this capacity until a cabinet reshuffle following the failed 2005 constitutional referendum.
3. Anyang' Nyong'o P, 'Kenya's Experience with the APRM: II', Workshop on Sharing National Experiences on the African Peer Review Mechanism Implementation Process, 20–21 November 2004, Algiers, Algeria, p.84. This was an adapted version of a speech delivered by the minister to the Royal African Society at the School of Oriental and African Studies (SOAS), London, 11 November 2004.

Kenya followed Ghana's think tank approach, and developed a sound, rigorous APRM research methodology. It introduced valuable innovations for the launch and governance of the process, but its experience also highlights the difficulties that can arise around civil society consultation and the management of the APRM.

Institutions and structures

The most noteworthy aspects of the Kenyan peer review were the steps taken to initiate the process, and the structures developed to manage the exercise.

Nepad Steering Committee. Before the Kenya African National Union (KANU) government was defeated in elections in December 2002, it set up a National Steering Committee for Nepad in September of that year. The newly elected National Rainbow Coalition (NARC) government reconstituted this committee in early 2003 under the chairmanship of the new Minister for Planning and National Development, Professor Peter Anyang' Nyong'o. The steering committee included nine permanent secretaries, the University of Nairobi's vice-chancellor and another representative from a private university, officials from the Kenya Association of Bankers and Kenya Association of Manufacturers, and two NGO representatives. The steering committee established the Nepad Kenya Secretariat in April 2003, with financial analyst Pete Ondeng as chief executive officer, plus a communications officer and personal assistant, seconded from the planning ministry.

APRM Task Force. Under the auspices of the Ministry of Planning and National Development, the APR Focal Point Anyang' Nyong'o convened a task force under the chairmanship of his then permanent secretary, David Nalo, to plan the launch and governance of peer review in Kenya in March 2004. Initially, this task force was an all-government body, made up of officials from the ministries of Agriculture, Trade and Industry, Foreign Affairs, Finance, Justice and Constitutional Affairs, the Office of the President and Central Bureau of Statistics. By July the task force included representatives of civil society, academics, and business people, partly in reaction to civil society concerns that the government had signed on for peer review without consulting the population, and that it needed broader representation. The task force began to identify relevant stakeholders, and held initial consultations with leading representatives of the media, NGOs, and the business community. This task force served to create communal ownership of the process early on, ensuring that groups outside government could contribute meaningfully to the design of peer review in Kenya rather than reacting to a *fait accompli*. The task force recommended the establishment of a National Governing Council, four Lead Technical Agencies (LTAs), one convener for each of the four thematic areas, and a Secretariat. However, the National Governing Council would become constrained by the implementation road map, research methods, and budget developed by this task force.

National Governing Council. In line with the task force recommendation, a National Governing Council was formed to manage the peer review process. Its responsibilities included compiling the Country Self-Assessment Report; developing a Programme of Action; informing Kenyans of, and involving them in, the peer review process; and facilitating the visit of the Country Support and Country Review Missions (the ‘external’ review). The considerable difficulties experienced with the composition and functioning of the council are discussed in the section on civil society below.

Lead Technical Agencies. Kenya appointed four reputable independent research organisations as Lead Technical Agencies (LTAs), each dealing one of the four thematic areas in the generic Self-Assessment Questionnaire, to compile the Country Self-Assessment Report and draft the Programme of Action. These were the equivalent of Ghana’s ‘Technical Research Institutes’ and South Africa’s ‘Technical Support Agencies’.

APRM thematic area	Lead Technical Agency
Democracy and political governance	The African Centre for Economic Growth (ACEG)
Economic governance and management	The Kenya Institute for Public Policy Research and Analysis (KIPPRA)
Corporate governance	The Centre for Corporate Governance (CCG)
Socio-economic development	The Institute for Development Studies (IDS), University of Nairobi

Thematic groups with conveners. Kenya also created four thematic groups for each major section of the APRM, meant to serve as an interface between civil society and the research institutes. These forums brought together more civil society players to develop inputs for the Country Self-Assessment Report and Programme of Action. Their conveners were specialists with a broad knowledge of their respective thematic areas.⁴

National Secretariat. As noted earlier, the task force recommended establishing an national APRM Secretariat to provide technical services, co-ordination, and logistical support. The UNDP paid for three new full-time staff members contracted specifically for the APRM. The term ‘APRM Secretariat’ soon fell away as these employees were housed in and integrated with the Nepad Kenya Secretariat, a semi-autonomous body with its own chief executive officer reporting to the Permanent Secretary and Minister of Planning.

4. However, the conveners’ performance proved to be disappointing. The Kenya Nepad Secretariat regularly convened workshops because the conveners lacked the institutional capacity to do so.

By July 2006 the Nepad Kenya Secretariat, headed by Dr Grace Ongile (who had replaced Pete Ondeng), had a staff of 14, comprising support staff such as secretaries and accountants seconded full-time from government, and six full-time professionals (who were not civil servants) working principally on the APRM.⁵

Civil society demands impede progress

Whereas Ghana's president appointed a seven-member National Governing Council comprising politically neutral, well-respected elder statesmen and academics, principally to prevent peer review from becoming politicised in upcoming elections, Kenya attempted to introduce a broader, more democratic body.

The original plan was to form a 25-person council, comprising eight representatives of civil society, four representatives of research bodies, four conveners of the four thematic areas of The APRM (democracy and political governance, economic governance and management, corporate governance and socio-economic development), and representatives of relevant line ministries.

At an APRM workshop organised by SAIIA in Nairobi in April 2004, the Focal Point told civil society that government would select CSO representatives for the National Governing Council. Many participants were angry and insisted that civil society choose its own representatives. The NGO Council wrote letters to the minister to this effect, and a number of meetings and forums were arranged in the following months, to mobilise civil society in advance of an APRM Consultative Forum planned for 14 July 2004. The fiery Grace Akumu, director of the environmental NGO Climate Network Africa, was chosen by NGOs as their 'CSO Nepad Focal Point'. Another highly vocal activist was Ambassador Oriero Manduli, who at the time chaired the Kenyan NGO Council.

To some, like Steve Ouma, deputy executive director of the Kenya Human Rights Commission and member of the APR Task Force, the fact that the APRM Consultative Forum was convened by government rather than the Task Force or even the Nepad Kenya Secretariat sent the wrong signals to civil society, suggesting heavy-handed government involvement in the process.⁶ Many attendees felt slighted at invitations received only days before the event, which added to feelings of mistrust and suspicion by some CSOs, even though the meeting was advertised in *The Nation* and *The Standard* newspapers.

Kenya attempted to introduce a broader, more democratic body to manage the APRM.

The forum planned to elect 12 civil society representatives to the governing council – the four conveners, and two each from organisations active in the

5. Telephone interview with M Kinuthia, then public relations and communication officer of the Nepad Kenya Secretariat, 17 July 2006.

6. Videotaped interview with S Ouma, Nairobi, 27 April 2006.

four APRM thematic areas. The task force had already come up with the names of possible candidates, but again some NGOs resisted having their representatives chosen in this manner.

Heated discussions meant that a second meeting was convened a week later on 21 July 2004, to finalise the convenors, complete local adaptations to the Self-Assessment Questionnaire and nominate the civil society members to the National Governing Council. Part of the urgency was because the Country Support Mission led by Dr Graça Machel was due to arrive in Kenya on 26 July. At the second forum, delegates were divided into four sub-groups for each of the four thematic areas of APRM. Each thematic group had to nominate five people for possible appointment to the council, plus a convener. A subcommittee of the task force then planned to reduce those proposed to eight plus four conveners, bearing in mind gender, religion, and sectoral and regional balance. Muratha Kinuthia, former public relations and communications officer of the Nepad Kenya Secretariat, recounts:⁷

It was feared that if each thematic group was asked to nominate the two people directly, there was the risk of having eight people who were not representative of the different shades of Kenyan society.

Many NGOs, led by Akumu, walked out in protest, later alleging that government had favoured some CSOs and effectively excluded others. According to Kinuthia, Akumu raised the objections only after failing to be nominated as convener of the socio-economic thematic group.⁸

When the Country Support Mission arrived, Akumu, Manduli and other civil society figures began lobbying for greater representation on the governing council. At a meeting between the support mission and about 300 CSOs on 27 July, these CSOs expressed great concern that the process was being rushed and government dominated, that consultation was shallow and that rural people had to be more explicitly included. According to Anyang' Nyong'o, Machel 'urged inclusiveness, and reproached any groups that may threaten to boycott the process on the basis of alleged exclusion or under-representation'.⁹ Machel then requested that permanent secretary of planning David Nalo meet the NGO Council to find a way forward, and the announcement of the National Governing Council was delayed from 5 to 20 August. That meeting, held on NGO council premises, then recommended adding an additional eight civil society representatives to the governing council, to be nominated by the Kenyan NGO Council.

This contestation delayed the implementation of the research, and paralysed the process for months. The council was finally sworn in on 25 October 2004, a full seven months after the formal launch of the APR process. At its inaugural meeting, Akumu was elected as chairperson (see box below for the final composition of the Council).

Contestation delayed the implementation of research, and paralysed the process for months.

7. Kinuthia M, Response to SAIIA's 'APRM Process Questionnaire', 17 July 2006, p.1.

8. *Ibid.*

9. Anyang' Nyong'o, *op. cit.*, p 88.

Kenya's National Governing Council

Kenya's APRM National Governing Council had 33 members, divided into six categories.¹⁰

I Eight members nominated by the Kenyan NGO Council to represent civil society

The Reverend Jephthah Gathaka, Ecumenical Centre for Justice and Peace (economic governance); and Reverend Peter Orawo, Climate Network Africa (corporate governance); Muhib Noorani, Kenya Paraplegic Organisation; International Commission of Jurists (democracy and political governance).¹¹

II Eight members nominated by the consultative forums held in July 2004

Geoffrey Omedo, National Youth Parliament and Abdullahi Abdi, Northern Aid (political governance and democracy); Fatma Ibrahim, Kenya National Human Rights Commission and Osendo Omore, Transparency International Kenya (economic management and governance); Rose Ogega, Institute of Certified Public Accountants and Winnie Kinyua, Kenya Private Sector Alliance (KEPSA) (corporate governance); Juliet Makhokha, National Council of Women of Kenya and Nduati Kariuki, Kenya National Federation of Agricultural Producers (socio-economic development).

III Four conveners (one for each thematic area, non-voting)

Esther Ndisi Bertolli, Bertolli and Associates; Joseph Kimani, African Youth Parliament; Victoria Kioko, Kenya Episcopal Conference (Catholic Secretariat); Dr Mbui Wagacha, independent consultant.

IV Four representatives of Lead Technical Agencies (also non-voting)

Professor Wafula Masai, African Centre for Economic Growth (political governance and democracy); Dr Hezron Nyangito, KIPPRA (economic management and governance); Karugor Gatamah, Centre for Corporate Governance (corporate governance); Professor Mohamed Jama, Institute of Development Studies, University of Nairobi (socio-economic development).

V Seven ex officio representatives of line ministries and key public institutions

Permanent secretary, Ministry of Foreign Affairs; permanent secretary, Governance and Ethics; permanent secretary, Ministry of Justice and Constitutional Affairs; permanent secretary, Ministry of Finance; permanent secretary, Ministry of Planning and National Development; solicitor-general, Office of the Attorney General; chairman, Electoral Commission of Kenya.

VI Two others appointed at the discretion of the Minister of Development and National Planning to correct imbalances of gender, region, religion or 'any other criteria'

Bernard Aende Ogada.¹²

10. *Ibid.* www.aprmkenya.org/NGCmembers.php.

11. Philip Kisia was the original representative from the International Commission of Jurists, but after he left that organisation, the NGO Council was not able to decide whether membership was through organisations or as individuals, and he was not replaced. The other four members from the NGO Council were removed from the governing council, and are not listed as members on the website. They were also not replaced.

12. The other person appointed by the minister resigned and was not replaced.

However, problems mounted after the governing council was inaugurated. It was only able to meet as a full council for the first time in January 2005. Ouma notes:¹³

Individuals on the National Governing Council did not do enough to strengthen linkages to the groups they came from and the civil society fraternity at large ... Some saw it as a funding avenue to do Nepad work. This is common practice in Kenya. Civic education is done through individual organisations, as is work on elections, the referendum. So they were relying on past precedent. But unfortunately they did not ... ensure accountability. There was no framework for reporting back ... they wanted money for their own organisations.

The road map and budget developed by the Task Force constrained what the National Governing Council could do.

Kinuthia says Akumu and two others 'held the government hostage' for nine months, 'frustrating efforts to move the process forward in a bid to get funding for their organisations'.¹⁴ At one point, the CSOs on the council presented the Nepad secretariat with a budget of 60 million shillings (about \$1 million) to conduct their own public consultations, whereas the entire APRM budget was 65 million shillings. The road map and budget developed by the Task Force constrained what the National Governing Council could do. At the time, the NGO Council was in the throes of a financial crisis; its chairperson Oriero Manduli was later accused of embezzlement, and donor funding was frozen.

The governing council members received about \$150 each per meeting as a seating allowance, and according to many on the governing council and in the Secretariat, the chairperson began calling frequent and unnecessary meetings. On 30 May 2005, Akumu ruled that all activities be suspended pending the resolution of these financial disputes. The entire process stagnated.

Professor Wafula Masai, executive director of the African Centre for Economic Growth (ACEG), one of the four Lead Technical Agencies, comments:¹⁵

The major problem of the NGC was attributable to the desire of some members to have full control of its affairs ... This was of course tied to the insatiable desire for enhanced personal emoluments to influence funding to their organisations. This problem is partly explained by the lack of proper understanding of the APRM process and its methodologies among some of the NGC members, alongside sheer greed.

In an April 2006 report on the APRM for the Sixth Africa Governance Forum the Nepad Kenya Secretariat stated:¹⁶

The principle to have effective civil society direction-setting to the APR process must not be compromised. That said, it is very important to ensure that members of the National Governing Council be people of the very highest integrity and people who put national interests first. With hindsight it would appear that some of the people (a minority) who sought to join the NGC did so with a view to personal gain.

13. Vidoetaped interview with S Ouma, 27 April 2006.

14. Telephone interview with M Kinuthia, 17 July 2006.

15. Masai W, response to SAIIA's APRM Process Questionnaire, 7 July 2006.

16. Nepad Kenya, Kenya Country Report on the APRM – Challenges, Solutions and Lessons Learned, Report for the Sixth Africa Governance Forum, April 2006, p.5.

According to the Nepad Kenya Secretariat, as the chairperson continued to make decisions without consulting the governing council, the situation became increasingly heated. They claim that some Nepad Kenya Secretariat members were allegedly threatened with violence at a council meeting. While the council was empowered to remove members at an ordinary meeting, it was the minister who on 20 July 2005 announced that he was 'de-gazetting' (that is, dismissing) three members (the chairperson Grace Akumu, NGO Council Head Orierogo Manduli and Professor Shanyisa Khasiani of the Family Support Initiative).

According to a source at the Nepad Kenya Secretariat, Manduli then unilaterally decided to replace some of her NGO Council members still on the National Governing Council who had supported the de-gazetting decision. Her replacements (called 'thugs' by one interviewee) then forcibly attempted to hold a meeting at the Nepad Kenya Secretariat offices and were allegedly prevented from doing so by police.

The story hit the headlines on 22 July. According to *The Nation* newspaper, Akumu told reporters that police had sealed off the Nepad Kenya Secretariat because civil society had dared to question the use of funds for the process. She accused an (unnamed) official of trying to micromanage the process and of having diverted funds meant for assessing Kenya's progress. She also declared that the government's actions could lead to a rejection of the process by civil society and the public.¹⁷ Yet Ongile in a press release dated 22 July denied that anyone had been barred from the premises, and rejected claims of ministerial interference or that the de-gazetting would paralyse the process.¹⁸ The continental APRM Secretariat in Midrand also issued a press statement saying that the newspaper report had contained numerous errors (without elaborating), and that the APR review process in Kenya was continuing.¹⁹

The governing council endorsed the de-gazetting at its next meeting on 27 July. Reverend Jephthah Gathaka, executive director of the Ecumenical Centre for Justice and Peace, replaced Akumu as chairperson. At a meeting in August, the council declined to replace the three dismissed members, claiming that this was beyond their mandate.

Akumu and Manduli then sued the minister, claiming that he and the permanent secretary had not funded the governing council sufficiently for it to complete its work, and that civil society had been excluded from the peer review process. The case was dismissed by the High Court in October 2005. The suit precipitated the financial collapse of the NGO Council.

Some civil society figures, among them Steve Ouma, believed the minister had acted in bad faith and beyond his powers, but noted that broader civil

17. Barasa L, 'Police Block Nepad members from their Offices', *The Nation*, 22 July 2005.

18. Nepad Kenya Secretariat, Press Statement, 22 July 2005.

19. Kouassi B, Press Release on Recent developments in the APRM in Kenya and the Continental Process, APRM Secretariat, 30 July 2005.

society supported the minister rather than the deposed individuals in this case.²⁰ Kennedy Masime, executive director of the Centre for Governance and Development, believes that even if the firing was unprocedural, 'it saved the process, because [those members] were up to no good'.²¹

These events highlight some of the organisational challenges posed by Kenya's institutional arrangements. Most notably:

- The fact that the National Governing Council worked according to a plan developed by the Task Force, which also developed the funding framework for the whole exercise, created some difficulties. The council's mandate was weakened because it was unable to renegotiate certain aspects of the process with participants.
- Tensions between some civil society representatives, who were largely unpaid (apart from fairly generous meeting allowances), and the non-voting conveners and Lead Technical Agencies, who were being paid to convene workshops and produce the technical reports, proved to be destructive.
- Substantial honoraria paid to governing council members for attending meetings – while little visible progress was made with the Country Self-Assessment Report – drained scarce funds.
- The proliferation of structures such as the Task Force, Secretariat, National Governing Council, Lead Technical Agencies and conveners made it difficult to co-ordinate their activities.
- The independence of the national Secretariat was questioned, as it was seen to be more closely aligned with the ministry of planning than with the governing council.
- The governing council was legally constituted by means of a notice in the Government Gazette, which ultimately permitted ministerial intervention. In this case, these powers were used to remove serious obstacles to progress, but could have also been abused. A more robust legal framework protecting the integrity and independence of the governing council is desirable.

Apart from the problems surrounding the governing council, Kenyan civil society in general faced a number of difficulties in the course of its involvement in the APR process. According to Kennedy Masime, among the external factors that hindered the involvement of civil society groups were: the reluctance of the government to relinquish control; a lack of sustained donor support for and prioritisation of the APRM; insufficient media attention to the process; slow disbursement of funds by the UNDP; and inadequate awareness among stakeholders. Civil society did not have enough time to mobilise for the process; and there was a lack of buy-in and ownership of the

One obvious disadvantage of the Kenya model is the danger of falling prey to special interest groups and lobbying from within ... particularly where elements of civil society see an opportunity to advance their cause through the APRM.
- SKB Asante²²

20. Videotaped interview with S Ouma, 27 April 2006.

21. Telephone interview with K Masime, Nairobi, 24 August 2006.

22. Asante SKB, *Implementing the New Partnership for Africa's Development: Challenges and the Path to Progress*, Accra: Ghana Academy of Arts and Sciences, 2006, p.55.

process, resulting in a largely passive interaction. Lastly, conflicts within civil society – including the collapse of the NGO Council, the principal CSO co-ordination agency – had a major impact on the quality of its participation.²³

Features of the review

Research methodology

As in Ghana, Kenya's research methods were strongly influenced by those developed for UNECA's African Governance Report. One of the Lead Technical Agencies, the African Centre for Economic Growth, had worked on the UNECA project and was therefore familiar with the latter's pre-field research methods, field research methods (desk research, expert panel surveys, and national sample surveys), and post-field corroboration. The only modifications introduced in Kenya were focus group discussions.

Pre-field research methodology

Before researchers began gathering data, a campaign was launched to inform, educate, and sensitise the public about the APRM. Key stakeholders were identified, and the generic self-assessment questionnaire was converted into a survey tool. Four standard research instruments – desk research, expert surveys, mass-based surveys, and focus group discussions – were developed for all four technical agencies. Cross-cutting issues repeated in different sections of the Questionnaire – for example corruption, gender, and capacity-building – were consolidated.

The APRM is meant to be a consultative process that gathers inputs and opinions from ordinary people as well as experts. Various factors – including a lack of public knowledge about Nepad and the APRM; a bias towards interactions in urban areas, particularly capital cities; vast distances and large population sizes; limited time; and differing degrees of interest by civil society groupings – make it difficult to achieve this goal. Even when people know what the APRM is, they often lack the resources to contribute meaningfully to the process.

Kenya realised that a strong communication, education, and information-sharing approach would play a key role in making the process succeed. Strategies employed included a mass outreach campaign, aimed at delivering key APRM messages to citizens across the country; a promotional and marketing strategy aimed at important institutions and other stakeholders; and a national sharing and feedback strategy to report on progress to these and other interested parties. More specific activities were:

- Major APRM events – such as stakeholder forums – were advertised in popular newspapers, including *The Nation* and *The Standard*. The bulk of these events was held between March and August 2005, with groups such

23. Masime K, Role of Civil Society in the African Peer Review Mechanism (APRM) Process, presentation at the Hanns Seidel Foundation conference on APRM, Nairobi, Kenya, 25–27 April 2006.

as high-school students, farmers, the media, church leaders, women's organisations and business groupings. As the process developed, the national secretariat worked with journalists to place pieces in the press, by both the Secretariat and by journalists themselves.

- The national Secretariat held meetings with major media companies, promoting the process through television and radio spots, and interviews and appearances on talk shows by governing council members. The Country Support Mission and Country Review Mission also received considerable media coverage.
- The Secretariat produced a brochure about the APRM in English as well as Kiswahili. These were mainly distributed at APRM events across the country, but were also distributed through other channels with institutions such as the Catholic church sending them to each diocese and parish.
- A Kenyan APRM website was set up.²⁴
- The governing council held provincial dissemination forums in all provincial capitals.
- Discussion forums were held with various social sectors including youths, women, farmers, religious organisations, the private sector, and people with disabilities. These events were designed both to explain the process and to gather information for the Country Self-Assessment Report. The technical agencies provided rapporteurs who took notes or recorded the proceedings.

However, as in the other countries, it is very difficult to assess the depth and effectiveness of these events and initiatives. Davinder Lamba, executive director of a Nairobi-based policy think tank, the Mazingira Institute, says:²⁵

Government has an approach for exercises like this, or the PRSP [poverty reduction strategy paper]. People are asked to submit inputs, and civil society is meant to drum up passion and support. This was done. The question is: was it adequate? I'm not really in a position to judge – these things are seldom as efficient as they are made out to be. A telling sign for me was that at a regional meeting on APRM for East African countries that I chaired, some members of the National Governing Council for Kenya that were there demonstrated inadequate understanding of the entire framework of Nepad. You have to ask then what they were doing all those months. And if those on the inside had weak comprehension, I don't think the population would have been more informed ... Does my granny in the village know about it? And who is going to tell her?

Kennedy Masime of the Centre for Governance and Democracy says:²⁶

From a civil society perspective, people weren't ready for APRM. There was no buy-in. There was a feeling that the whole thing was very rushed. The

Even when people know what the APRM is, they often lack the resources to contribute meaningfully to the process.

24. The address of Kenya's APRM website is www.aprmkenya.org.

25. Telephone interview with D Lamba, Nairobi, 24 August 2006.

26. Telephone interview with K Masime, Nairobi, 24 August 2006.

consultation process was not that good – there are still many people who are ignorant that the entire process even happened. I didn't sense a really strong drive to popularise – there were fleeting TV and radio adverts but unless you have background, you'd struggle to identify or understand.

Field research methodology

On a visit by Graça Machel to Kenya on 13–15 July 2005, she expressed disappointment that Kenya had missed several deadlines for completing its Country Self-Assessment Report, and set a revised delivery date of 31 August. The problems with the governing council had delayed the process considerably. After the de-gazetting, the research had to proceed at breakneck pace to meet this deadline. The one virtue of the delays was that the Lead Technical Agencies had ample time to prepare for field work. The four main methods employed – desk research, an expert survey, a national sample survey and focus group discussions – are outlined below.

Desk research. The technical agencies conducted desk research of secondary sources, and CSOs were encouraged to contribute material and information. The technical agencies had to reference all source material, and assess the current state of governance across a range of areas. Certain organised groups, such as faith-based organisations, private sector groups, and professional associations, made submissions, but Kenya did not explicitly solicit written submissions in the way that South Africa would later do.

Expert survey. Civil society representatives on the governing council helped to select approximately 400 experts (about 100 in each thematic area) including academics, clergy, NGO staff, media figures, government officials, donors, and politicians. They had to be diverse in terms of age, gender, education level, religion and geographical location, and had to be credible, respected members of society. Each of the technical agencies reformulated their parts of the questionnaire to make the answers amenable to quantitative analysis (that is, creating questions requiring 'yes' or 'no' answers, or ranking on a scale from one to five), and interviewed the experts in person or via mail. The interviews were administered by the Lead Technical Agencies, assisted by the Central Bureau of Statistics (CBS), which also collated and analysed the data.

National sample survey. In order to capture the views and perceptions of ordinary people, a survey was to have been administered to about 2,000 demographically representative households across Kenya. Owing to extreme security concerns at the time, the Marsabit and Moyale districts in the east of the country were eventually excluded from the sample, but this did not materially affect the survey. There was an excellent response rate to the survey, conducted in August 2005, with 1,791 of the 1,800 targeted households (99.5%) participating.

The heads of these households were interviewed in person. The sample was selected using a system recently created by the CBS for census work, stratifying the population into provinces and clusters.

Like the expert survey, this mass-based survey was designed to elicit 'yes' or 'no' answers, or scores ranked on a scale from one to five. While it was designed in English, interviewers were allowed to use other languages if the respondent preferred this, using local and multilingual CBS enumerators. Key terms were translated into Kiswahili and then into all vernacular languages. In joint training sessions run by the CBS and technical agencies, the enumerators had to practise administering the instrument in languages other than English. About 120 enumerators administered the survey in Kenya's eight provinces. The government provided vehicles to transport the enumerators to all parts of the country.

The survey was conducted in a 20–30 day period. The results were edited locally by the enumerators and dispatched every few days by courier to the survey office in Nairobi, where they were prepared for capture. The data was then weighted to be representative of the entire population, and frequency tables were produced. The technical agencies then analysed the results, and incorporated them into the Country Self-Assessment Report.

Both data collection instruments were pre-tested in areas not used in the main exercise, in order to iron out any problems before administering them across Kenya. The logistics of the entire process were also reviewed in this pre-test phase.

Focus group discussions. Focus group discussions on governance issues were held in 16 districts throughout the country. Using the demarcation of Kenya for census purposes, researchers selected both an urban and a rural cluster in each district, making 32 clusters. Each cluster held four focus group discussions, totalling 128. Participants (with a minimum of 15 in a discussion) were divided into females aged 14–25, females aged 26–65, males aged 14–25, and males aged 26–65. The total sample size was thus 1,920 people (32 clusters x 4 groups x 15 participants).

Besides these age, gender, and geographic criteria, several other variables – including religion and socio economic level – were also taken into account. The guidelines for discussion focused on the causes of problems, their extent, and suggested solutions, and were also standardised so that the discussions could be replicated across the country, and the information could be easily compared. Conveners summarised the outcomes of these discussions and appended them to the Country Self-Assessment Report.

Commenting on the choice of methods, Kinuthia notes:²⁷

Kenya sought to have a methodology that would produce scientifically sound data without making the process any less consultative. In addition, it was felt that weaknesses of one instrument could be mitigated by the other three ... perceptions could be validated against data gathered through desk research and the expert group panel to see if indeed perceptions were consistent with reality.

In order to capture the views and perceptions of ordinary people, a survey was administered to about 2,000 demographically representative households across Kenya.

27. Kinuthia, *op. cit.*

Because heads of households are more likely to be older, employed and male, only interviewing heads of households is very likely to produce biased and misleading results.
– Robert Mattes³⁴

ACEG's Masai concurs:²⁸

The four instrument methodology adopted by Kenya had its greatest strength in the fact that since all methods tackled similar research questions in the respective pillars [thematic areas of APRM] it was possible to verify or reconfirm responses. Perhaps the only disadvantage [was] the amount of time and money required to effectively carry out the exercise, together with the need for highly qualified and experienced human resource.

Post-field research methodology. The delays caused by the problems surrounding the governing council meant that there was not enough time for each of the technical agencies to write a technical report, as originally planned. Instead, once the field data had been collected and analysed, government booked all the participants into a hotel (termed 'the bunker', as the work rooms were two floors underground) from 25 August to mid-September to process the data and write the Country Self-Assessment Report. 'This move ensured greater commitment and concentration,' says Masai. 'We took two weeks or so to get a first draft, and we literally worked day and night.' This intense process allowed the researchers to focus on the work without interruption, and consult one another. The LTAs each had between six and 10 researchers working on the report at that time, plus about 25 more from the CBS. The entire report was completed in less than six weeks. Lamba notes:²⁹

This breakneck speed is not unusual. Government often does things like that. We muddle through, and get into the situation because of bad planning, management and participation. Many exercises suffer from this. Although not directly involved in this process, I've been involved in other similar endeavours. We're really good at splitting the work between different bodies, going off and doing our thing, but all hell breaks loose when we have to lump it all together at the end.

The draft report prepared by the technical agencies was subjected to further scrutiny. At least nine experts in the four thematic areas as well as governing council members read and commented on the first drafts while the team was still sequestered at the hotel, and changes were made immediately.

Interviews with Kenyan researchers conducted in January 2007 reveal that certain Kenyan government officials were skeptical about some of the results emerging from the household surveys, and went back to the raw data to satisfy themselves that the population's answers had indeed been fairly recorded and reported.

Survey experts such as Professor Robert Mattes of the Afrobarometer note that by using household surveys – where the head of a household is polled – rather than opinion surveys that give all household members a chance of being surveyed, both Kenya and Ghana gathered the views of mostly older males who tend to head households, rather than a more even spread of ages and genders.³⁰

28. Masai, *op. cit.*

29. Telephone interview with D Lamba, 24 August 2006.

30. Mattes R, presentation at SAIIA 'APRM Lessons Learned workshop', Muldersdrift, South Africa, 12–13 September 2006.

A final national validation workshop was held in September 2005 to ascertain whether the draft report reflected the situation in the country fairly and accurately. According to the Nepad Kenya Secretariat, 'This post-field methodology was seen as critical for the credibility, legitimacy, authority and acceptability of the report.'³¹

However, as in Ghana, those who attended the final validation workshop were not given the full draft, and were merely asked to react to key issues as outlined by the technical agencies and short summaries. Reasons given for not distributing the full drafts included a lack of time, concerns about confidentiality, and 'a decision from the APRM Heads of State'.³²

Funding

As Anyang' Nyong'o puts it, 'good peer review does not come cheap'.³³ Kenya's elaborate research and engagement method was budgeted at almost \$1 million, which had to be financed principally by donors. A plan to pay for the APRM was developed by the Ministry of Planning and National Development, in consultation with the APRM Task Force, and, later, the governing council, research institutions, the Nepad Kenya Secretariat, and foreign donor agencies.

The government would bear the costs of funding the local Secretariat, subscription to the continental APRM Secretariat (\$100,000), and hosting the coming missions. It therefore sought funding for the research component, as well as the information and communication strategy. The solution proposed was a 'multi-donor basket fund' administered by the UNDP, to which bilateral and multilateral aid agencies would contribute. Despite this, research institutions and conveners often had to pay for their own activities, and then seek reimbursement from the UNDP.

In its evaluation of the process in Kenya, the Nepad Kenya Secretariat noted that this form of funding 'proved to be a useful and convenient measure to centrally and professionally manage resources provided to the APRM process'. It added that the system pooled funds from various donors; streamlined transactions; provided the necessary financial controls over disbursement, spending and accounting; and bolstered the capacity of the Nepad Kenya Secretariat.³⁵

However, in a presentation on the Kenyan process in September 2005, Masai said the UNDP procedures were slow and cumbersome and the accounting system overregulated, resulting in only small tranches being released. By November 2004 the UNDP had provided about \$100,000. He said it had proved extremely difficult to gain access to the basket fund, which

31. Nepad Kenya, *op. cit.*, p.18.

32. E-mail correspondence with M Kinuthia, 27 August 2006.

33. Anyang' Nyong'o, *op. cit.*, p.91.

34. Mattes R, Using Representative Opinion Surveys in the African Peer Review Mechanism Process, paper prepared for APRM Lessons Learned Workshop, SAIIA, Johannesburg, 12–13 September 2006, p.5.

35. Nepad Kenya, *op. cit.*, p.9.

delayed and hampered research. The swift and fair payment of research institutions was an aspect of the process that Kenya should revisit, and other countries should heed. 'The Agreement was like an MOU [Memorandum of Understanding], not a proper contract, and was thus open to reinterpretation,' Masai asserted.³⁶

The UNDP responded that, given the problems surrounding the governing council, it had to be especially strict about disbursing any funds related to the APRM. The permanent secretary in the Ministry of Planning chaired the finance committee that disbursed APRM funds, adding to criticisms that government control was excessive. By July 2006 one of the technical agencies, the Institute for Development Studies at the University of Nairobi, had still not been paid, as the institute and the university were quarrelling over the division of income.

Programme of Action

At a SAIIA workshop on learning lessons from APRM held in September 2006, Ongile outlined Kenya's process to develop its Programme of Action. She said that although the Country Self-Assessment Report was completed and submitted by August 2005, it was clear that the Programme of Action required more work. The Lead Technical Agencies were tasked to work intensively on the Programme of Action, and then all permanent secretaries were called to a residential retreat to discuss and ultimately endorse the Programme of Action. Four permanent secretaries each chaired a group corresponding to the four thematic areas of APRM. Then the Nepad Kenya spent a week intensively consulting with each ministry in Nairobi. Ongile said:³⁷

We had an unbelievable response from the ministries. They made sure the costings made sense, and then we sent it back again to the permanent secretaries. It eventually was about 80 pages long and came to about 500 billion shillings over four years, and the government agreed that it would have to find the money to fund it fully.

