

SAIIA OCCASIONAL PAPERS SERIES

Analysing key policy and governance issues
in Africa and beyond



CIVIL SOCIETY PARTICIPATION IN UGANDA'S APRM PROCESS

Juliet Nakato Odoi

Number 2, June 2008

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Abstract

In Uganda, umbrella organisations were appointed to represent civil society on the APRM National Commission. But some did not have the reach that had been assumed, and others were headed by busy people with other commitments.

Two NGOs not represented were Minority Rights Group International (MRG) and Care International in Uganda, but both decided to participate in the APRM because it afforded an opportunity to raise issues that concerned their groups and to propose solutions. Crucially, President Yoweri Museveni had said the APRM would become part of government processes such as the Poverty Eradication Action Plan. MRG and Care wanted their voices heard.

They submitted a position paper to an umbrella body, the NGO Forum, which had been appointed to the commission. When their concerns were insufficiently addressed in the NGO Forum's report, they brought other NGOs on board by holding a validation meeting and circulating their draft position paper, then including inputs from their new partners. The expanded report was submitted to the APRM Secretariat in Uganda and APRM headquarters in South Africa. They also participated in meetings held by the visiting Country Review Mission and submitted a brief report directly to the Mission.

The author notes that participation in the APRM is time-consuming and can be burdensome but by forming partnerships and coalitions, resources can be pooled. She recommends that civil society organisations provide in advance for participation in the APRM in their work plans and budgets.

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Introduction

This paper looks at the African Peer Review Mechanism (APRM) process from the perspective of Minority Rights Group International (MRG), a non-governmental organisation (NGO) in Uganda. MRG was not a member of the National APRM Commission but nevertheless felt that the APRM offered an important opportunity to raise issues and propose solutions on the governance needs of minorities in Uganda. MRG believed that participation would help with its poverty reduction strategies for minority groups and in helping them use African institutions and mechanisms to protect their rights and promote development. But a key question was: how to participate?

MRG is an international NGO that works to secure rights for ethnic, religious and linguistic minorities and indigenous people around the world. It provides education and training for minority communities to enable them to claim their rightful place in society. Its work clearly shows that including minority communities leads to stronger, more cohesive societies. MRG lobbies governments and international organisations like the United Nations on behalf of minorities, believing strongly that their exclusion can lead to instability, conflict and, in extreme cases, genocide.

Uganda and the APRM

Supporting the strategy and vision of the New Partnership for Africa's Development (Nepad), Uganda acceded to the APRM process in 2003. The APRM's main purpose, according to official guidelines, was to 'foster the adoption of appropriate laws, policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration'.¹ It had four focus areas: democracy and political governance; economic governance and management; corporate governance; and socio-economic development.

Accordingly, the Ugandan government set up structures such as the National APRM Focal Point (the Minister of State for Planning) and a 17-person National APRM Commission (later expanded to 21 members) to drive the process. It consisted of various stakeholders, including civil servants, members of parliament, faith-based organisations, NGOs, private sector representatives, traders and academia, and others. Although Uganda acceded to the APRM in 2003, the process of compiling the Country Self-Assessment Report (CSAR) was only launched on 19 February 2007. The CSAR attributes the delay to slowness in mobilising resources, establishing the necessary institutions, and to national elections in February 2006.²

The president of Uganda, Yoweri Museveni, said the APRM would form part of the national development framework, including the Poverty Eradication Action Plan. To achieve this, government gave the National Planning Authority responsibility for co-ordinating the Nepad/APRM process from August 2004.

The APRM Commission: Process and practice

The APRM Focal Point assured the public of the neutrality of the process and called for civil society to participate to ensure success. The chairperson of the National APRM Commission, Makerere University academic Professor Elisha Semakula, noted that this participation was vital. Many members of Uganda's civil society shared this view, believing they had a mandate from society to help the public take part in a process that could transform their lives.

