

The African Peer Review Mechanism

A compilation of studies of
the process in nine African
countries



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CONTENTS

| | |
|--|------------|
| Preface | vii |
| The New Partnership for Africa’s Development (NEPAD) and the African Peer Review Mechanism (APRM) | 1 |
| Summary of findings from the country studies <i>Ozias Tungwarara</i> | 7 |
| Algeria <i>Mouloud Boumghar</i> | 23 |
| Summary | 23 |
| APRM timeline in Algeria | 25 |
| APRM implementation in Algeria | 28 |
| Review of the problems and shortcomings of the process | 56 |
| Conclusions and recommendations | 75 |
| Sources for the Algeria study | 78 |
| Benin <i>Gilles Badet</i> | 79 |
| Summary | 79 |
| Implementation of the APRM in Benin | 80 |
| Review report for Benin | 97 |
| Financing the process | 100 |
| Evaluation, problems and shortcomings of the process | 101 |
| Final comments and recommendations | 106 |
| Sources for the Benin study | 108 |
| Burkina Faso <i>Julien K. Natielsé</i> | 111 |
| Summary | 111 |
| Implementing the APRM in Burkina Faso: Major steps in the process | 113 |
| Financing of the APRM process in Burkina Faso | 132 |
| Civil society participation | 133 |
| Submission of the Burkina Faso review report | 134 |
| Critical evaluation of the APRM process in Burkina Faso | 135 |
| Conclusion and recommendations | 139 |
| Sources for the Burkina Faso study | 141 |

| | |
|--|------------|
| Ghana <i>Adotey Bing-Pappoe</i> | 143 |
| Summary | 143 |
| APRM timeline in Ghana | 150 |
| Implementing the APRM in Ghana: The process | 151 |
| The APRM in Ghana: Issues around civil society involvement | 169 |
| Closing comments on the APRM in Ghana and Africa | 180 |
| Sources for the Ghana study | 183 |
| Kenya <i>Steve Ouma Akoth</i> | 187 |
| Summary | 187 |
| Implementing the APRM in Kenya | 190 |
| Critical assessment of the APRM process and the Kenya Report | 206 |
| Conclusion: The way forward for civil society organisations | 210 |
| Annexes for the Kenya study | 213 |
| Mauritius <i>Sheila Bunwaree</i> | 221 |
| Introduction | 221 |
| Country background | 222 |
| The APRM process in Mauritius | 224 |
| APRM timeline in Mauritius | 234 |
| Evaluation of the APRM process | 235 |
| Conclusions and recommendations | 241 |
| Annexes for the Mauritius study | 244 |
| Nigeria <i>L. Adele Jinadu</i> | 249 |
| Summary | 249 |
| The political context | 251 |
| Nigeria's national APRM coordinating structure | 252 |
| Implementation of the APRM in Nigeria: Process and methodology | 259 |
| Funding the APRM coordinating structure and process | 275 |
| An overview of the country self-assessment report and national programme of action | 276 |
| Critical evaluation of the APRM process in Nigeria: Trends, challenges and opportunities | 280 |
| Conclusion | 291 |
| Sources for the Nigeria study | 294 |

| | |
|---|------------|
| Rwanda <i>Ligue des droits de la personne dans la région des Grands Lacs</i> | 295 |
| Introduction: The APRM, a NEPAD programme | 295 |
| The implementation of the APRM in Rwanda | 295 |
| Non-governmental sector participation in the APRM process | 306 |
| General assessment of the APRM process in Rwanda | 310 |
| Conclusion and recommendations | 316 |
| Annexes for the Rwanda study | 317 |
| South Africa <i>Nobuntu Mbelle</i> | 321 |
| Summary | 321 |
| The implementation of the APRM process in South Africa | 325 |
| The country self-assessment process | 330 |
| Overview of the country self-assessment report | 340 |
| Country review mission and report | 343 |
| The APRM in South Africa since the completion of the review process | 348 |
| Critical evaluation of the APRM process in South Africa | 351 |
| Conclusion | 356 |
| Sources for the South Africa study | 358 |
| About the authors | 361 |

Preface

This publication is a compilation of reviews of the implementation of the African Peer Review Mechanism (APRM) commissioned by AfriMAP in the countries that have undertaken the exercise. Nine reviews have been published since 2007 (published here) and three are near completion (Mali, Mozambique and Uganda); other reviews are planned. The reviews identify challenges that all stakeholders involved in reforming the APRM should be aware of and commit to resolving. Our aim is to assist in strengthening the APRM process both at continental and national levels.

When the APRM was launched in 2003 it was met with mixed reactions. There were those that applauded it as part of far reaching efforts to improve governance in Africa. There were others who were sceptical about its effect on governance processes and institutions in Africa. Seven years after its launch, the same perceptions remain. To overcome them, proposed reforms to the APRM should take into account a number of lessons learnt from countries that have undertaken the review.