The following week another meeting was held with permanent secretaries to prioritise items in the Programme of Action, and how to fund it from within the medium-term expenditure framework. 'This process took about five months, constantly revising' she said. 'It was tedious, too long. The [continental] Secretariat kept telling us to make it sharper. To make it sharp within little matrix cells and boxes was not a one-week exercise.'³⁸

36. Masai W, presentation on APRM in Kenya, SAIIA-RECINET workshop, Dar es Salaam, Tanzania, 1–2 September 2005.

37. Ongile G, presentation at SAIIA 'APRM Lessons Learned' workshop, Muldersdrift, South Africa, 12–13 September 2006.

38. *Ibid.*

Country Review Mission

A 19-member APRM Country Review Mission led by Dr Graça Machel visited Kenya from 3 to 17 October 2005. Eight Kenyan provinces were visited during this period.

Politics does not come to a halt during peer review. While the Country Self-Assessment Report was being written, Kenyans rejected a proposed new constitution in a national referendum, a number of high-profile corruption cases erupted, and reports damaging to government were made public. In May 2006, the continental Secretariat decided (at very short notice) to send a small team to Kenya to insert these developments in the final Country Review Report. While these political events are described objectively in a separate section at the front of the review report, they are not fully integrated with the body of the report.

At 410 pages, Kenya's Country Review Report is considerably longer than those of Ghana (289 pages) and Rwanda (187 pages). The tight time frames did not allow each Lead Technical Agency to produce its own full technical report as planned, and the Programme of Action is very long and detailed, running to almost 80 pages.

Highlights of the Country Review Report

Kenya's Country Review Report identifies nine overarching issues: managing diversity in nation building; implementation gaps; poverty and wealth distribution; land; corruption; the constitution; gender inequality; youth unemployment; and transformative leadership.

The report noted that ethnic diversity was pronounced in Kenya, and could aggravate political differences. Thus, special efforts needed to be made to draw all groups into the mainstream. It noted a few possible solutions, based on international precedent, including territorial devolution, or the reservation of political positions for ethnic groups, and said that Kenya might consider some of these proposals after careful scrutiny. It emphasised, however, that ethnicity could best be managed through constitutional guarantees for 'equal opportunities and equality.'³⁹

While Kenya had some good policies and institutions, there were severe problems with implementation. The report noted that projects were often not completed, and capital budgets were not always spent. It said that the country needed a committed executive and legislature 'to raise the bar of implementation.' Other stakeholders, such as the media needed to be included too, and citizens had to demand accountability from their government.

Poverty and inequality of wealth distribution were also seen as serious problems, and the government was 'encouraged to consider the urgency of

The [continental] Secretariat kept telling us to make [our POA] sharper. To make it sharp within little matrix cells and boxes was not a one week exercise.

39. *Ibid.*, pp. 241–242.

Composition of the APRM Country Review Mission to Kenya⁴⁰

Date of Mission: 3–17 October 2005

Member of the APRM Panel of Eminent Persons – Dr Graça Machel.

APRM Secretariat: Dr Bernard Kouassi, executive director; Dr Moise Nembot, co-ordinator: democracy and political governance; Gaston Bushayija, co-ordinator: socio-economic development; Dalmar Jama, research analyst: corporate governance.

Independent technical consultants: Democracy and political governance: Ayodele Aderinwale, executive director, Africa Leadership Forum, Ota, Nigeria; Professor Chudi Uwazurike, North Academic Centre City College, City University of New York, New York; Laura Nyirinkindi, director, Pro Initiatives Agency, Kampala, Uganda. Economic governance and management: Dr Afeikhena T Jerome, consultant and senior lecturer, Department of Economics, University of Ibadan, Nigeria; Dr Omotunde Johnson, consultant on economic issues and former IMF resident representative in Ghana. Corporate governance: Patricia Cisse, managing partner, Africa Investment and Business Advisers, Fann Mermoz, Dakar, Senegal. Socio-economic development: Dr Bernard Z Dasah, CEO, Bendas Consultants, Ottawa, Canada.

Partner institutions: Seward M Cooper, governance legal department, African Development Bank; Dr Michael Mah'moud, senior advisor, African Development Bank; Dr Abdul-Nashiru Issahaku, senior governance expert, African Development Bank; Professor Achi Atsain, consultant, African Development Bank and former Minister for Labour, Republic of Ivory Coast; Zemenay Lakew, senior programme co-ordinator, AU-Nepad Support Unit, UNDP; Dr Emmanuel Nnadozie, senior economic affairs officer, UNECA.

addressing poverty through social and economic policy including fiscal, wage, credit and price policies; land reforms and the fight against corruption; as well as to take concrete steps in addressing the inequitable wealth distribution.⁴¹

Kenya has a long-standing problem relating to people's access to and the distribution of land. At the time of compiling the report, Kenya's land problems had manifested themselves in a variety of economic, political, social and environmental ways. The report advised Kenya to speed up the development of a National Land Policy.⁴²

Corruption was described as a 'serious and debilitating problem'. The report did, however, compliment President Mwai Kibaki for his stand against corruption, and noted that his stance was complemented by civil society advocacy. The report called for a campaign against corruption from all of society and said that the role of the media was crucial.

40. APRM Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Kenya', May 2006, pp. 35–36.

41. *Ibid.*, pp. 243–244.

42. *Ibid.*, pp. 245–246.

The report said Kenya had a ‘colonial constitution disfigured by post-colonial parliamentary amendments’ that needed to be reformed to take into account the numerous changes that had occurred in Kenya over the past few decades. The process of constitutional review and failed national referendum on the issue generated considerable political animosity. The report urged a recent initiative to provide a ‘road map’ for the conclusion of the constitutional process to be supported.

Gender inequality was severe in Kenya, despite some progress in this area. Particularly important issues were problems experienced by women in respect of inheritance and land ownership. The report called on the government to open up dialogue with a view to eliminating discrimination against women.

Youth unemployment – and the social instability that could arise from the existence of a class of dissatisfied young people – was identified as an overarching issue. The report called for the finalisation of a national Youth Policy Bill, and a youth fund to promote self-employment.

The report called for the emergence of transformational leadership, which would provide people with a positive example to follow and would encourage people to work towards solutions to major national problems.⁴³

Peer review by heads of state

The APR Forum ‘peer reviewed’ the Kenyan president, Mwai Kibaki, at the AU Summit in Banjul, The Gambia, in June 2006, along with the Rwandan president, Paul Kagame. Each president was questioned by his peers for just two hours. Kibaki was reportedly fairly open to comments, and not overly defensive. After the Banjul Summit, the report was uploaded to the Nepad Kenya website.

As per its terms of reference, the National Governing Council was dissolved at the end of 2005, and was replaced by a government-appointed steering committee that prepared the Kenyan delegation for the Banjul Summit.

Implementing the Programme of Action

Kenya’s APRM Programme of Action is the longest and most detailed of all the pioneer countries. It makes a concerted effort to give attention to all the key national issues, and to distinguish between the many ongoing reform initiatives and new action items. The APRM Panel of Eminent Persons made 230 recommendations to the Kenyan government, based on the Country Review Mission and background research. As in the case of Ghana, these were areas considered to require more significant interventions and reforms than had been reflected in the draft POA submitted with Kenya’s Country Self-Assessment Report. In the Kenyan report, the Panel raises a

While Kenya had some good policies and institutions, there were severe problems with implementation.

43. *Ibid.*, p.250.

significant number of issues within the text – especially in terms of reforming the public service – but then does not express these issues in their formal recommendations. Of the 230 explicit recommendations made by the Panel, Kenya's final POA does not appear to have action items addressing 128 of them (approximately 56%).⁴⁴

Although the implementation of the Programme of Action rests mainly with government line ministries and other implementing agencies, the Nepad Kenya Secretariat has developed an extensive programme for 'institutionalising APRM' and what it calls 'sustaining the dialogue', particularly to involve civil society at local and district level in monitoring and evaluation of this implementation process.⁴⁵

Kenya's first peer review implementation report, delivered at the Sixth APR Forum meeting in Addis Ababa, Ethiopia, in January 2007, stressed that peer review by the Forum of the Heads of State at Banjul in June 2006 was not the end of the process.⁴⁶ The implementation report highlighted some strategies employed to sustain the dialogue: stakeholders were briefed on progress; a simplified, 'popular' version of the country review report was produced and disseminated; and a media campaign was undertaken after the publication of the report to explain it and the way forward.⁴⁷ The report has also been serialised in national newspapers, with the Secretariat encouraging journalists to write opinion pieces focusing on different issues raised in the report, and relating them to contemporary developments. Kenya faces an election in December 2007, while the bulk of the research in the report dates from 2004–2005.

It was estimated that the Programme of Action would cost some \$5.4 billion dollars over five years, and would require collaboration between government, the private sector and civil society.

The implementation report covered an extensive array of issues, a selection of which are summarised below. Many remain intentions rather than achievements:

Land. The government was preparing a 'coherent and comprehensive' policy on land, expected be ready by mid-2007, while the Ministry of Lands was establishing a Land Reform Unit to implement policy on land. The government had moved squatters from forest lands and resettled them, and indicated to absentee landlords that unless they put idle land to good use, the government would take such land for redistribution.⁴⁸

Conflict and violence. Kenya had undertaken a number of measures to stem internal and cross-border conflict. These included establishing District

44. This analysis of Kenya's APRM Programme of Action is based on a draft paper by SAIIA Researcher Faten Aggad.

45. Email correspondence with M Kinuthia, 27 November 2006.

46. Nepad Kenya Secretariat.

47. *Ibid.*, p.9.

48. *Ibid.*, pp.13–14.

Peace Committees in areas afflicted by cattle rustling (which was credited in part with reducing loss of lives in certain areas), and co-operating with neighbouring states to deal with cross-border issues (cattle rustling and banditry).⁴⁹

Inequality. Kenya was ranked as one of the most unequal societies in the world. Significant gaps were evident between rich and poor citizens, and between different areas of the country. The report asserted that measures had been instituted to deal with these disparities, particularly by paying attention to neglected areas of the country.⁵⁰

Legal reforms. Kenya was in the process of establishing a National Legal Aid scheme, and a Small Claims Court. This would be of assistance to the poor and disadvantaged. Other measures had been taken to increase the number of judges and magistrates.⁵¹

Human rights issues. The report indicated that various initiatives were afoot to increase observance of human rights in Kenya. Specific actions included developing an Action Plan on Human Rights and developing a code of conduct for law enforcement agents.⁵²

Corruption. Corruption was identified as a significant problem in Kenya. The Statute Law Amendments Act, 2006 intended to amend the Public Ethics Act, 2003 and make wealth declarations public. The Ministry of Justice and Constitutional Affairs had employed five prosecutors to work on economic crimes and a witness protection law was enacted in 2006. Kenya developed a five-year plan, launched in November 2006, to combat corruption.⁵³

Economic policies. In order to improve the predictability of policies, a 'master plan' for implementation of the National Integrated Monitoring and Evaluation System has been developed.⁵⁴

Fiscal decentralisation. Efforts were being made to ensure that decentralisation was effected. Each district was preparing a district investment plan, and the government was reviewing the Local Government Act and developing a decentralised policy for local authorities.⁵⁵

Sectoral policies. Kenya revived organisations dealing with specific aspects of the economy, for instance Kenya Co-operative Creameries and the Kenya Meat Commission. Free treatment of tuberculosis and HIV at state hospitals was introduced, and the distribution of drugs was being improved.⁵⁶

49. *Ibid.*, p.14.

50. *Ibid.*, p.15.

51. *Ibid.*, p.16.

52. *Ibid.*, p.19.

53. *Ibid.*, p.25.

54. *Ibid.*, p.26.

55. *Ibid.*

56. *Ibid.*, pp.29–30.

Small business development. Several initiatives were begun or implemented to ensure a better environment for small enterprises. These included a Business Development Programme through which entrepreneurs received business services, such as sensitisation to business opportunities.⁵⁷

Infrastructure. Measures were taken to improve Kenya's transport infrastructure, including reconstruction and rehabilitation of various transport corridors, such as the Mombasa-Malaba highway and the upgrading of airports.⁵⁸

Employment. A comprehensive policy of employment was produced and was awaiting debate and approval by the Kenyan parliament. Among the other measure introduced was the revamping of youth polytechnics to assist in providing skills to young people and providing capital to potential entrepreneurs through a Youth Enterprise Fund.⁵⁹

Education. Efforts were being made to improve the quality of and access to education. Specific measures included ongoing programmes to introduce information technology to schools and undertaking a school-mapping project to determine the locations of the nation's schools.⁶⁰

Water and electricity. Access to water and electricity received attention through increases to the water budget, rehabilitation of water sources and decentralisation of services, as well as attempting to bring private investors into the electricity sector and conducting discussions with Ethiopia on importing electricity.⁶¹

Gender issues. These were dealt with by a notice gazetted in November 2006 that women should account for 30% of all newly appointed civil servants. Women would also be brought onto various co-ordinating committees to ensure that their perspectives were taken into account.⁶²

Conclusion

The Kenyan process attempted a number of interesting innovations, but suffered several setbacks. It is clear that Kenya took the process very seriously and strove to ensure that it would produce a meaningful critique of the state of governance in the country. It also tried to ensure that it reached a wide audience and was perceived by civil society to have been a largely credible exercise. However, while these intentions were good, they ran into difficulties, which future APRM participants need to avoid. In these dual respects, Kenya is both a model and cautionary tale.

Perhaps more than any other country, Kenya tried to involve civil society

57. *Ibid.*, p.32.

58. *Ibid.*, pp.37–38.

59. *Ibid.*, pp.38–39.

60. *Ibid.*, p.39.

61. *Ibid.*, p.40.

62. *Ibid.*

on its own terms, by ultimately allowing civil society to select its own representative to serve on the governing council. The composition and selection of the National Governing Council has been a repeatedly contentious issue in APRM, as no firm rules exist about it and it is an avenue through which a government might try to exert control. Kenya has provided an interesting model for civil society participation in the running of the process. However, the evident abuse of the process by some civil society members of the governing council shows the civil society too can endanger the integrity of the APRM process. The de-gazetting of errant members by the minister, rather than their more regular removal by the governing council itself, also highlights some of the ambiguities around who wields authority within the process.

Perhaps more than any other country, Kenya tried to involve civil society on its own terms.

Kenya's initiatives to plan and popularise the process before it began, through the APRM Task Force, provided structure and direction to the process, but also rendered it inflexible. The National Governing Council found itself unable to operate outside the parameters established by the Task Force. It could not introduce substantive changes to the plans already laid down, and had to operate within the budget provided. This may not have been altogether negative, given the behaviour of certain governing council representatives. However, it also constrained the council's ability to introduce innovations or change course when the process ran into difficulties.

What has also emerged from the Kenyan process – in common with others – is that the extent of public understanding of and enthusiasm about APRM is questionable. Despite efforts at sensitisation, commentators have asserted that there was little public 'buy-in'. It is not clear what more could have been done – and at what cost – to improve this situation and it remains a consideration for all future participants in APRM.

Kenya's adherence to the 'think tank' model and its solid research methodology meant that the Country Self-Assessment Report produced was of a high quality. The national sample survey was another valuable exercise, unearthing unexpected views, to the extent that survey subjects were questioned again after the survey when the results were surprising. However, the survey could be criticised for relying on the heads of households – who tended to be older males – which may not suitably represent the views of the population as a whole. This was partially mitigated by focus group discussions, but survey design should try to ensure that a fuller spectrum of the population is polled.

After the completion of the process, Kenya has had mixed success in institutionalising APRM. Ideally, APRM should be a means to keep a national dialogue and self-examination going, even when no formal review is happening. It can also be used as a reference point for policy formation, as Ghana has tried to do. Some Kenyan innovations serve as best practice for other countries: most notably it serialised the country report in newspapers, and produced a simplified 'popular' version for public consumption.

Government's first report on implementing the Programme of Action tends to be rather vague, stressing plans and intentions rather than measurable achievements.

On the other hand, the governing council has been abolished, leaving APRM in Kenya with no special institutional home, other than the quasi-governmental Nepad Kenya Secretariat, which is run out of the Ministry of Planning's offices. When it undergoes its next review, a new governing council may have to be convened, and there is no guarantee that institutional memory will be retained. Furthermore, the government's first report on implementing the Programme of Action tends to be rather vague, stressing plans and intentions rather than measurable achievements. It remains to be seen whether the APRM process and its associated recommendations will exert a lasting influence on policy and change the lives of Kenyans.

Lessons learnt

Consult early on the process to be followed. The inclusive Task Force established to design the APR process in Kenya allowed various groups to influence the design and course of the process, establishing ownership and buy-in, and creating collective responsibility between government and civil society. However, it undercut the autonomy of the governing council because it made key decisions on budgets and research methods that the National Governing Council could not alter.

Ensure that official timelines are not too short. Like the other pioneering states, Kenya was unable to complete its Country Self-Assessment Report in the suggested six to nine month time frame. The process was launched in April 2004, and the report was submitted only in August 2005, nearly 17 months later. Kibaki was peer reviewed another 10 months later, in June 2006. Anyang' Nyong'o notes: ⁶³

A year or more might be the right duration. Remember that as long as APRM is carried out in an open and democratic manner, dissent, debate, consensus building and compromise, all of which take time, would always be an essential part of it.

Early selection of research bodies bolsters research and co-ordination. The early selection of Lead Technical Agencies allowed them to play an advocacy role at workshops, assist with fund-raising and aid with the implementation of the APR process. The long delays surrounding the formation of the governing council meant that they had sufficient time to prepare themselves for the review, and to co-ordinate research efforts. The fact that the Lead Technical Agencies were represented on the council (although in a non-voting capacity) ensured that they were aware of and involved in its decisions.

Evaluate research agencies carefully. The Lead Technical Agencies produced work of varying quality; some were more efficient, committed, and professional than others. Some devoted insufficient time or staff to this demanding exercise. This points to the need to monitor the performance of

63. Anyang' Nyong'o, *op. cit.*, p.91.

research institutions throughout the process. South Africa's use of Quality Assurance Agencies to oversee the research bodies should be refined and replicated.

Prevent NGOs from exploiting the APRM. Kenya experienced severe problems with some governing council members who saw the exercise as an avenue for personal gain. They held up the process for about nine months, refusing to work or meet unless paid more money, which eventually forced the government to dismiss them. The legal status of the council was uncertain, and the legitimacy of the minister's intervention was questioned. This sort of action can seriously undermine the legitimacy of the APRM, both domestically and externally. Kenyan officials and researchers suggest that stakeholders should be thoroughly sensitised before establishing the governing council, and that council membership should be voluntary rather than remunerative. However, the South African experience suggests that the APRM is a very time-consuming exercise for council members, and a purely voluntary system creates little motivation for involvement.

Employ institutions, not individuals. The disappointing performance of the conveners illustrates that it would be better for future APRM countries to select organisations with capacity, rather than individuals, to perform such a role.

Plan to pay for the peer review. The peer review process in Kenya was slowed down by an over-reliance on donor funding as well as cumbersome disbursement procedures. For the APRM to be truly African owned, it must be African financed. Pioneer countries should offer advice to later ones on how best to budget for the exercise through the fiscus, and prevent donor funding from becoming overly influential. Parliaments should therefore be more involved, and vote funds a year before reviews begin.

Integrate the APRM with other government programmes. Kenya benefited from the early involvement of institutions implementing reform programmes and monitoring and evaluation systems on behalf of government, and integrated the review with other governance initiatives. Anyang' Nyong'o also points out that the consultations required by peer review cost money and take time, and that African countries are typically undergoing many other similar processes – on Poverty Reduction Strategy Papers, sectoral reform programmes, constitutional review commissions, and so on – with consultants driving expensive 4x4 vehicles in and out of rural villages. Ordinary people become cynical as the consultants come and go, and their lives stay the same. He asserts: 'We are heading towards consultation fatigue in Africa unless we show concrete results to the people.'⁶⁴

Language matters. An effort should be made to translate the Questionnaire into local languages. Kenya did not translate the whole Questionnaire, but

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– Peter Anyang' Nyong'o

64. Anyang' Nyong'o, *op. cit.*, p 92.

ensured that important terms were translated into Kiswahili for reference by those administering the household surveys and facilitating the focus group discussions. These Kiswahili concepts were then translated into other local languages by the interviewers.

Use reliable survey methods. The involvement of the CBS and the use of an already established and reliable national sampling system utilised in the national census by the CBS was a significant strength of the research process in Kenya.

Release reports rapidly. Kenya role players also point out that the process is too slow at the continental level, and that this is putting a brake on national reform initiatives. The country had completed its report by August 2005, but that the APR Forum discussed it almost a year later. Such long delays could render some material out of date, and interrupt the momentum of the process.

RWANDA

The Rwanda APR Technical Team had already filled in the APR Questionnaire, incorporating predominantly government opinion and figures, without the crucial inputs of other stakeholders capable of guaranteeing overall national ownership. Another major concern expressed by the Support Mission Team was the apparent lack of institutional basis of the APR Technical Review Team, which could negatively affect the methodology used in obtaining information for the self-assessment.

– Rwanda APRM Country Review Report¹

Rwanda's current initiatives to entrench governance and democracy must be understood against the backdrop of the country's sad history. The 1994 genocide – where approximately 800,000 to One million people were killed, and up to two million more fled the country – and the decades of discrimination leading up to it caused enormous damage to all aspects of the society, political, economic and social. The post-1994 period has also been difficult, with infrastructure, institutions and trust that had to be rebuilt. Rwanda's citizens have never had a strong culture of participation in democracy.

Under President Paul Kagame, Rwanda has made significant strides towards rebuilding its economy and forging a sense of national unity since 1994, but the country still faces formidable obstacles in consolidating democracy and rapidly accelerating development. A Rwandan official has described some of these challenges as follows:²

Insufficient or ineffective political governance structures; high population growth and population density; low agricultural productivity and environmental degradation; small, weak private sector; weak financial sector leading to low savings and investments; limited employment opportunities and low level of human resource development; narrow export base and vulnerability to external price shocks; high transport costs due to landlocked country; high energy costs; a narrow revenue base and

Fearing the return of what it calls 'genocidal ideology', Rwanda has developed a strong central government that has restricted freedom of speech and political organisation.

1. APR Panel of Eminent Persons, 'African Peer Review Mechanism Country Review Report of the Republic of Rwanda', Midrand, South Africa, June 2006, p.24.
2. Gatete C, 'New International Standards for Governance: Applying the African Peer Review Mechanism (APRM)'. Addis Ababa, Ethiopia: 11–14 October 2004, p.1.

dependence on foreign resources, which has led to a heavy debt burden; and a weak public sector with low capacity.

Civil society in Rwanda is less organised, and less autonomous, than in many other democratising African countries.

The genocide significantly worsened capacity and resource shortages in the country, while posing significant challenges to security and democratic practice. Fearing the return of what it calls 'genocidal ideology', Rwanda has developed a strong central government that has restricted freedom of speech and political organisation. Indeed, immediately prior to the launch of the APRM process in Rwanda, its parliament released a report, which stated that a variety of political and non-governmental organisations and individuals who disagreed with the government were playing a divisive role, and wanted to spread 'genocidal ideology'.³ This report, together with previous sanctions against the media and local human rights advocacy groups, as well as the arrest of the former president Pasteur Bizimungu,⁴ meant that the APRM began in an atmosphere of pervasive public apprehension about criticising government.

Rwandan APRM officials who commented on an early draft of this chapter attempted to refute this contention (without, however, dealing with these specific instances). They noted that that the capital Kigali has at least six private radio stations with a dozen more regional or community stations in Rwanda, foreign radio journalists from the BBC and Voice of America have never been subject to restrictions, and that Internet access is relatively widespread compared to other African countries.⁵

At the same time, civil society in Rwanda is less organised, and less autonomous, than in many other democratising countries. These factors influenced the form and character of the peer review process, and this chapter will illustrate the Rwandan government's continued sensitivity throughout this process.

APRM structures and institutions

Rwanda's government signed the Memorandum of Understanding committing the country to the APRM on 9 March 2003. It established the following institutions to facilitate the process:

National Nepad Steering Committee (NNSC). This committee was set up in August 2003 to co-ordinate all Nepad activities. It is chaired by Claver Gatete, secretary-general in the Ministry of Finance and Economic Planning, and the

3. Amnesty International, 'Rwanda: deeper into the abyss – waging war on civil society', <http://web.amnesty.org/library/print/ENGAFR470132004>; Human Rights Watch, 'Rwanda: preparing for elections: tightening control in the name of unity', <http://www.hrw.org/backgrounder/africa/rwanda0503.back.htm>

4. Amnesty International, 'Rwanda: government slams door on political life and civil society', <http://web.amnesty.org/library/print/ENGAFR470122004>; US Department of State, 'Country Report 2003'; US Department of State, 'Rwanda: country report on human rights practices 2004', <http://www.state.gov/g/drl/rls/hrrpt/2004/41621.htm>.

5. E-mail correspondence with A Kabanda and F Gatete, 5 October 2006.

president's personal representative on Nepad. This 17-member body (with 14 senior government officials, one person representing business, one from civil society and one from the United Nations Development Programme (UNDP)) saw its direct role in overseeing APRM diminished after the establishment of the APRM National Commission in June 2004.

National Nepad Secretariat. Housed within the President's Office, this body was established in March 2004 and is headed by an executive secretary, Francis Gatare. He is also the Nepad advisor to the president, and his personal representative on the (continental) Nepad Steering Committee. This body shouldered the bulk of the administrative tasks associated with APRM in Rwanda, including organising and managing workshops, disseminating information and popularising APRM, and is the major institution monitoring APRM implementation. It is now often referred to as the 'National Nepad/ APRM Secretariat.'

APR Focal Point. The NNSC appointed Aimable Kabanda as Rwanda's Focal Point. He had previously been a district mayor, worked in an NGO, and, most recently, been a director in the Department of Territorial Administration, which oversees local government.⁶ He is situated within the National Nepad Secretariat, itself housed within the Office of the President.

APRM National Commission. This body was Rwanda's equivalent to the APRM National Governing Councils established in Ghana, Kenya, and South Africa. The commission had 50 members, making it the biggest APRM governing structure in the pioneer participating countries. These 50 were whittled down from an original list of 146 names.

Rwandan officials correctly note that there are no restrictions on numbers for APRM governing bodies and indeed no mention of a 'National Commission' or 'National Governing Council' in the Guidelines for acceding countries from the continental APR Secretariat. They said 'basically, the membership of the APRM National Commission was deeply informed by the APRM operational Guidelines provided by the APRM Continental Secretariat'. By trying to stay true to the principles of inclusivity, integration and coordination with ongoing policy and reform efforts mentioned in official documentation, they included oversight institutions, parliamentarians and civil society organisations on the National Commission.⁷ Other countries such as Ghana have successfully involved all these constituencies in APRM without placing them on a large governing council.

When the Country Support Mission visited Rwanda on 21–24 June 2004, it expressed concern that the APRM process in Rwanda was being driven too much by government officials, which could compromise its independence and credibility.⁸ The mission recommended forming a smaller 10-member

The Country Support Mission expressed concern that the APRM process in Rwanda was being driven too much by government officials, which could compromise its independence and credibility.

6. Telephone interview with A Kabanda, Kigali, 21 August 2006.

7. Email correspondence with A Kabanda and F Gatare, 5 October 2006.

8. The Country Support Mission was led by the then chairperson of the Panel of Eminent Persons, Marie-Angelique Savané. The Country Review Mission in April 2005 was led by Professor Dorothy Njeuma.

governing council, with just one or two government officials, backed by an executive bureau.

The Rwandan government declined to follow this advice. According to political researcher at Stellenbosch University, Dr Eduard Jordaan, there was some justification for this decision, given that this step would have added to the already complex APR structures in the country, but ‘this also meant that the dominance of those close and sympathetic to government remained intact’.⁹ According to Afrimap, during the support mission, a national conference was hastily convened, and chose the 50 members of the APRM National Commission. The National Commission’s composition was approved by Kagame, and various arms of government were heavily represented (see box below).

At the Sixth Africa Governance Forum entitled Implementing the African Peer Review Mechanism: Challenges and Opportunities, held in Kigali in Rwanda on 9–11 May 2006 (AGF-VI), participants from pioneer APR countries said the rules for forming National Governing Councils were unclear, and greater clarity and more early information from the APRM Secretariat were needed. However, Kabanda argued that it made more sense for the government to put together its governing structures before the Country Support Mission, so that the mission would have a plan to respond to. In a presentation to the forum, he declared:¹⁰

There is a question about when the support mission should come to a country. Should they come when something has been done? We had established our management structures and begun to administer the Questionnaire. We felt they should come when there was something to talk about.

AGF-VI delegates noted that if rules were spelled out more clearly in written public documents, rather than orally through Country Support Missions, such confusion could be eliminated, and peer reviews could become more uniform.

As one of the first countries to undergo peer review, Rwanda had no examples to follow, and officials note that guidelines provided by the continental Secretariat state that ‘there is no single blueprint for countries to participate in APRM’.¹¹ The progress of the review suggests that the country underestimated the complexity of the self-assessment process and the need to involve fully the citizenry, and adjusted its methods in an *ad hoc* manner as the process progressed. During the Country Support Mission in June 2004, Rwanda estimated that it would complete its self-assessment by September.¹⁶ However, it was able to submit the report only six months later, in March 2005, and the timeline shows that Rwanda held major consultations relatively late in the process.

9. Jordaan E, ‘Inadequately Self-Critical: Rwanda’s Self-Assessment for the African Peer Review Mechanism’, *African Affairs*, 105/420, July 2006, p.339.

10. Remarks during presentation by A Kabanda, at AGF-VI, Kigali, Rwanda, 10 May 2006.

11. Email correspondence with A Kabanda and F Gatere, 5 October 2006, citing APRM Secretariat, *Guidelines for Countries to Prepare and Participate in the APRM*, paragraph 6, p.2.

Rwanda's APRM National Commission¹²

Rwanda argued that the large size of its national commission (50 members) allowed it to be more inclusive. It is the only pioneer country to have included members of the judiciary and parliament in its APRM managing body. However, more than 60% of members were government officials.

It had 14 members from 'Government Institutions', two from 'Local Government', four from parliament, seven from 'National Commissions and Oversight Institutions', two representing the judiciary, 12 representing 'Civil Society Organisations', and seven from the private sector, plus the APRM Focal Point and an MP from the Forum of Political Parties. It was initially chaired by the minister of finance and economic planning, and was inaugurated at the completion of the Country Support Mission on 24 July 2004. It was later chaired by the general manager of the state-run insurance company Societe nouvelle d'assurance au Rwanda (Sonarwa).

The 14 members of 'national government institutions' comprised three cabinet ministers, two ministers of state (deputy ministers), and nine secretaries-general (directors-general or permanent secretaries).

The parliamentary representation comprised two senators and two members of the Chamber of Deputies. Local government was represented by a district mayor and the president of the Rwanda Association of Local Government Authorities.

National government institutions: Marie Claire Mukasine, president, Insurance Companies Forum; Solina Nyirahabimana, minister, President's Office; Jeanne d'Arc Amujawamariya, minister of state, Ministry of Education; Protais Musoni, minister, Ministry of Local Government; Marie-Christine Nyatanyi, minister of state, Local Government; Augustine Sebudanga, secretary-general, Office of the Prime Minister; Celestine Kayitare, secretary-general, Ministry of Commerce; Anne Gahongayire, secretary, Ministry of Gender and Family Development; Johnson Busingye, secretary-general, Ministry of Justice; Emmanuel Bizimana, secretary-general, Ministry of Infrastructure; Gregoire Karambizi, secretary-general, Ministry of Foreign Affairs and Regional Co-operation; Jean Claude Munyabikari, secretary-general, Ministry of Land, Settlement and Environment Protection; Desire Ndushabandi, secretary-general, Ministry of Health.

Local government: Augustine Kampayana, president, Rwanda Association of Local Government Authorities; Ramathan Bangayabo, mayor, district of Cyanzarwe.

Legislature: Dr Augustine Iyamuremye, Senate; Stanley Safari, Senate; Emmanuel Ndahimana, Chamber of Deputies; Bernadette Kayezu, Chamber of Deputies.

Rwandan civil society should seize this opportunity for advocacy. It should be proactive and equip itself to participate effectively in the process, in order to take part in making the rules instead of simply following them. – LGDL¹³

12. 'Rwanda Nepal Country Structure', *Rwanda Nepal Magazine*, 1, May–July 2004, pp.13–9.

13. Ligue des Droits de la Personne dans la Region des Grands Lacs (LGDL), 'Critical review of the African Peer Review Mechanism Process in Rwanda', *Africa Governance Monitoring and Advocacy Project* (Afrimap), 2007, p.11.

Rwanda's APRM National Commission (Continued)

National commissions and oversight institutions: Dr Jean Baptiste Habyarimana, president, National Unity and Reconciliation Commission; Damien Habumuremyi, executive secretary, National Electro-Commission; Zainabu Kayitesi, president, National Human Rights Commission; Janvier Kanyamashuli, executive secretary, National Tender Board; Gervais Ntaganda, auditor-general, Auditor General's Office; François Kanimba, governor, National Bank of Rwanda; Bernardin Ndayishimye, deputy ombudsman, Ombudsman's Office.

Judiciary: Julien Havugyaremye, judge Supreme Court; Alberto Basominger, *mandataire-general*, Supreme Court (the equivalent of the Solicitor-General).

Civil society organisations: Jackline Rusiribya, president, umbrella organisation of women's associations/Profemme); Theogene Gasana, president, Conseil de Concertation des Organisations d'Appui aux Initiatives de Base (CCOAIB); Silas Sinyigaya, executive secretary, Collectif des Liges et Associations de Defense des Droits de l'Homme au Rwanda (CLADHO); Eric Manza, executive secretary, Centrale des Syndicats des Travailleurs du Rwanda (CESTRAR); Francis Xavier Ngarambe, president, Association for the Survivors of Genocide/Ibuka); Jean Pierre Safari, student leader, Kigali Institute of Science Technology and Management (KIST); Bishop Emmanuel Colin, HIV/AIDS Commission and religious organisations; Francis Mutemberezi, former governor of the Central Bank (civil society); Dr Uzzuel Ndagijimana, rector, School of Finance and Banking; Zephyrin Karimba, president, Association pour la promotion des Batwa; Jamal Ndungutse, executive secretary, Youth Council; representative of the High Council of the Press. These 12 'civil society organisations' (whose representatives formed 24% of the National Commission) tended to be umbrella bodies.¹⁴

Private sector: Marc Rugenera, vice-president, Federation of Private Sector; Etienne Gakwaya, director-general, Amazi ya HUYE; Amandin Rugira, president, Commercial Banks Forum; Francis Xavier Udaheumuka, president, Local Farmers' Association; Aimable Karyabwite, president, ICT; Marco Nsengimana, Association of Professionals.