According to Uganda's CSAR, the APRM Commission was inducted in September 2005, but only formally inaugurated on 19 February 2007. Although members were chosen from a broad range of society, it was not formed in a consultative manner. Civil society representatives were introduced to a Commission that had already been selected. How members were chosen is not well documented and it is not clear who made the selection, even from the following description in Uganda's CSAR:³

The members have been drawn from recognised governance stakeholders involved in national consultative processes such as PRSPs [Poverty Reduction Strategy Papers], PEAP [Poverty Eradication Action Plan], and Monitoring MDGs [Millennium Development Goals]. Each governance stakeholder was requested to submit a name based on eminence,

credibility and adequate capacity to represent group, community and organisational interests in the APRM process. The members were given a formal letter of appointment from the National Focal Point Minister. The National APRM Commission is composed of nine civil society representatives including media, four government officials (central and local), three statutory bodies, one private sector, one trade unionist, and three members from Parliament (with a representative from the opposition, ruling party and East African Legislative Assembly). This Commission is chaired by a representative of academia, deputised by a highly trained religious leader and the secretary is the executive director, National Planning Authority. These were elected using secret ballot in the first Commission working session after induction ...

Although the usual practice in establishing commissions in Uganda is through legislation where an Act of Parliament is passed providing autonomous legal status, mandate, power, and the composition of the Commission is legally defined, the Uganda National APRM Commission was not established in this formal manner. Yet, in its operations, it has acted with independence and autonomy. This is a credit to the government which has facilitated this enabling environment and the members of the Commission in their conduct.

One criterion for selecting an organisation was a broad membership base, which implied wide outreach. This accounted for the selection of umbrella organisations like the NGO Forum and Development Network of Indigenous Voluntary Associations (Deniva).⁴ However, some of these groups did not have as wide an audience as claimed. The NGO Forum, for example, did not represent a wide range of civil society organisations (CSOs). In addition, information gaps meant many who should have participated did not know how to become involved. Several individuals contacted by the author were surprised to learn that the APRM had started.

But there were positive elements. Some representatives were highly placed, well-respected and credible individuals, often operating as executive directors of organisations. The downside was that many had busy jobs, raising questions about the time and energy they could devote.⁵

The NGO Forum published a leaflet in 2005 urging CSOs to become involved and gave the following pointers (see box):

Getting involved, seeking influence

The following advice for Ugandan civil society is taken directly from a leaflet entitled 'The African Peer Review Mechanism: What is it and how can civil society participate?', published by the Uganda National NGO Forum in 2005.⁶

Civil society should take the keenest interest to ensure that APRM works as envisaged. APRM should be popularised so that the wider citizenry is acquainted with and effectively participates in it.

To maximise participation in the APRM process, civil society should:

- Acquaint itself with the mechanism and its various stages.
- Participate with government in drawing up the national Plan of Action and ensuring it is implemented.
- Conduct studies that can inform the background papers and the draft report by the Review Team at the start of the process and in stage two.
- Provide as much credible information to the Review Team as possible and ensure that its input is well reflected in the draft report (this is best done if civil society has a leadership team to co-ordinate this stage).
- Have local civil society experts on the Nepad and APRM initiative who can clearly articulate these processes for the benefit of the community at large and take a lead in the process of translating the concepts into tangible benefits that ordinary people can 'see' and appreciate.
- Ensure the integrity of the process by monitoring that it is free of political manipulation.
- Use APRM findings to lobby government for corrective action.
- Use APRM as a learning process by ensuring that lessons are popularised.
- Ensure regular interface amongst civil society and between civil society, government, the private sector and other partners to address the challenges and monitor progress made.

- Identify and address capacity gaps. Undertake in-depth studies and analysis on areas where there are information gaps in ... the APRM process.
- Influence the agenda of the review by identifying and selecting the areas of particular interest to civil society including governance, democracy, accountability (particularly corruption), etc. and ensuring that they become areas of focus for the Review Team.
- Make Nepad and APRM documents accessible to the wider public by translating them into local languages, developing leaflets, brochures, and posters to make them more readily available to the wider public. Disseminate widely the outcomes of the APRM report.
- Lobby key regional and sub-regional structures such as the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the Peace and Security Council and the Economic, Social and Cultural Council (Ecosocc) of the African Union to ensure that the review report gets appropriate attention.

The benefits of choosing network bodies to represent civil society were obvious, including the fact that they had, on several occasions, engaged in key government processes such as the review of the Poverty Eradication Action Plan. However, time and resource constraints were an issue and bodies such as the NGO Forum were already stretched. Another weakness was that government technocrats and politicians, other than those directly linked to the programme, expressed ignorance about the self-assessment process.