The hope remains that most, if not all, African Union (AU) member states will eventually sign up to the APRM in order to concretize the many commitments that have been made aimed at accelerating Africa's development through deeper integration. Implementation of the APRM has shown that it provides a real opportunity for national dialogue about governance. However, the quality of dialogue and nature of participation by broader segments of the populace depend on the independence of the process; which in turn depends on the institutional arrangements that governments put in place, as well as the extent to which governments are willing to exert less control and influence over the process. The reviews show that the APRM is a highly contested political process. There are a number of countries where management of the process was concentrated in a government institution, which gave the impression that government was more concerned about going through the motions of a review without facilitating adequate and genuine public participation. Nevertheless, there were also several countries whose governments demonstrated strong political will to enable genuine participation of non-state actors by including them in the APRM structures and review processes.

The drafters of the APRM base documents and guidelines clearly intended the APRM to be inclusive and participatory. In implementing the APRM, member states should adhere to those practices that promote popular

participation in the process. In this regard, awareness creation, access to information, time-frames, and resources become critical elements of the process. Yet evidence shows that the architecture of APRM institutions and its methods of managing the process at national level is and will continue to be shaped by the country's socio-political and economic realities as well as historical experiences. Governments in countries preoccupied with consolidating a 'cohesive' nation state tend to be more controlling; countries where there is greater demand for democratic space tend to allow greater civil society involvement. The complexity of the APRM as a technical process therefore, cannot be doubted. The challenges that member states faced in adapting and administering the APRM questionnaire affected the quality of country self-assessment reports. As the reviews indicate, there were several instances where respondents could not answer some questions because of their complexity. Current revisions to the questionnaire will address some of the problems that have been identified. There is, however, a critical need to significantly increase the continental APRM Secretariat's capacity so that it provides timely guidance and advice to member states that are implementing the peer review process.

Doubts about the utility of the APRM are being fuelled by the apparent lack of integration of the plan of action (PoA) into other national planning processes. For the PoAs to be relevant to national planning, they need to focus on governance gaps rather than become a laundry list of a country's development needs. There does not seem to be clear guidance about the need to maintain APRM structures after the completion of the first-round review. Several countries disbanded the APRM institutions that had been created to oversee the review process. This has resulted in lacklustre follow-up that continues to give credence to doubts by APRM sceptics about the impact of the APRM on the African continent. Civil society organisations need to be much more robust in monitoring implementation of the PoAs. This requires a set of skills for policy dialogue and policy-making. In addition to monitoring progress or lack thereof, civil society organisations should develop the necessary competence to formulate policy options on the basis of which they can engage government in policy dialogue.

The APRM Forum in which heads of states have conversations about how they are governing their respective countries is a unique African creation. It has the potential for peer learning and influence that can move Africa towards deeper economic and political integration. The fervent hope for all stakeholders is that the APRM is not implemented on a cosmetic or even tokenistic basis, but that it is done to genuinely unblock governance logjams that are impeding Africa's development. It is in this spirit that AfriMAP has conducted and will continue to review the APRM's implementation and the extent to which it begins to have a positive impact on the lives of African citizens.

AfriMAP acknowledges the authors who carried out research and compiled the review reports. We recognise the support provided by the Open Society

Foundations in Africa: the Open Society Initiative for Eastern Africa (OSIEA); the Open Society Initiative for Southern Africa (OSISA); the Open Society Initiative for West Africa (OSIWA) and the Open Society Foundation for South Africa (OSF-SA) — to carry out the research and launch the reports. AfriMAP is grateful for the guidance and advice provided by its advisory committee members on the APRM reviews and governance in Africa in general. AfriMAP will continue to work with a range of other organisations and stakeholders that seek to strengthen governance processes in Africa.

The New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM)

The New Partnership for Africa's Development (NEPAD) is a strategic framework setting out a 'vision for Africa's renewal'. Five heads of state initiated NEPAD – Algeria, Egypt, Nigeria, Senegal and South Africa – and its founding document was formally adopted by the 37th summit of the Organisation of African Unity (OAU) in Lusaka, Zambia, July 2001. NEPAD is now a programme of the African Union (AU), successor to the OAU, though it has its own secretariat based in South Africa to coordinate and implement its programmes. Following many years of discussion on the need for greater integration of the secretariat and NEPAD programming in general into the AU processes and structures, the AU Assembly of Heads of State and Government decided in February 2010 to rename the NEPAD Secretariat the NEPAD Planning and Coordinating Agency, and provided for some other changes in its governance structures.

NEPAD's four 'primary objectives' are to eradicate poverty, promote sustainable growth and development, integrate Africa in the world economy, and accelerate the empowerment of women. It is based on underlying principles of a commitment to good governance, democracy, human rights and conflict resolution; and the recognition that maintenance of these standards is fundamental to the creation of an environment conducive to investment and long-term economic growth. NEPAD seeks to attract increased investment, capital flows and funding, providing an African-owned framework for development as the foundation for partnership at regional and international levels.