Other: Aimable Kabanda, the APR Focal Point, and Abbas Mukama, Forum of Political Parties.¹⁵

14. Jordaan noted that some were appointed by the president (such as the rector at the School of Finance and former Central Bank governor), whereas others 'can be regarded as only marginally independent of the current government', such as Pro-Femmes, an umbrella organisation for women's groups. He also noted the absence of critical human rights groups, such as the Ligue rwandaise pour la promotion et la défense des droits de l'homme (Liprodhor) (the Rwandan League for the Promotion and Defence of Human Rights), or independent media such as the *Umuseso* newspaper, both of which had been critical of the government, and faced threats and actions against them. See Jordaan, *op. cit.*, p.340.

15. Jordaan further noted that the security forces were not represented on the National Commission, supposedly because they are not permitted to be involved in politics, and felt that 'the absence of those agencies most influential in determining the human rights environment casts doubt over the authority, influence and reach granted to the National Commission'. *Ibid.*, p.341.

According to a timetable in the *Rwanda Nepad Magazine*, the National Commission only sat only four times, with the first meeting held in July 2004, three months after the first APR national stakeholders' workshop.¹⁷ This suggests that the government's initial plans were well underway by the time the commission began its work. At its first meeting, the commission was subdivided into the four thematic areas. The democracy and political governance group was chaired by a senator; the economic governance group by the head of an insurance company; the corporate governance group by a former private sector federation leader; and the socio economic development group by the president of a women's umbrella organisation.¹⁸

The Rwanda Nepad Secretariat did the bulk of the country's APRM work. Unlike Ghana, Rwanda did not set up a separate APRM Secretariat to assist with the logistics, administration, and execution of the review. Instead, like Kenya, in order to cut costs and avoid wastage and duplication, it housed these functions within the Rwanda Nepad Secretariat. The Secretariat had several varied responsibilities related to the APRM, including public relations and communication; deepening citizen involvement; preparing the Country Self-Assessment Report and Programme of Action; developing governance indicators; and reporting to the continental APRM Secretariat.¹⁹ In contrast to Ghana's APRM Secretariat, which was completely independent of government and located in its own premises, what later came to be called the 'Nepad/APRM Secretariat' in Rwanda is housed in the Office of the President in Kigali.

In a report on the implementation of APRM in Rwanda, compiled for the Sixth Africa Governance Forum (AGF-VI, held in Kigali in May 2006), Rwanda cited a 'lack of adequate capacity within the APRM/Nepad Secretariat' as the first major challenge posed by the APRM process.²⁰ The report noted that at the start of the APR process it was impossible to forecast its institutional and human resource needs, and that the country had then experienced a steep learning curve. It stated that there was a need to 'enhance the technical capabilities of Secretariat staff' – in other APR countries as well – and called for capacity-building to create the optimal balance between the technical and policy/political demands on the Secretariat.²¹ In fact, from April to November 2004, Kabanda was the only person working on APRM full time in this office.

Rwanda cited a lack of adequate capacity within the [National] Secretariat as the first major challenge posed by the APRM process.¹⁶

16. Gatete C, *op. cit.*, p.1.

17. The National Commission met again on 6 September and 30–31 October 2004 to review progress, and on 27 November 2004 to discuss the draft report that would be subjected to a validation conference.

18. 'Nepad is Set to Steer Rwanda's Progress – Gatete', *Rwanda Nepad Magazine*, 2, November 2004, pp.6–7.

19. 'Rwanda Nepad Secretariat', *Rwanda Nepad Magazine*, 1, May–July 2004, p.18.

20. Republic of Rwanda, *Rwanda's Consultations Outcome Report for Experience Sharing on the Implementation of APRM*, January 2006, p.8.

21. *Ibid.*

Kabanda recounts:²²

At first, I ran the office alone. Later we recruited two more people, one from the Red Cross and a lecturer, so we were three on a permanent basis. We also had people from the Technical Review Teams, but they were not there on a full-time basis, and they were volunteers. We used support from the Nepad Rwanda Secretariat as well – we did not have our own resources. The job was absolutely too big for one person.

Although Rwanda's formal APRM process was completed by the time the AGF-VI report was written, it clearly expresses that more training and capacity building would have been useful. There are additional expectations that country APR structures will oversee and monitor the implementation of the programme of action, which also require firmer guidance from continental APR bodies.

Features of the review

Research methodology

In contrast with Ghana, Kenya, and eventually South Africa, Rwanda did not appoint local think tanks to oversee the writing of the Country Self-Assessment Report, mainly because officials cited a lack of technically competent and mature research institutions in post-genocide Rwanda. Kabanda says that the National Commission felt that the local chapter of the Organisation for Social Science Research in Eastern and Southern Africa (OSSREA), for example, was not competent enough in any of the four thematic areas, and that there were no suitably qualified Rwandan academics. He recalls that a consultant was engaged to undertake preliminary desk research, and several stakeholders were contacted to ascertain their views on governance questions.²³

About 200 people attended Rwanda's first national stakeholders' workshop held in the capital, Kigali, on 24–26 March 2004. This workshop was known as 'Nyandungu I' after the Kigali suburb in which it was held. Speakers and attendees were predominantly drawn from government, and a smaller number from some NGOs. Realising that such a large, unwieldy group would struggle to complete the complex Self-Assessment Questionnaire, the workshop recommended the establishment of 'thematic groups' to work on the four thematic areas of the APRM. Kabanda says these groups chose people with technical expertise in these four areas 'who were given the assignment to go through the Self-Assessment Questionnaire, look at the details, and design user-friendly, layman's language for the general participation of the citizens'.²⁴

Each group had between four and seven members, totalling 21. The members of the democracy and political governance group were Aimable Kabanda

22. Telephone interview with A Kabanda, 21 August 2006.

23. Interview with A Kabanda, 15 May 2006.

24. *Ibid.*

(APR Focal Point, Rwanda Nepad Secretariat), Alex Semarintoya (Ministry of Local Government), Solange Tuyisenge (member of the National Assembly), and James Ngano (Ministry of Foreign Affairs), and Eduard Jordaen notes that they were 'strongly affiliated to government'.²⁵ This government dominance seems to contradict the official description of these groups in the APRM Country Review Report of the Republic of Rwanda as representing volunteers from government, business, and civil society, who eventually received 'some incentives to maintain work momentum', because this system cut costs and allowed 'a wider spectrum of stakeholders' to own the process.²⁶

A former SAIIA researcher, Ayesha Kajee, who attended Nyandungu I, recounts:²⁷

Officials asked me for my opinion of the workshop and the quality of consultation, and I replied, 'Must I be diplomatic, or frank?' When they said, 'Frank, please', I said that I felt the workshop was dominated by government, and emphasised the form of APRM – basically filling in a questionnaire – rather than the substance of a dialogue. I said they would need to do much wider consultation with civil society. They took these comments well, and eventually SAIIA went back to do a workshop for civil society organisations in September.

On 8–12 April 2004, the four thematic groups held a retreat in (what was at that time) Ruhengeri province to fill out the Self-Assessment Questionnaire. They claimed to have incorporated previous consultations with stakeholders, although precisely what this material was, and who had been consulted, has not been made clear. Further comments were elicited at a second national stakeholders' workshop in May 2004, where these thematic groups were expanded and became known as 'Technical Review Teams'. This was done to enable the teams to gather information from organisations and consult stakeholders, prepare background documents in the four thematic areas, and compile supporting documentation.²⁸

Silas Sinyigaya, executive secretary of CLADHO, the Federation of Leagues and Associations of Human Rights in Rwanda, and a civil society representative on the APRM National Commission, recounts:²⁹

Every commissioner had to respond to the Questionnaire for his organisation. We all filled them in, gathered responses and thereafter did consultations with all components of civil society, even in the rural areas ... then the report was written by the technical groups.

Jordaen highlights some of the logistical problems faced by the Technical Review Teams in completing the long, dense, and sometimes repetitive

The task of finding relevant data was complicated by the absence of a central statistical and documentary archive in Rwanda.
– Eduard Jordaen³⁰

25. Jordaen, *op. cit.*, p.340, footnote 24.

26. APRM Panel of Eminent Persons, *African Peer Review Mechanism Country Review Report of the Republic of Rwanda*, June 2005, p.23.

27. Telephone interview with A Kajee, Johannesburg, 15 August 2006.

28. Gatete, *op. cit.*, p.4.

29. Interview with S Sinyigaya, Kigali, 15 May 2006.

30. Jordaen, *op. cit.*, p.339.

Questionnaire. Most of the team members retained their regular jobs and had to work on the report after hours (although some did take leave). He notes that almost all team members he interviewed cited time pressure as a serious constraint. This was exacerbated by the difficulties of searching for data that was hard to find, or did not exist at all, as Rwanda has no central statistical and documentary archive. He adds:³¹

The result was a lengthy report, in which writing often lacked precision; some questions and indicators asked after by the Questionnaire were omitted; the integration was poor; and the *de jure* situation was emphasised, rather than the *de facto* state of affairs.

The June 2004 Country Support Mission was critical of Rwanda's methods, and noted:³²

The Rwanda APR Technical Team had already filled in the APR Questionnaire, incorporating predominantly government opinion and figures, without the critical inputs of other stakeholders capable of guaranteeing overall national ownership.

The mission also felt that the Technical Review Teams lacked the technical expertise to assemble a credible and fair Country Self-Assessment Report, due to the absence of established think tanks or research institutions working on governance issues in Rwanda. It advised using either 'Strategic Partner institutions' of the APRM (the UNDP, UNECA, and the ADB) or an independent policy and research institution based elsewhere in Africa. Rwanda was also advised to simplify and reformulate the Questionnaire to make it accessible to its citizens.

Civil society involvement

CSOs in contemporary Rwanda are fewer in number, more poorly funded, and less well organised than their counterparts in Ghana, Kenya, or South Africa. They are also less vocal and independent. In the current political context, few groups are willing to express strong opinions about governance issues without fear of the consequences. Rwandan citizens were only peripherally involved in the APR process, in terms of freely contributing their analyses, ideas, and opinions about the state of governance in their country. A high proportion of rural people are illiterate, and many have a poor knowledge of English or French.

People were noticeably afraid to voice their true opinions in front of the group. They were far more forthcoming when writing down their key issues.

Rwanda argued that its process was inclusive and consultative because umbrella civil society groups were represented on the National Commission and attended national workshops. However, the process raised questions about how effectively civil society could contribute to such public meetings or affect the final report, given the preponderance of government involvement, government control of the writing and editing process, and the reluctance of members of the public to express opinions in the present political climate.

31. Jordaen E, *op. cit.*, p.339.

32. APR Panel of Eminent Persons, *op. cit.*, p.24.

In addition, says Kabanda, ‘civil society was not really coming on board, because we don’t have a vibrant civil society.’³³

The Rwanda Nepad Secretariat used various methods, such as its quarterly Nepad magazine, jingles, billboards and frequent radio and television announcements, to inform the public about the APRM and attempt to involve it in the process.³⁴

Rwandan officials noted that the sensitisation campaign to explain the APRM process ‘took a significant amount of energy and time at the expense of progress with the review itself’,³⁵ yet stated that this was necessary to show that the APRM complemented other national governance initiatives and programmes rather than competing with them.

Rwanda also established a Focal Point in each of its (then) 12 provinces, which undertook consultations based on the simplified Questionnaire, and reported back to the national Focal Point.

People’s reluctance to speak out was evident at a one-day civil society workshop organised by SAIIA on 28 September 2004, at the request of the Rwanda Nepad Secretariat. During workshop sessions aimed at identifying governance priorities, civil society participants said very little, deferring to government representatives. But when asked to name key governance challenges on an anonymous form, participants wrote extensively and critically about many aspects of governance, particularly government dominance in Rwanda; a climate of fear; and a repression of human rights, civil liberties, and the media. They felt that these factors inhibited civil society participation in the APR process, and allowed government to dominate.

Kajee, who co-facilitated the workshop, recalls:³⁶

People were noticeably afraid to voice their true opinions in front of the group. They were far more forthcoming when writing down their key issues. After 1994, civil society is very much still in its infancy, with strong undertones of fear and caution, compared to a very vibrant civil society, say, in Kenya, Ghana or South Africa, who have no hesitation in voicing their views. Rwanda is in a totally different situation, understandable because of their history – remember, the 1994 genocide was partly engineered through the media, ‘civil society’ if you will.

At that point [September 2004], the quality of consultation was poor because the knowledge about APRM was poor. For many people, this workshop was their first exposure to peer review. There was also strong consensus among the people there that civil society did not have the material resources to make written submissions, and would need funding to do so.

33. Interview with A Kabanda, Kigali, 15 May 2006.

34. *Ibid.*

35. *Rwanda’s Consultations Outcome Report*, *op. cit.*, p.9.

36. Telephone interview with A Kajee, 15 August 2006.

A number of civil society representatives on the National Commission confirmed this reluctance to be critical. Bishop Emmanuel Colin, chairperson of the National Commission on HIV, says: 'There is an African tendency to be polite to elders and those with experience. This can affect you, and you may keep quiet.'³⁷ Sinyigaya says: 'Some feared the review – it was seen as a test.'³⁸ The chairman of the United African Youth Association, John Bosco Ruzibiza, notes that some people saw the peer review as 'a kind of punishment', and thought that if they raised certain issues, it would give Rwanda a bad image. According to him, it had to be explained to people that the APRM was aimed at inculcating a culture of transparency and accountability and was not meant to be punitive, and he acknowledges that the APRM is 'still not really understood as it should be.'³⁹

Kabanda agrees:⁴⁰

This process is about looking at the performance of institutions, and usually some individuals [within these institutions] think that the mechanism will appraise them, and may lead to them having poor grades, and so they become quite defensive. It was therefore very necessary to create awareness that this won't impact on their jobs, that there would not be consequences personally. It was delicate. People had to understand that it was not about individuals, but performance of institutions, otherwise they give you selected data.

According to Francine Rutazana, executive secretary of Ligue des Droits de personne dans la région des Grand Lacs (LDLG; the Human Rights League of the Great Lakes Region), while some CSOs and members of the general population were consulted, albeit late and insufficiently, their inputs do not appear to have had much influence on the self-assessment prepared by the civil servants on the Technical Review Teams. She notes that those on the National Commission were involved since March 2004, but many CSOs were exposed to the APRM at SAIIA's workshop only in September, and then lacked sufficient time to make substantial written inputs as the national validation took place in mid-December. She feels that a one-day workshop was too short to prepare civil society for participation, particularly at this late stage in the process, and that more workshops were needed around the country to sustain civil society participation.⁴¹ Ruzibiza notes that, to his knowledge, no civil society groups made any independent submissions to the APRM panel, and recommends that this be done in future reviews.⁴²

Kabanda and Gatere said that civil society did add a critical voice in the Country Self-Assessment Report, and will be strongly involved in keeping the government to its pledges for the Programme of Action:

37. Interview with Bishop E Colin, Kigali, 15 May 2006.

38. Interview with S Sinyigaya, Kigali, 15 May 2006.

39. Interview with JB Ruzibiza, Kigali, 15 May 2006.

40. Interview with A Kabanda, Kigali, 15 May 2006.

41. Rutazana F, 'Evaluation of the APRM Process in Rwanda', presentation to the meeting in Banjul for Partnership Africa-Canada, 26–28 June 2006.

42. Interview with JB Ruzibiza, 15 May 2006.

Like other sectors, civil society in Rwanda is in [the] making and not as vibrant as civil society in other countries that have enjoyed stability for decades. Like the public sector, civil society in Rwanda is going through institutional recovery. Despite multiple capacity challenges faced by civil society, its contribution to the African Peer Review has been significant, meaningful and forthcoming.⁴³

Finalising the self-assessment

The National Commission acknowledged some of the difficulties in compiling the Country Self-Assessment Report at its October 2004 meeting, which 'recommended that the Technical Review Teams pay more attention to the structure of the report, update the data, collect supporting documents and acknowledge sources of information'.⁴⁴

A draft report was submitted to a national validation conference on 17 December 2004; 83 people attended, including policy-makers and donor representatives. Comments were integrated, and in February 2005 the report was sent for critical evaluation by the Africa Institute for Policy Analysis and Economic Integration (AIPA), an independent research institute based in Cape Town, South Africa.⁴⁵ AIPA had done extensive consultancy work for the Rwandan government. Given the considerable criticisms outlined below, and the fact that the final Country Self-Assessment Report has never been made public, it is unclear to what extent the self-assessment was adjusted. The report was then edited and updated by the Rwandan chapter of OSSREA.

The fact that Rwanda entrusted its self-assessment report to a foreign organisation, AIPA, for technical review is in itself revealing of the lack of domestic capacity and self-confidence that characterised this initial experience with the APRM assessment process. – LDGL⁴⁷

Criticisms of Rwanda's self-assessment

In an article in the journal *African Affairs* in July 2006, Eduard Jordaan delivered a devastating critique of the draft self-assessment that AIPA examined in February 2006. Among other things, he stated that:⁴⁶

Rwanda's self-assessment lacked forthrightness about the 'weaknesses and strengths' of its national political situation, the basis on which 'appropriate adjustments' are to be made. While Rwanda has in the past contested and denied many of the allegations made against it, the weight of the evidence supplied by authoritative sources suggests that Rwanda's rosy depiction of its political situation in the chapter on democracy and good political governance in the January 2005 version of its self-assessment report is inadequate because of its failure to address a number of serious problems of governance in Rwanda.

In Jordaan's opinion, the greatest inadequacies in the chapter on democracy and political governance were in the sections discussing cross-border conflicts, separation of powers, social tensions, elections, and human rights.

43. E-mail correspondence with A Kabanda and F Gatare, 5 October 2006.

44. 'Nepad is Set to Steer Rwanda's Progress', *op. cit.*, pp.6–7.

45. See <http://www.aiparsa.com/> for more on AIPA. The two principal researchers on this project also work at the University of Stellenbosch in the Western Cape, South Africa.

46. Jordaan, *op cit.*, p.341.

47. LDGL, *op cit.*, p.16.

Remember,
when it comes to
implementation,
it's the government
that does so and
civil society remains
with the traditional
role of ensuring that
the government
does the right thing
... So it is essential
that the two are
brought on board
and have equal say
and strengths on the
governing council.
The domination of
either group
is not good.
– Aimable Kabanda⁵³

Cross-border conflicts. The draft self-assessment listed some vague sources of conflict, including imposed borders, 'issues regarding nationality in some neighbouring countries, spill-over effects from power struggles within the area', as well as more pernicious and loaded language: 'the persistence of genocidal ideologies within the region, coupled with the existence of "armed perpetrators of genocide" in the DRC'.⁴⁸ Jordaan noted that there was an 'absence of any acknowledgement of blame on Rwanda's part. The report ignores Rwanda's role in fuelling regional conflict during recent years' (though often vehemently denied by government) in three dimensions: (i) Rwandan government soldiers and Rwandan-backed forces have repeatedly committed human rights violations in the Democratic Republic of Congo (DRC); (ii) Rwanda has exploited mineral wealth in the DRC; and (iii) Rwanda has armed various groups in Eastern DRC, in violation of a UN arms embargo.⁴⁹

Separation of powers. On this issue, Jordaan wrote:⁵⁰

Rwanda's response is wholly insufficient. In a matter of four short paragraphs (less than 400 words) the report presumes to answer three questions, each question requiring discussion around three indicators. The self-assessment makes no effort to assess the de facto separation of powers, and instead refers the reader to a number of constitutional clauses that supposedly ensures the independence of the three arms of government.

Jordaan noted that the report had omitted the president's considerable power to appoint people to judicial and oversight bodies as well as the senate (which then goes on to appoint a number of key administrative and oversight officials), and neglected to mention successive reports by the US Department of State regarding executive interference in the judiciary.⁵¹

Social tensions. Jordaan wrote of the striking silence in the report on questions requiring information on social cohesion or social tensions. He stated:⁵²

The Rwandan report declines to comment on ethnic relations in present-day Rwanda; it dismisses economic/class inequalities as a source of conflict in Rwandan society and makes no reference to the Twa, the third and smallest ethnic group in Rwanda.

While acknowledging the efforts the current RPF government has taken to normalise Rwanda and eliminate ethnic divisions, Jordaan pointed to issues surrounding ethnic cleavages that the report downplayed or omitted. These included the 1994 genocide and history of ethnic violence in preceding decades; the claim that the present regime used the lack of ethnic identities

48. Rwanda Nepad Secretariat, Rwanda Country Self-Assessment Report for the African Peer Review Mechanism, Kigali, 2005, p.26, quoted in *Ibid.*, p.342.

49. *Ibid.*, pp.342–343.

50. *Ibid.*, p.344.

51. US Department of State, 'Country Report 2003' and 'Country Report 2004', cited in *Ibid.*, p.344.

52. *Ibid.*, pp.344–345.

53. Videotaped Interview with A Kabanda, 15 May 2006.

to mask Tutsi military and political dominance; a prominent class element in the 1994 genocide and obvious wealth disparities; and marginalisation of the Twa.⁵⁴ (See also 'Presenting the Country Report' below for an indication of the sensitivities around ethnicity and diversity in Rwanda.)

Elections. Jordaan pointed out that the Questionnaire avoided tough questions about elections, focused on procedural and legal instruments instead, and directed countries to focus on and evaluate electoral systems (how votes relate to seats in the legislature) rather than electoral processes (the procedures by which elections are conducted, and how these are routinely manipulated). He asserted that the report was wanting on both counts. In discussing the electoral system itself, the report omitted the proportional character of the electoral system, the complex election of 27 of the 80 members of the Chamber of Deputies by indirect ballot, and the president's ability to appoint over 30% of the powerful Senate. He also questioned the independence from government of the National Electoral Commission, which ignored irregularities, but attacked critics of Rwandan elections. In analysing electoral process, Jordaan stated:⁵⁵

While recent elections in Rwanda were peaceful and well ordered, the self-assessment report's claim that there were 'no reported incidents of ballot-rigging' is inaccurate, since there were indeed reports of ballot stuffing and irregular counting ... Moreover, presenting the 'absence' of 'ballot-rigging and violence' as proof of the 'effectiveness' of Rwanda's 'electoral system' to 'deliver results that are adjudged to be broadly free and fair' does not tell the whole story, given that there were enough problems with the elections of 2003 (although not mentioned in the self-assessment report) to cast serious doubts on their legitimacy.

Jordaan went on to discuss the general suppression of political opposition in the run-up to the 2003 polls, backed by a full page of meticulously cited sources, including the jailing of opposition politicians on supposedly trumped-up charges; the intimidation of political opponents; branding government critics as harbouring 'genocidal ideology', which led to banning opposition parties, restrictions on the media, and a flouting of campaign rules by the ruling RPF; a constitutional ban on sub-provincial political organisation; and the abuse of state resources by the incumbent party. He also noted election irregularities, including infringements on ballot secrecy, counting irregularities, ballot stuffing, and bias by the National Electoral Commission.

Human rights. Jordaan noted that the self-assessment concentrated heavily on constitutional provisions and nascent institutions designed to promote and protect human rights, but failed to assess their effectiveness. He wrote: 'Unfortunately, the self-assessment report seems to overestimate the positive influence of the Rwandan constitution',⁵⁶ citing harassment of journalists and the difficulties experienced by some human rights and advocacy groups in

54. *Ibid.*

55. *Ibid.*

56. *Ibid.*, p.349.

obtaining legal registration. He further noted that the questionnaire asks only for evidence of violation of citizens' rights, which failed to interrogate human rights abuses of non-citizens in Rwanda and the DRC.

When Rwandan officials were asked to respond to these criticisms in an early draft of this chapter, they said:⁵⁷

We have made no specific comments on the self-assessment observations by Edward [*sic*] Jordaan, mainly because the self-assessment report was supposedly to feed and enrich the Peer Review Report, which is already public. The self-assessment report is today inferior to the final Peer Review Report and we find no reason to discuss it now.

The Country Self-Assessment Report and preliminary Programme of Action were submitted to the APR Secretariat in March 2005, exactly a year after the start of the process in Rwanda (but beyond the six- to nine-month time frame suggested in the APRM guidance documents).

Composition of the APRM Country Review Mission to Rwanda⁵⁸

Date of mission: 18–30 April 2005

Member of the APRM Panel of Eminent Persons: Professor Dorothy Njeuma

APRM Secretariat: Dr Bernard Kouassi, executive director; Dr Moise Nembot, **co-ordinator:** democracy and good political governance; Nana Boateng, research analyst: socio-economic development

Nepad Secretariat: Sudir Chuckun, co-ordinator: multilateral relations and policy.

Independent Technical Consultants: Bassary Toure, former executive director, World Bank; Khalifa Ababacar Sall, manager general, KASS Consulting, MP, Republic of Senegal; Dr Mbui Wagacha, consultant and member, economic policy and management panel, African Capacity Building Foundation; Patricia Cisse, director-general, Africa Investment and Business Advisers; Kibre Dawit, chair of the board of trustees, African Women's Development and Communication Network (Femnet).

Partner Institutions: Zemenay Lakew, senior programme co-ordinator, AU-Nepad Support Unit, UNDP; Dr Michael Mah'moud, senior adviser, African Development Bank; Mr Gabriel Negatu, chief, Governance Unit, African Development Bank; Professor Achi Atsain, consultant, African Development Bank and former Minister for Labour, Republic of Ivory Coast; Dr Kojo Busia, development management officer, UNECA.

57. E-mail correspondence with A Kabanda and F Gatare, 5 October 2006.

58. APRM Panel of Eminent Persons, *op. cit.*, pp.25–26. Team members may have subsequently changed jobs.

Country Review Mission

On 18–30 April 2005, Rwanda hosted a 14-person Country Review Mission led by Professor Dorothy Njeuma of the APRM Panel of Eminent Persons. The members of the team are listed in box below.

However, just three individuals who participated in the Country Review Mission to Ghana from 4–16 April 2005 also went to Rwanda. Scheduling the first two Country Review Missions back-to-back meant that two different teams were required, and team members could not bring experiences and lessons from the review process in the first country to bear on the second. This has been corrected in subsequent review missions, with several people who went to Ghana or Rwanda also visiting either Kenya and/or South Africa.

According to a draft programme, the Review Mission spent its first day (Monday 18 April 2005) in an internal working session. On the second day it met the national commission, Focal Point, the president's representative, and the Technical Review Teams, and spent the third day meeting government officials and representatives of 'specific sectors', including the head of *gacaca* (Rwanda's traditional community justice system), the Auditor-General, the ombudsman, and the governor of the Reserve Bank. One day in Kigali was spent in an open stakeholders' forum session with NGOs, academics, trade unions, traditional leaders, political parties, women's groups and the media, and another team working session was held the following day. No work was scheduled for the weekend, and two days of the second week were spent in consultations in rural areas outside Kigali, where members were received by governors and other high-ranking officials. A day was dedicated to meeting the UNDP, the donor community, and the president, and the final Friday was devoted to 'sightseeing or recreation'.⁵⁹

With so few days in the country to gather information, and to verify the integrity of the self-assessment and the quality of civil society involvement, the mission's schedule suggests that the team did not use its time optimally to speak to as many people and organisations as possible. Several days were spent on internal meetings, visiting dignitaries, ceremonial events, and recreation.

Francine Rutazana of the LDGL analysed the composition of the groups that met the Review Mission in Rwanda's 12 provinces. She notes that in Butare, of the 25 people gathered to meet the Review Team, only four were from CSOs (including some, Profemmes, represented on the National Commission), two were from business, and the rest were government officials and civil servants. In Gokongoro province, there were no civil society representatives and only one businessperson at the meeting. In Byumba province there were two church representatives and three from the private sector out of 20 attendees. Civil servants tended to make up the majority of participants in

With so few days in the country to gather information, ... the mission's schedule suggests that the team did not use its time optimally.

59. Draft Programme, APR Country Review Visit to Rwanda, 18–30 April 2005.

several other provinces, although in Kibungo faith-based organisations were well represented, as were farmers and stockbreeders in Umutara.⁶⁰ Given the reluctance already outlined of citizens and members of CSOs to speak frankly about problems during the internal review process, the strong presence of government officials could have similarly inhibited these consultations.

Kabanda feels that the Country Review Mission spent insufficient time in Rwanda, and questions its composition:⁶¹

The Mission was only in Rwanda for ten days – you cannot fully understand the political and economic dynamics in that time. They took one or two days to organise themselves, so really used just eight days. And 90% of them were not from the region, which made it harder to understand the dynamics.

This is reiterated in Rwanda's report on lessons learnt from APR prepared for the Africa Governance Forum, which notes that the ten days spent in Rwanda by the Country Review Mission was 'definitely inadequate', given that the team had to interrogate the four thematic areas as well as travel around the country to get the views of stakeholders. It noted that such a short visit would be even less viable in larger countries, and suggested a 20-day visit or multiple missions. It also suggested that Country Review Missions should be accompanied by local experts.⁶²

The report is also critical of the preparedness, objectivity, and expertise of the Country Review Mission, but appears to miss the inherently subjective nature of any review process:⁶³

For example, given the recent history of Rwanda, it seemed as if some external reviewers came with inadequate knowledge of the country, and perhaps even some preconceived ideas based on inaccurate information about the country found in different media like the Internet. This may not necessarily have skewed their objectivity, but to eliminate the possibility, there is a need to base these reviews on clear objective criteria or score matrix [*sic*]. This would certainly make the exercise more predictable, empirical and scientific.

The AGF report also recommended as a 'minimum requirement for objectivity' that the final report be 'subjected to a process of moderation' before being submitted to the heads of state, and that countries should be able to modify information in the main report rather than annexing their comments.⁶⁴ This, however, would be contrary to the spirit and letter of the process, and allowing governments to change the report would remove a key pillar of the integrity of the APRM.

60. Rutazana, *op.cit.*

61. Interview with A Kabanda, Kigali, 15 May 2006.

62. *Rwanda's Consultations Outcome Report, op. cit.*, p.10.

63. *Ibid.*, p.8.

64. *Ibid.*, p.8.

Issues of concern in Rwanda listed in the Country Review Report

In the Rwanda Country Review Report, the APR Panel identified six ‘overarching areas of concern’ to which the government should give ‘immediate and utmost attention’:⁶⁵

Land and population. Considering the combination of Rwanda’s high population growth and density, competition for scarce land, and insufficient non-agricultural employment to be major potential source of conflict, the Panel recommended the development of clear land and family-planning policies, including a plan to create more off-farm employment for youth and rural people.

Political pluralism and competition of ideas. The Panel claimed that there was ‘a “rehearsed” participation in public affairs as determined by the political authorities’, and recognised the difficulties in promoting multiparty democracy and pluralism in a society with strong ethnic affiliations. It stated that Rwanda ‘should recognise the need for political parties and civil society to operate freely and express competitive ideas for governance within the rule of law’ and stated that, in the long term, removing all restrictions would benefit democratic development more than ‘adhering to a tight framework within which parties can operate’.

Gacaca courts. While recognising the benefits of Rwanda’s traditional community justice system, the report warns of ‘destabilising consequences if not implemented sincerely and successfully’, citing serious concerns about the legitimacy of *gacaca* courts, their relationship to human rights norms, capacity constraints in training, slow throughput of cases and fears of retribution. The Panel recommends that the priority is to rebuild the formal judiciary sector, learning the lessons and building on benefits of *gacaca*.

Capacity constraints. The Panel noted, across all four APRM thematic areas, ‘the lack of capacity within institutions to perform effectively’, and further noted weaknesses in several government bodies with regard to submitting reports, land registration and local government functions. Rwanda was advised to accelerate existing skills efforts and initiate new programmes, in conjunction with business and donors.

Aid effectiveness. With such high dependence on donor funding, how this aid is utilised is a key question. The panel recommended ongoing tracking of how much aid money is spent on infrastructure and social services, and the proportions remitted to donor countries or institutions by way of using expertise from, and doing business with, those countries or organisations.

Managing diversity. Recognising government efforts to move beyond ethnicity and promote common aspects of language and culture among Rwandans, the Panel noted that ‘effort still needs to be made to dilute the perception of potential ethnic hegemony by one group over others, and even

The Panel claimed that there was ‘a “rehearsed” participation in public affairs as determined by the political authorities’.

65. APRM Panel of Eminent Persons, *op. cit.*, pp.126-130. All quotes in this section are from these pages.

greater effort needs to be made to reverse the denial of democracy by slowly opening up the political space'. The Panel suggested in-depth dialogue with various groups to foster a sense of participation, inclusion and power-sharing. Notably, no particular groups were named.

Presenting the Country Review Report

The interaction between the Rwandan government and the APR Panel on the content of the report to be presented to the heads of state in Abuja, Nigeria, in June 2005 is informative. It shows that the Panel stood its ground against a government unhappy about some comments made and procedures followed, but also that it was prepared to soften the language and remove some detail for diplomatic reasons.

Both Ghana's and Rwanda's draft country reports were finalised on 3 June 2005, and sent to the two countries for comment. The Rwandan government responded to the report in a 20-page appendix, and took issue with a number of points made in it, meticulously rebutting criticisms against, among other issues, *gacaca*, the Forum of Political Parties, separation of powers and judicial independence, protection of the Batwa community, and land policies.

In Abuja, Rwandan delegates requested a meeting with the Panel to discuss the format of the upcoming Forum meeting as well as the content of the report, particularly a section on 'managing diversity'. Professor Njeuma said she had been telephoned by Francis Gatare, Nepad advisor to the president, 'expressing serious reservations about this paragraph', and pointing out that it did not appear in the earlier draft, sent to Rwanda on 3 June 2005. After consultation with the APRM Secretariat's executive director, Dr Bernard Kouassi, and other members of the Review Team, it was originally decided to delete the section. However, the full Panel felt the issues related to diversity and ethnicity were extremely pertinent to Rwanda and should be included, but 'the language could be streamlined'. Several paragraphs were shortened, and references to specific groups were removed.⁶⁶ Gatare apologised for the phone calls 'that, in his opinion, should not have been necessary', but said that:⁶⁷

The Panel stood its ground against a government unhappy about some comments made and procedures followed, but also that it was prepared to soften the language and remove detail for diplomatic reasons.