The public got limited information. Most of it was in English, which many could not understand, thus limiting participation - despite the CSAR's claim that 'all communication was done in five languages, namely English, Luganda, Luo, Ateso and Runyakitara, to enable as many Ugandans [as possible to] participate in the APRM process.'⁷

Publicity for activities like meetings to inform the public of the Commission's work was not properly done. Short notice sometimes meant that people in the regions could not get to events, even when they were interested.

Even when sufficient notice was given, distances were sometimes too great to enable many individuals and organisations to attend. There was general dissatisfaction about the lack of publicity for APRM events. This could have been due to the limited funds available to the Secretariat.⁸ Members of civil society also expressed concern over the tight draft schedule and the immense size of the task. There was limited guidance on the process, although National Planning Authority staff members were cordial. For example, there was little guidance about how to tackle the enormous APRM questionnaire.

In several APRM meetings, participants noted that the Commonwealth Heads of Government Meeting (CHOGM) in Uganda in November 2007 appeared to be higher on government's agenda than the APRM. They failed to see why they should be expected to take the exercise more seriously than the government was doing.⁹ A survey found that elites in countries that had played a strong role in promoting Nepad were more positive about the role Nepad could play in improving economic prospects than those that had been less involved.¹⁰ The survey found that confidence in the initiative was highest in South Africa and lowest in Zimbabwe and Uganda.

However, this does not necessarily reflect the reality in Uganda. Many stakeholders explained that their indifference came from a lack of faith in the government's ability and willingness to implement Nepad plans, including the APRM.

Members of civil society and the public noted that several laws and policies had been in place but not implemented. These included the Land Act 1998, the Investment Code Act 1991 and National Environment Act 1995, to mention a few. Cynics viewed the APRM as just another process that would have little result. Low levels of confidence had more to do with perceived high levels of corruption and lack of transparency by Uganda's leadership than a lack of faith in Nepad.

Raising our voices

Despite some negatives, CSOs such as MRG and Care International in Uganda¹¹ saw involvement in the APRM process as an opportunity to highlight the plight of the groups they focused on.¹² Having noted that issues affecting ethnic minorities got little attention in the Poverty Eradication Action Plan, MRG was interested in using the APRM to highlight these issues.

However, MRG, like many other CSOs, was unfamiliar with the process and unsure how to participate. The APRM questionnaire was complex, long and intimidating and left many wondering where to start. CSOs represented by the NGO Forum and Deniva received little information from these umbrella bodies on what needed to be done, by whom and how. When pressed on the position paper the NGO Forum was meant to be writing, the Forum was quick to respond that there was a CSO paper 'in progress.' This begged the question: 'Who is writing the paper if not the CSOs?' MRG communicated its concerns on the neglect of minority issues to the NGO Forum, which promised to address them.

Time was a problem for CSO participation. When APRM activities had not been included in work plans and budgets, officers had to be diverted from regular tasks. It resulted in a negative view, apparently widely held, that getting involved was burdensome. Seeking to share the load and resources, in early 2007 MRG interested Care International in Uganda in working on a joint paper on governance issues relevant to ethnic minorities in Uganda. After going through the questionnaire, the partners concluded that getting involved was indeed a Herculean task requiring the services of a consultant, an extra expense.

MRG and Care International in Uganda decided to develop the separate position paper because of the likelihood that minority issues would be overwhelmed in a 'melting pot' report of CSO concerns. Minority concerns already had limited visibility on the national agenda.

In June 2007 MRG and a few other organisations had a five-day meeting with members of the South African Institute of International Affairs (SAIIA) to discuss civil society engagement with the APRM. The meeting demystified and simplified the process. The issue of the intimidating questionnaire was raised and CSO participants were advised to focus merely on their most important issues, providing evidence for all contentions and making constructive recommendations.

The meeting brought greater confidence. MRG and Care International in Uganda changed their strategy to look first at key concerns affecting the target group. Because the meeting had reiterated the need to co-operate with others, the two brought five additional partners on board by organising a validation meeting and circulating a draft paper for inputs. The final paper was submitted to the APRM Secretariat in Kampala and the APRM headquarters in South Africa in December 2007.