NEPAD is governed by a Heads of State and Government Orientation Committee (HSGOC; renamed from an 'implementation committee', HSGIC, in February 2010). The HSGOC is a sub-committee of the AU Assembly that provides political leadership and strategic guidance for NEPAD programming. It comprises three states for each region of the African Union; the first chair was President Obasanjo of Nigeria; from 2007, Prime Minister Meles Zenawi of Ethiopia held the role. The HSGOC reports to the AU Assembly of Heads of State and Government. There is also a steering committee, comprising 20 AU member states, to oversee projects and programme development. The chairperson of the African Union Commission exercises supervisory authority over the NEPAD Planning and Coordinating Agency.

In July 2002, the Durban AU summit supplemented NEPAD with a Declaration on Democracy, Political, Economic and Corporate Governance. According to the Declaration, states participating in NEPAD ‘believe in just, honest, transparent, accountable and participatory government and probity in public life’. Accordingly, they ‘undertake to work with renewed determination to enforce’, among other things, the rule of law; the equality of all citizens before the law; individual and collective freedoms; the right to participate in free, credible and democratic political processes; and adherence to the separation of powers, including protection for the independence of the judiciary and the effectiveness of parliaments.

The Declaration on Democracy, Political, Economic and Corporate Governance also committed participating states to establish an African Peer Review Mechanism (APRM) to promote adherence to and fulfilment of its commitments. The Durban summit also adopted a document setting out the stages of peer review and the principles by which the APRM should operate.

In March 2003, the NEPAD HSGIC, meeting in Abuja, Nigeria, adopted a memorandum of understanding (MoU) on the APRM. This MoU effectively operates as a treaty: countries that do not sign are not subject to review. The MOU entered into effect immediately in Abuja, when six states agreed to be subject to its terms: as of the end of 2009, 30 countries had signed.¹ The March 2003 meeting also adopted a set of ‘objectives, standards, criteria and indicators’ for the APRM. The meeting agreed to the establishment of a secretariat for the APRM, also based in South Africa, and the appointment of a seven-person ‘panel of eminent persons’ to oversee the conduct of the APRM process and ensure its integrity.

The APRM Secretariat, functioning by late 2003, developed a questionnaire based on a wide range of African and international human rights treaties and standards to guide participating states’ self-assessments of their compliance with the principles of NEPAD. Its questions are grouped under four broad thematic headings: democracy and political governance, economic governance and management, corporate governance, and socio-economic development. The questionnaire was formally adopted in February 2004, in Kigali, Rwanda, by the first meeting of the APRM Forum (APRF), made up of representatives of the heads of state or government of all states participating in the APRM. At this point, the formal process of peer review was ready to start: the meeting identified the first four countries to undergo review as Ghana, Kenya, Mauritius and Rwanda. Since then, twelve APRM-acceding countries have completed their first reviews (in chronological order): Ghana (review carried out by the APRF in January 2006), Rwanda, Kenya (July 2006), South Africa, Algeria,

¹ Algeria, Burkina Faso, Republic of Congo, Ethiopia, Ghana and Kenya signed the MOU in March 2003; Cameroon, Gabon and Mali in April and May 2003; Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Uganda, Egypt and Benin in March 2004; Malawi, Lesotho, Tanzania, Angola and Sierra Leone in July 2004; Sudan and Zambia in January 2006; São Tomé and Príncipe in January 2007; Djibouti in July 2007, Mauritania in January 2008; Togo in July 2008, and Cape Verde during 2009.

Benin (January 2008), Uganda (June 2008), Nigeria, Burkina Faso (October 2008), Lesotho, Mali, and Mozambique (June 2009).

Each country to be reviewed is assigned to one of the seven eminent persons, who consider and review reports, and make recommendations to the APRM Forum. The first set of seven ‘eminent persons,’ with the position of chairperson rotating among them, was made up of the following: Marie Angelique Savané (Senegal), Adebayo Adedeji (Nigeria); Bethuel Kiplagat (Kenya); Graça Machel (Mozambique); Mourad Medelci (Algeria, later replaced by Mohammed Babès); Dorothy Njeuma (Cameroon); and Chris Stals (South Africa). Some members of the panel stepped down during 2008 and 2009. At the meeting of the APRM Forum in Addis Ababa in January 2010, four new members were appointed, and the new panel consisted of: Adebayo Adedeji (Nigeria, chair since 2007), Mohammed Babès (Algeria), Amos Sawyer (Liberia), Julienne Ondziel-Gnelenga (Republic of Congo), Siteke Mwale (Zambia), Akere Muna (Cameroon), and Domitilia Mukantangazwa (Rwanda, appointed in 2009).

In order to implement the APRM’s objectives and ensure that the self-assessment process is satisfactorily completed, the ‘country guidelines’ issued by the APRM secretariat lay down that several institutions should be established at national level. Although these have varied somewhat in form, they have generally included:

- a national APRM focal point, ideally a person at ministerial level or in the office of the presidency, and reporting directly to the head of state;
- a national commission or governing council responsible for overseeing the national self-assessment process and signing off on the documents produced, the members of which should be diverse and representative of a wide range of interest groups, and which should be autonomous (though not all countries have fully respected this rule);
- a national APRM secretariat, to provide administrative and technical support to the national commission or governing council, ideally functioning independently of government and with control of its own budget;
- a number of technical research institutions, which are given the responsibility to administer the APRM questionnaire and carry out background research.