[h]e had grown concerned after noting a section of the report that he considered outside the spirit of the process. He had considered it important that a message be made that there was a text that was not written according to the agreed-upon relationship. However, he thanked the Panel members for the spirit of constructive criticism they conveyed and noted that he would not comment on the substance of the new text.

The then chairperson of the APR Panel of Eminent Persons, Marie-Angelique Savané, noted that 'in rushing the writing of the report, everything might not have been done properly', but that Rwanda had the right to respond, and 'the Panel had not been influenced or manipulated in coming to its decisions.'⁶⁸

66. 'Draft Minutes of the Twelfth Meeting of the APR Panel of Eminent Persons, 16–17 June 2005, Abuja, Nigeria', paragraph 18.

67. *Ibid.*, paragraph 40.

68. *Ibid.*, paragraph 41.

In her presentation to the APR Forum on 19 June, Njeuma noted the tremendous strides Rwanda had taken to rebuild itself after the 1994 genocide, and praised efforts towards gender mainstreaming and progress made in delivering education and health services. Land, political pluralism, *gacaca* courts, managing diversity, external assistance, and capacity constraints were identified as overarching issues for immediate attention, and the following issues were particularly highlighted:⁶⁹

There is ... a concern about the opening up of political space for competition of ideas and power. The apparent lack of separation of powers between the executive and the judiciary was also noted as a concern for good political governance in Rwanda. Acknowledging the efforts to promote justice through the traditional system of *gacaca*, the Panel underscored that measures need to be taken to ensure that the *gacaca* process does not become a 'victors' justice' and that it provides guarantees for accused persons comparable to the formal judicial system. Rwanda was also called upon to continue to promote efforts to manage ethnic diversity.

Rwanda regretted that the APR rules prevented the main report from being changed to correct inaccuracies.

In response to the presentation, Kagame noted his country's broad agreement with the report, but raised a number of points, and noted that some areas of the report appeared to misrepresent the real situation. The minutes of the meeting noted:⁷⁰

In his view, the review team, given the short time, may have not been fully able to appreciate ongoing innovative measures and processes ... [and] proposed that, in future, consideration should be given to include local experts to facilitate better appreciation and contextualisation of local issues.

Particular issues highlighted by Kagame included the separation of powers and the independence of the judiciary, *gacaca*, and the management of diversity and political pluralism, reiterating many of the country's comments on the Panel's report. The Panel inserted an addendum to the report (Appendix II), acknowledging some errors of presentation or interpretation of judicial independence and political pluralism. Rwanda regretted that the APR rules prevented the main report from being changed to correct inaccuracies.

In comments on an earlier version of this chapter by Kabanda and Gatere, they acknowledge that the content of the draft was amended:⁷¹

The draft report after Abuja was further improved and Rwanda received the second round of the APR Panel led by Ambassador Kiplagat. Some of the issues that were previously wrongly understood by the external Review Team were corrected in the final version that was presented to the APR Forum held in the Republic of The Gambia. For instance, the first draft report did not recognise the independence of the judiciary and the role of the Forum of Political Parties. In the final report, the independence of the judiciary in Rwanda is well articulated and clear. The final report does also appreciate the role of the Forum of Political Parties which had been previously confused with the role of parliament and control on the political parties.

69. 'Draft Minutes of the Third Meeting of the APR Forum, 19 June 2005, Abuja, Nigeria', paragraph 31.

70. *Ibid.*

71. E-mail correspondence with A Kabanda and F Gatere, 5 October 2006.

Peer review by the APR Forum

Rwanda's report was not presented in January 2006 in Khartoum as originally planned. Kagame had not attended the AU Summit in Sudan, and had sent his prime minister, Bernard Makuza, to present the report to the APR Forum. However, its chairperson, President Olusegun Obasanjo of Nigeria, insisted that if Kagame was not present, the peer review could not take place.

As a result, both the Rwanda and Kenya reports were discussed by heads of state at the following AU Summit held in Banjul, The Gambia, in June 2006.

Although Rwanda was only the second country to undergo peer review, and the procedures were still being developed, delegates and journalists attending AGF-VI expressed concern about the delays in the reports being made public, and the overall speed of the process, which they said had the effect of eroding the momentum of the APRM process and the political impact of the report's findings. In Rwanda, two-and-a-half years passed from the start of the national process in March 2004 to the report's release in July 2006. According to the rules, reports are made public only six months after consideration by heads of state. Although the report was ready for this review in June 2005, it was presented to the heads of state in Khartoum only in January 2006. That delay, plus the extra six months between the Khartoum and Banjul summits, put off the public release by a year.

Observers at Banjul noted that Kenya and Rwanda were 'peer reviewed' for two hours each at the Forum meeting, and their heads of state were not vigorously grilled on the specifics of their reports.

The report was officially launched on 13 July 2006, and is available on the Nepad Rwanda website.⁷²

Implementing the Programme of Action

Rwanda's Country Review Report contains 105 explicit recommendations by the Panel of Eminent Persons, and 10 policy actions directly addressing these recommendations (less than 10%). Unlike in the Anglophone countries, where the recommendations are short and explicit, in the Rwanda report, each one is a long paragraph, with the action item not always expressed clearly. This may be a function of translation from French into English, or, more significantly, a reflection on the quality of the work carried out by the Country Review Mission. Two of the APRM's 25 objectives contained no recommendations from the Panel – objectives three and four in the corporate governance section.⁷³ The Panel made seven recommendations on two objectives that are arguably the most important in the democracy and political governance section, going to the heart of the country's political system, namely

72. The Nepad Rwanda website is www.nepadrwanda.gov.rw

73. Objective 3: Promote adoption of codes of good business ethics in achieving the objectives of the corporation, and Objective 4: Ensure that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner), see APRM Secretariat, 'Country Self-Assessment for the African Peer Review Mechanism,' Midrand, South Africa, undated [2004], pp.70-72.

Objective 2: Reach constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizens' rights, and supremacy of the Constitution; and Objective 3: promote and protect civil and political rights, and economic, social rights, as enshrined in African and international human rights instruments. However, these two objectives are completely omitted from the final Rwandan POA.⁷⁴

APRM guidelines require countries reviewed to report every six months on progress in implementing the Programme of Action. Rwanda's APRM Programme of Action Implementation Progress Report June–December 2006, produced for the Sixth APR Forum in Addis Ababa, Ethiopia on 28 January 2007, notes that the timing of APR in Rwanda allowed the Programme of Action to feed into the development of Rwanda's 'new generation' Poverty Reduction Strategy Paper (PRSP), known as the Economic Development and Poverty Reduction Strategy (EDPRS) in 2006. Making the APRM Programme of Action integral to national development plans, the report said, 'will ensure its smooth implementation and avoid duplicating development efforts.'⁷⁵

Rwanda used desk research, interviews, focus groups and workshops to develop this implementation progress report. It highlights actions taken by the Rwanda Nepad/APRM Secretariat to popularise APRM, such as printing, launching and distributing the Country Review Report to the media and the public, uploading it to the Internet, experience sharing with other countries and, in conjunction with fellow pioneers Ghana and Kenya, the APRM Secretariat and the Strategic Partners, developing a monitoring and evaluation framework for APRM Programmes of Action.

The implementation report flags some of the following as progress highlights in the four thematic areas:⁷⁶

Democracy and political governance. Commissions to enhance cross-border peace and security have been established, and administrative reforms to increase the effectiveness and efficiency of service delivery were reinforced.

Economic governance and management. Several initiatives, at various stages of implementation in this realm include the SASWITCH inter-bank system, a national database and information system, central bank regulations on microfinance, a household living conditions survey and the EDPRS itself.

Corporate governance. Considerable effort has been applied to improving the commercial legal and regulatory environment in Rwanda. 'It is in this regard that several laws are prepared and are at different levels nearing enactment,' says the report. The ombudsman's office has acquired more staff and increased staff training and expertise

74. This analysis of the Rwandan Programme of Action is based on a draft paper by SAIIA researcher Faten Aggad.

75. Rwanda Nepad/APRM Secretariat, Rwanda's APRM Programme of Action Implementation Progress Report June–December 2006, produced for the Sixth APR Forum in Addis Ababa, Ethiopia, 28 January 2007, p.1.

76. *Ibid.*, p.9.

The most tangible progress appears to be in the economic and corporate governance realms.

Socio-economic development. APRM has helped to streamline development aid around priorities identified in the EDPRS, while surveys suggest a 4% drop in poverty levels from 2001 to 2005, increasing net primary school enrolment, more covered by health insurance and better delivery of water.

As with other pioneer countries, the report provides a snapshot of the nation's reform process at a particular point in time, but many of the claimed governance improvements are difficult to quantify and evaluate on the basis of this report without independent corroboration. A matrix outlining key priorities, time frame, status of implementation and observations lists a number of programmes have been launched, continued or extended, but it is hard to tell whether they exist because of APRM and how well they are working, and a number are 'still under development', 'ongoing' or at various stages of review in the legislative or regulatory cycle. The most tangible progress appears to be in the economic and corporate governance realms, with five commercial and investment laws passed by parliament, four listed as 'under review', a dozen more in draft stage, eight approved by cabinet and before parliament, three at cabinet stage, and four more undergoing 'technical formulation'.⁷⁷

Rwanda's report lists resource limitations – both human and financial – as key implementation obstacles. APRM is seen as one way to garner additional resources, with the report commenting that 'No additional resources have been accrued to support the APRM Programme of Action, thereby overstretching the national budget.'⁷⁸

Rwanda is making a determined effort to use APRM as a way to raise these funds. For example, APRM was at the centrepiece of the Sixth Annual Government of Rwanda and Development Partners Meeting in Kigali from 23–26 November 2006.⁷⁹

Conclusion

Rwanda has broken new ground in highlighting its best practices in a systematic and robust manner, especially in mainstreaming gender issues into national legal and institutional structures and policies, and the government has prioritised girl-child school enrolment. In May 2006, Nepad Rwanda and the regional office of the United Nations Fund for Women's Development (UNIFEM) in Kigali jointly published the Independent Review Report on the Progress and Prospects of Gender Mainstreaming in Rwanda, 1999–2005, and linked it explicitly to APRM:⁸⁰

77. *Ibid.*, pp.22–27.

78. *Ibid.*, p.3.

79. Thutard S, 'What Nepad and the APRM means for Rwanda – Gatare,' *Rwanda Nepad Magazine*, Issue 6, January 2007, pp.3–4.

80. United Nations Development Fund Fo Women (Unifem) and Nepad Rwanda Secretariat, 'Independent Review Report on the Progress and Prospects of Gender Mainstreaming in Rwanda, 1999–2005', May 2006, p.1.

This gender review report ... complements the country's APRM Review outcomes. It focuses concretely on Rwanda's efforts in promoting gender equality, opportunity for all and women's participation in the political and economic life of the country. These issues are also well covered in the APRM Panel report for Rwanda, and some best practices were identified in the country. It was seen to be only fitting that a detailed review of this nature be undertaken.

Citing both achievements (including widespread legal reform, considerable gender equity indicators, enhanced female participation in decision-making and development, moves towards educational parity, pro-female affirmative action programmes and improving maternal and child health statistics) and challenges (such as persistent traditional gender stereotypes and attitudes, low female literacy rates, poor institutional capacity, limited resources and weak monitoring mechanisms), this innovative report is the first in a planned series of thematic reviews to both highlight best practices and delve more deeply into major national issues stressed in APRM, including land ownership, use and distribution in Rwanda.

Rwanda has continued to show enthusiasm and drive for improving the APR system and assisting the journey of the upcoming states. Rwanda has taken the initiative to venture into some of APRM's least explored territory: implementing the Programme of Action, reporting, monitoring and evaluation. Kigali hosted a workshop on these issues for the three pioneer countries (Rwanda, Kenya and Ghana) on 11 December 2006. According to the editor of the *Sunday Times* in Kigali, a 'conspicuous absence of leadership from the APRM Panel and its Secretariat in South Africa' led to the pioneer countries taking matters into their own hands, saying that 'very little guidance and support is even envisioned by the APRM Secretariat to countries in their post-Peer Review implementation.'⁸¹

While it fell short of adopting a uniform monitoring and evaluation system 'since different countries had their local specificities', the meeting recommended principles such as active involvement of all stakeholders along with government in APRM implementation; leadership and guidance from the Panel and Secretariat on implementation and reporting requirements; provision of a common reporting format; consideration of methods such as citizen report cards, surveys and validation exercises; and institutionalising national APRM structures and processes to ensure their sustainability.⁸²

Articulating what he sees as the value of APRM to Rwanda, in a recent interview, Gatare said:⁸³

APRM gave us a forum not only to debate among Rwandese about the effectiveness of [post-1994] institutions and policies, and where they are

Rwanda has broken new ground in highlighting its best practices in a systematic and robust manner, especially in mainstreaming.

81. Marete M, 'APRM Pioneers' Act a Milestone,' *Rwanda Nepad Magazine*, Issue 6, January 2007, p.14.

82. *Ibid.*, p.15.

83. 'Rwanda's Development Partners Welcome Integration of APRM PoA into National Development Programmes,' *Rwanda Nepad Magazine*, Issue 6, January 2007, pp.6-7.

taking us, but also how far they have taken us as a country. It was also an opportunity to see how some of the home-grown Rwandan initiatives relate to other initiatives of good governance beyond our borders. So APRM has given already benefited us immensely in giving us confidence in some of the initiatives we have taken up in the country.

Lessons learnt

Use the opportunities offered by the APRM. Rwanda identified at least five opportunities presented by the APRM: benchmarking good governance against international standards; giving citizens an opportunity to evaluate governance; drawing civil society into discussions on governance issues from their traditional position as critics or watchdogs; showcasing post-genocide Rwanda; and providing a means for evaluating ongoing reform initiatives.⁸³ Rwanda has used the APRM in its efforts to rebrand the country.

Inform and build confidence. Countries will be unfamiliar with the APR system, and individuals may fear the process and the personal consequences of certain responses. It is therefore vital to educate citizens about what peer review seeks to achieve, and ensure that there is no fear about being honest about problems. The more informed citizens are before consultations occur, the better the quality of their inputs.

Re-evaluate timelines. Kabanda recalls that ‘this process was given inadequate time, and we were rushing at the end’.⁸⁴ Members of the Technical Review Teams cited time pressures as a major constraint on the quality of their work, particularly as they still worked in their regular jobs, as did the participating CSOs. The late initiation of the workshop for CSOs, in September 2004, gave them very little time to make meaningful inputs.

Boost institutional capacity. Rwanda acknowledged that it had underestimated the complexity of the review process, and that its Secretariat and Focal Point lacked capacity.

Use African institutions. By using various African think tanks to bolster the research and consultation processes in Rwanda, which itself lacked expertise and technical ability, Rwanda was able to add greater credibility and balance to its report. However, the extent to which it incorporated the advice provided by these research institutions is unclear.

Strengthen secretariat support. Rwandan officials noted that the guidelines to countries from the APRM Secretariat should be revisited, and there should be more support from the Secretariat to individual countries, for example in a regular session to bring APR Focal Points together to learn from one another. However, the Rwandan experience also points to the limits of the Secretariat’s influence – Rwanda essentially went ahead with its plans for a

83. Rwanda’s Consultations Outcome Report, *op. cit.*, pp.11–12.

84. Interview with A Kabanda, 15 May 2006.

large National Commission, and used technical teams heavily loaded with government officials to fill in the Questionnaire. Determining a sufficient level of consultation was also a challenge.

Revise and simplify the Questionnaire. Rwandans involved in the process strongly felt that the Self-Assessment Questionnaire should be revised, simplified and made more user friendly for participating countries, and more explicit in soliciting information about unique national policies.

Rethink the Country Review Mission. Rwanda's experience highlights the rushed and cursory nature of this particular review mission. Future missions should have more time to prepare and more time in country, and utilise that time more productively.

MAURITIUS

The process ... stalled due in large part to ineffective leadership and management ... in particular a failure to ensure broad participation from civil society. It is paradoxical that Mauritius – often cited as a developmental success story on account of its remarkable economic achievements, harmonious multi-ethnic make-up and political stability – has not yet been able to deliver on the APRM... Yet if it is merely ‘the politics of embarrassment’ that will push Mauritius to move forward ... the government would have failed to comprehend [APRM’s] underlying philosophy ... and will end up once again with a report that does not reflect the voices of the people.

– Sheila Bunwaree, University of Mauritius¹

Mauritius volunteered to be one of the first four countries to be reviewed under the APRM. It signed the initial Memorandum of Understanding on 9 March 2004, officially launched its process in July 2004, and submitted a draft report to the APR Secretariat in Midrand, South Africa, in March 2005. Yet, while the other three countries – Ghana, Rwanda and Kenya – have completed their Country Self-Assessment Reports and Programmes of Action, hosted Country Review Missions, and progressed to the implementation phases, the process in Mauritius has been virtually moribund for two years. There were no obvious impediments to a swift, credible and robust APRM exercise in Mauritius – governance is solid; democracy is vibrant, with regular elections and frequent alterations of regimes; the population is small and geographically concentrated (just more than 1.2 million people); and the former prime minister Paul Bérenger seemed strongly committed to the process.

So why has Mauritius struggled to proceed with APRM? ‘Mauritius is an interesting case,’ said Amadeé Darga, director of StraConsult, a Mauritian consultancy firm working on governance. ‘It’s the paradox of a democratic and capable state that has failed to go through the APR process. There was no apprehension – the government did not feel it had anything to prove. It was sure it would pass with flying colours.’²

Mauritius is the paradox of a democratic and capable state that has failed to go through the APR process. There was no apprehension – the government did not feel it had anything to prove. It was sure it would pass with flying colours.
– Amadeé Darga

1. Bunwaree S, The African Peer Review in Mauritius: Lessons from Phase 1, Africa Governance Monitoring and Advocacy Project (AfriMAP), Open Society Initiative for Southern Africa (OSISA), Johannesburg, June 2007, p.1.
2. Darga A, presentation at SAIIA’s ‘APRM Lessons Learnt’ workshop, Johannesburg, 12–13 September 2006.

There was little understanding of the spirit of the review, its mechanics, or even its terminology. The country treated the process as an exercise to be completed as quickly as possible, centred on filling in the long, complex APRM Self-Assessment Questionnaire, rather than as an opportunity for national dialogue on key governance issues. Government information and perspectives, drawn almost exclusively from civil servants and government departments, dominated the draft Self-Assessment. The hope that civil society groups and the private sector would respond voluntarily and enthusiastically was not realised. And when the process stagnated, there was little leadership, funding or political will to revive it.

This chapter examines the APRM structures and institutions developed in Mauritius, the depth and degree of civil society involvement, the methods for completing the Country Self-Assessment Report, and attempts to explain the lack of progress in this Indian Ocean state. Finally, it draws lessons from the Mauritian APR experience.

APRM structures and institutions

In October 2003 the Mauritian government decided that an existing, relatively young institution – the National Economic and Social Council (NESC) – should implement the APRM in Mauritius.³ The NESC is a government-funded forum that brings together civil society groups, trade unions and government representatives to discuss policy issues, and was formed under the National Economic and Social Council Act of 2001. There are 23 councillors representing these various groups. Although the council regularly interacts with government departments, agencies and other stakeholders, it had no previous experience of managing an exercise as large and complex as the APRM, particularly one involving a broadly consultative mandate and mission.

The NESC, in turn, created the National Coordinating Structure (NCS), a body similar to the National Governing Councils developed in Ghana, Kenya and South Africa. The National Coordinating Structure was originally a large committee, with members drawn from four main interest groups in Mauritian society: government, business, labour, and civil society. The National Coordinating Structure first met on 31 May 2004, three months after an initial APRM team (a Country Advance Mission) visited Mauritius, to review a simplified form of the Self-Assessment Questionnaire, and agree on their methodology for completing the Country Self-Assessment Report.

3. The names given to Mauritian APRM institutions can be confusing. The NESC is officially known as the 'APRM Focal Point', but according to the APRM base document, the APRM Focal Point is supposed to be an individual minister or high level official with political responsibility for ensuring that APR review is completed. The NESC essentially functions as a local APRM Secretariat, as it handles administrative tasks, but it was also the body most involved in planning, compiling and editing the report, a task borne by the National Governing Council and Technical Research Institutions in other countries.

The Country Support Mission led by former APR Panel member Mourad Medelci from Algeria visited Mauritius on 27–30 June 2004, and noted that the country's APR process was insufficiently inclusive or consultative. As a result, in July 2004, a public notice was placed in the press giving 'any interested party' two weeks to join the National Coordinating Structure on a voluntary basis. This advertisement did attract a few more groups. The structure and membership of the National Coordinating Structure was finalised in August 2004; it met for the second time in September 2004, four months after the first, and held a 'validation workshop' in February 2005.

The draft Country Self-Assessment Report lists 71 members of the National Coordinating Structure, namely representatives of 14 government ministries; 14 other government entities (such as the State Law Office, Police Department and Independent Commission against Corruption); 14 private sector bodies (industry associations and professional bodies); 12 trade unions; and 15 civil society organisations.⁴

But the National Coordinating Structure was a weak, disparate body that met infrequently and had no real power. In essence, the National Coordinating Structure did not coordinate anything; it was a pool of institutions from which to draw inputs for the self-assessment, and validate the report.

The Focal Point, the NESC, was meant to be the administrative and technical heart of the process. But according to a Mauritian academic, Dr Sheila Bunwaree, 'the NESC ... is characterised by institutional dysfunctionality [*sic*]. In other words, the NESC was not the right choice. It did not have the capacity to steer the process.'⁵

The inexperienced and understaffed NESC was charged with too many responsibilities – including sensitisation, distributing and collecting questionnaires, and drafting and editing the report – and it was not able to perform any of these tasks effectively. It particularly failed to involve non-government actors in the process, harness research expertise, or fill in gaps beyond responses received.

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Features of the Review

Government-heavy research methods and civil society apathy

From the onset, the APR process was treated as an exercise of filling out the Self-Assessment Questionnaire rather than an opportunity for the country's citizens to discuss and debate governance, and identify important gaps and weaknesses. Mauritius did not appoint research organisations to undertake background research or compile material on the four thematic areas. Civil society was not deliberately excluded, but neither was it assisted, encouraged, or guided to become involved in the exercise.

4. NESC, 'Self Assessment Report for the African Peer Review Mechanism, Mauritius' [draft], March 2005, p.4.

5. Bunwaree S, Summary presentation for Banjul meeting, 26–28 June 2006, p.3.

At a SAIIA APRM workshop in September 2006, Bunwaree said:⁶

The research methodology concept was very poorly understood. The NESC thought that the Self-Assessment Questionnaire was the methodology itself. There were no focus group discussions, no survey, no polling. They didn't happen and the NESC had no capacity to even come up with what methods to use to get popular participation.

No funding was made available to independent civil society groupings to consult their members or produce submissions. Initially, only five submissions from institutions outside government were incorporated in the draft Country Self-Assessment Report. Poor communication and sensitisation of the public precluded meaningful public debate, and civil society itself was uninterested. Today, many civil society groups remain uninformed about APRM, and show little interest in the process.

Bunwaree said:⁷

APRM Panel member Ambassador Kiplagat said in Kenya recently that many countries signing up for the APRM process didn't necessarily understand what that meant. This includes Mauritius. Large segments of the country don't know anything about it.

In a presentation for a civil society workshop held in Banjul, The Gambia, in June 2006, Bunwaree characterised NGOs in Mauritius as fractured, dependent on the state or donors for funding, dominated by ethno-politics, lacking a culture of advocacy and lobbying, and affected by low turnover of leadership. She also cited people using NGOs as platforms for patronage politics.⁸

She noted:⁹

Mauritius has a terribly weak civil society, although on the surface it may seem as if it is a very participatory society based on 'social dialogue', etc. Mauritius is a society where there is no culture of debate, and the scholarly community is rather silent on a number of issues. The level of trade unionism is also weak ... Democracy is taken for granted – there is a very narrow view of democracy which prevails in the country – the absence of conflicts, the regular alteration of governments, the separation of power and the free and vibrant press make it seem as if everything is fine.

No funding was made available to independent civil society groupings to consult their members or produce submissions.

Given an apathetic civil society, government departments were made responsible for gathering the bulk of the information needed to fill in the questionnaire. Questions in the political and economic governance sections were divided among 'responsible organisations'. The draft Country Self-Assessment Report states:¹⁰

6. Bunwaree S, presentation at SAIIA's 'APRM Lessons Learnt' workshop, Johannesburg, 12–13 September 2006.

7. *Ibid.*

8. Bunwaree S, 'Summary presentation for Banjul meeting', p.4.

9. *Ibid.*, p.3.

10. NESC, *op. cit.*, p.5.

[A] lead institution was assigned the task of replying to each of the main and subsidiary questions ... mainly to ensure that for each question, the Focal Point could be assured of receiving at least one reply.

At the September 2006 SAIIA workshop, Darga commented, 'The Questionnaire was sent out by the NESC. They said "Please fill it out and send it back."' ¹¹

This led to the dominance of government perspectives. For example, the Prime Minister's Office and the Commissioner of Police were given the questions dealing with conflict prevention and resolution, the Ministry of Local Government was given the questions on decentralisation, and the Ministry of Finance and Economic Development the economic governance sections. Other stakeholders were also made responsible for providing material. The chamber of commerce and Joint Economic Commission – an umbrella business organisation – were listed as contributors to the corporate governance questions, while the Mauritius Council of Social Service (MACOSS) – housed in, and funded by, the Ministry of Social Security – was a subsidiary body listed in the economic governance section. ¹² Ultimately, this government-dominated approach contradicted the principles of objectivity, transparency, and broad consultation inherent in the APRM.

The NESC saw itself as a neutral facilitator helping groups to complete the Questionnaire, and compiling the self-assessment. At the May 2004 National Coordinating Structure meeting: ¹³

[o]ne of the main decisions taken was that while Government Ministries could coordinate the collection of inputs from their departments for submission to the Focal Point, private bodies ha[d] to be left free to send their replies directly to the Focal Point.

This was meant to avert concerns that government departments might misrepresent the views of NGOs or the private sector to the NESC. It was also decided that the Focal Point would prepare the report, which would have to be 'cleared and validated' by all NCS members, to ensure ownership of the report and 'ensure that any possible misreporting could not find its way into the final report'. ¹⁴

The NESC sorted and collated submissions into the four chapters of the draft Country Self-Assessment Report. It hired a consultant from the University of Mauritius to compile the report, and said that it tried not to distort its main ideas. The draft report contained the comment that government agencies went into too much detail about all the activities of the administration. ¹⁶

Whilst many speak of a vibrant civil society in Mauritius, the reality is that the country's civil society organisations are fairly apathetic with little popular debate.
– Sheila Bunwaree ¹⁵

11. Darga, *op. cit.*

12. 'Questionnaire on the African Peer Review Mechanism (APRM)', which lists the 'responsible organisations' for each APRM question, undated.

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

14. *Ibid.*, p.8.

15. Bunwaree S, The African Peer Review in Mauritius: Lessons from Phase 1, Africa Governance Monitoring and Advocacy project (AfriMap), June 2007, p.14.

16. *Ibid.*

The draft Country Self-Assessment Report acknowledges the imbalance in inputs from government and civil society:¹⁷

The APRM exercise has been characterised by a predominance of inputs originating from public institutions. Despite the total freedom given to all parties to participate, NGOs and civil society organisations have generally shown low interest to be involved in the self-assessment exercise. This is evidenced both by the low number of NGOs involved and the quality of their submissions compared to those obtained from public institutions. It may be difficult to explain the causes of this low participation rate but certainly the fact that participation was not seen to be associated with visible benefit to private interest groups could be advanced as one of the main reasons.

Another factor that might have compromised civil society participation in the Mauritius process is the unique conflation of government and civil society in the country. Grant Masterson, a researcher at the Electoral Institute of Southern Africa (EISA), notes that, given the small size of this island community, the members of Mauritius's elite often assume multiple roles both within and outside government. One person can often simultaneously sit on corporate boards, represent CSOs, and consult for or work in government. This makes it extremely hard to identify and engage with 'independent' civil society voices. Masterson also suggests that not translating the questionnaire into Kreol, the most widely spoken language, curtailed the participation of many Mauritians.¹⁸ However, the questionnaire was available electronically and in hard copy in both official languages, English and French.

No Programme of Action

Countries participating in APRM must produce a Programme of Action that addresses the major governance gaps identified in the self-assessment process. Chapter 7 of Mauritius's draft report is entitled 'Recommendations and Basis for Programme of Action', which it states will be developed into a fully fledged Programme of Action at a later stage. It notes that the government already has programmes and policies in place to tackle shortcomings, and that the emphasis should now be placed on accelerating these programmes.

The recommendations are general in nature: building capacity and strengthening institutions; improving the business climate; continuing the welfare system; involving civil society in policy-making; increasing service levels and quality; protecting the fragile island environment; and adjusting traditional productive sectors to global economic conditions. The chapter does not provide a discrete list of interventions with time frames, responsible agencies, or budgets.

At the National Coordinating Structure meeting in March 2005, the NESC told participants that additional information was needed before sending the

The eventual stalemate in the Mauritius process can be attributed to a change of government, funding problems, and increasing confusion about the process.

17. NESC, *op. cit.*, p.59.

18. Masterson G, 'Peer Learning: How to Conduct Inclusive and Transparent Reviews', *Service Delivery Review*, South African Department of Public Service and Administration, 4, 3, 2006, p.20.

draft Country Self-assessment Report to the continental APRM Secretariat in Midrand, South Africa. The NESC acknowledged that the Programme of Action was rudimentary. Yet the report was forwarded to the Secretariat in April 2005 as a draft report, dubbed a 'work-in-progress'.

There are different views as to whether this draft report was rejected, and if so, by whom. Some in Mauritius contend that the Ministry of Foreign Affairs withdrew the report, realising it was inadequate. Others have intimated that it was the local UNDP office in the capital, Port Louis. Still others say the APRM Secretariat rejected the report.

According to Darga:¹⁹

What is fascinating about this failed process is that such a weak report was put up for validation at a workshop in March 2005, and it was in fact validated! Then this weak report was sent to the APRM Secretariat in South Africa, and Mauritius couldn't help getting a slap. Although never officially stated, the Secretariat felt the report was perfunctory and lacked substance.

The official response from the Secretariat – expressed by its executive director, Dr Bernard Kouassi – is that the report was not rejected, but considered incomplete because it lacked a Programme of Action.

Stalemate

The eventual stalemate in the Mauritius process can be attributed to a change of government, funding problems, and increasing confusion about the process.

In parliamentary elections in May 2005, the Social Alliance (dominated by the Labour Party of Navin Ramgoolam) ousted the incumbent Mauritian Militant Movement–Mauritian Socialist Movement (MMM–MSM) coalition led by Bérenger. This change of regime undoubtedly derailed the APRM. Mauritius is used to frequent (and peaceful) alternations of power, with senior civil servants shuffled among ministries and departments as new ministers assume office. When SAIIA researchers were conducting field work and interviews in Mauritius in July 2005 for an independent assessment of governance in that country entitled 'Mauritius: The Big Issues', it proved extremely difficult to speak to senior civil servants in the various ministries; many of them were in new positions or unsure of their future careers, and thus unable or unwilling to talk about governance issues.

The APRM Memorandum of Understanding was signed by the previous government, and therefore treated with some scepticism by the incoming administration. New government officials were poorly informed about the APRM, and did not understand the rationale for and potential benefits of undergoing this review. Additionally, the new government's focus lay not with the APRM but with severe threats to all the productive sectors of the country's economy: sugar, textiles, tourism, financial services, and information and communication technology. Ties between the NESC and the Ministry of

19. Darga, *op. cit.*

Foreign Affairs were simultaneously strained by the change of key personnel in the latter. Political will – a vital ingredient of a successful APR programme – was absent.

Another factor contributing to the derailment was funding. Only the UNDP offered financial support for the APRM in Mauritius, and Bunwaree noted that some have blamed a scarcity of funds as the major reason for the slow process. Indications are that the NESC initially received just \$20,000 from the UNDP. This amount was far too small to do anything but the basics. The NESC did not have money to run additional workshops or fund research to revive the process, and appeared to lack the leadership required to get the process back on track. Academics and civil society organisations interviewed by SAIIA in July 2005 had little faith in the NESC's competence and management of the process, and the lack of genuine outreach to the population. In the wake of the non-acceptance of the draft report, the Ministry of Foreign Affairs has been far more involved in overseeing the NESC's operations, but with few tangible results to date.

At the end of July 2005, SAIIA researchers presented a draft of their independent report, entitled 'Mauritius: The Big Issues', to a workshop of about 40 key civil society stakeholders. The issues highlighted in SAIIA's draft report – including an analysis of weaknesses in anti-corruption infrastructure, some electoral practices out of step with African standards, a looming HIV/AIDS crisis, and profound political tensions between population groups – were vastly different from those profiled in the country's own draft Country Self-Assessment Report.

Given the contrast between the official report and the work produced by SAIIA, MACOSS invited SAIIA back to Mauritius in October 2005. They wanted to subject the SAIIA draft to another workshop of members of Mauritian civil society, to interrogate and adapt the text, endorse it, and submit it officially to the NESC as a civil society input into the national process. An early draft was sent to the NESC in November 2005. The two reports were so contrasting in style and content that the NESC was unsure how to integrate the texts. Bunwaree notes that several regional research institutions have been doing work on governance in Mauritius in conjunction with local consultants, which has 'resulted in some kind of confusion over "ownership". Who has produced what and when remains rather unclear.'²⁰

More than three years after the launch of APRM, Mauritius's Country Self-Assessment Report and Programme of Action are still incomplete, despite the fact that a small team from the APRM Secretariat visited in April 2006 in order to explore new ways forward, and the selection of a new NESC chairperson in June 2006. Meanwhile, South Africa, which launched its APRM process in September 2005, overtook Mauritius when it hosted its Country Review Mission in July 2006 and was received by heads of state in July 2007.