Keeping the process honest

MRG also had the opportunity to participate with other CSOs when the NGO Forum met to validate the CSO submission on 3 August 2007. Unlike the APRM Commission, the NGO Forum circulated a full draft before the meeting, enabling meaningful discussion. The meeting also provided an unexpected opportunity to share information on minorities in Uganda.¹³ The exercise was meant to give civil society stakeholders a chance to assess the accuracy of the document and whether the key priority areas had been correctly identified.

CSO members noted that the report was sketchy in some areas and lacked detailed information. There was one small paragraph on minorities, which basically just stated that they existed. Issues related to gender and HIV/AIDS were also inadequately covered. With time limited - the Commission hoped to submit its report in October 2007 - the organisers sought volunteers to work on the weak areas over the weekend. MRG volunteered to deal with minorities. This required only a reworking of the paper developed with Care International in Uganda to fit the required format, demonstrating the value of having an existing position paper. The CSO submission to the APRM for Uganda was published in a report entitled '*Country Self-Assessment: The way we see ourselves.*'

Transparent or opaque?

At the inauguration of the APRM Commission in February 2007, its members noted that the desk review – a report based on existing information on key governance areas prepared by researchers – was a draft that would be available for inputs. This undertaking was not kept. Officers contacted by the author, for example, said the review report was confidential.¹⁴

Views of stakeholders countrywide were gathered at one-day regional meetings, enabling Commission members to interact with the public. But in all likelihood the meetings left out the most marginalised groups. For instance, where would poor minorities find the money to attend? The author also noted poor attendance from other special interest groups, such as people with disabilities. One meeting attended by the author in Kampala in August 2007 comprised mostly councillors (local leaders) and the focus was on party differences and governance issues in the council. Few members of NGOs and other CSOs were there, possibly because they did not receive notification or chose to attend subsequent meetings.

Focus groups, public hearings and submitted memoranda were employed to generate data for the draft Country Self-Assessment produced with the help of Technical Partner Institutions (TPIs).¹⁵ The CSAR says that 96 focus group discussions were held in five districts (Gulu, Jinja, Mbarara, Luwero and Kampala), and were ‘structured to capture the voices of the chronically poor, peasants and minority groups, among others’.¹⁶ It says that 32 public hearings were held in 13 districts, with an average attendance of 100 at each hearing, and ‘over 100 memoranda from interest groups were received by the Commission’.¹⁷

The draft assessment was not shared with members of civil society. The Secretariat said the document was confidential and would be made available at a later date. When it came to the validation stage, the Secretariat published a summary in the main English daily newspapers and sent a summary to several individuals and organisations. Various stakeholders were invited to validation meetings, which were organised regionally.¹⁸

At the validation meetings, participants were presented with brief power-point presentations on which they had to comment. This meant that those who had contributed information had no way of knowing whether it was included, or whether the form was acceptable. Again, a form of secrecy, which did not allow civil society an opportunity to make an effective contribution. As one participant asked: ‘What are we validating?’

The exercise was clearly not what many had in mind but at that point there was little room for adjustment. The final Country Self-Assessment Report was released to the public in January 2008.¹⁹ No other country has publicised its CSAR so far, and Uganda has taken an important step in promoting transparency. By putting the CSAR in the public domain, all Ugandans, including CSOs, can check exactly what has been submitted in their names. Hopefully, publication will become standard practice.

It is worth noting that while almost all the key issues were highlighted in the submission (by Care, MRG and others), there was no corresponding activity in the Programme of Action. Other interest groups noted the disparity.

Meeting the mission: A second chance

The Country Self-Assessment process is the area where CSOs can have most influence. But there is another critical channel – the visit of the Country Review Mission (CRM), the group of African experts who vet the CSAR and draft Programme of Action while traversing the country for several weeks.

Armed with a copy of the CSAR and the mission’s programme, MRG, Care and partners sent written submissions to the APRM Secretariat in South Africa, which expressed interest in their participation.