The APRM documents identify five stages in the review process.

Stage One: Self-assessment

A country support mission from the APRM secretariat led by the assigned eminent person visits the participating country to ensure a common understanding of the rules, processes and principles of the APRM. The team liaises with the country focal point and organises working sessions

and technical workshops with stakeholders; the eminent person signs a memorandum of understanding with the government on modalities for the country review mission. The country then begins its self-assessment report, based on the APRM questionnaire. The country is also expected to formulate a preliminary plan of action based on existing policies, programmes and projects. The self-assessment is supposed to involve the broad participation of all relevant stakeholders, including civil society organisations as well as government ministries and departments.

Stage Two: Country review mission

A country review team – also led by the eminent person and made up of representatives of the APRM Secretariat and of the APRM partner institutions, which include the UN Economic Commission for Africa (UNECA), the African Development Bank and other institutions – visits the country to carry out broad consultations, clarify any issues that may require discussion, and help to build national consensus on way forward.

Stage Three: Country review report and modification of plan of action

The country review team drafts a report on the country, based on the information it has gathered during its review mission and on independent issues papers developed by the continental APRM secretariat, and shares its findings with the government. Based on the self-assessment report and the country review team’s report, the country finalises its plan of action outlining policies and practices for implementation.

Stage Four: Conduct of peer review

In the fourth stage, the country review team’s report and the plan of action are presented at the APRM Forum by the eminent person and the country’s head of state or government for consideration by the other participating heads of state and government.

Stage Five: Publication of the report and programme of action

In the final stage, the after the report has been considered by the APRM Forum, it is tabled at the AU Summit, before being made public.

The time taken in completing all these steps has varied greatly: the shortest period was for South Africa, which took less than two years from national launch to final review; by contrast, Mauritius began its national self-assessment in 2004, and had yet to complete the process by mid-2010. If completed, the process leads to the production of three important documents:

- The **country self-assessment report** (CSAR) prepared by the country concerned on the basis of the APRM questionnaire. The final CSAR is only published at the discretion of the state concerned.

- The independent **country review report** (CRR), prepared by the APRM Secretariat and its technical partners, under the supervision of the APRM panel, finalised following comments from the government and presented to the APRM Forum by the eminent person assigned responsibility for the country review.
- The **national programme of action** (NPoA) to address the problems identified, initially prepared at country level based on the self-assessment report, and finalised on the basis of agreement between the APRM panel and the government, and also presented to the APRM Forum.

In addition, countries that have completed their reviews are then required to submit to the APRF annual progress reports on the implementation of their programmes of action.

Summary of findings from the country studies

Introduction

This introductory chapter provides an overview of implementation of the African Peer Review Mechanism (APRM) based on the reviews collated in this single volume that AfriMAP has commissioned of the implementation of the APRM in nine countries (and others in preparation). The reviews, carried out by authors from each country concerned, examined how countries organised for the implementation of the APRM and the extent to which civil society participated in the process; for the most part they did not analyse in detail the content of the country self-assessment report (CSAR) and country review report (CRR) that are the product of the APRM process, nor of the national programmes of action (NPoA) that are then intended to guide national implementation of the APRM recommendations. This overview also concentrates on the process, on the extent to which the APRM achieved its ambition of creating a participatory and inclusive national dialogue, independent of, yet integrated into, government processes.

As noted in the previous chapter, 30 countries have signed up as members of the APRM since its establishment in 2003. Twelve countries have completed the review process. AfriMAP considers the APRM a significant effort by African countries to improve governance through a process of peer review and identification of areas that need reform. The APRM secretariat is currently reviewing the process and methodology with a view to improve effectiveness and streamline the process.¹ This is a timely intervention because there are valuable lessons to be learned from those countries that have or are implementing the APRM. There is no doubt that the African Union (AU) has made good governance a centrepiece of the continental development agenda. There are however legitimate questions being asked about the impact of the APRM regarding improvement of governance and credibility of the process in those countries that have implemented the APRM.

The APRM provides an interesting and unique example of south-south peer review. No other regional grouping has committed itself to similar peer review on political as well as economic governance issues. The APRM was in part adopted specifically because of suspicion of the governance monitoring

¹ AfriMAP made a submission to the review process, available on the AfriMAP website at <http://www.afrimap.org/reportDownload.php?id=56>.

efforts of the World Bank, the European Union, bilateral donors and American or European non-governmental organisations such as Freedom House. These exercises were and are seen as essentially nothing more than old-fashioned conditionality externally imposed and without roots in African realities. The process is supposed to be an organically evolved African initiative that has the potential to galvanise citizen involvement in how they are governed.