20. Bunwaree, 'Summary presentation for Banjul Meeting', p.3.

Discussions with Mauritian officials in Addis Ababa, Ethiopia, at a training workshop for APR Focal Points run by the UNECA and SAIIA in February 2007 revealed that in addition to the problems of political will, internecine local politics and funding mentioned above, there was considerable inter-departmental rivalry and bureaucratic infighting about restarting the APRM process among different parts of the Mauritian government, particularly between the ministries of foreign affairs and finance.²¹

Conclusion

Finally, in January 2007 a tender was announced by the National Economic and Social Council inviting applications from agencies with experience or expertise in governance issues to apply to restart the Mauritian APRM process. The chosen agency would use the existing draft self-assessment as input, and would produce – after consultations – a new Country Self-Assessment Report, as well as a preliminary Programme of Action.²²

The tender document specified that research would need to be conducted along lines specified by the APR Secretariat – in particular through the use of the questionnaire. Furthermore, it indicated that agencies would need to carry out the project by conducting ‘desk research, collecting existing reports, data, statistics and other relevant information, reviewing the APRM Questionnaire, organising meetings, focus groups discussions, and consultations through workshops to facilitate exchange of information and national dialogue.’²³ The consultancy firm, Ernst & Young, won the tender in April 2007 and have been proceeding with the exercise.

Perhaps chastened by the embarrassment of submitting its self-assessment prematurely in 2005, Mauritius has outlined a much slower timeline for its revived process. In February 2007, Ambassador Patrice Curé said that if the consultants were chosen in March 2007, they would have six months to complete their research and consultations (say by September 2007), to be followed by the Country Review Mission, making it unlikely for Mauritius to present its report to the APR Forum in early 2008, but rather by mid-2008.²⁴ This would therefore be over five years after the country had launched its APR process.

Perhaps chastened by the embarrassment of submitting its self-assessment prematurely in 2005, Mauritius has outlined a much slower timeline for its revived process.

21. Comments at the UNECA-SAIIA APRM Focal Points Training Workshop, 20–21 February 2007, Addis Ababa, Ethiopia.

22. National Economic and Social Council, Tender Document: Consultancy Services The Self-Assessment Report and the Preliminary Programme of Action (POA) for the African Peer Review Mechanism (APRM) in Mauritius, January 2007, p.3.

23. *Ibid.*, p.4.

24. Curé P, comment at the UNECA-SAIIA APRM Focal Points Training Workshop, 20–21 February 2007, Addis Ababa, Ethiopia.

Lessons learnt

Avoid APRM during elections, and depoliticise the process. Where possible, avoid scheduling APRM reviews in years in which elections are planned. Elections consume the time and focus of many key local APRM stakeholders. In Mauritius there was a rush to complete the Country Self-Assessment Report before the campaign period. If the ruling party is voted out, this affects the continuity and momentum of the exercise. As was done in Ghana, APRM countries should set up governing councils independent of particular government departments or ministries, as this would minimise disruptions due to alternations of power. Mauritius suffered because the APRM was too politicised, and therefore closely associated with the policies of the outgoing government.

Make APRM structures independent, strong, and empowered. For the process to be smooth and successful, the champion of APRM at the national level must be credible, independent, and competent. The NESC proved unable to manage the process effectively. It also lacked credibility in the eyes of NGOs, and was too weak to adapt its strategies and approaches effectively. The National Coordinating Structure appears to have had no real decision-making power, and a body of 70 becomes unwieldy. Civil society groups were underrepresented on both these bodies.

Prioritise publicity, sensitisation, and communication. APRM is a novel, complex, and potentially daunting exercise. Citizens need to be clearly informed why the country has volunteered, what it sees as the national benefits, and, crucially, why individuals should get involved. An effective media and communications campaign is required to inform the broader public and the key organisations of ‘what’s in it for me and for us’. This takes time and money, but greases the wheels of the process. The NESC failed to inspire the nation. The private sector in particular saw no pay-off from the exercise, and no direct benefits.

Do not rush, but do not drag. All of the early countries have struggled to complete their self-assessments and Programmes of Action within the suggested six- to nine-month period. Although Mauritius’s draft report was completed in about 10 months, its quality was poor, and it was not accepted. The premature submission of the draft Country Self-Assessment Report to the APR Secretariat was ultimately detrimental. From March 2005 to January 2007, the process was effectively moribund. Mauritius and other pioneer countries should lobby the APRM Secretariat to extend the recommended time frames.

Involve the research community early. Of all the pioneer countries, Mauritius’ method for developing the Country Self-Assessment Report was one of the poorest. It was dominated by government views, by default as well as by design. Although early attempts were made to enlist established research institutions, including university departments, academics reported

that the process was not clearly explained or understood, and insufficient funding was offered. Given their experience, research bodies could have contributed considerably to designing more robust and representative research methods. For instance, as happened in both Kenya and Ghana, the report could have incorporated desk research, interviews with experts, and a household survey.

Consult widely and effectively. One of the biggest failings in Mauritius was the lack of civil society engagement. In order to gain the necessary legitimacy, the governing council should make a vigorous effort to involve players outside government in the process. Mauritius focused too doggedly on completing the Questionnaire. Other countries have demonstrated a variety of methods for capturing ‘the voice of the people’, including local and regional consultative events, focus groups, town hall meetings, household surveys and opinion polling, requesting sectoral submissions and providing funds for events, Internet-enabled responses, and so forth.

Language matters – indigenise the Questionnaire. Efforts should be made to translate at least a simplified version of the Questionnaire into indigenous languages. The lack of a Questionnaire in Kreol was exclusionary. South Africa has led the way in this area by translating the short version of its Questionnaire into all 11 official languages. It is also important to adapt the Questionnaire to local circumstances, including key governance issues that may not be sufficiently covered. While Mauritius did simplify the Questionnaire, it was not indigenised.

Put effort into the Programme of Action. While the process of gathering information for the Country Self-Assessment Report is very important, all the pioneer countries have spent too much time on this aspect of the APRM and not enough effort on developing practical, shared solutions to the biggest governance conundrums. The temptation is to list all existing government initiatives and assume they are dealing with all the problems, without interrogating their efficacy.

At the outset of the process, the government failed to provide the necessary political leadership, including a clear vision of the objectives of the self-assessment exercise and the implementation process that should be followed.

– Sheila Bunwaree²⁵

25. Bunwaree, Lessons from Phase 1, p.13.

SOUTH AFRICA

The reluctance to engage technical institutions at the beginning of the self-assessment process [in South Africa] led some stakeholders to suspect that the NGC wanted to manipulate the process and its outcome. This sentiment has lingered among segments of stakeholders, including civil society, academia and the media. This has been the case despite the involvement of technical institutions later in the process and the subjection of the CSAR ... to validation at both national and provincial levels.

– Country Review Report of South Africa¹

It is natural that the rest of the continent will watch this process very carefully. They have expectations of this country that they don't have of other countries on the continent.

– President Thabo Mbeki²

By September 2005, when South Africa publicly embarked on its peer review process, there were already important lessons to be learnt from experiences in Ghana, Rwanda, Kenya, and Mauritius. Those pioneering countries had grappled to varying degrees with the common challenges presented by the APRM: building trust; insulating the process from politics and suspicions of government dominance; involving civil society stakeholders and research institutions in a meaningful way; and producing a credible report and a robust Programme of Action for redressing the most pressing governance shortcomings.

South Africa, with its ample financial and academic resources and close proximity to the continental APRM Secretariat, was well placed to have learned from its predecessors and to conduct an exemplary process. However, the way in which the South African government approached the APRM in the early stages suggested that it either did not fully understand the challenges

It is natural that the rest of the continent will watch this process very carefully. They have expectations of this country that they don't have of other countries on the continent.
– Thabo Mbeki

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1. APRM Panel of Eminent Persons, *African Peer Review Mechanism Country Review Report of the Republic of South Africa*, May 2007, p.43. At the time of writing, this report was posted on the APRM's website, <http://www.nepad.org/aprm/> with a note saying 'SA Report 14 May 07 (Pre-7th Forum and before final published book)'.
 2. South African Press Association, 'SA must lead by example in peer review assessment', *Dispatch Online*, 29 May 2005, <http://www.dispatch.co.za/2005/09/29/SouthAfrica/lepeer.html>.

ahead, or chose not to acknowledge them and not to build on best practice in those early countries.

The South African government initially envisaged completing the self-assessment report in two months, when most countries had taken a year or more. The minister driving the process declared that the 'APRM was not a research effort' and initially declined to engage experts to help deal with the many technical aspects of the Questionnaire, as Ghana and Kenya had done.³

It is important to recognise that peer review is unprecedented, and is a learning process for all concerned. The South African process did improve in significant respects over time, and there were attempts at innovation that deserve note, even where intent and execution diverged.

To simplify presentation and analysis, the following section will set out the basic approach and activities involved in the South African process. Subsequent sections will analyse the process in a thematic manner. The chapter will examine how an unrealistic timeline affected the level of civil society engagement and the quality of the Country Self-Assessment Report and Programme of Action. The analysis assesses the implications of appointing a cabinet minister to chair the governing council, and placing the national APRM Secretariat directly under her control. The depth and quality of interactions with civil society are evaluated by examining the activities of the council; commenting on submissions made by various sectors of South African society, APR workshops and consultations; and analysing the communication strategies employed. Finally, the chapter examines the diplomatic dimensions and implications of the South African APRM process.

SAIIA has followed the African Peer Review process in South Africa since its public launch in 2005. SAIIA's appointment in February 2006 as one of four Technical Support Agencies gave it an opportunity to follow closely the unfolding national process and to attend many APRM workshops and other events. Thus this country profile contains a greater level of detail based on personal involvement than the profiles of Ghana, Rwanda, Kenya and Mauritius, which were developed through written materials and interviews with participants.

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Major APRM milestones in South Africa

The South African process can be divided into seven major phases of activity, which are described below.

Phase 1: Pre-launch (March 2003 to August 2005)

In March 2003, South African President Thabo Mbeki signed the Memorandum

3. Authors' notes, from statements made by Minister Geraldine Fraser-Moleketi at a briefing launching APRM, Sheraton Hotel, Pretoria, 13 September 2005.

of Understanding committing South Africa to the APRM. South Africa was to be in the second group of countries to undergo peer review. The Minister of Public Service and Administration, Geraldine Fraser-Moleketi, was appointed as the APRM Focal Point in 2004, and an interim secretariat was established within the government department that she runs, the Department of Public Service and Administration (DPSA).

Official sources indicate that the government had been working on the APRM for a considerable period before the public launch of the process. In October 2004, the minister told a parliamentary briefing that 'the preparatory processes for the African Peer Review Mechanism are underway' and that a steering committee had been established in her ministry.⁴ According to an official report on the APRM implementation process by the South African APRM Secretariat, two workshops on the APRM were held for senior civil servants between December 2004 and April 2005, in order to 'create awareness and to outline the strategic approach and modalities for participation in the process.'⁵

As early as February 2005, government departments were tasked with completing sections of the APRM Self-Assessment Questionnaire, seven months before contributions from the public were sought.

In May 2005, the minister stated at another parliamentary media briefing:⁶

Cabinet has established the Focal Point (the Minister for the Public Service and Administration) and a Ministerial Committee to lead the African Peer Review Mechanism in South Africa. Consultations have been scheduled for May 2005 to July 2005. The first draft of the Country Assessment Report and Programme of Action are [*sic*] being completed and is expected to be finalised by July 2005.

As the process unfolded, it emerged that different government departments had produced lengthy reports on sections of the Questionnaire before public input was solicited, and these were being consolidated into a composite report, which later became known as 'the government submission.' Provincial Focal Points were designated in all nine provinces to drive the process. These were either the premier or a member of the provincial executive.

Phase 2: Initial plan (September 2005 to January 2006)

Fraser-Moleketi publicly announced South Africa's APRM plans at a briefing for stakeholders, followed by a press conference, on 13 September 2005 at the Sheraton Hotel in Tshwane (Pretoria), attended by the authors.

Government had been working on the APRM for a considerable period before the public launch of the process ... different government departments had produced lengthy reports on sections of the Questionnaire.

4. Fraser-Moleketi G, Governance and Administration Cluster Parliamentary Media Briefing: Update on Government's Programme of Action by Minister for Public Service and Administration, 28 October 2004, see <http://www.info.gov.za/speeches/2004/04102908451001.htm>.
5. South African APRM Secretariat, *African Peer Review Mechanism (APRM) Implementation Process Report for the period April 2005 to June 2006*, 29 June 2006, pp.7–8. This report was submitted to the continental APR Secretariat along with the Country Self-Assessment Report.
6. Fraser-Moleketi G, Media briefing on Monitoring & Evaluation of Programme of Action: Governance and Administration Cluster by Minister of Public Service and Administration, May 2005, p.3, see <http://www.info.gov.za/speeches/2005/05050615451001.htm>.

These initial plans called for provincial premiers to organise 90 consultative meetings (10 per province), an official launch of the process on 28 September and for South Africa to complete the Country Self-Assessment Report by the end of November 2005. No other country had taken less than a year to complete its self-assessment. Fraser-Moleketi announced that there would be two National Consultative Conferences on the APRM – on 28–29 September 2005 to formally launch the process and, in November 2005, to discuss the first draft Country Self-Assessment Report.

She indicated that the report would draw on the ‘Ten Year Review’ of the first decade of democracy produced by the Presidency in 2003, and copies of a summary were distributed at the meeting.

In addition, community development workers (CDWs) – a cadre of specially trained civil servants who communicate government messages and liaise with local residents – would undertake consultations with citizens and local communities in municipalities across the country and ask them to respond to a simplified version of the APRM Self-Assessment Questionnaire.

The full size of the proposed National Governing Council was not announced, but Fraser-Moleketi said that five cabinet ministers would sit on it (herself plus the Ministers of Finance; Trade and Industry; Justice and Constitutional Development; and the Minister in the Presidency) and civil society would be represented by the local chapter of the African Union’s Economic, Social and Cultural Council (ECOSOCC). She did not clarify how these CSO council members would be selected.⁷ The governing council would be supported by a Secretariat within the DPSA, which had already been established. When asked whether South Africa would, like Ghana and Kenya, utilise technical research bodies to help compile the report, she answered that there was no such formal role envisaged, given that South Africa had more and better available data and she stated that ‘The APRM is not a research exercise.’⁸

Given the depth of analysis required by the Questionnaire, the plan’s time frames seemed unworkable. There was insufficient time for genuine civil society input and influence, and the lack of research input and the melding of Focal Point, NGC Chairperson and Secretariat was contrary to the advice that the APRM Panel of Eminent Persons had given to other countries.

Concerned by these plans, representatives of a number of NGOs met. The South African Non-Governmental Organisation Coalition (Sangoco), Transparency South Africa (T-SA), the South African Council of Churches (SACC) and SAILA jointly organised a workshop for South African civil society organisations in

7. At this time, ECOSOCC was a new organisation continentally. Its intention was to allow civil society to nominate its own representatives from each country but to jump-start the process, governments were permitted to name the initial membership of national chapters. The sole mandate for these national chapters was to organise a national election process for the ECOSOCC chapters. This had not yet happened in South Africa, and its ECOSOCC members were selected by government without public consultation.

8. Authors’ notes, comments by G Fraser-Moleketi at the launch of the South African APRM process, Sheraton Hotel, Pretoria, 13 September 2005.

Johannesburg on 22 September 2005, ahead of the First National Consultative Conference on the APRM, planned for the following week.

At that workshop, CSOs openly challenged government's plans. Participants were highly vocal, calling for more time, greater civil society input, and clarity on the research and editing plans. The workshop developed a declaration of principles for civil society involvement in the process (see box below).

Principles which we will struggle for – CSO groups

On 22 September 2005, SANGOCO, the SACC, SAIIA, and T-SA held a workshop for civil society organisations on the APR process in South Africa. Participants agreed that the following principles should be observed in the course of the process:

- Workshops and consultation with civil society should occur after the first draft self-assessment report has been written.
- The APRM process must reflect a plurality of views.
- There must be an honest and open reflection in the self-assessment of the views expressed by all stakeholders.
- The process should be transparent, with information shared as much as possible.
- The review should not only look at national government, but also provinces and local government.
- Provincially, civil society must play a key role and instead of the process being led by provincial premiers and Community Development Workers, there must be an open town hall meeting where premiers may play a role.
- Consultation should happen continuously, not just in the writing of the report.
- In the Programme of Action, the review should be able to contribute to sustainable development.
- This process must not only involve mass consultations, but should include academic research institutions and technical expertise by civil society.
- Chapter 9 Institutions [autonomous bodies created by South Africa's constitution, such as the Independent Electoral Commission, Auditor-General and South African Human Rights Commission] should be involved in the process.
- Urban and rural constituencies should be adequately represented.

Sangoco wrote about that meeting from its perspective:⁹

The workshop concluded to fight for various principles including inclusivity, and participation of all actors irrespective of organisational formation and/or political orientation, and the importance/enhancement of civil society in the process. We also agreed to mobilise all resources and expertise to ensure

9. Sangoco, *Sangoco and the APRM: a submission to the South African process*, March 2006, pp.10–11.

A consultant representing government initially asserted that ‘the people’ would edit the final report, but when pressed, privately acknowledged that government intended to edit the document itself.

the exercise was a success, in the national interest and our goals of fighting poverty and inequality and for solidarity. There was a need to organise the research/academic institutions and to be involved in the writing and editing of the country assessment report.

The South African government did not seem to appreciate the extent of public interest in making the APRM a fair and inclusive process. At the workshop, representatives of some NGOs expressed frustration that months of enquiries about the South African process had been rebuffed or ignored by government. They noted the plan’s emphasis on very broad but superficial engagements.

A consultant representing government initially asserted that ‘the people’ would edit the final report, but when pressed, privately acknowledged that government intended to edit the document itself. Conference participants resolved to attend the forthcoming consultative conference. Many did so without government funding or assistance.

Some 350 people attended the First National Consultative Conference on 28–29 September 2005, at Gallagher Estate in Midrand. In his address, President Thabo Mbeki questioned the motives of foreign-funded NGOs in South Africa, perhaps alluding to the criticism of the APRM.¹⁰ Many civil society groups raised issues about the governance structures, proposed implementation plan and tight timelines. Concerns about government’s seeming desire to dominate the process and muffle civil society were also voiced. Civil society pressure seemed effective, as the date for the follow-up conference to validate the Country Self-Assessment Report (previously scheduled for November 2005) was not mentioned. At the conference, a 15-member National Governing Council was announced, including five ministers and 10 representatives from civil society. However, there was no public nomination or election process, and the names of the representatives were decided behind closed doors. (See a fuller discussion of the composition and role of the National Governing Council in the section entitled ‘APRM Structures and Institutions.’)

Advertisements appeared in the national press in October 2005, announcing that both Houses of Parliament – the National Assembly and National Council of Provinces – had formed a joint ad hoc committee on the APRM, and set up subcommittees for the four thematic areas covered by the process. Parliament would hold public hearings and accept submissions, and at that point it said that it would create and submit its own independent APRM assessment to the continental Secretariat.

South Africa hosted a Country Support Mission led by Professor Adebayo Adedeji of Nigeria, the member of the APRM Panel of Eminent Persons

10. President Mbeki at the conference said, ‘We have civil society organisations funded by the Americans, the Swedes, the Danes, the Japanese, who set agendas, who say, “These are the things that we want.” ... Do they reflect the ordinary people or do they represent other interests?’

overseeing South Africa's review, from 9–11 November 2005.¹¹ The mission met with the National Governing Council, some Provincial Governing Council members, government officials, business organisations and civil society groups.

Although such missions ostensibly provide an opportunity for civil society to alert the continental authorities of their concerns with the process, the Country Support Mission's schedule was overambitious and unrealistic, and the process of convening the meetings was chaotic. Many invitees were notified only hours before the event, which greatly limited participation and representivity. For example, on 10 November, senior representatives from universities and the 'Chapter 9' Institutions (named for the chapter of the Constitution in which they are described) such as the Independent Electoral Commission (IEC) and South African Human Rights Commission (SAHRC) arrived at the meeting venue in Midrand, only to have the Country Support Mission depart 30 minutes later for another meeting scheduled with Business Unity South Africa, some 40 km away in Johannesburg. They complained that they had been hastily informed about the meetings, with some having been telephoned that morning.

A report by the local APRM Secretariat on the missions says, 'Most stakeholders raised concerns around the short time frames and speed of the process. Professor Adedeji noted these concerns and stressed the need for the process to be thorough.'¹² Despite public comments that he would rather have a thorough process than a rushed one, Adedeji signed the MOU indicating that the Self-Assessment Report and Draft Programme of Action would be completed by 31 March 2006.

The mission raised three concerns with government: the structure of the National Governing Council; the seemingly parallel process initiated by parliament; and the non-involvement of research institutions. A follow-up mission by Adedeji on 4–8 December 2005, in which he visited three provinces (Limpopo Province, Eastern Cape and Western Cape), recommended contracting four Technical Research Institutions to assist in compiling the Country Self-Assessment Report in the four thematic areas. After this second visit, Parliament agreed to submit its report to the National Governing Council as an input to the national process rather than directly and independently to the continental APRM Secretariat, as Parliament had originally envisaged.

Phase 3: Research (November 2005 to March 2006)

A number of mass meetings, consultation sessions, workshops and events related to the APRM were held in South Africa, at national, provincial and sectoral levels, to both publicise the process and gather input for the

The Country Support Mission's schedule was overambitious and unrealistic, and the process of convening meetings was chaotic.

11. President Mbeki signed the Memorandum of Understanding (MOU) between government and the continental Secretariat agreeing to undergo technical review on 11 November 2005.

12. South African APRM Secretariat, 'Report on the APRM Country Report Mission to South Africa, 9–11 November 2005,' November 2005, p.4.

Country Self-Assessment Report. Submissions were eventually uploaded to South Africa's APRM website,¹³ providing a public record of the views of stakeholders. This was a strength of the South African process, contributing to openness and transparency.

In November 2005, the National Governing Council appointed a research subcommittee to oversee the compilation of the Country Self-Assessment Report, and by the start of 2006, it had resolved to involve research bodies in two ways.

Firstly, the research committee invited almost 200 institutions to apply for accreditation to become voluntary research partners, to review the work of the four research bodies that would be contracted to compile technical reports. Fifteen such bodies were accredited, but never actually met to review the technical reports.

Secondly, institutions were invited to tender to become contracted 'Technical Support Agencies' (TSAs) for one of the four thematic areas in the APRM. Each agency would have a fourfold task: to produce a draft technical report reflecting all submissions received for that particular thematic area; co-host a seminar of experts with the governing council to test the report's findings and amend that draft; participate in the second National Consultative Conference to validate the report; and produce a final draft technical report and preliminary Programme of Action.

Only four bodies completed proposals, and were appointed on 16 February 2006, five months after the South African APRM process had publicly commenced. They were the Institute for Democracy in South Africa (Idasa) (democracy and political governance); SAIIA (economic governance and management); the African Institute for Corporate Citizenship (AICC) (corporate governance); and the Institute for Economic Research on Innovation (IERI) (socio-economic development).

South Africa engaged the services of two 'Quality Assurance Agencies' to assess the quality of the work produced by the Technical Support Agencies and the extent to which the reports reflected public views. The Human Sciences Research Council (HSRC) oversaw work by Idasa and IERI, and the Office of the Auditor-General evaluated the work of SAIIA and AICC.

Although the idea of quality assurance and verifying that the reports fairly reflected public views was sound, the actual execution was mixed.

Although the idea of quality assurance and verifying that the reports fairly reflected public views was sound, the actual execution was mixed. The two Quality Assurance Agencies took different approaches in overseeing the work of the Technical Support Agencies, with a resulting lack of consistency. The Auditor-General took a highly technical approach to verifying the submissions received and summarised, while the HSRC became more involved in the research methods and style adopted by the research organisations. The Auditor-General was thorough in trying to verify when different texts arrived

13. www.aprm.org.za.

but did not engage with the substance of the analysis or how the report was compiled.

In the end, the Auditor-General certified that the reports fairly reflected public inputs but did not comment when the reports were heavily edited after their public validation, a process that removed or downplayed many concerns expressed in public submissions. The HSRC is a large state-funded research institution, and similarly made no public comments on this issue.¹⁴

See the sections on 'Research, consultation and report writing' and 'Using Technical Support Agencies' later in this chapter for a fuller discussion.

Phase 4: Revision and editing (May to June 2006)

Draft technical reports were completed at the end of March 2006, after five weeks (the Technical Support Agencies were originally given just three weeks for this work). They were compilations of all responses in public and government submissions to each APRM objective and question in each thematic area. Time did not allow the research institutions to verify the claims made in these submissions, or supplement the material with interviews or additional research. Workshops for experts were convened from 4–7 April 2006 at the Indaba Hotel north of Johannesburg, with one day dedicated to discussing each of the four thematic areas. Participants included experts drawn from academia, business, parliament and government.

Attendees received copies of the draft reports, running to several hundred pages, on the day of the seminars, and so had no time to prepare critiques. Technical Support Agencies were later asked to reduce their technical reports to 20-page summaries (then expanded to about 40 pages), which would form the draft chapters for the Country Self-Assessment Report, thus losing much detail.

The National Governing Council met on 2 May, and some council members, notably from government, expressed dissatisfaction with aspects of the report.¹⁵ That afternoon, the Technical Support Agencies were told to be at the minister's office in Pretoria the following morning for an urgent meeting at 7:00 a.m. This meeting took place on 3 May, the day before the Second National Consultative Conference. The Technical Support Agencies were requested to make adjustments to the draft text of their chapters. This was the first time that the TSAs had interacted with the relevant government officials directly. In the democracy and political governance section, Idasa researchers were pressured by Department of Justice officials to tone down discussion of floor

14. In November 2005, the HSRC was involved in a public dispute with a senior staff member, political analyst Dr Xolela Mangcu, who resigned citing political interference with his work by government. The resignation reportedly arose from a disagreement with the organisation's Chief Executive Officer, Dr Olive Shisana, after she allegedly informed him that ministers were unhappy with his public writing. See Webb, B, 'Political pressure forces Mangcu to quit', *The Star*, December 2005.

15. South African APRM Secretariat, 'Minutes of the APRM National Governing Council Meeting,' held on 2 May 2006, Sheraton Hotel, Pretoria, pp.6–9.

The draft POA was considerably revised and downscaled, with many specific recommendations removed without explanation.

crossing, the ‘Oilgate’ scandal,¹⁶ and alleged threats to judicial independence, among other issues. Hundreds of copies of the report prepared for Kliptown were destroyed and had to be reprinted overnight to incorporate these last-minute changes.

The Second National Consultative Conference in Kliptown, Soweto, on 4–5 May 2006 attracted about 1,700 people. The conference was meant to validate the Country Self-Assessment Report and Programme of Action. However, participants were again given copies of the text only on the day of the conference. Less than two hours were spent in groups discussing the content of the reports, and draft Programmes of Action were not distributed. It proved to be extremely difficult to perform a genuine and credible validation of the report under these circumstances, given the large number of issues to be covered.

Following Kliptown, the draft self-assessment was heavily edited. Government claimed that a multidisciplinary task team comprising senior government officials, the local APR Secretariat, some civil society representatives and some Technical Support Agencies edited the text, but membership of this team was never made public. SAIIA researchers had less than 24 hours to comment on a revised draft. This concession was granted after the intervention of the Auditor-General’s office. An in-depth analysis by SAIIA (available on the SAIIA website) showed significant differences between the Kliptown version and the 9 June text of the Country Self-Assessment Report.¹⁷ Contentious issues covering several paragraphs or pages had been watered down, often to just a single line or phrase alluding to ‘some submissions’ rather than precise sources (see section on Editing the Self-Assessment Report, below).

The draft Programme of Action was considerably revised and downscaled, with many specific recommendations removed without explanation. This final self-assessment was submitted to the APRM Secretariat on 30 June 2006.

Phase 5: Country Review Mission (July 2006)

From 9–25 July 2006, the Country Review Mission visited South Africa for 16 days. The government set its schedule, and its official interactions with people tended to be in large meetings. However, the review team made efforts to reach out to a variety of sources outside the official programme. Through these more personal interviews, civil society provided a variety of views and documentation to the review mission. It spent relatively little time in Johannesburg and Pretoria, and six of the nine provinces were visited in this short period. The media and activist groups raised concerns that research was rushed and key issues were inadequately covered. Professor Adedeji

16. ‘Oilgate’ refers to the donation of R11 million towards the ANC’s 2004 election campaign by Imvume Management. The firm was under contract to purchase oil for the state-owned PetroSA and requested that its normal monthly fee of R15 million be paid twice for a particular month. The donation to the party came from this extra payment, which raised questions as to whether state-owned companies were being misused to finance the party or whether the donation was purely a unilateral act by Imvume. See <http://www.mg.co.za/specialreport.aspx?area=oilgate>

17. See http://saiia.org.za/images/upload/SA-APRM_Overview.pdf for a summary and http://saiia.org.za/images/upload/SA-APRM_Comparison.pdf for the full comparison.

was heavily criticised in the media for praising the South African process and report during the visit, although he urged civil society to suspend judgement until the final report and Programme of Action were released.

Phase 6: The Panel's report (August to December 2006)

The Country Review Team and continental APR Secretariat worked from August to early November to prepare their draft Country Review Report for South Africa. Some Country Review Team members stayed on in South Africa during this period, and several consultants spent additional months in-country working on the report and talking to stakeholders. A National Governing Council meeting was convened in November 2006 to discuss this report, and civil society council members were given 48 hours to respond in writing to the Panel's report.

Newspaper reports that appeared in December 2006 by journalists that had seen this report indicated clearly that many of the issues removed or marginalised in the Country Self-Assessment Report were highlighted and emphasised in the Panel's report.

The Panel made 182 explicit policy recommendations and requested South Africa to revise its Programme of Action in response. The South African government was reportedly reluctant to do so, and had several exchanges on the matter with the Panel and continental Secretariat.

Officially, the government maintains that it has responded to all of the Panel's recommendations and declined requests by civil society to discuss publicly the revisions to the programme. The National Governing Council was not convened after the November 2006 meeting until August 2007. However, analysis by the authors, who matched the 182 formal recommendations made by the Panel against the final Programme of Action released on 1 July 2007 to heads of state, demonstrates that in fact a large proportion are not addressed or only partially addressed. (See further discussion in the 'Programme of Action' section.)

Phase 7: The APR Forum (January and July 2007)

President Mbeki was scheduled to face his peers at the Sixth APR Forum in Addis Ababa, Ethiopia on 28 January 2007. However, the day before the scheduled presentation a decision was taken to postpone it until the next heads of state summit scheduled for the end of June 2007, in Accra, Ghana. Official explanations claim that there was an administrative error, with the continental Secretariat having printed the wrong version of the report, which excluded South Africa's revised Programme of Action. (The reasons for the postponement are discussed in greater detail later in this chapter.) Mbeki eventually discussed the South Africa report with heads of state at the APR Forum meeting in Accra, Ghana on 1 July 2007.¹⁸

People are willing to talk – they'll tell you frankly where they see the problems and where they see the strength.
– Professor Adebajo Adedeji.¹⁹

18. The Algerian report was meant to have been reviewed by heads of state on 30 June 2007, but too few had arrived in Accra, so both the Algerian and South African reports were discussed the following day.

19. Quoted in Oelofse L, 'Peer Review finds us "proudly South African"', *The Cape Times*, 26 July 2006.

Key weaknesses of the South African APRM process

As the preceding section suggests, the South African process was affected by significant controversy, which reflects weaknesses in the APRM system as well as particular government decisions about the management and governance of the process. The following sections develop in greater depth four salient aspects of the South African process that deserve particular attention:

Time frames. The setting of unrealistic deadlines and inflexibility in response to the resulting problems affected the quality of the process and the report.

APRM structures and institutions. The effects of the country's institutional arrangements – particularly the relationship between the Focal Point, the National Governing Council, and the local Secretariat – fostered controversy, negative media coverage and complaint from researchers and non-governmental organisations, which continued throughout the process.

Research, consultation and report writing. Robust written submissions from the public were offset by significant problems with the other two forms of input used – a citizen survey and provincial reports. While APRM-related events were held countrywide and a large budget was spent on publicity, this consultation process realised only limited public awareness and involvement, and pointed to design and management weaknesses. The late appointment of Technical Support Agencies, lack of clarity on editing and writing standards, significant revision of publicly validated texts and a rushed process for formulating the POA negatively affected the quality of South Africa's APRM outputs.

Continental interactions. Checks and balances built into the APRM system as a whole – such as the work of the Country Review Mission to take their analysis beyond the Country Self-Assessment Report – compensated for several of the weaknesses in the South African process, but South Africa's approach and interactions with the APRM Panel, Secretariat and other APRM countries highlighted key weaknesses deserving further attention.

Time frames

South Africa is the only APRM country so far to have completed its self-assessment in less than a year, taking nine months from the public launch of the process at the First National Consultative Conference on 28–29 September 2005 to the submission of the Country Self-Assessment Report to the continental APRM Secretariat on 30 June 2006. The official guidelines originally envisioned a process that would take six to nine months, including development of the self-assessment, conduct of the Country Review Mission and completion of the Panel's report.²⁰ Leaving aside the questions raised

20. Although the original guidelines set this duration at six to nine months, the description of the APRM process that was included in the final report on South Africa says that the duration is 'nine to 12 months' from start until presentation before heads of state. See *APRM Panel of Eminent Persons, APRM Country Review Report No. 4, Country Review Report of the Republic of South Africa*, May 2007, p.37.

by South Africa's management of the process, its difficulties in meeting this proposed schedule reflect on the practicality and complexity of the APRM process as a whole, as well as on failures during the early planning stages to anticipate the nature of the challenges imposed by the APRM.

With ample tax revenues and the willingness to self-finance the process, South Africa had none of the problems experienced by other countries in locating funds for the APRM. A budget of about R20.5 million (about \$3 million) was developed in 2005 to fund the entire APR process until after the Country Review Mission.²¹ At the first council meeting in October 2005, the budget was presented by government and it was made clear that South Africa would finance all its own activities and not utilise donor funds. Fraser-Moleketi said that budget allocations had been made and there was no flexibility to discuss or alter the use of funds.²²

South Africa was also aided by having the continent's largest complement of research bodies and civil society organisations, which gave it an advantage not enjoyed by some smaller nations less well endowed in this regard. Even with these advantages, the process took South Africa 21 months to complete from the public launch to the presentation to heads of state (or 33 months from the time government first declared it had begun internal preparations).