The CRM was in Uganda from 3 to 24 February 2008, holding meetings with stakeholders. MRG invited its partners to arrange for minority community representatives to attend meetings where possible. Care International in Uganda facilitated representation in the western region in Mbarara District. Then MRG sent a list of partners who wanted to attend the mission meetings to the APRM Secretariat so that they could receive invitations.²⁰

Before attending, Care International in Uganda, Community Development and Resource Network (CDRN) and MRG organised a meeting of like-minded groups to strategise, making sure that those unable to attend were kept

informed. It was agreed that government could only do so much with a limited budget, so they recommended a focus on three key interventions (not the four indicated in the CSAR report). The following priorities for inclusion in the Programme of Action were agreed:

- developing a policy on ethnic minorities;
- affirmative action for minorities' participation in political/decision-making processes; and
- restitution for ethnic minority communities affected by land alienation.

Presenting these recommendations for inclusion was the key aim. Fearing that with so many different stakeholders attending these issues might not be heard, participants agreed that representatives would put up their hands until all these issues were aired.

At the CRM meeting in Kampala on 6 and 8 February 2008, MRG and its partners presented their concerns and submitted a two-page document pointing out that areas covered in the CSAR had been omitted from the Programme of Action. Hopefully, they will be included in the final version, to be discussed by heads of state in June-July 2008.

Lessons and recommendations

The APRM obviously offered an opportunity for CSOs in Uganda to have a voice in concerns relating to their work and their country, particularly as the process had the backing of political leaders.²¹ However, CSOs need to better understand the process through the support of organisations like SAIIA and through sharing experiences with CSO members in countries that have started the process. It is important to bear in mind the challenges faced in different countries, such as a political climate that is not conducive for civil society participation despite assurances to the contrary.

CSOs need to work in partnerships and coalitions to pool resources and mitigate negative impacts incurred from acting alone. The APRM gives them an opportunity to support governments willing to effect change from within. Here are some of the lessons arising from our experience in Uganda:

- **Involve civil society early and often:** While the Commission appears to have done a commendable job given the constraints, more should have been done to ensure effective participation by CSOs. With four years to prepare for the APRM, stakeholders should have been better briefed on how to take part. For example, there should have been clear guidelines based on their areas of focus. The NGO Forum had many good ideas in its leaflet (see box above). Too few were put into practice.
- **Send the right signals:** Governments need to sensitise the public about the APRM process well in advance. Many Ugandans expressed interest, but were unable to make their voices heard due to problems outlined above. Sensitisation needs to start much earlier than other activities. Funds need to be committed, as the government was quick to do for the CHOGM meeting. Spending needs to be properly tracked and audited to prevent misuse (as was said to happen with government officials and CHOGM funds). If this is not done, the message to stakeholders is that the process is not important; even that government is not taking it very seriously. For a process designed to be inclusive, the secrecy surrounding key documents was unacceptable and could affect public ownership of the process.
- **Use indigenous languages:** Communication and publicity should be done in a variety of languages, using different media, to reach a wider audience and educate the public about its importance. The Commission and the National Planning Authority did publish information leaflets in five major languages, but public events were almost exclusively conducted in English. Since meetings were regional, publicity should have been in the major languages of the region. Better use of FM radio stations scattered around the country, some using local languages, would have ensured more effective mobilisation, despite the Commission claiming to have used more than 30 interactive broadcast programmes.²²
- **Make meetings accessible:** APRM meetings should be more accessible to the public and marginalised groups.

The regional nature of arrangements in Uganda meant that many people who were interested were not able to attend. Regional meetings could have been broken up into smaller gatherings to ensure that poor communities participated. Community mobilisers could have helped.