The varied manner in which the APRM has been implemented in different countries suggests differing motives for undertaking the APRM and the extent to which it influences reforms. The nature of the roles of state and non-state actors, institutional architecture, the duration of the process, and follow-up after the review has differed from country to country. In some countries, notably Ghana, and also Mali (not yet completed for inclusion in this report), genuinely independent processes were led by respected figures, and research carried out by accomplished and independent research bodies. In others, predictably, the process seemed to be far more closely controlled by government. Yet even in the countries with less of a tradition of open public debate – notably Rwanda and Algeria – a space for discussion was opened by the APRM that would not otherwise have been there. In several countries the eminent persons played a critical role in ensuring greater openness than would otherwise have been the case.

The extent to which the APRM has become an integral part of national planning processes, however, is tenuous. It is evident that the APRM is a highly political undertaking – probably more than its designers had ever imagined. Most of the countries that have implemented the APRM have sought to control the process through limited participation of non-state actors. Differing interpretation of APRM guidelines and base documents for national processes has at times resulted in inconsistent implementation of the process at national level. Low levels of awareness about the APRM, like most other AU processes, has kept it a project of the executive arm of government and elite NGOs and think tanks.

Overall, therefore, the verdict on the APRM as process is mixed; though every country reviewed has seen at least some national debate that perhaps would not have taken place, every country has also seen significant weaknesses in the way that research and participation were conducted. But the greatest test of the APRM as a continental and national tool for the improvement of governance will be the extent to which the analysis of the country review reports and the action points from national programmes of action are actually used in practice. This remains an open question, and one for further study.

National Institutional Framework

Once an APRM member state signs the memorandum of understanding, it commences the process of setting up national structures that will oversee implementation and ensure participation of different stakeholders. Key APRM institutions at the national level include a focal point, a national commission,

national secretariat, and technical research institutes. The nature of APRM structures have been varied from one country to another.

National APRM Focal Point

Each participating country must establish a focal point for the APRM process, which should be at a ministerial level, or a person that reports directly to the head of state or government, with the necessary technical committees supporting it. The focal point can be established as an integral part of existing structures or as a new structure in itself. However, it is critical that the work of the focal point is inclusive, integrated and coordinated with existing policy-decision and medium-term planning processes.²

In most countries focal points were established as part of existing structures. In Benin it was the Ministry of Foreign Affairs and African Integration. Burkina Faso appointed the Minister of Foreign Affairs and Regional Cooperation. In Nigeria the Secretary to the Government of the Federation was the national focal point. The Algerian minister in charge of African and Maghreb Affairs became the focal point. In Kenya it was the Ministry of Planning and National Development. Ghana initially designated the National APRM Governing Council as the focal point although later a chief adviser to the president became the liaison between the APRM process and government. Rwanda created a national NEPAD secretariat in the office of the president led by an executive secretary to serve as the focal point. The focal point in South Africa was the Minister of Public Service and Administration. It is evident that most countries met the APRM guidelines by appointing focal points at a ministerial level. The location of focal points in different government ministries provides interesting perspectives through which the APRM is viewed by different member states. In Benin and Burkina Faso it is largely seen as a foreign affairs and regional integration issue. Kenya sees it as a predominantly planning and national development issue. Meanwhile in South Africa the APRM was dealt with as a public service and administration issue.

It makes sense for the focal point to be a minister or official close to the president: the APRM needs the backing of the highest political authorities and an individual is needed who has the confidence of the head of government and authority to shift blockages. At this level of the APRM structures independence is less important than the mandate and ability to ensure that the process keeps moving. Which particular location in government is held will naturally vary according to the administrative and political traditions of each country. However, it is important that revisions to the APRM guidelines should clearly spell out and distinguish the different roles of the APRM institutions, including the limits of authority of the focal point. In some countries, such as Algeria, Nigeria and South Africa, the role of the focal points became conflated with

² Guidelines for Countries to Prepare for and Participate in the Africa Peer Review Mechanism (APRM), 2003, IV.4, para 34 NEPAD/APRM/Panel3/guidelines/11-2003/Doc 8

those of the national governing councils (see below), creating a perception of undue executive dominance of the process.

National Commission/Governing Council

In terms of the Supplementary Document to APRM Guidelines for Country Review³ the National Commission is the body that provides strategic policy direction to the implementation of the APRM. This body must contain upstanding citizens who command the respect of the general public. The country guidelines provide that the National Commission established to manage the process at national level should be autonomous from government and inclusive of all key stakeholders. In this context, membership must be diverse and representative to ensure the spirit of the APRM – broad-based participation.

The extent to which the APRM national commissions have facilitated broad-based participation is different from one country to another. Variations range from national commissions that are clearly dominated and controlled by state institutions to those where non-state actors play a dominant role. The national commissions have been variously described as the National Governing Council (NGC), National Working Group, Independent National Commission, etc., but have essentially performed similar functions.

Rwanda and surprisingly South Africa appear to have had the most government-controlled national commissions. In Rwanda the appointment of the national commission was preceded by a government dominated steering committee. On her preparatory country visit, panel member Angélique Savané urged a more inclusive national commission. A 50 member commission was appointed that was still dominated by government and chaired by the Minister of Finance. In South Africa an initial 15 member governing council, comprising five senior members of government and 10 civil society representatives, was established. It was chaired by the Minister of the Public Service and Administration who was also the focal point. The lack of transparency in the manner in which members of the NGC were selected coupled with a government chairperson raised concerns about government interference in the process.