For South Africa, completing the self-assessment phase in nine months proved taxing on civil society, research institutes and government staff. Meeting this deadline came at the considerable cost of superficial consultation, lack of consensus on key problems and ongoing disputes about the management of the process.

The timeline had significant implications for several aspects of the process. The reasons for the original two-month schedule and institutional arrangements were not made public, which created distrust and provoked protests from some groups within civil society. Indeed, the South African government appears to have engaged in little meaningful public consultation, engagement with the research community or with other APRM nations to arrive at its original plan.²³ Had it done so, many of the difficulties and disputes affecting the process could have been avoided, particularly regarding the planning of the flawed citizen survey and the use of research institutions. Given the scale of the consultations proposed, the huge task of reviewing so many aspects of governance in South Africa and the manifest complexity of the APRM Questionnaire, CSOs speculated that the government was not serious about an in-depth review, and had already prepared a text responding to the Self-Assessment Questionnaire.

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21. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, pp.26–27.

22. Telephone interview with Z Twala, 16 August 2007.

23. At the briefing on 13 September 2005, youth organisation representatives that had recently attended a workshop on APRM in Kenya made comments that indicated that they had superficial knowledge of the Kenyan APRM process. Two were subsequently employed in the APRM Secretariat in the DPSA to assist with community mobilisation efforts.

Deadlines for public submissions kept shifting, particularly because so few had been received, but no comprehensive review of deadlines was conducted.

As mentioned in the brief description of the pre-launch phase above, although Fraser-Moleketi did not publicly launch the APRM process until September 2005, government had been making its preparations since at least October 2004, according to a briefing at Parliament by the minister, and workshops were held for government officials. In May 2005 she mentioned at another parliamentary briefing that the first draft Country Self-Assessment Report and draft Programme of Action were being completed.²⁴ There were no significant press articles reporting on the minister's comments in either of these briefings about the APRM, and for practical purposes, the public remained unaware of the start of the process until the launch in September 2005. By February 2006, when the Technical Support Agencies were engaged, government departments had produced comprehensive reports answering almost the entire Questionnaire, which were then consolidated into a 'government submission'.²⁵

The tight timelines undoubtedly deterred several institutions that could have made significant submissions. Many organisations in South Africa close over the festive season (from either early or mid-December to early or mid-January). Local government elections held on 1 March 2006 might also have affected the volume and quality of submissions, which might explain why no political parties made submissions (with the exception of some limited inputs to parliamentary hearings for the APRM on issues such as floor-crossing).

In January 2006, national APRM Secretariat officials informed SAIIA that fewer than 10 submissions outside government had been received. As the process unfolded, the deadlines for public submissions kept shifting,²⁵ particularly because so few had been received, but no comprehensive review of deadlines was conducted. There was no clear public announcement that the original plan had been modified.²⁶

Zanele Twala, former executive director of the South African Non-Governmental Organisation Coalition (Sangoco) and head of the research subcommittee of the South African National Governing Council, argued that civil society members on the council were working only part-time on the APRM process and the council met infrequently. Between NGC meetings, government and its Secretariat took many decisions on the process. She noted:²⁷

24. Fraser-Moleketi G, Media briefing on Monitoring & Evaluation of Programme of Action: Governance and Administration Cluster by Minister of Public Service and Administration, May 2005, p.3, see <http://www.info.gov.za/speeches/2005/05050615451001.htm>.

25. The South African APRM website www.aprm.org.za contains 19 submissions from 11 different government departments, in the section entitled: 'Submissions, government', which were consolidated into a single government submission.

26. Initially, the deadline had been the end of October 2005, then 31 December and then January 2007. Finally, a cut-off date was set for 17 March 2006, with material received thereafter to be added to summaries of the technical reports.

27. Informal conversations suggested that government announcements on deadlines were not necessarily its true views. A consultant employed by the DPSA said that announced deadlines by government are 'always unrealistic' and 'every deadline should be multiplied by two to get the real deadline.'

The NGC was very much government led. It depended very much on them to bring decisions to the floor on the NGC. For a whole lot of things that happened, from how to collect the data, decisions around the way to systematically present it, the writing and editing, civil society representatives were not systematically involved. When problems were raised around the process, we had very little influence.

When asked whether the council ever met to decide on how to respond to the lack of input from the provinces or problems with the survey, she responded:²⁸

The NGC selected the research subcommittee to take care of all aspects related to research material, reports and so on. The civil society members were not working full time on the APRM – we still had our full-time jobs. The government side included the consultant Dugan Fraser,²⁹ the Director-General in the Department of Public Service and Administration, Professor Richard Levin, and Professor Anver Saloojee from the Presidency. So there was this internal, call it a ‘parallel’ group working on this from government’s side. So I have no doubt this government part of the research subcommittee met and discussed this, but by the time these issues had been brought to our attention, the government had already decided. We were not able to stop the train.

Time pressures also affected the quality of work. The Technical Support Agencies were contracted on 16 February 2006 and their terms of reference required them to produce their draft technical reports, summarising all relevant submissions (running to hundreds of pages) by 7 March 2006, just three weeks later.³⁰ This was later extended by two weeks. This already difficult task was compounded because submissions arrived late. According to a schedule summarising the status of submissions received by the Secretariat on 13 March 2006, final reports had been received by that date from only two of the nine provinces (Free State and North West), and draft reports from two others (Gauteng and the Eastern Cape).³¹

Given the extremely tight time frames, the Secretariat was very slow in forwarding electronic and hard copy submissions to the support agencies after their appointment on 16 February 2006. Furthermore, not all the support agencies received the same material from the Secretariat. Submissions made to parliament were not kept at the Secretariat, and the Technical Support Agencies had to procure these documents directly from parliament in Cape Town. Several public holidays in March and April reduced the working days in this period, as did the local government elections held on 1 March. The entire DPSA, where the Secretariat was housed, moved from one building in Tshwane (Pretoria) to another during this period. According to a staff member, the Secretariat struggled to secure sufficient office space in the new

28. Telephone interview with Z Twala, 16 August 2007.

29. *Ibid.*

30. Dugan Fraser was hired by and reported to government rather than the NGC.

31. South African APRM Secretariat, ‘Terms of Reference: Technical Support Agencies’, February 2006.

building, with delays in being assigned desks, telephones and computers.³² The bulk of the submissions finally began to arrive at the support agencies almost daily in March. This made the compilation of the technical reports extremely difficult, as the body of material kept expanding. In some cases, newer versions of submissions were received, superseding drafts previously submitted to the Secretariat.³³

The short time allotted for transforming scores of submissions into an organised, coherent, and readable text – five weeks – meant that the support agencies were neither able to verify the validity of facts or figures presented in submissions, nor undertake additional research or interviews to fill gaps in the report. In particular, government had taken some steps to fix a variety of problems but many of the public submissions asserted that these efforts were too slow, were not working or needed revision. But there was not time to evaluate government efforts, talk to participants in those reforms and identify what additional steps, laws, resources or managerial guidance were needed.

Requests by the support agencies to the local Secretariat to slow the process down were not entertained, and were not taken to the governing council for discussion. The response was that dates for the research seminars and consultative conference had been set (and co-ordinated with the minister's diary) and could not be changed. In fact, the TSAs did not interact with the council (except for members of the research subcommittee) and were not invited to governing council meetings.³⁴

As the subsequent section on research outlines in detail, there was a frequent clash between the time constraints imposed by government and the demands of quality research. Advertising and public statements from government promised a process that would consult widely, include provincial views and citizen input through a survey. But government was unwilling to allow more time for these inputs to be analysed and incorporated. (See later discussion of the Community Development Worker survey and provincial reports.)

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Time limitations also turned public conferences into largely symbolic exercises that offered little real opportunity to either confirm or meaningfully contest the self-assessment or Programme of Action. At the research seminars (4–7 April 2006) and the Kliptown conference to validate the self-assessment (4–5 May 2006), delegates did not receive the texts before arriving at these events, and therefore did not have enough time to engage critically with the material or offer any meaningful comment. Researchers requested that copies be circulated prior to such meetings but were told there was insufficient time.

32. South African APRM Secretariat, 'Summary of Submission Status', 13 March 2006.

33. Interview with K Alexander, South African APRM Secretariat, 10 April 2007.

34. Informal links were maintained with individual research subcommittee members, but it was difficult for the Technical Support Agencies to discern the thinking of the National Governing Council as a whole.

Civil society groupings represented on the council also noted that they lacked sufficient time to study the final version of the self-assessment report in depth before assenting to it.

Zanele Twala said:³⁵

There was never enough time in this whole process to allow real critical engagement. There was never enough time to engage with the contents, nor resolve issues on which there was no consensus. Remember, the CSOs were still working in their regular jobs full time. The government team could at least drop everything and devote all their time to the APRM. There wasn't enough time to go carefully through over a hundred pages. We tried to see if issues that were high on our organisation's agenda were accurately reflected. We usually got copies of drafts about a week before meetings, but that's still hard if you're working full time.

There was never enough time in this whole process to allow real critical engagement. There was never enough time to engage with the contents, nor resolve issues on which there was no consensus.
– Zanele Twala

When the draft Country Review Report was received from the APR Panel in November 2006, civil society members on the governing council were given 48 hours in which to respond and only after an explicit request to the minister to be allowed to do so. Although the final report made 182 recommendations that South Africa was expected to incorporate into its Programme of Action, government declined to allow the NGC to see how government intended to respond to the recommendations until after the heads of state review. No further meetings were convened to discuss the substantial number of recommendations that government declined to incorporate.

Dissatisfaction with the pace of the process was widespread. The box below contains extracts from various public submissions to the APRM, describing the process as unnecessarily rushed with insufficient time for stakeholders to prepare for events or compile substantial and detailed responses.

35. Telephone interview with Z Twala, 16 August 2007.

Complaints about time constraints

Congress of South African Trade Unions (COSATU):³⁶ Very short notification [of meetings] was problematic and prevented adequate preparation, engagement and perspectives to be tabled at the [First National Consultative] Conference ... despite our proposal to delay the appointment of the Governing Council until further consultation with civil society institutions could be conducted in a more thorough manner, the Governing Council was launched.

We remain of the view that this process is too fast, to the exclusion of real civil society participation and call for a process whereby genuine consultation can be facilitated. The time frame for the whole process (nine months) remains too short and requires an additional period for consultation. An alternative time frame should be proposed by the Governing Council.³⁷

Parliament (Joint Ad Hoc Committee on Economic Governance and Management):³⁸ The Committee held hearings on 1, 3 and 15 November 2005, and also on 11 January 2006. The challenge experienced in this regard was that the hearings were held too close to the holiday period, and as such many stakeholders were unable to attend. Academic institutions indicated that the end of the year is problematic as students were still writing exams. This hindered broader consultation with organisations across society.

The revised time frames for the process affected the quality of the product. These have resulted in activities being eliminated (e.g. the provincial public hearings of the Committee) and has [sic] also compromised effective engagement with previous country assessment reports and other stakeholders. It is important in processes such as the APRM to learn from best practices and to have as effective an engagement with stakeholders as possible. The Committee also had to reconsider commissioning research on critical strategic issues identified due to time constraints.³⁹

AICC technical report on corporate governance:⁴⁰ We faced the following limitations in the course of preparing this report: Time issues due to which we could not meet with the various contributors to validate their submissions; and we could not undertake additional research to initiate a gap analysis. Not all submissions were included due to the cut-off point (17 March 2006) after which submissions that were received were flagged but not incorporated into the Technical Report. The nature of some of the submissions was limiting because in some cases they were merely power point [sic] presentations.

36. COSATU, 'COSATU Submission on Economic Governance and Management as a Review Mechanism for the African Peer Review Mechanism for South Africa: Submission to the Joint Ad Hoc Committee on Economic Governance and Management', p.5.

37. *Ibid.*, p.19.

38. South African Parliament, 'Report of the Joint Ad hoc Committee on Economic Governance and Management: A Response to the African Peer Review Mechanism Questionnaire', p.6.

39. *Ibid.*

40. AICC, 'South African Technical Report on Corporate Governance by the African Institute of Corporate Citizenship', March 2006, p.8.

Complaints about time constraints (Continued)

Parliament (Joint Ad Hoc Committee on Democracy and Political Governance):⁴¹ The revised time frames for the completion of Parliament's assessment impacted negatively on the programme of the Committee, which had to be compressed for purposes of expediency. This limited the effectiveness of Committee's information-gathering activities, as planned visits to the Limpopo province had to be cancelled and hearing days had to be reduced. Furthermore, the Committee could not reach as many communities as envisaged. This could have compromised the representation of certain groups. For example, although the South African Council of Churches (SACC) was invited to present on behalf of the church, it became evident that they do not represent all churches in South Africa, as there are some independent churches that are not affiliated to the SACC. Also, the presentation by the South African Non-Governmental Organisation Coalition (Sangoco) cannot be said to be representative of the NGO sector, as Sangoco only has a fraction (4,000) of the entire NGO community (approximately 30,000) affiliated to it. Finally, the presentation by the South African Local Government Association (Salga) only focused on the activities of its Mpumalanga branch, and not on the national position of Salga.

Parliament (Joint Co-ordinating Committee on the APRM):⁴² While Parliament placed great emphasis on engaging civil society organisations, corporate South Africa and ordinary citizens, the limited time for the completion of the process negatively affected the extent of these engagements. We are confident that we will do better in subsequent peer review processes where we now have a better understanding of what is required and the time needed to complete the process adequately.

Free State Province Submission:⁴³ The time frame given for the community engagement process was too short and was perceived as a constraining factor ... The fact that the process started during the festive season means that most community members did not want to be disturbed while spending quality time with their loved ones. Participants were not willing to spend lengthy periods of time to complete the questionnaires and this compromised the quality of the responses.

SAIIA-AICC-ISS Joint Submission:⁴⁴ Although socio-economic issues are of great public concern, it was not possible to examine health, education, welfare, sanitation, housing and other issues, given the time allotted for the South African review.

41. South African Parliament, 'Joint Ad hoc Committee on Democracy and Good Political Governance: Public Hearings Report', p.6.

42. South African Parliament, 'Parliament of South Africa Joint Co-ordinating Committee on the African Peer Review Mechanism: A Response to the African Peer Review Mechanism Self-Assessment Questionnaire, Synopsis', p.5.

43. Free State PGC, 'Free State Provincial Governing Council: Community Engagement First Draft Report (March 2006)', p.36.

44. SAIIA, ISS and AICC, 'South Africa: An APRM Submission', p.4.

The *APRM Implementation Process Report* is the official history of the South African review process, written by the local Secretariat in Minister Fraser-Moleketi's office. The report acknowledged that the time frame proposed by the continental Secretariat was impractical:⁴⁵

The process had tight time frames and the National Governing Council and PGCs [Provincial Governing Councils] had to work fast in order to meet the time frames suggested by the APRM guidelines and in particular the time frames agreed with the Country Support Mission (CSM). Although the National Governing Council and PGCs worked hard to comply with the agreed time frames, the timing of the mobilisation process coincided with the festive season, thus making it impossible for sectors and provinces to do much work between December 2005 and January 2006.

The time frames agreed with the CSM in November 2005 were therefore changed in order to accommodate the request for extensions from many stakeholders. These changes serve as proof of the effort made by the National Governing Council to make the process more robust and inclusive, but also justify the need to review the ideal/recommended time frames in which the process should be completed.

In a September 2006 interview by the Institute for Global Dialogue, Fraser-Moleketi said:⁴⁶

The time frames were a major challenge. According to the APRM guidelines, the process is supposed to be completed within nine months, or at least a year. We thought this was a feasible target, given the credibility of our data and existing sources of information and infrastructure. That said, we still experienced difficulties in meeting the deadlines, and eventually acknowledged that the timelines were quite tough.

Although these comments by Fraser-Moleketi suggest that the government responded favourably to public complaints about timing, there was no public announcement of such decisions, and timing remained a considerable source of friction throughout the process. Research agencies were rebuffed, and at times verbally chastised, for raising issues related to timing and the negative effects it had on research quality. For example, when one of the authors sent a letter to the National Governing Council explaining the difficulties of compiling a credible report in this short period, and the problems with the CDW surveys, the DPSA director-general telephoned the researcher, angrily saying that contacting the council was 'inappropriate.'

45. South African APRM Secretariat, 'African Peer Review Mechanism (APRM) Implementation Process Report for the period April 2005 to June 2006,' 29 June 2006, p.30.

46. Ajulu C, F Ikome and S Zondi, 'Geraldine Fraser-Moleketi', interview, *Global Dialogue*, September 2006, p.17.

During the Country Support Mission in November 2005, Professor Adedeji publicly urged South Africa to slow down, and said he would prefer a thorough process to one rushed to meet arbitrary deadlines,⁴⁷ but this advice was disregarded. South Africa's process would have been strengthened if more time had been allowed to make submissions, compile and check the technical reports, and validate the Country Self-Assessment Report.

The minister's emphasis on the quality of the 'data' reflected a recurring theme in her early discussions of the process. For example, a discussion document on the research plan distributed at the first meeting of the National Governing Council on 14 October 2005 said, 'The overall research strategy is based on the view that most of the empirical data needed to respond to the Questionnaire is fairly readily available.'⁴⁸ Her staff emphasised that other countries used more involved research processes because, effectively, they lacked accurate statistics and adequate analysis of causes to problems.

This approach did not give adequate attention to the possibility that the content and tone of the self-assessment might be subject to dispute, with differing interpretations about causes of problems or their solutions. The tight timelines were justified on the grounds that the exercise was one of assembling data, not of exploration or of resolving conflicting evidence and opinions.

Frequently, enquiries about why the process was being rushed were deflected, or the tight timelines were attributed to the Panel's requirements. Civil society scepticism increased when invitations for events were sent out too close to the events, or key groups seemed not to have been included on invitation lists. These may have been innocent mistakes or a function of poor planning or limited capacity in the Secretariat, but many parties interpreted them as intentional efforts at exclusion.

APRM structures and institutions

Like several other APRM countries such as Ghana and Kenya, South Africa created three main institutions for implementing the APRM: the APR Focal Point (the Minister for Public Service and Administration, Geraldine Fraser-Moleketi); the National Governing Council (see following box); and a local APRM secretariat.

The tight timelines were justified on the grounds that the exercise was one of assembling data, not of exploration or of resolving conflicting evidence and opinions.

47. Although Adedeji made these remarks during the November 2005 Country Support Mission, government maintains that the Memorandum of Understanding signed during that visit agreed upon 31 March 2006 as the date for completion of the self-assessment. This suggests that either the Panel felt this was sufficient time to conduct a self-assessment or was unwilling to insist on a longer process. The APR process as a whole was under considerable pressure to accelerate the pace of reviews at this point as only three reviews had been completed since the process was launched in 2002.

48. South African APRM Secretariat, 'Documents for the APRM Governing Council Workshop to be held on 14 October 2005,' 14 October 2005, p.9.

South Africa's National Governing Council⁴⁹

The members of South Africa's governing council were announced at the first National Consultative Conference, held on 28–29 September 2005. They had not been elected, and no indication was given of how they had been chosen, although the government had previously indicated that they would be drawn from the South African chapter of the AU's ECOSOCC.

The 10 civil society members were: Bheki Sibiya, Business Unity South Africa;⁵⁰ Looks Matoto, Disabled People South Africa; Zanele Twala, Sangoco; Dr Nomonde Mqhayi, South African Youth Council; Thabisile Msezane, South African Council of Churches; Randall Howard, South African Transport and Allied Workers' Union (representing COSATU); Dr Mongane Wally Serote, representing the 'Arts and Culture' sector; Master Mahlobogoane, South African National Civics Organisation; Laura Kganyago, National Women's Coalition; and Moemedi Kepadisa, National Council of Trade Unions.

The five government representatives were: Dr Essop Pahad, Minister in the Presidency; Trevor Manuel, Minister of Finance; Mandisi Mpahlwa; Minister of Trade and Industry; Bridgette Mabandla, Minister of Justice and Constitutional Development; and Geraldine Fraser-Moleketi, Minister of Public Service and Administration, as chairperson.

Following the visit of the Country Support Mission, headed by Professor Adebayo Adedeji, in November 2005, the council was expanded by 14 members. Many of these were alternate representatives from the same organisations in the original 15-person council. While this arrangement ensured consistency in representation, it did not bring significantly different institutions or perspectives to the council. Noticeably absent from the National Governing Council were parliamentarians, journalists and academics or researchers. The new members were: Mandisa Mbekeni, Nepad Business Foundation;⁵¹ Fadila Lagadien, Disabled People South Africa; Hassen Lorgat, Sangoco; Martha Makholo, SACC; Ashwin Trikamjee, South African Hindu Maha Sabha; Bheki Ntshalintshali, COSATU; Kholiwe Makhohliso, Cultural Sector/Freedom Park; Donovan Williams, South African National Civic Organisation (SANCO); Dudu Mhlongo, National Women's Coalition; Mahlomola Skosana, National Council of Trade Unions (NACTU); Jabu Moleketi, Deputy Minister: Finance; Professor Anver Saloojee, the Presidency; Advocate Johnny De Lange, Deputy Minister of Justice; and Dr Rob Davies, Deputy Minister of Trade and Industry.

49. Updated from www.aprm.org.za.

50. Bheki Sibiya was subsequently replaced by Jerry Vilakazi.

51. Mandisa Mbekeni was subsequently replaced by the new Chief Executive Officer of the Nepad Business Foundation, Lynette Chen.

But, in marked contrast to Ghana, where steps were taken to separate the government, the National Governing Council, and the local Secretariat, in South Africa the three were conflated. This undermined the independence of the governing council and the status of the final report in several important ways.

A cabinet minister chaired the council. She closely managed discussions, with few civil society members willing or able to openly challenge her. Few meetings were called during key phases (for example, just two meetings were held in the first five months of 2006), and the National Governing Council was not convened between November 2006 and 7 August 2007. The minister's own tight schedule dictated when meetings could be held, and the timetable for important events such as the research seminars and consultative conferences. Council members said decisions were often presented to them for approval rather than for genuine debate.

Four other senior cabinet ministers and four deputy ministers or senior officials, well versed in government policies, sat on the governing council. Ministers all have other responsibilities and busy schedules. For example, several Secretariat staff and council members said that the Minister of Finance, Trevor Manuel, who had attended very few council meetings, was dissatisfied with the draft report presented at a council meeting held on the eve of the Kliptown conference, which precipitated the emergency meeting of 3 May 2005. This suggests that ministers had limited involvement and engagement with the report up to that point.

Some significant civil society groups infrequently attended council meetings. This was true of COSATU, the nation's largest labour union federation. COSATU is in a political alliance with the ruling party but has at times taken an oppositional stance toward government policy. Others seen as sympathetic to or financially dependent on government did not challenge or question government representatives on the council. This increased the chairperson's ability to dominate the proceedings, despite the nominal majority of civil society organisations on the council.

Housing the local APRM Secretariat within the Focal Point's ministry and staffing it with people ultimately reporting to the minister, served to undermine its independence.⁵² SAIIA found that Secretariat staff members were reluctant to convey concerns raised by the Technical Support Agencies about the research process – such as the rushed time frames, or inadequate treatment of the CDW material – to the minister or the council. Government employees can be notoriously reluctant to contradict or question superiors, and the situation of the Secretariat within the minister's own department

A cabinet minister chaired the council, with few civil society members willing or able to openly challenge her.

52. 'The National APRM Secretariat is comprised of two members from the office of the Director-General, four contracted researchers, five members from the Ministry and two members seconded from ECOSOCC – SA Chapter. Additional capacity from the Department of Public Service and Administration (DPSA) is brought in from time to time to assist the team during "peak periods".' South African APRM Secretariat, *APRM Implementation Process Report*, op. cit., p.11.

reinforced this tendency, especially considering some of the highly political and sensitive topics discussed in the APRM.

The provincial governing councils were run by provincial premiers or their representatives, and therefore faced challenges similar to those described at a national level.

National Governing Council members were not paid for their time. Many came from institutions that could ill afford to have their national leaders involved in non-remunerative activities connected with the APRM. Thus, participation placed a strain on these structures.

COSATU stated in its APRM submission: 'We remain concerned that this process appears to be led by government and fails to take into account several concerns, prior to these processes being rolled out further.'⁵³

Zanele Twala said:⁵⁴

Some NGOs definitely did not exercise their watchdog role. And you definitely had some NGOs aligned to the ruling party. The Focal Point minister was also a member of the ruling party, and you saw alliances emerging, especially over sticky issues like political party financing and eliminating presidential term limits. I think this reflects the mood in terms of civil society in this country after 1994; many have worked closely with the state on issues like service delivery and poverty reduction. I think we didn't strike the right balance between political legitimacy and professional and technical competence on the NGC. Too much emphasis was on getting groups that would be politically correct rather than on those who would help us to pass the scrutiny of having a robust report and transparent process.

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– Zanele Twala

In an exercise such as the APRM, it is natural for government evaluating itself and the state of the nation to want to give itself the best possible marks, emphasise its achievements, and play down its failures. The South African government, however, showed acute sensitivity, suggesting that the APR process should be managed to contain criticism.⁵⁵

Implementation of the mechanism should be guided throughout to ensure that it does not become a 'complaints and finger-pointing forum.' There must be a balance between challenges, achievements and best practices that can be shared with other countries. As stated by a National Governing Council member, the mechanism encourages countries to engage in a 'self-assessment process and not a self-destruction process'.

With a minister chairing the governing council, South Africa faced questions about how candid and forthright the self-assessment would be. These institutional arrangements seemed to contradict guidance by the Panel of Eminent Persons. In a training videotape recorded for SAIIA in April 2006, Ambassador Bethuel Kiplagat, at the time the chairperson of the APR Panel of

53. COSATU, *op. cit.*, p.6.

54. Telephone interview with Z Twala, 16 August 2007.

55. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, p.32.

Eminent Persons, said unequivocally that the 'leadership of the ... governing council ... should come from the civil society or the corporate sector and not from the government because we don't want to see this as a government project. The government cannot be driving a programme for which itself is being evaluated.'⁵⁶

The fact that the head of the governing council was also the minister responsible for the civil service as well as for spearheading the government's anti-corruption efforts, presented a conflict of interest, as the Questionnaire requires a direct critique of her work. The sections on corruption that appeared in the draft report that was discussed at Kliptown were among those most heavily edited in the final Country Self-Assessment Report submitted to the continental APRM Secretariat, with much material critical of government efforts removed and replaced with a list of positive achievements and future intentions.

As mentioned in chapter 3, the question of the composition and independence of the governing body was vigorously disputed at the UNDP's Sixth Africa Governance Forum as a result of South Africa's posture. Many participants noted that if government dominates the process, the APRM would be no different from the many bland national development reports that are produced regularly but fail to affect governance. Other participants noted that when the review is completed, government must allocate the funds and implement the recommendations. If government does not accept the recommendations, the process will not deliver results. Fraser-Moleketi took the debate further by repeatedly challenging the very notion of independence as a reasonable criterion by asking 'independent from what?'

As noted previously, the Africa Governance Forum's report summarised the controversy thus:⁵⁷

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

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

57. United Nations Development Programme (UNDP) Africa Governance Forum, 'Implementing the African Peer Review Mechanism: Challenges and Opportunities, Report of the Sixth Africa Governance Forum (AGF-VI),' Kigali, Rwanda, 9–11 May 2006, p.18.

South Africa adopted a radically different and far less rigorous methodological approach than Ghana and Kenya did.

The Forum report also noted that ‘The role of the Focal Point is not to make decisions but to serve as the co-ordinator and interface between the government, civil society and private sector entities with respect to the conduct of APRM business.’⁵⁸ Its final presentation recommended that ‘the body implementing the APRM programme should, *as much as possible*, be independent of the government, [and] devoid of political interference to ensure its credibility’ (emphasis added). This reflected resistance to turning the process over to civil society leadership, notably from South Africa.

In a September 2006 interview with the Institute for Global Dialogue, Fraser-Moleketi was still determined that the governance model chosen by South Africa was correct:⁵⁹

I don’t think that a government-driven process should be perceived as negative ... Overall, government has not been overbearing ... I don’t think there is anything wrong with having a representative of government being either a Focal Point or a chairperson. After all, I am an elected representative through my party.

Instead of openly acknowledging the concerns of civil society groupings that government could dominate the process or that time frames were inadequate, the government made piecemeal changes to the process. Thus, opportunities to build trust and defuse tensions were missed.

Research, consultation and report writing

As outlined in previous chapters, to generate their self-assessment reports, both Kenya and Ghana drew on the methods used by UNECA to produce its governance studies – they appointed reputable think tanks with a track record of objective analysis of governance issues early in the process. These research bodies employed a combination of: desk research; a scientifically valid national household survey; interviews with hundreds of experts within and outside government; focus groups and the records of public consultations. In Kenya, the technical research organisations (called ‘lead technical agencies’) were non-voting members of the governing council.

However, South Africa adopted a radically different and far less rigorous methodological approach. As noted earlier, the minister stated at the 13 September 2005 briefing that peer review was not a ‘research exercise’, and that the country had reliable data and statistics and enough capacity within the Secretariat, so would not need to involve research institutions or experts to the same extent as other countries had.

This attitude damaged the credibility of the exercise throughout the process. In the introductory chapter to the South African APRM Country Review Report, the APRM Panel of Eminent Persons wrote:⁶⁰

58. *Ibid.*, p. 28.

59. Ajulu C *et al*, *op. cit.*, pp.16-17.

60. APRM Panel of Eminent Persons, Country Review Report of South Africa, p.43.

The reluctance to engage technical institutions at the beginning of the self-assessment process led some stakeholders to suspect that the NGC wanted to manipulate the process and its outcome. This sentiment has lingered among segments of stakeholders, including civil society, academia and the media. This has been the case despite the involvement of technical institutions later in the process and the subjection of the CSAR, as reported above, to validation at both national and provincial levels.

As early as October 2004 the government had begun compiling a draft APRM Self-Assessment Report. The initial November 2005 deadline for public submissions would not have allowed enough time for strong public interest or considered input. With a substantial portion of the report effectively already written, additions would have been cosmetic.

Unlike Ghana and Kenya, no scientifically valid mass opinion survey was conducted, and no systematic, standardised interviews were conducted with experts and key players within and outside government. Instead, the governing council relied on the work done by government departments and parliament, and the contributions of individuals, communities, and various sectors of society, through consultative forums and workshops.

In its APRM submission, COSATU raised some vital issues about the editing of the report, and how diverse views would be reflected:⁶¹

Whilst a statement by the Focal Point has outlined the research strategy (but not research plan) of the APRM Governing Council's work, it remains unclear how reports will be drawn up in the final document. Clarity is needed with regards to who will appoint 'moderators' that will oversee the research reports in each of the thematic areas 'to ensure credibility and integrity.' What would happen if debates have significant differences from various sectors?

Shortened Questionnaire

The local APRM Secretariat developed a shortened version of the Self-Assessment Questionnaire before the NGC was established (and not afterwards, as stated by the APRM Implementation Process Report), and distributed the Questionnaire at the first National Consultative Conference on 28–29 September 2005. It attempted to present key governance issues in a simple, easily understandable way that could be answered by all citizens. This two-page version was translated into all 11 of the country's official languages, uploaded to the South African APRM website, and made available at government offices.⁶² The website also posted the full Self-Assessment Questionnaire and summaries of the objectives and questions in each thematic area, and allowed electronic responses to each question. In theory, anyone could find the information and make a contribution, but no more than a handful of private citizens sent in electronic responses.⁶³

61. COSATU, *op. cit.*, p.7.

62. http://www.aprm.org.za/docs/APRM_English_Questionnaire.pdf.

63. The Socio-Economic Development Technical Report produced by IERI in March 2006 listed six submissions from individuals on page 4.

The table below contains some examples of the questions in the simplified Questionnaire. While there is a need to simplify complex concepts for ordinary people, these examples fail to capture the essence of the objectives and original, full-length questions:

Original versus simplified questions		
Objectives	Long questions	Questions for discussion groups
Democracy and political governance: Uphold the separation of powers, including protecting the independence of the judiciary and an effective legislature.	What are the constitutional and legislative provisions establishing the separation and balance of powers among the executive, the legislature and the judiciary? To what extent is the judiciary independent? How would you rate the independence of the legislative body in your country?	How good are our judges at making their own decisions?
Democracy and political governance: Ensure accountable, efficient and effective public office holders and civil servants.	What measures have been taken to strengthen the institutions for an efficient and effective public service? To what extent is there a transparent system of recruitment, training, promotion, management and evaluation of civil servants?	How good is Government at delivering its services?
Economic governance and management: Fight corruption and money-laundering.	What is the prevalence of corruption in public administration and what measures have been taken in this regard? What is the prevalence of money-laundering and what has been done in this regard?	Are you affected in any way by corruption in Government?
Socio-economic development: Promote self-reliance in development and build capacity for self-sustaining development.	To what extent does the country have effective ownership of the orientation and design of national development programmes? How is the national development programme funded?	Is our vision for the future shared and owned by all South Africans?

Gathering public input by CDWs had significant flaws and, despite vehement government assertions to the contrary, the material was not meaningfully incorporated into the national self-assessment.

Surveys by Community Development Workers (CDWs)

A central component of South Africa's efforts to gather public input was the campaign by CDWs to administer these shortened Questionnaires to individuals in municipalities throughout the country. But this method had significant flaws (explained below) and, despite vehement government assertions to the contrary, the material was not meaningfully incorporated into the national self-assessment.

While the scale of interactions with South Africans (especially in rural areas) was unprecedented, the CDW process presented many problems in its

planning and execution. This affected the extent to which it was possible to incorporate the views of those who interacted with the CDWs into the self-assessment.

The exact number of Questionnaires printed and distributed is not known. The Questionnaires were not standardised, and provinces asked different questions. Many CDWs had only limited training.⁶⁴ Some struggled to steer the conversations, capture inputs, and return them to the Secretariat. The bulk of the responses were in languages other than English, and no provision of time or funding was made for translation. There was insufficient space to write responses on the printed sheets, and most questions were open ended. Because the questions did not ask people to rank or quantify responses, it was virtually impossible to compare and summarise thousands of forms. The forms did not capture demographic information such as the respondent's name, age, sex, or location, making statistical analysis impossible. CDWs are deployed in poor areas and there was no documented plan for scientifically distributing the survey forms. Thus, the information captured was not representative of the nation but the extent of the problem is impossible to ascertain because no statistically valid sample was used.