- **Make full drafts available:** Draft reports should be made available by the APRM Commission to enable constructive engagement, and instructions to this effect should be filtered down to all officials in charge of documents. It is hard to talk about validation when people are given abridged versions, not the original. Text wording matters.
- **Plan for peer review:** CSOs need to include APRM participation in budgets and work plans. They need to consider factors like human resources, impact on regular workflows and consequences of delays and changes from the APRM Commission. For example, the Commission diverted from its own draft road map because of delays in accessing funds and in submitting reports by TPIs and other reasons. Many organisations were unable to slot into APRM activities at a late stage. It is also important for them to stay involved; to see the potential for discussion of critical national issues; to be willing to make sacrifices voluntarily.
- **Don't rely only on umbrella organisations:** Network organisations such as the NGO Forum did not always have the reach that was assumed. In addition, many NGOs and community-based organisations are not members of existing umbrella organisations and are unintentionally sidelined. Pressing demands from various programmes, coupled with limitations in staff, can also affect the performance of networks and their ability to involve members. But they did not do enough to make themselves heard despite the associated problems. Care International in Uganda and MRG were not convinced that the NGO Forum would allow them to voice their issues, given competing interests. MRG thus submitted its position paper to different fora and made presentations when possible. This enabled information about the APRM and concerns of minorities to be shared with other CSOs, some of whom came on board later.
- **Foster relationships, stay informed:** CSOs need to make an effort to keep in touch with the Commission and the Secretariat, which will help to keep them in the information loop about meetings, documents being released and so on. Many seemed to be content not to raise issues about the Commission, despite the fact that doubts arose over the way it was doing its work. There is a need for CSOs to stand firm on concerns noted in the process and to have action plans for when they are not addressed. 23 MRG and Care International in Uganda work with other organisations, some of them at grassroots level. We explained the process to them and convinced them to come on board. There was little resistance from the NGO Forum, which appreciated that we treated the exercise with the seriousness it deserved.

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- 1 AU/Nepad, Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism (APRM), 2003.
- 2 Uganda National APRM Commission, *The Uganda Country Self-Assessment Report*, November 2007, pp. 18, 26.
- 3 *Ibid.*, pp. 19-20.
- 4 This view is expressed in a statement entitled 'CSO engagement in the upcoming Peer Review for Uganda', presented by the NGO Forum to the APRM Support Mission to Uganda in 2005.
- 5 One of the members of the Commission was a permanent secretary of a busy government ministry.
- 6 The Uganda National NGO Forum, 'The African Peer Review Mechanism: What is it and how can civil society participate?', 2005, p 4. See <http://www.ngoforum.or.ug/docs/APRM.pdf>
- 7 Uganda CSAR, p.22.
- 8 Professor Elisha Semakula, the APRM Commission chairperson, alluded to funding challenges in his speech at a civil society workshop on 16 February 2007, prior to the launch of the APRM Commission.
- 9 This issue was raised in several APRM fora where participants noted that the government appeared to be more engrossed in the Commonwealth meeting than the Africa-grown process that is the APRM.
- 10 The *African Elite Perspectives: AU and Nepad* survey was conducted by the Centre for International and Comparative Politics and Konrad-Adenauer-Stiftung in South Africa, Nigeria, Senegal, Algeria, Kenya, Uganda and Zimbabwe in October and November 2002.
- 11 Care International in Uganda is an international NGO that works to fight poverty and injustice and is committed to the promotion of dignity among people. Care International in Uganda is involved in the provision of emergency services, economic development and civil society building.
- 12 The author, like many other members of civil society, started out with sketchy information on the process but saw the possible benefits for highlighting the plight of minorities in Uganda and bringing about a change in their lives.
- 13 The author was given a 10-minute slot to talk about minorities in Uganda, which was enough to share information and highlight why it was important to address their concerns.
- 14 The officers were friendly and provided other materials, which included APRM brochures and newsletters, but nothing related to the draft desk review.
- 15 The author, like many other members of civil society, had little interaction with the TPIs, which complained about the limited time given for research and producing reports to feed into the Country Self-Assessment.
- 16 Uganda CSAR, p. 24.
- 17 *Ibid.*, p. 25.
- 18 The author attended the validation meeting organised in Kampala.
- 19 The report is available on the Nepad Uganda website, <http://www.nepaduganda.or.ug/general/index.php>
- 20 Meetings were by invitation.
- 21 The president of Uganda clearly endorsed the process in his speech at the inauguration of the National APRM Commission on 19 February 2007.
- 22 Uganda Self-Assessment, p.23.
- 23 Given the contentious NGO Act in Uganda, which gives the state increased control over NGO activities, there may be fears of victimisation that could reduce NGOs' inclination to speak out about their problems with the APRM process. See 'A vibrant and strong NGO sector is necessary for the country: Do not legislate it away', a press statement put out by the Coalition on Non-Governmental Organisations Amendment Bill, 2006.



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