Probably the most independent was the Benin APRM Independent National Commission (CNIM-MAEP). The Commission was established by decree that provided that the chair and one vice-chair shall be civil society representatives while the other vice-chair will be a member of parliament. The majority of the 97 members were civil society organisations. (Mali, not included in this volume, similarly had a strong and independent national commission, with a highly respected chair, a great strength of the process in that country.) Ghana's seven member governing council was established as an autonomous body that would operate outside the orbit of its parent ministry. Members were appointed in their individual capacities on the basis of their experience and

3 Supplementary Document to APRM Guidelines for Country Review, the APRM National Structure, para III

distinction in their respective fields. There was some concern from the civil society organisations who felt members of the NGC should represent certain constituencies.

Kenya had the most contested process regarding the establishment of its national commission. As in the case of Rwanda, establishment of the Kenyan NGC was preceded by a government task force that developed a framework for APRM implementation in Kenya. There appears to have been an initial reluctance on the part of government to include non-state actors in the process. Civil society groups were eventually included in the 33 member NGC after intense civil society lobbying and intervention by panel member Dr Graça Machel. In Nigeria the final composition of the national commission appears to have been largely influenced by considerations of broad representation. A 50 member National Working Group (NWG) included representatives of the presidency, private sector, academia, media, labour and civil society. The NWG was later expanded to 250 in order to accommodate representatives of all state governments and other groups such as women, people with disabilities and faith-based organisations. As in Kenya, the eminent person assigned to the country intervened to shape the composition and ensure the greater representativeness of the council.

Composition of the Algerian NGC was also driven by a need to ensure broad representation. It comprised 100 members almost evenly split between state and non-state actors including legislators and labour unions.

There are arguments in favour of different sizes for the NGC; however, the Nigerian option does seem too large to be effective, unless coupled with a very effective and smaller steering committee that handles day-to-day affairs and reports back to a larger group.

The role of the NGC in relation to the finalisation of the self-assessment reports has also varied, with some signing off on the text, and others effectively left out of the process, which has been handled by government. In some cases, the councils have been dissolved immediately following the completion of the self-assessment report; in others, more positively, there has been an ongoing role for the NGC in monitoring implementation and follow up for the APRM process.

The continental APRM documents should provide stronger written guidance on the need for the NGCs to be autonomous of the executive, with a majority of non-government members, and chaired by a non-government representative. The NGC should have the clear mandate and authority to sign off on the national self-assessment report, and an ongoing role in monitoring implementation of the recommendations in the country review report and national programme of action.

National APRM Secretariat

The APRM guidelines require the establishment of a National APRM Secretariat that provides technical and administrative support to the National

Commission/Governing Council. It assists the NC/NGC in organising sensitisation programmes at the national and local levels. The Secretariat, which should have ideally a CEO or executive director, will also be responsible for liaising between the NC/NGC and the APRM continental secretariat in South Africa. The secretariat should also facilitate and support the work of the technical research institutions. The secretariat is supposed to ensure adequate logistical and administrative support for the process. There are several variations of national secretariats.

South Africa's national secretariat was headed by the Minister of Public Service and Administration who was also the chair of the NGC as well as being the focal point. It comprised officials from the Department of Public Service and Administration, contracted researchers and members seconded from the South African Chapter of the African Union's civil society body, the Economic, Social and Cultural Council (ECOSOCC). In Nigeria the secretariat was headed by the APRM National Coordinator who is a presidential political appointee, answerable to the national focal point.

In both Rwanda and Kenya the national NEPAD secretariat also served as the APRM national secretariat. In the case of Kenya the NEPAD secretariat received a budgetary allocation from the national budget and the CEO was recruited through a competitive process. In Rwanda the head of the NEPAD secretariat was a presidential appointee.

The primary mandate of the secretariats in Benin, Burkina Faso, and Ghana was clearly to service the National Governing Council. Benin established the office of National Coordinator responsible for the day-to-day running of the review process as well as supervision of the technical research institutes. However the reporting structure for the National Coordinator became problematic because he reported to the UNDP on administrative and financial issues and to the chair of the National Commission on APRM substantive issues. He resigned five months into the process. Burkina Faso established a permanent secretariat that provided technical support to the NGC. The NGC in Ghana was supported by a secretariat that was headed by the NGC's executive secretary. In line with the autonomous nature of the NGC, the secretariat operated from separate premises from those of the focal ministry.

In the case of Algeria, logistical and administrative support for the APRM process in the form of staff, transport, office space, etc were provided to the NGC's bureau and communications unit directly by government. These resources were transferred to the office of the head of government at the end of the review.

Even where the national commission has been relatively independent, therefore, its secretariat has sometimes been very closely government controlled. The NGC secretariat should be clearly independent of government, under the authority of the NGC itself, even if staffed by seconded civil servants.