By the time that TSAs were to have completed their reports in March 2006, the Secretariat had received CDW Questionnaires from only two of the country's nine provinces. The process of receiving the responses at the Secretariat was haphazard, and lacked rigour. Perhaps most importantly, however, the CDW Questionnaire had not been properly adapted to be a survey instrument. An opportunity was therefore lost to administer a scientific survey that could accurately measure public opinion on governance or identify the location of particular problems.

These methodological problems were noted by researchers hired by the Free State province to compile its submission (see box below).

At the Kliptown conference in May 2006, Minister Fraser-Moleketi insisted that CDW material had been fully considered in the draft Country Self-Assessment Report. She asserted that although the CDW surveys had not been analysed nationally, the provincial APRM reports incorporated the responses to the CDW Questionnaires. However, this argument is tenuous for several reasons.

An opportunity was lost to administer a scientific survey that could accurately measure public opinion on governance or identify the location of particular problems.

64. The Secretariat and ECOSOCC conducted a national training session for 120 CDWs from all nine provinces on 17 September 2005, before the National Governing Council was established at the end of September. According to government's process implementation report, additional training was undertaken in all provinces between October and December 2005.

The Free State Province's experiences with CDW Questionnaires⁶⁵

The Free State provincial submission was compiled by the Centre for Development Support at the University of the Free State, which attempted to analyse and quantify the CDW responses. It catalogued several concerns about the CDW process:

Logistics

- lack of co-operation from some ward councillors and ward committees;
- short time frames and interruptions due to the festive season;
- perceptions from some respondents that the APRM was part of the local government elections;
- non-participation of white and coloured communities, and hence the possibility that their views were not adequately represented;
- difficulties in reaching remote areas due to a lack of transport for CDWs;
- the length of time the Questionnaires took to complete, compromising quality; and
- Questionnaires were sometimes distributed in languages that respondents did not understand.

Questionnaire content

- both content and layout of the shortened Questionnaire had 'serious weaknesses ... which could have hampered the integrity of the data';
- many questions were clearly misunderstood by ordinary people, either due to poor explanations by CDWs or because they were not sufficiently targeted at semi-literate community members;
- CDWs struggled to understand the Questionnaire, even in local languages;
- the language used on the Questionnaire was too academic and too technical;
- closed-type questions may have been better suited to semi-literate respondents, where a clear choice of answer was offered, with a few open questions to allow elaboration; and
- very limited scope for probing and explaining questions was possible in a self-administered Questionnaire, and better results might have been obtained from interviews.

Questionnaire layout

- the layout of the Questionnaire was confusing, and some people answered both the 'long questions' and the 'questions for discussion', which made the Questionnaires difficult to administer;
- there was insufficient space for respondents to write down their opinions, and many attached additional sheets, complicating the process of translation and data capturing;
- some questions ran two or more issues together;
- some questions were omitted in translation, others had their sense and meaning altered; and
- the numbering in some language versions was inconsistent or incorrect.

65. Free State PGC, *op. cit.*, pp.36–38.

Firstly, most provincial reports were among the last submissions received. As mentioned previously, four days before the 17 March 2006 cut-off date, only four provincial reports (two final and two draft versions) had been received by the Secretariat. Therefore if the national self-assessment was to be based on the reports from the TSAs and the TSAs had not received the provincial reports, much of the public's input was excluded from consideration. The provincial reports that were received on time did not indicate clearly what content was based on the work done by the CDWs.

Secondly, very few CDW reports were received and analysed before the completion of the self-assessment. Researchers from SAIIA and AICC physically collected five large boxes of CDW Questionnaires from the DPSA's old offices in Pretoria on 28 February 2006. These represented CDW submissions from the Northern Cape and the Free State. Two boxes had not been opened. SAIIA hired four Sesotho-speaking temporary workers to translate and collate responses from the Free State, but they processed fewer than 800 over two weeks. SAIIA sent one box to Idasa in Cape Town.

Idasa noted in its Technical Report:⁶⁶

Approximately 2,705 Community Development Worker (CDW) reports were received from the Secretariat two weeks before submission of the Technical Report. CDW reports were received in all of South Africa's vernacular languages. Synopses of CDW reporting were also received in some provincial submissions. Time constraints and linguistic capabilities have meant that not all CDW reports were captured during the writing of the Technical Report. It was also noted by researchers that the CDW reporting, in cases, displayed duplication suggesting that some field workers did not accurately capture citizen responses.

Under the time pressures, neither of the other two Technical Support Agencies – AICC and IERI – had the time or personnel to analyse the CDW reports.

Thirdly, the DPSA initiated a separate process to analyse these Questionnaires after the second National Consultative Conference in May 2006. The first draft report was produced in August 2006, a month after the Country Review Mission had visited South Africa. In a September 2006 interview, Fraser-Moleketi said: 'As part of the post-country assessment, we have a team collating all the inputs from community development workers so that we can also archive the analysis and the detail for further use.'⁶⁷ This confirms that the CDW material was not adequately processed in time to be incorporated into the Country Self-Assessment Report.

Quotations from CDW reports were placed in boxes throughout the Country Self-Assessment Report but the selection of quotes 'did not follow any systematic process,' according to Twala. The NGC did not discuss that the time schedule precluded incorporation of the provincial reports or CDW submissions.

66. Idasa, 'African Peer Review Mechanism Technical Report: Democracy & Good Political Governance', April 2006, footnote p.17.

67. Ajulu C *et al*, *op. cit.*, p.17.

Given the large number of CSOs in South Africa, as well as their diversity, their submissions were generally disappointing.

Submissions by provinces

Another unique feature of the APR process in South Africa was the formation of Provincial Governing Councils. Controlled by the offices of the provincial premiers, each tried to follow the formula of having one-third of their members as government representatives, and two-thirds from civil society. The Provincial Governing Council reports were of varying quality. Some provinces (notably North West and Northern Cape) made a significant effort, attempted to analyse issues at the provincial level, and produced their reports timeously and professionally. Others (notably the Eastern Cape) submitted their reports close to or even after the deadline. Some provincial submissions were poorly written, and padded with long activity reports and speeches delivered at various consultation workshops. KwaZulu-Natal submitted a draft report in May 2006, well after the 17 March deadline. All provincial reports claim to have been based to some extent on the CDW material, but it was unclear exactly how these surveys were incorporated. Given the flaws in the shortened Questionnaire noted earlier, as well as the logistical problems, it is difficult to see how the Provincial Governing Councils could have adequately analysed these forms, with the exception of the Free State province.

Submissions by institutions

The Country Self-Assessment Report was largely based on written submissions by institutions. Most CSOs that made submissions chose to focus on a few issues that they felt strongly about, notably in the democracy and socio-economic development thematic areas. There were far fewer inputs on economic or corporate governance. The effects on the quality and number of submissions of shifting deadlines, the holiday period, and the local government elections have already been discussed.

Given the large number of CSOs in South Africa, as well as their diversity, their submissions were generally disappointing. Relatively few organisations mobilised to make direct responses to the Self-Assessment Questionnaire, or to submit relevant reports that had been written for other purposes. Some NGOs asked for funding to enable them to compile submissions, but the governing council was not in a position to provide this. However, civil society groupings represented on the council successfully lobbied for funding to consult members in their own sectors (such as NGOs; civics; organisations for disabled people, youth and women; faith-based organisations; and trade unions), and each received between R40,000 and R60,000 (about \$5,500 to \$8,500) for this purpose. However, some used the funds for meetings that dealt only peripherally with the APRM, and many of these reports were among the last submissions received.

There were very few inputs from academics, university departments or political parties (apart from some limited contributions within the parliamentary APRM process). Parties were preoccupied with local government elections

on 1 March 2006, but their low level of participation also points to poor communication and mobilisation of inputs on the part of the governing council and the Secretariat, and a general tendency of opposition parties to reject or boycott processes that are or perceived to be driven by government.

Communication and consultation

South Africa spent a sizeable amount of its budget on mass communication and awareness-raising about the APRM, using brief, high volume messages through radio and television advertisements, developing an APRM song with international artists such as Yvonne Chaka Chaka, and promotional material including banners, T-shirts, caps and fliers, among other methods (see box below).

Mass communication

The *APRM Implementation Process Report* gives examples of APRM communication efforts through a variety of channels:⁶⁸

- Radio jingles were aired on 19 stations with national coverage, and were broadcast in all official languages (October–November 2005), followed by province-specific advertisements and discussion forums. In some provinces, there were weekly radio discussions with provincial governing council members.
- The APRM was discussed on several of the most prominent radio talk shows, including SAFM's *AM Live* and *The Vuyo Mbuli Show*, Metro FM's *Given Mukhari Show*, and 702's *Tim Modise Network* as well as *Talk@ 9*.
- A 30-second television advertisement was commissioned, and was flighted on four channels – SABC 1, SABC 2, SABC3 and eTV – between 9 and 25 December 2005. A follow-up advertisement was flighted in January 2006.
- Brief interviews were given on television shows such as *Morning Live* (SABC 2); *Morning Edition* (eTV), *The Ambassadors* and *180 Degrees* (both SABC Africa).
- The current affairs programme *Asikhulume* ('Let's talk') featured APRM in April 2006; 72% of its viewers answered 'yes' to the question 'Will ordinary South Africans benefit from the APRM?' in an SMS poll.

Viewed in isolation from the broader consultative processes – incorporating interactive meetings such as the two large national conferences at the start and end of the process, four experts' workshops, public meetings convened by the nine provinces and a citizen survey administered by community development workers (all discussed elsewhere) – the mass communication efforts had some value in raising awareness that the APRM was happening and citizens could get involved. However, the timing of communication efforts was not always ideal. For example, the expensive APRM television

68. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, pp.14–16.

advertising campaign was flighted during the holiday period in December 2005, when viewership was likely to be low. A radio campaign was launched *after* the deadline for submissions had passed, in March and April 2006, thanking South Africans for their involvement.

Given the demands of the APRM process and the difficulty of evaluating governance, the messages were insufficient to the challenge, regardless of how frequently or broadly they were distributed. This is not a problem unique to South Africa. While the APRM calls for broad public participation, there are very real limits on the ability of ordinary citizens to participate meaningfully in such a complex and demanding process. Raising awareness and reaching ordinary citizens is particularly difficult in geographically large or populous countries, where any one media outlet reaches only a small fraction of predominantly urban citizens.

Heavy spending on widespread but shallow communication or sensitisation efforts must be weighed against the opportunity costs imposed on other more constructive forms of consultation, given the reality of funding constraints. In South Africa, some other forms of engagement were limited because government said that there were insufficient funds. Examples include the one-day expert seminars held in April 2006 that could not be extended to two days, and printing and distributing copies of texts in advance of consultation conferences.

South Africa's *APRM Implementation Process Report* acknowledges that efforts to promote the APRM in the print media were 'mixed' because of other issues, particularly the local government elections held on 1 March 2006, dominating the headlines and editorial pages.

This problem – of other news stories taking precedence over the APRM process – has been a significant challenge in all APRM countries. In a competitive media environment with many other major stories and controversies breaking regularly, the APRM was not seen as big news. It enjoyed a round of news coverage at the time of its launch and additional coverage of the criticisms of government's handling of the process. The coverage was thus focused on events – short articles announcing a visit or major stage in the process – or controversies.

In terms of its ability to get the public or media to discuss the substantive issues of governance, the communications efforts in South Africa were not ideal, a problem experienced in all of the early APRM countries.

However, the media did not use the APRM as an opportunity to ask where government should be headed or what changes are needed. Such issues arose only when the Country Self-Assessment was discussed at a major conference and when the Eminent Person's final report was leaked to the press. Then several journalists offered a brief litany of the types of problems described. These stories enjoyed very few follow-on articles, aside from comments and rebuttals from government concerning the leaks themselves.

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The *APRM Implementation Process Report* makes a bold claim about how many South Africans were reached by the APRM:⁶⁹

It is difficult to give a definite number, but it is safe to estimate that through the various consultative processes at national, provincial, district and sectoral levels, outdoor broadcasting events and through the community development workers and the communication campaign, between *five and six* million people, would have been reached by the time this leg of the process ends. It would, however, be difficult to estimate how many people have a satisfactory or thorough understanding of the APRM process. (Emphasis added)

This would mean that about one in eight South Africans would know about the APRM. However, 2,400 respondents interviewed by the Afrobarometer in January and February 2006 as part of their South Africa Survey project indicated that far fewer people had even heard of the APRM or become involved in the process. Interviewees were asked two questions: 'Have you ever heard about the African Peer Review Mechanism (APRM), or haven't you had a chance to hear or read about this yet?' and 'Have you participated in the South African APRM process in any of the following ways: Filled out an APRM Questionnaire? Attended a public meeting?' The survey results indicate that 6% of South Africans had heard of the APRM, 3% had attended a public meeting, and 2% had filled in a Questionnaire. Results showed that people in the Limpopo Province seemed much more aware of the process than those in other provinces.⁷⁰

Although the Afrobarometer's figures suggest lower numbers than five to six million people, they should also be treated with some degree of scepticism – it is highly unlikely that over 1 million South Africans attended a public meeting on the APRM, for example.

Using Technical Support Agencies

The only original desk research produced for the APRM was a set of eight short papers or 'opinion pieces' commissioned before the first National Consultative Conference in September 2005 (two each on the four thematic areas). Only five were eventually produced.⁷¹ The South African government's initial APRM plan did not intend to involve research bodies or academics in compiling the Country Self-Assessment Report in any formal way beyond that.

69. South African APRM Secretariat, *APRM Implementation Process Report*, *op. cit.*, p.31.

70. Mattes R, 'Public Participation in South Africa's African Peer Review Mechanism: Results from the January–February 2006 Afrobarometer – South Africa', presentation at APRM Lessons Learned – A Workshop for Practitioners, Researchers and Civil Society, Johannesburg, South Africa, 12 September 2006.

71. They were by Dr Chris Landsberg on 'Democracy and Political Governance'; Nomini Rapoo on 'Corporate Governance and State-Owned Entities'; Advocate Pansy Tlakula on 'Corporate Governance'; Dr Iraj Abedian on 'Fiscal and Monetary Policy Management', and Dr Lumkile Monde on 'Economic Governance and Management.' See 'Opinion pieces' on www.aprm.org.za.

We had running battles with the media from the onset, especially on the government-led process. To accommodate their concerns, we commissioned and appointed research institutes and formed TSAs in the various thematic areas.
– Minister Geraldine Fraser-Moleketi

In its submission to parliament in November 2005, COSATU wrote:⁷²

Several NGOs and CBOs, particularly those attached to research institutions and universities appear to have been excluded from the General Council [*sic*], given the hurried manner in which the Council was established. This remains a source of concern – the challenge for civil society is to work together in a manner that must constructively realise several developmental goals – these include the RDP, Millennium Development Goals and the Freedom Charter.

The official position changed in December 2005, and four think tanks were formally appointed as Technical Support Agencies in February 2006. Several factors contributed to this shift. The government was being sharply criticised over its apparent control over the process; the Country Support Mission had twice urged the inclusion of research bodies;⁷³ the provincial and CDW processes had, by February, failed to produce results; and provinces were asking for training and guidance that the Secretariat did not have the staff to deliver. In a September 2006 interview, Fraser-Moleketi suggested that media pressure had influenced this decision:⁷⁴

We had running battles with the media from the onset, especially on the government-led process. To accommodate their concerns, we commissioned and appointed research institutes and formed TSAs in the various thematic areas.

The governing council came to accept the view that completing the self-assessment was a highly technical process requiring the expertise of research organisations.⁷⁵ Some civil society members of the governing council urged the government to devise a coherent process for involving competent governance research bodies. They hoped to enhance the credibility and legitimacy of the report by involving analysts outside government. Thus the terms of reference for Technical Support Agencies stated: 'The South African APRM Secretariat has limited capacity and requires assistance from institutions able to participate in and support the report writing process.'

This led to the formation of a research subcommittee in November 2005. A letter from Zanele Twala, head of the APRM research subcommittee, was sent out to about 15 institutions, inviting them to become (voluntary) research partners in mid-December 2005, but was retracted later on the same day.

72. COSATU, *op. cit.*, p.7.

73. A government report on the First Country Support Mission (in November 2005) stated: 'After their meetings and consultations the CSM was concerned that South Africa's technical and research institutions were not being drawn adequately into the process.' It says that, 'However, once the proposed research strategy was properly explained and discussed, these concerns were addressed. In terms of the strategy, all credible institutions will be given an opportunity to contribute submissions as well as participate in the seminars for preparing the country self-assessment and programme of action. Provided this is the case, the Mission was satisfied that our research strategy provides vibrant and dynamic institutions with adequate opportunities to participate and contribute.' APRM Governing Council, Report on the APRM Country Support Mission to South Africa. 9–11 November 2005, November 2005, p.5. The Second Country Support Mission, in December 2005, seems to have pushed the issue of including research bodies more forcefully, as it was after that visit that the revised research plan began to take shape.

74. Ajulu C *et al*, *op. cit.*, p.18.

75. South African APRM Secretariat, 'Terms of Reference for Technical Support Agencies', February 2006, p.1.

In January 2006 the subcommittee requested two types of involvement by research bodies. First, it invited almost 200 research and advocacy institutions to apply for accreditation to become unpaid research partners. To be accredited, the institution had to have made a submission to the APRM process, and demonstrated its technical expertise and research experience. Fifteen institutions applied and were accredited. They were meant to provide a peer group to review the work of the Technical Support Agencies and play a quality control role. However, apart from an initial briefing on 16 February 2006 at the Reserve Bank in Pretoria, these research partners were never again convened as a group, and did not perform any of these functions. This failure reflected the rushed time schedule as there was no provision for circulation of drafts. However, as a concept, use of such a peer review group was sound. The plan for these reviewers to work for free is another weakness as the process generated more than 1,700 pages of analysis, which is a lot to ask institutions to assess meaningfully without some remuneration.

Secondly, the subcommittee announced its intention to engage four Technical Support Agencies. According to a government consultant, this name was deliberately chosen to characterise their role as one of 'support' rather than 'research.' The agencies would have four key tasks, to: produce a draft technical report for one of the four APRM thematic areas, based on and fairly reflecting all the submissions; co-host an experts' seminar with the governing council to test the draft technical report and amend that draft; participate in the second National Consultative Conference; and produce a final amended draft and preliminary Programme of Action.

The conditions for submitting a tender required that institutions had made an APRM submission, and had to restrict their fees to less than R200,000 (about \$28,500), to avoid more onerous tender procedures that apply to higher-value tenders. Four institutions were appointed by the research subcommittee on 16 February 2006, five months after the APR process had begun. The agencies and their thematic areas are set out in the table below.

APRM thematic area	Technical Support Agency
Democracy and political governance	The Institute for Democracy in South Africa (Idasa)
Economic governance and management	The South African Institute of International Affairs (SAIIA)
Corporate governance	The African Institute for Corporate Citizenship (AICC)
Socio-economic development	The Institute for Economic Research on Innovation (IERI)

The four research institutes came into the middle of a problematic research process.

The four research institutes came into the middle of a problematic research process the parameters of which had already been decided. Unlike similar bodies that were engaged in the Kenya and Ghana reviews, the research institutions in South Africa were not involved in the data collection process or the design of the research methods, and were confined to collating the submissions received. The development of the citizen survey form, the training and collection regime and sampling system (or lack thereof) had been decided by government prior to the inauguration of the National Governing Council. Similarly, public consultation meetings were managed by the provinces (aside from the first and last National Consultative Conferences) and were not attended by the research institutes, with isolated exceptions. As noted earlier, the governing council engaged the services of two quality assurance agencies to assess and check the quality of the work produced by the support agencies. The HSRC oversaw work by Idasa and IERI, and the Auditor-General evaluated the work of SAIIA and AICC.

Because of the volume of written submissions and the short period allocated for this work – initially three weeks, later extended to five weeks – the Technical Support Agencies did not have time to undertake independent research, or probe key claims. For example, many submissions noted major problems with provincial and local governance, and asserted that the government's remedial plans were inadequate. The government itself did not provide details about its various reform efforts, which left many policy issues inadequately covered in the Technical Reports.

Researchers were instructed to try to identify areas of consensus among the public submissions and areas of disagreement about either problems or solutions. At the start of the Technical Support Agencies' work, the local Secretariat agreed that the draft Country Self-Assessment Report should reflect a variety of views and not attempt to assert a single consensus position where there were disagreements. However, there was not a clear agreement about how the report should be written to reflect various views or the extent to which the report should directly quote the analysis in public submissions or note which groups supported which contentions.⁷⁶

The terms of reference given to the Technical Support Agencies on 16 February 2006 originally envisaged that they would produce their initial draft technical reports within three weeks (by 3 March 2006), and their role would be completed by mid-April.⁷⁷ This schedule (see table below) was unrealistic, and proved to be impossible to meet.

76. This lack of an agreement on how to utilise sources and reflect diverse views led to significant tensions at the end of the process. The technical teams drafted reports citing many public submissions and other evidence of the nature and extent of governance problems. But the final editing of the Country Self-Assessment Report removed nearly all citations and footnotes, replacing specific evidence and testimonials with unattributed statements such as 'some sources said "such and such" was a problem.'

77. South African APRM Secretariat, 'Terms of Reference: Technical Support Agencies', distributed on 16 February 2006, pp.8–9.

Deadlines for research phases	
Activity	Deadline
Preparation of a technical report on the thematic area	3 March 2006
Co-facilitate an Experts' Seminar with good attendance by all appropriate Research Partners	Week of 13–17 March 2006
Develop draft Country Self-Assessment Report and detailed Programme of Action	31 March 2006
Participate in Second National Consultative Conference and finalise report	Conference 7 April 2006 Final Draft 14 April 2006

As mentioned in the section on time frames above, there were delays and problems from the start. The Secretariat handed each agency copies of only a few civil society submissions on 16 February. Other submissions continued to trickle in throughout the contract period. A substantial number arrived very late, and the agencies were not all given an identical set of documents. Submissions and supporting documentation from the Public Service Commission and the Department of Trade and Industry, for example, were not forwarded timeously or to all agencies. The Secretariat did not gather or distribute all the contributions made to the parliamentary committees, and the agencies had to solicit these directly from Parliament. During this research and report writing phase, the entire DPSA was in the process of moving to a new building, and the management of the submissions was compromised. Embarrassingly, a substantial submission made by South African Women in Development (SAWID), headed by first lady Zanele Mbeki, in January 2006 was misplaced, and not passed on to the agencies by the Secretariat. This emerged only when the research seminars were held in April 2006, much to Mrs Mbeki's annoyance. The DPSA was never able to produce a final and definitive list of all submissions received.

The agencies commenced work without a contract, which was signed only several weeks later. Because the timeline forced researchers to begin work without all the relevant materials, it was very difficult to ensure that all sections of the Questionnaire were addressed with equal rigour. A variety of questions were not addressed by any public or government submissions but this lack of evidence could not be ascertained up front. Because the public submitted narrative reports that did not follow the Questionnaire's structure, all had to be read and categorised to determine which opinions reflected on which aspects of the Questionnaire. Once all inputs had been categorised, the evidence had to be assessed for its validity and gaps identified.

The tight time frames prevented meaningful interaction between the Technical Support Agencies, which would have prevented duplicated work on the

The tight time frames prevented meaningful interaction between the Technical Support Agencies, which would have prevented duplicated work on cross-cutting areas.

There were advantages in involving Technical Research Institutions in the process, but at times they involved themselves subjectively as advocates of particular positions rather than as objective analysts and facilitators. – South African APRM Secretariat

cross-cutting areas of corruption, decentralisation, gender and sustainable development. As a result, their approaches to compiling the reports were not sufficiently standardised. The national Secretariat had recommended that areas of agreement be clustered together at the start of each APRM objective, followed by areas of disagreement, gaps, and notes. This suggested structure tended to split the discussion of certain topics unnaturally, and made the narrative difficult to follow.

Length of technical reports prepared by support agencies		
Technical Support Agency	Thematic area	Length of technical report
Idasa	Democracy and political governance	130 pages
SAIIA	Economic governance and management	267 pages
AICC	Corporate governance	578 pages
IERI	Socio-economic development	771 pages
Total		1,746 pages

The four draft technical reports produced at the end of March 2006 therefore differed greatly in format, style, and length. Each agency used different methods for citing the submissions and references. Idasa and SAIIA attempted to summarise and group the arguments made in the submissions, whereas IERI included all the text referred to in an enormous appendix,⁷⁸ and the AICC report included full copies of all relevant submissions for every question. The table below gives the number of pages in each technical report.

The government and national Secretariat expressed distrust of researchers and argued that their work had to be edited because it was biased. The Secretariat wrote:⁷⁹

There were advantages in involving Technical Research Institutions in the process, but at times they involved themselves subjectively as advocates of particular positions rather than as objective analysts and facilitators. The lesson here is to ensure in future that the terms of reference given to contracted institutions are clear and tight and that the deliverables are reviewed critically to prevent research institutions from using the process as an advocacy platform.

These sentiments (partly quoted earlier) were reiterated by Fraser-Moleketi in an interview:⁸⁰

One of our major lessons was our engagement with the Technical Support Agencies (TSAs). We had running battles with the media from the onset,

78. E-mail correspondence with T Pogue, 29 September 2006. According to IERI researcher Thomas Pogue, large extracts of submissions were included in an appendix to allow readers to decide whether the submissions were clearly and fairly reflected.

79. South African APRM Secretariat, *APRM Implementation Process Report*, op. cit., p.32.

80. Ajulu C et al, op. cit., p.18.

especially on the government-led process. To accommodate their concerns, we commissioned and appointed research institutes and formed TSAs in the various thematic areas. However, when they compiled the first research report it was dominated by their own views. It was clear that they were using the platform to push their own agendas. To avoid this we opened up the process and included multidisciplinary teams to complement the TSAs' work.

Such accusations of bias were never put directly or formally to researchers so they could be debated and resolved. The public was not informed that the editing process was to be changed and the names of these 'multidisciplinary teams' were never made public. These comments illustrate the government's sensitivity to criticism, and their viewing perspectives that disagree with government policy as 'advocacy'. It is important to note that the research subcommittee required organisations who wanted to be appointed as a Technical Support Agency to have made a public submission, which meant the process effectively selected institutions that had already expressed clear views on the issues.

A close examination of all four technical reports illustrates the extent to which researchers tried incorporate the many and differing voices that emerged in the submissions, rather than emphasising any particular ideology or issues advocated by the Technical Support Agencies themselves.⁸¹

A crucial shortcoming of the South African process, which has echoes in all the other APRM reviews, is the limited degree to which senior government officials interacted and debated their objections directly with researchers and the organisations that made submissions. Problems with the reports produced by the TSAs were not put on the table and discussed with them, especially if there was a perception that TSAs were not impartial. The four one-day experts' workshops did involve mid-level government personnel and academics, and the interaction was very positive and healthy. Although these sessions were too short to discuss the many issues in the draft reports, the format was constructive. Unfortunately, the government representatives in attendance were not in a position to make policy or, in most cases, even directly interact with their minister to explain the logic of the arguments put forward by civil society. As a result, senior political leaders were isolated from the process, and when they read the reports at the end, they were surprised. Instead of re-opening debate to build consensus, the process was rushed along in an attempt to stick to schedule.

Research seminars

The draft technical reports were loaded on to the APRM website, and subjected to critique at four daylong research seminars with experts (one day per report). These seminars were held from 4–7 April 2006 at the Indaba Hotel in northern Johannesburg, and run jointly by the Technical Support Agencies and local APRM Secretariat. Attendance varied from day to day, with about

81. See www.aprm.org.za for copies of the draft technical reports.

200 people attending over the four days. Attendees included the Technical Support Agencies, Secretariat staff, quality assurance agencies, governing council members, members of parliament and parliamentary researchers, senior representatives of national government departments, academics and analysts, organised business and organised labour, Chapter 9 institutions (including the Auditor-General, Independent Electoral Commission, and Commission for Gender Equality), and various umbrella civil society organisations and groups, some of which had made submissions.

Business representatives, particularly auditors, were noticeably absent from the corporate governance seminar. *After* the Kliptown conference, which had ostensibly validated the technical reports, a separate session for business was held by the AICC, the Department of Trade and Industry, and Business Unity South Africa.

A key concern raised by the Technical Support Agencies was that the participants would have insufficient time to read the drafts. Some agencies had asked for two-day seminars per thematic area, but this was rejected as too expensive and impractical, as were suggestions of delaying the seminars to allow hard copies of the texts to be distributed beforehand to all attendees. Instead, copies were handed out at the start of each seminar. Therefore, participants were being asked to evaluate a voluminous text that they had had no time to read or study. The reports were uploaded to the Internet only after these workshops.

A few days before the seminars, the Technical Support Agencies were asked to produce short summaries of about 10 pages each, distilling the arguments and evidence presented over several hundred pages. Agencies were requested by the Secretariat to follow a format that entailed grouping areas of agreement, points of dissention, gaps and notes. These summaries were hastily assembled by the agencies and, in the case of democracy and political governance, by the Secretariat.

Therefore, participants in the seminars reacted to these short summaries and presentations made by support agencies because there was not enough time to interrogate the full technical reports. The seminars were nevertheless useful as they highlighted areas of weakness and gaps in the reports, produced further examples and evidence, brought senior government officials more closely into the research process, and elaborated on many of the themes raised.

In a meeting between the support agencies and Secretariat following the research seminars, on 10 April 2006, the Secretariat announced that the TSAs should concentrate on amending their summaries rather than on incorporating the outcomes of the seminars into their longer Technical Reports. Agencies were told that these four updated summaries, after being ‘validated’ at Kliptown, would form the basis of the Country Self-Assessment Report.

As mentioned in the earlier description of the APRM phases in South Africa, when the Technical Support Agencies were summoned to an early morning

Participants were being asked to evaluate a voluminous text that they had had no time to read or study.

meeting at the minister's office on 3 May 2006, they were told that their draft reports had to be amended before being presented to the second National Consultative Conference at Kliptown beginning the following morning. The reasons given were that some council members were unhappy about certain sections, that there were unsubstantiated assertions, and that a lot of material about the government's positive achievements and programmes had been omitted. Working groups comprising representatives of Technical Support Agencies, Secretariat researchers, members of the research subcommittee, and senior representatives of lead government departments (Justice and Constitutional Development, National Treasury, Trade and Industry, and the Presidency) were formed to edit aspects of the text. This was the first time that Technical Support Agencies had interacted formally with government officials outside the DSPA or the governing council's research subcommittee during the entire process. Hundreds of copies of the draft report, already printed and ready for the conference the next day were destroyed. The revised version was sent for printing overnight. In the economic governance section, the amendments were not substantial, but the research institution working on the political governance section was put under pressure by justice department officials to remove or tone down references to several sensitive issues, including a proposed constitutional amendment that could affect the independence of the judiciary, political party financing, and several recent corruption scandals. The presidency also requested revisions to information presented on HIV/AIDS and poverty measures in the socio-economic development section.

The validation conference at Kliptown on 4–5 May 2006 was well attended by about 1,700 people, but once again participants received the material they were meant to react to on the day, received a 10-minute presentation on each of the four thematic areas, and had only a few hours to discuss the issues. Draft Programmes of Action prepared by the Technical Support Agencies were not included in the conference material, and the time allowed to discuss and debate solutions to the governance problems – the essence of a Programme of Action – was far too short. As a result, the discussions were vague and superficial, and did not produce a strong and implementable Programme of Action.

Editing the Country Self-Assessment Report

Following the Kliptown conference, the draft Country Self-Assessment Report was substantially edited. For instance, over 10 pages of analysis and evidence on corruption in the Kliptown version of the report were compressed to the following:⁸²

Some contributors argue that whistleblowers are not adequately protected, especially from physical harm, while other submissions raised concerns around party-political funding and the movement of public officials into the

82. South African National Governing Council, *South Africa's Country Self-Assessment Report*, 9 June 2006, p.48, paragraph 20.

private sector. Deficiencies in government procurement practices, including the absence of uniform procedures and concerns over conflicts of interest concerns, were also raised.

Official documents claim that a ‘multidisciplinary task team’ comprising senior government officials, members of the APR Secretariat, and some representatives of CSOs and the Technical Support Agencies revised the report. The engagement by those outside of government was extremely limited. The report was thoroughly rewritten, with the bulk of the editing apparently done by government officials and the local Secretariat. Most members of SAIIA’s APR research team were abroad during this period, and researchers saw the revised draft only on 14 May 2006, one day before the deadline, and only after the Auditor-General’s Office in their capacity as a Quality Assurance Agency had insisted that SAIIA researchers be allowed to examine the text edited in their absence, and suggest final amendments.

From 15 May 2006, when their contracts formally ended, the Technical Support Agencies were no longer officially permitted to see the draft report, despite having worked on it for three months. The council argued that the information was sensitive, and would not be made public until the final release of the report. Even at a workshop held in Pretoria on 20 June to refine the Programme of Action, the report was not made available, which made it difficult to match the proposed reforms against issues raised in the report.

The draft Country Self-Assessment report dated 9 June 2006 – the version submitted to the South African Cabinet, and forwarded to the continental APRM Secretariat – was significantly edited compared to the text ‘validated’ at Kliptown the month before. Sections critical of current government policy were blunted or completely omitted, and the language in the entire draft had been carefully revised compared to the draft ‘validated’ at the second consultative conference a month earlier. Language describing many important governance issues was softened considerably, and expressed in vague terms. Almost all evidence included in the Kliptown draft was excised; names of individuals were removed, as were indications of which submissions had raised particular points, and the strength of the feelings about those issues.

Sections critical of current government policy were blunted or completely omitted, and the language in the entire draft had been carefully revised.

Controversial corruption cases were referred to obliquely, many issues lacked contextual explanations, and the discussions of key issues such as political party funding, poorly performing local government, and conflicts of interest within the civil service had been significantly amended. A full comparison by SAIIA of changes to the Kliptown text and the version produced on 9 June 2006 is available on SAIIA’s website.⁸³

The chief concern expressed by civil society at the very beginning of the process had materialised. Despite public consultations and the involvement

83. See http://saiaa.org.za/images/upload/SA_APRM_Overview.pdf for an overview of the edits, and http://saiaa.org.za/images/upload/SA-APRM_Comparison.pdf for a matrix showing the major changes made from the Kliptown version to the final Country Self-Assessment Report produced on 9 June 2006.

of independent think tanks, the government had indeed substantially altered the report. The governing council ultimately assented to the text, settling for allusion to or mention of key issues, rather than insisting that the text offer a full explanation. Both the editing and the secrecy surrounding the text are contrary to the spirit of the APR process, which emphasises transparency, accountability and inclusiveness.