Technical research institutes

In each country independent research bodies known in the APRM documents as technical research institutes (TRIs), though sometimes known by different terms at country level, are responsible for executing the APRM questionnaire for the country self-assessment report (CSAR). They are supposed to have the competence and technical capabilities to conduct sound and objective research in the four APRM thematic areas. The TRIs collate data, analyse and present their findings, usually with one TRI allocated each of the four overall themes established by the questionnaire itself. In terms of the APRM guidelines, the TRIs are to be appointed by the NGC and report directly to it. As was the case with the establishment of the other national APRM institutions, participating countries used different approaches to select TRIs. Those countries with strong traditions of independent think tanks found the process easier; yet even in countries such as Ghana, South Africa or Kenya, the sheer size of the research undertaking was overwhelming for some of those involved.

In Benin, Burkina Faso and South Africa the NGC invited applications or appointed TRIs. The South Africa NGC established an internal seven member research sub-committee that was made up of three government representatives and four from civil society tasked with reviewing submissions received and coordinating compilation of the CSAR. The NGC then invited academic, research and advocacy organisations to apply for accreditation as research partners. Fifteen research partners were selected by the research sub-committee to participate on a voluntary basis by making submissions on themes selected from the questionnaire. The NGC also invited research institutions to apply to be ‘technical support agencies’, a remunerated position. Their role would be supplementary to the research sub-committee and the research partners. They would contribute to the research and writing of the CSAR. Four TRIs were selected a third of the way into the process. There was some tension between the NGC and the TRIs, who had already made submissions to the process and therefore had a vested interest in the process. The focal point complained that the TRI reports appeared to promote their agendas. The Ghana NGC decided that the research and writing of the CSAR was to be done by four expert institutes and approached the four selected organisations. Although there was no public process for selection, all four selected organisations are widely recognised as leaders in their respective areas. The national APRM commission in Benin selected four independent organisations to collect and analyse data on the basis of the self-assessment questionnaire. The selection of the four organisations was done after limited consultations. Their expertise appears not to have been in doubt. In Burkina Faso four TRIs were selected through a public call for offers. Of the four selected by the NGC, three were governmental and one was non-state.

Kenya and Rwanda selected their TRIs during national consultative conferences to create awareness about the APRM. In Kenya, lead technical agencies were nominated early in the process during consultative fora held

at the beginning of the process. The nominations were approved by the Minister of Planning and National Development. Their task was to carry out the research, write the self-assessment report and the national programme of action (NPoA). Technical work in the Rwanda process was largely done by four technical review teams comprising mostly government officials. The teams corresponded to the four APRM themes and worked closely with thematic sub-committees established within the national commission. The technical teams were established by a conference convened to share information on the APRM process.

In Nigeria, the focal point invited ten organisations that included state and non state, to be technical research institutes that would conduct research for and prepare the CSAR. While the TRIs national and international standing was not questioned, the focal point selected them without consulting the NWG nor going through a public request for applications; and at different times a different team of TRIs was in place. In Uganda also (not included in this compilation), the process of TRI selection was highly confused, with different organisations leading on different themes at different times, when those initially appointed failed to perform.

The Algeria National Economic and Social Council (*Conseil National Economique et Social*, CNES) played the lead technical support role. There is no evidence that the CNES was formally appointed to play this role. It is a state institution created by decree with a mandate to act as an advisory body for dialogue and cooperation in economic, social and cultural fields. The CNES worked with other research institutions that provided technical input to the CSAR without being formally appointed as TRIs. It is only after the first country review mission (CRM) that other TRIs were appointed. In Mauritius, the National Economic and Social Council was also appointed to lead the research, but was clearly not well adapted to the task, and the initial draft country self-assessment report was rejected by the APRM panel.

As much as possible, TRIs should be national, competent institutions independent of government. Where such structures do not exist, preference should be given to regional or other countries' TRIs rather than government structures. It should be clear that involvement of independent think tanks in the research does not remove the obligation for broad-based consultation with other civil society structures.

Awareness raising and access to information

In all the countries reviewed the country self-assessment was preceded by consultative and awareness-raising activities of one form or another. Given the constrained timeframes within which such activities were undertaken, coupled with institutional arrangements that did not always ensure broad participation, it is not clear to what extent broader segments of the population were sufficiently informed and aware of the process. The general impression one gets is that more outreach was required in order to make greater numbers

of the population aware of the APRM and thus participate in an informed manner.

The Burkina Faso APRM secretariat had a department of communications and public relations that organised numerous awareness-creation and information-dissemination activities. However a review of the outreach does not indicate the extent to which the general population was sufficiently informed of the process. Until the Burkina Faso review report was presented to the APRM Forum there was no Burkina Faso website that would allow members of the public easy access to information. The first newsletter of the APRM was only drafted six months after the completion of the CSAR. The Rwanda NEPAD secretariat was also weak on public outreach, organising only two national conferences attended by 200 people each. This does not appear to be sufficient outreach in a country of ten million people.