As part of their brief, the Technical Support Agencies were required to assemble a draft Programme of Action for each thematic area, based on suggestions emanating from the submissions, but these drafts were not distributed at Kliptown. At a workshop in Pretoria on 20 June 2006, where the task teams met to discuss the Programme of Action, a substantially altered version was presented, which had been produced by the Secretariat. The detailed drafts had been reduced to no more than three or four seemingly arbitrary issues per thematic area. The final Programme of Action is discussed at length towards the end of the following section.

The South African case illustrates the limits of the Panel's ability or willingness to change the attitudes and behaviour of a government.

Continental interactions

South Africa is an important leader on the continent, and its approach to the APRM will undoubtedly set precedents for others. Checks and balances built into the APRM system as a whole – such as the work of the Country Review Mission in taking their analysis beyond the Country Self-Assessment Report, and the independence of the Panel of Eminent Persons – compensated for several of the weaknesses in the South African process, and ultimately produced a stronger Country Review Report. But the South African case also illustrates the limits of the Panel's ability or willingness to change the attitudes and behaviour of a government with regard to the Programme of Action, the ultimate test of what will be done about governance deficiencies.

This section examines the interactions between South Africa and the continental institutions such as the Country Review Mission, the continental APRM Secretariat and the Panel of Eminent Persons, and highlights both strengths and weaknesses.

The Country Review Mission

On 9–25 July 2006, a 22-person Country Review Mission led by Professor Adedeji visited South Africa (see box below).

Composition of APRM Country Review Mission to South Africa

Date of Mission: 11–25 July 2006

Member of the Panel of Eminent Persons: Professor Adebayo Adedeji.

APRM Secretariat: Dr Bernard Kouassi, executive director; Evelynne Change, co-ordinator: corporate governance; Dr Afeikhena Jerome, co-ordinator: economic governance and management; Ferdinand Katendeko, research analyst: democracy and political governance; Rachel Mukamunana, research analyst: democracy and political governance; Eunice Kamwendo, research analyst, economic governance and management; Dalmar Jama, research analyst: corporate governance; Nana Boateng, research analyst: socio-economic development.

Independent technical consultants: democracy and political governance: Professor Amos Sawyer, former president of Liberia and professor of political science, Indiana University; Professor Peter Anyang' Nyong'o, former Minister of National Planning and Development and member of the Kenyan Parliament; economic governance and management: Professor Roland Ubogu, retired chief economist, African Development Bank, economic development/statistician consultant; corporate governance: Dr Babacar Ndiaye, former president of African Development Bank; and Professor Adebayo Ogunlesi, head of the Global Investment Division, Credit Suisse First Boston; socio-economic development: Dr Francis Chigunta, lecturer in development studies and environment, Department of Developmental Studies, University of Zambia; Professor Mbaya Kankwenda, former UNDP resident representative in Nigeria; and Professor Julia Duany, political science at Indiana University and Makerere University.

Partner institutions: Charles Muthuthi, principal governance expert, African Development Bank; Professor Ahmed Mohiddin, expert consultant, UNDP; Professor Emmanuel Nnadozie, senior economic affairs officer, Economic Commission for Africa; Dr Bartholomew Armah, senior regional advisor, Economic Commission for Africa; and Dr Kojo Busia, development management officer, Economic Commission for Africa.

As mentioned earlier, they spent relatively little time in the major urban areas of Johannesburg and Pretoria, and their scheduled interactions with people representing various sectors of society tended to be in large meetings and gatherings rather than in smaller, more personal encounters or interviews.

While the team was in South Africa, the media and activist groups raised concerns that research was rushed, key issues were inadequately covered, the self-assessment had been watered down, and that the Programme of Action did not address many specific problems identified in the Country Self-Assessment Report. Despite these significant complaints, Adedeji publicly complimented South Africa's process and urged civil society to suspend judgement until the final report and Programme of Action were released.

At a press conference at the end of the Country Review Mission, Adedeji was asked about whether he was aware of the controversies surrounding the APRM process and the extensive editing of the self-assessment. He said that perfection was not achievable but that South Africa's Country Self-Assessment Report was 'a benchmark for the rest of Africa to follow' and added, somewhat enigmatically: 'It's not a one shot in the arm affair. It's not the end, it's the beginning and to us, a half truth is better than no truth at all'.⁸⁴ The same article quotes him as mentioning that five million people participated in the review. Newspapers commented that he seemed to have pre-judged the South African process and the content of the Country Self-Assessment Report before gathering all the evidence, and noted the worrying precedent this could set for other countries.

Review team members discretely reached out to a wide variety of civil society organisations and individuals to discuss issues and request additional information.

The official review schedule had proved exhausting, with most review team members visiting six of the country's nine provinces in short order: Gauteng (9–15 July), Free State (16–17 July), Western Cape (17–18 July), KwaZulu-Natal (18–19 July), Mpumalanga (20 July) and North West Province (20–21 July) leaving insufficient time to conduct interviews or reflect on material and information.⁸⁵ For example, in their only official meeting with the Country Review Team at the South African Reserve Bank on 11 July 2006, each Technical Support Agency was given just three minutes to address the review team. In this three-hour meeting, tightly managed by the minister in the chair, she permitted a single follow-up question from just one of the Technical Support Agencies.

The review team allowed the South African government to set the overall schedule and manage the invitations to events. However, realising that there had in fact been considerable editing of the self-assessment between the Kliptown conference on 4–5 May and the version that was submitted to the APRM Secretariat at the end of June 2006, review team members discretely reached out to a wide variety of civil society organisations and individuals to discuss issues and request additional information, despite Adedeji's downplaying of controversy in public.

Recognising that they had an opportunity to influence the outcome of the review visit, and hence the Country Review Report that would be written after the mission, several civil society groups embraced this opportunity for dialogue with the review team.

Although the Country Review Mission to South Africa ended officially on 25 July 2006, several academics and consultants from the review team stayed on in the country for many weeks working on the Country Review Report in conjunction with the continental APRM Secretariat based in Midrand.

For the APRM overall, the South African process represented a critical test of integrity. The South African review received considerably greater scrutiny

84. Musgrave A, 'AU team defends SA's self-assessment', *Business Day*, 26 July 2006.

85. South African APRM Secretariat, 'APRM Country Review Team Visit Schedule', July 2006.

In all the submissions we have received, both from the country's self-assessment and throughout the interaction we have had, corruption and crime have been discussed extensively.
– Adebayo Adedeji⁸⁸

than earlier processes and the South African review came at a time when a growing number of participants were questioning the slow pace of the APRM process. As the home of the APRM Secretariat and a major hub for international media, South Africa also was a founder of Nepad and the APRM and a leading advocate for governance at home and abroad.

There was also clear evidence of how the APR process in South Africa had been less candid and open than it could have been, that the content of the self-assessment had been heavily altered, and that the Programme of Action was weak, downplaying or excluding some of the country's most burning governance issues, including regulation of political party funding, lack of accountability in the political system and violent crime. The Panel and Secretariat therefore faced some tough choices about how to compile and word the Country Review Report.

Receiving the draft Country Review Report

A draft Country Review Report – that is, the report jointly produced by the Panel of Eminent Persons, the continental APRM Secretariat and the Country Review Team, that builds on the Country Self-Assessment Report, background papers and the observations of the Country Review Mission – was presented to the South African government in early November 2006. The report devoted many pages to highlighting instances of best practice that emerged during the APRM process. It listed 18 such areas, including macro-economic management, consultation initiatives conducted by the President (such as *izimbizo*) and Parliament and efficient tax collection. It also mentions politely but strongly the vast majority of issues excised or watered down from the Kliptown text. It identifies overarching issues, among them violent crime, unemployment, social cleavages such as the disparities between rich and poor, and the lack of skills. It also notes that Black Economic Empowerment strategies were enriching a very small number of people, and were encouraging politicians to enter business. It noted further that 'race relations remain brittle and sensitive. Many whites, coloureds and Indians feel alienated and marginalised. Some blacks, on the other hand, feel too little has changed.'⁸⁶ In this draft Country Review Report, the Panel made 182 explicit policy recommendations,⁸⁷ but left the original POA itself intact.

86. Boyle B, 'Fight Crime, Africa Tells SA', *Sunday Times* (South Africa), 3 December 2006.

87. The Country Review Report contains both formal lists of recommendations, as well as other implicit recommendations, making the total number of recommendations subject to interpretation. The *Sunday Times* mentioned 154 recommendations, when journalist Brendan Boyle compared the Panel's recommendations against the official comments by the South African government to the report, dated 18 January 2007. At that time, Boyle did not have access to the POA, as it had been revised in response to the Panel's report. Boyle reached his conclusion based on the tone of rejection in the country's official response that commented negatively on the issues contained in 153 recommendations. At this writing, the authors have examined the final POA and conclude that while the number of recommendations ignored by South Africa is not as stark as Boyle concluded, the final POA makes no response to 10 objectives comprising 74 out of 182 recommendations and offers many solutions that are vague, unmeasurable, continuations of existing programmes or only partially address underlying problems. Several sources said that South Africa declined to take action on the large majority of recommendations.

88. Quoted in Oelofse L, *op.cit.*

The National Governing Council met to consider the findings of that report in November 2006. Fraser-Moleketi announced that according to APRM rules, government and not the governing council must respond to the Panel. 'The country needs to respond to the Panel,' said Twala, 'but the minister made it clear that now the "country" is the "government" of South Africa.'⁸⁹ Sangoco requested permission to comment on the report, and was granted 48 hours within which to submit these comments to government.

Sangoco's written comments reached government within that deadline, and were also circulated to members of the APR Panel and the Secretariat. The chief thrust was to urge a revision of the Programme of Action to incorporate the Panel's recommendations. However, no subsequent meeting was held to consider the inclusion of any comments produced by non-government members of the governing council, and no non-government members of the council accompanied the South African government delegation to the APR Forum meeting in Addis Ababa in January 2007.

On 3 December 2006, the front-page story in the *Sunday Times* was headlined 'Fight Crime, Africa Tells SA'. The newspaper had obtained a leaked copy of the Panel's report. Editor Mondli Makhanya confirmed that he had been placed under considerable pressure by senior government sources not to run the story. 'I don't think the eminent persons' report came out to be what the government had expected,' Twala observed.⁹⁰

The following week, on 10 December, the *Sunday Times* ran further extracts from the report. Government refused to comment on the leaked draft. The National Governing Council did not meet between November 2006 and August 2007, perhaps as a consequence of this leak, and the interpretation of APRM rules that it was solely the government that must interact with the continental APRM bodies, and not the National Governing Council.

Although continental authorities were unwilling to speak on the record, senior figures said that the South African government had refused several requests to amend its Programme of Action, repeatedly citing that its pre-existing policies and programmes covered many of the issues raised by the Panel. However, on 17 December 2006, the Panel gave the South African government a one-month ultimatum to amend its Programme of Action, in advance of the APR Forum meeting scheduled for 28 January 2007, in Addis Ababa, Ethiopia.

APR Forum meetings

South Africa was expected to be the fourth country to be peer reviewed by heads of state at the APR Forum in Addis Ababa, Ethiopia, on 28 January 2007. However, this review did not take place as planned. Reports in the media, sources who observed the process and the South African government give conflicting accounts of what happened.

I don't think the eminent persons' report came out to be what the government had expected.
– Zanele Twala

89. Telephone interview with Z Twala, 16 August 2007.

90. Boyle B, *op.cit.*

A heated meeting among the Secretariat, Panel and APR Focal Points was held at the United Nations Economic Commission for Africa (UNECA) conference centre in Addis Ababa on 26 January 2007. At this meeting, the continental APR Secretariat presented a printed and bound draft Country Review Report for South Africa, which contained neither the comments of the South African government, nor a revised Programme of Action. The Secretariat claimed that the mid-January 2007 deadline for these documents meant that they were received too late to incorporate into the printed draft. Given the fundamental nature of the recommendations put to South Africa, it was impractical to have expected the country to revise its Programme of Action and present its review in January. The South African delegation (composed entirely of government officials) in turn claimed that these documents had been e-mailed to the Secretariat in good time, produced hard copies at the meeting, and insisted that the review should go ahead as planned on 28 January. The Panel, however, noted that they had not had time to consider the revised Programme of Action, and some pioneer countries were reportedly equally insistent that the peer review should not proceed, as South Africa was not ready. Sources report that the meeting concluded with a decision that the report would be briefly discussed by Professor Adedeji on 28 January, but that the formal review would be postponed to the next Forum meeting (then scheduled for the last weekend in June 2007 in Accra, Ghana). Ghana and Rwanda had experienced similar delays in their reviews in mid-2005.

However, the report did not appear on the Forum's agenda and was not discussed at all at the Forum meeting two days later. As the Forum meeting commenced, South African President Thabo Mbeki requested that the Strategic Partners – UNDP, UNECA and ADB – leave the meeting as it was meant to be only for heads of state. Despite pleas from President Obasanjo in the chair for them to remain in the room, Mbeki insisted that they leave, which they did. Some observers claimed that the chief target was the UNDP, whom the South Africans reportedly blamed for perceived criticisms in the report, compounding an uneasy relationship between the South African government and UNDP that has existed for several years.⁹¹

After the meeting, conflicting versions of events were circulated. The South African government claimed there had been a big administrative snafu: the Secretariat had circulated a draft version of the report, which contained an earlier (and now obsolete) Programme of Action, therefore the review had to be postponed. Fraser-Moleketi said, 'The heads of state did not table South Africa's report largely because it is still a draft and incomplete.'⁹² She also claimed that the report 'contained errors'. Journalists in Ethiopia and in South Africa speculated about a deliberate attempt by South Africa to block the review, given the embarrassing revelations of the report leaked to the

91. For example, in 2003 the UNDP had produced a report on South Africa's human development programmes to which the government took exception.

92. Gadebe T, 'Tabling of South Africa's APRM report postponed to July', *Bua News*, 29 January 2007.

Sunday Times. The government denied that it tried to force South Africa's APRM report off the agenda.⁹³

A variety of factors contributed to the delay. The Panel should have anticipated that it would be unreasonable to expect the government to revise its Programme of Action in a month. It should have checked whether the deadline would leave sufficient time for reproduction, translation and distribution, and it should have questioned whether it was appropriate to insist that a country respond to recommendations that call for electoral and other fundamental reforms without leaving sufficient time for civil society to comment on the proposals. The Secretariat should have been more efficient and should have clarified which was the correct version before printing the report. But the root cause of the delay was South Africa's deficient Programme of Action, which did not deal with many of the problems noted in the Country Self-Assessment Report. Although the draft Programme of Action was completed on 30 June 2006, government did not use the ensuing period to engage in any additional consultation, despite discussion in the media that the Programme of Action did not deal with the most important social, political and economic issues. The document laid heavy emphasis on consultations, awareness-raising and education campaigns but ignored dozens of specific recommendations offered by the public to improve public services, the fight against corruption and many other governance problems. The overwhelming message of the draft Programme of Action was that government believed existing programmes needed no major modifications, new laws, resources or enforcement mechanisms.

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Following the non-presentation of South Africa's report in Addis Ababa in January 2007, there was little public comment on APRM in the media, apart from a press conference on the minister's return to clarify why the heads of state review had been postponed. The National Governing Council was not convened to explain what had happened, and a written request from Sangoco to the minister to convene a council meeting to discuss the Programme of Action went unanswered.

Zanele Twala said: 'They cannot go to Ghana and claim it [the Programme of Action] is a collective product. She [Minister Fraser-Moleketi] must convene the NGC as a matter of urgency.'⁹⁴ She formally complained to the Panel of Eminent Persons and government that the council had not been consulted on the Programme of Action or how government intended to respond to some of the major issues – crime, corruption, 'unbridled proportional representation,' racism, xenophobia, lack of political party finance regulation, joblessness, lack of service delivery and dysfunctional local and provincial levels of government – the solutions to which would require substantial public debate.

93. Katzenellenbogen J, "'Wrong version" of SA's peer review given to AU', *Business Day*, 21 February 2007.

94. See Boyle, B, 'Furore over peer review redraft', *Sunday Times*, 20 May 2007.

Government vehemently denied that it had rejected the Panel's report, and claimed that it had addressed all the recommendations in a revised Programme of Action. However, the minister refused to convene the National Governing Council in advance of the APR Forum meeting in Ghana.

Several, sometimes conflicting arguments were advanced for this lack of consultation. In some instances, government argued that the Programme of Action had not fundamentally changed and hence felt that no new consultation or endorsement was needed. In other instances, government asserted that it has embraced nearly all of the recommendations. However, given the fundamental nature and large number of recommendations by the Panel, some civil society organisations argued that if the programme had not changed, South Africa was essentially rejecting the Panel's recommendations, which it pledged to implement.

Then in May 2007, the *Sunday Times* ran a story on the contents of South Africa's official comments on the Panel's report, produced on 18 January 2007 and distributed in Addis Ababa. Those comments were extremely defensive and undiplomatic in tone, which was widely discussed in the media and Western and African diplomatic circles. They disputed the factual base and ideological agenda of the report's authors, asserted that they lacked understanding of South Africa's history, that an 'honest' analysis would have come to other conclusions and even when strong evidence was cited for the existence of problems, South Africa implicitly argued that some evidence of its problems should be excluded because 'the risk is that general perceptions, often essentially racist, about the hopelessness of the African situation are all too easily confirmed by statistical constructs that have a very tangential relationship to the actual universe.'⁹⁵

The headline on the *Sunday Times* article suggested that the government had rejected the report outright. The article claimed that South Africa had rejected all but one of the Panel's recommendations (erroneously counted as 154 rather than 182) based on the tone and contents of the comments, without having seen the latest version of the POA. Government vehemently denied that it had rejected the Panel's report, and claimed that it had addressed all the recommendations in a revised POA. However, the minister refused to convene the National Governing Council in advance of the APR Forum meeting in Ghana, despite a second request by Sangoco. The minister also dismissed a legal opinion provided by the Open Democracy Advice Centre in Cape Town that it should convene the council and make the latest version of the Programme of Action public.

Following Algeria, South Africa became the fifth country to be reviewed by the APR Forum, on 1 July 2007 in Accra, Ghana.⁹⁶ As he had done in

95. See Makhanya, M, *op.cit.* Makhanya quotes from the official government response, dated 18 January 2007, which was leaked to the *Sunday Times* and posted on its website. After South Africa's review was postponed, it withdrew this set of remarks and issued a new set of official comments to participants at the 1 July 2007 APR Forum. This latter set has not been released publicly.

96. Algeria was meant to have been reviewed on the previous day, but that meeting was postponed because there were too few heads of state in Accra at the time. The Forum meeting was combined with the Nepad Heads of State and Government Implementation Committee meeting, where Senegalese President Abdoulaye Wade announced that he had resigned from Nepad, and had to be persuaded by his peers to reverse this decision. This limited the time for review of each country.

Addis Ababa in January, South African President Thabo Mbeki insisted that some delegates leave the room for the peer review portion of the meeting. Revised comments on the report were circulated, and Mbeki questioned the methodology and rigour of the review mission, but reportedly in more muted tones and diplomatic language than in the January 2007 comments. Newspaper reports quoted the president and minister emphasising the areas of best practice highlighted by the review and issues such as fast tracking land reform.

The Country Review Report and POA were not publicly released at the time, but the minister said that she hoped they would be made public sooner than the six-month delay mentioned in APRM guidelines.

The Programme of Action

All of the early APRM countries spent many months preparing to get started. Once the process began in earnest, they spent far more time than anticipated on research, consultation and report writing. After months or years leading up to the Country Self-Assessment Report, pressure to complete the process naturally intensifies, but this is the moment when countries first begin to grapple with the very difficult task of responding to the identified problems. Policy-making under such rushed conditions is far from ideal and countries are unlikely to find appropriate solutions to complex social, political and economic problems that may have a variety of causes and require multifaceted solutions. Time pressures at the end of the process have contributed to a hasty search for easily identifiable actions.

Officially, the South African government maintains that it responded to all of the Panel's recommendations. As noted earlier, an analysis of the South African POA suggests otherwise. The APRM Questionnaire includes 25 objectives plus four questions (tantamount to objectives) asking the extent of ratification and implementation of various international standards and codes embraced by the APRM. The South African POA provides no response whatsoever to 10 objectives and the four standards questions. In total the POA provides no response to 97 of the 182 recommendations. (see the table below). Of the remainder, a substantial number of the action items are only partially or tangentially relevant to the recommendations and underlying problems as expressed by the final report.

The tabular format adopted by the APRM for Programmes of Action describes required actions in extremely brief phrases that leave questions about what exactly is being proposed and by what methods. There is consequently some difficulty in determining whether proposed solutions fully or only partially address the underlying problem articulated by the Panel.

Analysis of South Africa's responses to Panel recommendations						
Objectives in Country Report		Number of Panel recommendations	This objective specifically mentioned in South Africa's POA	Recommendations not addressed at all by POA	Recommendations partially addressed in South Africa's POA	Recommendations adequately addressed in South Africa's POA
Democracy and political governance	Implementation of international standards	3	No	2	0	1
	1. Prevention and reduction of intra- and inter-state conflicts	6	No	2	1	3
	2. Constitutional democracy, incl. periodic political competition, rule of law, citizen rights and supremacy of the Constitution	5	Yes	4	1	0
	3. Promotion and protection of economic, social and cultural rights	4	Yes	2	1	1
	4. Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective legislature	4	No	4	0	0
	5. Ensure accountable, efficient and effective public office holders and civil servants	5	No	4	1	0
	6. Fighting corruption in the political sphere	6	Yes	3	1	2
	7. Promotion and protection of the rights of women	4	Yes	2	1	1
	8. Promotion and protection of the rights of children and young persons	3	No	1	1	1
Economic governance & mgmt	9. Promotion and protection of the rights of vulnerable groups, including internally displaced persons and refugees	4	No	3	1	0
	Implementation of international standards	2	No	1	1	0
	1. Promote macroeconomic policies that support sustainable development	6	Yes	3	2	1
	2. Implement sound, transparent and predictable government economic policies	7	Yes	4	2	1
	3. Promote sound public finance management	7	Yes	4	2	1
	4. Fight corruption and money laundering	5	No	2	3	0
Corporate governance	5. Accelerate regional integration by participating in the harmonisation of monetary, trade and investment policies	3	Yes	2	1	0
	Implementation of international standards	6	No	2	4	0
	1. Promote an enabling environment and effective regulatory framework for economic activities	16	Yes	7	4	5
	2. Ensure that corporations act as good corporate citizens with regards to human rights, social responsibility and environmental sustainability	6	Yes	1	3	2
	3. Promote adoption of codes of good business ethics in achieving the objectives of the corporation	10	Yes	7	1	2
	4. Ensure that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner	6	Yes	4	2	0
Socio-economic development	5. Provide for accountability of corporations, directors and officers	15	No	11	3	1
	Implementation of international standards	5	No	3	2	0
	1. Promote self-reliance in development and build capacity for self-sustaining development	4	No	1	0	3
	2. Accelerate socio-economic development to achieve sustainable development and poverty eradication	4	Yes	1	3	0
	3. Strengthen policies, delivery mechanisms and outcomes in key social areas including education and combating of HIV/AIDS and other communicable diseases	18	Yes	9	7	2
	4. Ensuring affordable access to water, sanitation, energy, finance (including micro-finance), markets, ICT, shelter and land to all citizens, especially the rural poor	6	Yes	2	3	1
	5. Progress towards gender equality in all critical areas of concern, including equal access to education for girls at all levels	7	No	3	3	1
Totals		182		97	54	31

The South African plan calls for very few tangible changes or legal reforms. It pledges to embark on reviews of a whistle-blowers 'law, labour legislation and the Companies' Act as well as a criminal justice review. Much of the rest calls for strengthening or enhancing existing programmes without detail about how these improvements would be made. The Panel called for action on crime, regulation of political party finances (called for in the UN and African Union anti-corruption codes), action on racism and xenophobia, reconsideration of South Africa's electoral system, efforts to strengthen parliament, and a variety of actions to fight corruption. These are addressed with varying degrees of clarity, but are in many instances ignored or dealt with superficially. In this, South Africa has demonstrated very real limits to the ability or willingness of the system to press unwilling nations toward particular reforms. The table below examines Objective Two in the socio-economic development thematic area ('To accelerate socio-economic development to achieve socio-economic development and achieve sustainable development'). The left-hand column contains the four recommendations made by the Panel under this objective, and the three columns on the right are from the final Programme of Action. This example demonstrates the fundamental mismatch between the recommendations and the responses by South Africa.

The South African case raises some fundamental questions about the utility and integrity of the entire APRM endeavour.

The provisions on fighting corruption are noteworthy for their lack of detail. Corruption appears in both the political and economic sections of the APRM Questionnaire. In the political section, South Africa's commitment to fight corruption in the political sphere says only 'Awareness raising with respect to anti-corruption legislation, codes of conduct, enforcement and implementation in all sectors and across all spheres; review Protected Disclosures Act.' On the other hand, the Ghanaian, Kenyan and Rwandan Programmes of Action are significantly more specific in many areas.

The South African case raises some fundamental questions about the utility and integrity of the entire APRM endeavour. The Panel accepted South Africa's assurances that it had consulted on the Programme of Action, even though the National Governing Council had not met between November 2006 until the meeting held on 7 August 2007, and members such as Sangoco had formally raised complaints about the lack of consultation in writing. The 30-day 'ultimatum' in December 2006 to revise the Programme of Action was wholly inadequate, given the far-reaching nature of the Panel's recommendations. And as the comparison of the recommendations to the final action items in the Programme of Action demonstrates, the Panel ultimately acquiesced to South Africa's defiance and non-response to their recommendations. The South African experience has set a less than ideal precedent for future reviews.

Example of Panel recommendations and South Africa's Programme of Action response*			
Socio-economic objective 2: Accelerate socio-economic development to achieve sustainable development and poverty eradication.			
Country Review Report	South Africa's Programme of Action response		
Recommendation	Activities by APRM objectives	Required action	Monitorable indicator
<ul style="list-style-type: none"> • Develop a long-term strategic plan that exploits the nexus of growth, employment, poverty reduction, income and wealth redistribution, and systematically reduces social grants while emphasising empowerment and considering sustainability issues • Fully integrate the MDGs in a national development strategy. They should be credibly costed, funded and implemented, preferably through the budget and expenditure framework • Periodically review and evaluate existing programmes for their effectiveness in dealing with the problems they were meant to solve. Non-governmental stakeholders can take the lead in initiating, monitoring and evaluating the alignment • Enhance the role and impact of the legislatures in addressing key development challenges 	No consensus among stakeholders on definitions and measurements of poverty	Local, provincial and National Consultative Conferences on poverty definition and measurement	National poverty barometer as part of official statistics, with resolution at municipal level
	Access to rural land	Development of the poverty barometer	Improved system of identification, as well as targeting of vulnerable and marginalised groups
		Design and implementation of monitoring, evaluation and learning system	Established frameworks for the design and implementation of programmatic initiatives
		Rapid implementation of land redistribution, restitution and tenure reform projects	Establishment of an effective system of monitoring, evaluation and learning system Land reform implementation is speeded up to meet 2014 targets
* The final report makes the four recommendations at left but the POA actions bear no direct relationship to these recommendations.			

Conclusion

Despite some innovations, particularly in sensitisation and the use of the Internet, which may be applicable to future countries, South Africa's APRM process was not up to the standard that it might have been. South Africa is, by African standards, well endowed with financial and intellectual resources. It was able to self-fund the entire exercise and could devote a great deal of money

to the various activities that made up its process. It has lively civil society, business and academic communities, and a tradition of vocal public airing of opinions. These were clearly elements that could have been structured into a national conversation and reflected in the country's APRM report.

The process did not achieve this and an opportunity for broad consultation and public input into policy making was missed. Equally seriously, the conduct of the government throughout the process suggested that it wanted to ensure particular outcomes and to avoid criticism. This could have an unfortunate knock-on effect. APRM is rooted in the idea that Africa needs to improve its governance and be seen to be doing so. Negative precedents could encourage other countries, which are less democratic and less well governed than South Africa, to undergo review in the expectation that this process can be controlled and will overlook serious problems. This would generate domestic and international cynicism about the process and suggest that Africa's reform efforts are half-hearted.

The negative effects of the South African experience are already being felt. Some Panel members have told upcoming countries that it is possible to have a minister lead the governing council, as South Africa has already done this. At an APRM workshop conducted by SAIIA and the Foundation for Democratic Process (Fodep) in Lusaka, Zambia in March 2007, a participant asked why Zambia should be held to a higher standard if South Africa – as a champion of good governance and founder of Nepad and the APRM – had not taken the APRM seriously.

The South African process was a key credibility test for the APRM as a whole. To the credit of the Panel, Secretariat and Country Review Mission, they did not merely accept the Country Self-Assessment Report at face value, and worked hard to ensure that fundamental governance issues such as crime, violence against women and children, HIV/AIDS and political party finance reform were raised strongly in the Country Review Report. They have sent a clear signal that governments should not seek to manipulate the process or the reports, because ultimately the important issues must be raised and must be dealt with. However, their ultimate acquiescence over the deficient Programme of Action illustrates the limits of the system's ability to influence policy change.

Lessons learnt

Open up the process. South Africa's process was launched in a way that suggested that the government had learned little from what other countries had done, or ignored best practices thus far. Certain civil society groupings felt excluded and concerned about the rushed timetable, shallow consultation process, and substandard research methods initially proposed. To the media, and many CSOs and researchers, the government's initial plan seemed manifestly unworkable, but government signalled that it was unwilling to

Negative precedents could encourage other countries, which are less democratic and less well governed than South Africa, to undergo review in the expectation that this process can be controlled and will overlook serious problems.

respond to criticisms or allow others to help it change the plan. A national conversation to garner ideas about how to implement the APRM before launching the process (as happened in Kenya) could have strengthened the exercise, lent it greater credibility and inclusiveness, built trust, and deepened ownership.

Do not fear peer review. South Africa is one of Africa's best-governed countries, and government should have had little to fear from undergoing review. There was no need for the government to control and dominate the process. A more independent structure and process would have increased the legitimacy of the exercise and alleviated the civil society concerns that ultimately drove media criticisms of the process.

Set realistic deadlines. By initially rushing the process, calling for submissions over the year-end holiday period, and then constantly postponing the closing date for submissions, the quality of the inputs and hence the Country Self-Assessment Report as well was compromised. The original deadline of two months for civil society submissions was unreasonable, and deterred some institutions from making submissions. There was no reason for rushing the process, as South Africa did. Stakeholders should be given enough time to read and comment on texts they are meant to validate.

Involve researchers early. The South African government's resistance to utilising research bodies meant that the Technical Support Agencies joined the process five months after it had begun, and, crucially, after most of the material for the self-assessment had been collected. Because it was designed without consulting survey experts, the CDW process was flawed, and represented a major missed opportunity to gather detailed information on the country's service delivery problems. The technical and complex nature of the Questionnaire has required expert input in all the early countries, and this expertise will most probably be needed for all APRM processes across the continent. It is therefore important for upcoming countries to choose strong, experienced research institutions, and involve them at the start of the process in design as well as execution of research strategies.

Empower civil society. Because some CSOs and NGOs in South Africa were informed about the APR process, and mobilised early enough, they were able to bring their influence to bear and alter its course. They forced the government to expand the governing council and change its composition, pressed for the inclusion of researchers, and deepened the consultation and submission process. They made their own submissions, presented their views to the parliamentary hearings, engaged with the process in the media and, by providing information to the Country Review Team, succeeded in getting marginalised issues restored to the final APRM report.

Let the governing council govern the APRM. South Africa's government has reacted in a hostile manner to criticism of the tight hold it exerted on the APRM process. Despite the governing council being numerically dominated by CSOs, it was run on government's terms. With the Secretariat housed

within a government department, many of the CSOs represented on the governing council being political allies of government, and a powerful minister in charge, the council took few independent decisions.

Use the Internet. South Africa made good use of its APRM website to inform the public about the process. Although few citizens used this facility, people could send their own ideas and responses directly to the Secretariat. Loading the submissions and technical reports on to the website also added to the credibility and openness of the process. Uploading the Country Self-Assessment Report and Programme of Action could have further enhanced transparency.

Use indigenous languages. South Africa was exemplary in translating its shortened Questionnaire into all official languages, and making the various language versions available on the APRM website. This opened the APR process up to thousands who might not have taken part had the material been available only in English. However, better quality control should have been exercised over the translations, in order to retain the original meanings.

Plan consultation more thoroughly. The CDW exercise had enormous potential. It was ambitious and well intentioned in that it targeted thousands of South Africans, many in rural areas far from urban centres, but the process of receiving and processing the Questionnaires was poorly organised. No provision was made to translate them, collate them, or analyse them. The Technical Support Agencies were unable to include them in their reports.

Understand the roles of the Country Review Mission and Panel of Eminent Persons. Throughout the process, South African civil society groups and the government had significant differences of opinion over how the process should be conducted. The government wielded a deciding influence over the final Country Self-Assessment Report and Programme of Action, which suggested that the outcome of South Africa's peer review would exclude or downplay many issues of concern to civil society. However, the in-country leg of the APRM does not conclude the process, and the Country Self-Assessment Report – while an important document – will neither be the final report on a given country, nor will it be the only piece of evidence consulted by the Country Review Team. Ultimately, the Panel of Eminent Persons will have to compile a Country Review Report, and it is this that will be considered by the Forum of heads of state of participating countries. In South Africa they demonstrated a willingness to contradict the Country Self-Assessment Report, and to raise issues that could be potentially embarrassing for the government and the country as a whole. Furthermore, the problems confronting a society are seldom a secret. Parties seeking to sanitise the process should remember that it will come under intensive scrutiny by the Panel, while those dissatisfied with the Country Self-Assessment Report should raise their concerns with the Panel. Civil society did this in South Africa, and this may explain – at least in part – why the country report was robust and forthright.

The APRM is not about impressing neighbours, it is about being a better country.
– Brendan Boyle