In Ghana, meanwhile, work on the self-assessment report was preceded by public education activities that included a national stakeholders' workshop, a workshop for parliamentarians and one for media practitioners. Though some civil society groups still felt inadequately informed, this was clearly a much more serious effort to let the public know what was planned. South Africa appeared to have had the most extensive outreach programme that covered both rural and urban areas. The process kicked off with a consultative conference attended by some 350 people. This was followed by provincial conferences with participation levels ranging from one hundred to a thousand people. Different forms of media were used to raise awareness about the APRM; these included print and broadcast media as well as a specially commissioned APRM song.

Nigeria admitted facing challenges in ensuring that the APRM was popularised and participatory, mainly because of its population size. A number of sensitisation events were held between the time the focal point was appointed and the APRM questionnaire was pre-tested in Nigeria. In Kenya the process was formally launched by an APRM Consultative Forum, whose aim was to introduce the APRM questionnaire, various research instruments, and the four thematic review groups. The Algeria National Governing Council had a fairly active communications unit that set up and maintained a website that existed for two years before being closed down a month after presentation of Algeria's country review report. The communications unit also facilitated the participation of NGC members on radio programmes.

Access to and dissemination of information is identified in the APRM master questionnaire as one of the cross-cutting issues that require 'systematic attention across all areas of the questionnaire'. Yet gaining access to information about the APRM process has varied widely by country. Even those that were most open often failed to create websites or documentation centres where minutes of NGC meetings, for example, could be readily accessed by researchers (including those compiling the report in this volume) seeking to understand the way in which the process was working – a weakness

that is far from being remedied by the continental secretariat, whose website does not provide even a complete set of the basic APRM documents supplied to national focal points.

Perhaps most importantly of all, only Uganda has formally made the country self-assessment report fully available to anyone interested in reading it. Publication of the CSAR is at the discretion of the country concerned, and all others have chosen not to do so. This discretion should be removed: it is important for researchers and civil society groups to have access to such an important document.

Self-assessment

The manner in which countries conducted the self-assessment component of the APRM differed both in terms of methodology and process. The self-assessment is based on the APRM questionnaire that covers four areas of governance: democracy and good political governance; economic governance and management; corporate governance; and socio-economic development. The questionnaire is quite lengthy and complex comprising 58 questions and 183 indicators. The country self-assessment process produces a country self-assessment report (CSAR) and a draft national programme of action (NPOA). There have been many complaints from countries undertaking the APRM that the questionnaire tries to cover too many issues, has a somewhat confusing structure, with questions that often overlap, and is unmanageable both for governments and for civil society organisations seeking to respond to it. At the same time, there are questions that could usefully be added in order to address some important issues that are currently not covered. There is a clear need – recognised by the Continental APRM Secretariat – for a systematic review of the questionnaire, including the ‘cross-cutting issues’ it selects for particular focus but which need modification in light of the findings of the reviews so far. While the questionnaire is intended to ensure consistency across countries, most countries therefore had to adapt, simplify, or domesticate the questionnaire in order to respond to local realities.

Ideally, a revised APRM questionnaire should be provided in two forms by the APRM Secretariat: a version for expert consultants, and a version in language that can be used by non-technical specialists, enhancing citizen participation. Of course, any country should still be free to revise or add to the questionnaires as appropriate for national conditions.

The methodologies for collecting data and holding consultations took variant forms. Generally the research process included a desk study, elite/expert/key informant interviews, focus group discussions, and sample surveys. In some countries, but not all, a national survey was also conducted by the national statistical office. Similarly, some countries made public calls for submissions from civil society groups, but this has not been uniformly the case. The data was processed by TRIs that also compiled a draft report. Validation of the report usually takes the form of a consultative conference. What appears to be

a common constraint in compiling the self-assessment is time. In most cases the self-assessment was done within timeframes that did not allow sufficient engagement with the draft report by stakeholders resulting in artificial discussion and debate. A common concern was the complexity and length of the questionnaire that had an impact on the rate and quality of responses.

Where government controlled bodies have been employed for this work, there has been concern about the independence of the results; where independent think tanks have been used there have also been concerns, this time related to the way in which using a think tank for such a consultancy may then be seen as sufficient involvement of civil society in the process.

A common complaint running through the reports in this volume is that civil society groups and individuals interviewed or who made submissions had no way of knowing whether their contributions were in fact reflected in the final country self-assessment report. There generally appears to have been no process through which stakeholders could systematically ascertain how their input had been utilised. Validation conferences in most instances were done on the basis of an executive summary of the draft CSAR. There are a number of countries where there was tension about the manner in which the report was finally edited, with the perception being that government took over the process in order to ensure a favourable outcome.

In Kenya the decision was taken to domesticate the generic APRM questionnaire during the initial consultative conferences. Four research approaches were used to do the self-assessment: desk research; expert panels; a national sample survey; and focus group discussions. This approach resulted in a credible process of data collection. Finalisation of the report was delayed due to tensions between government and the NGC that culminated in the dismissal of the NGC chair. After submission of the initial draft self-assessment report by the lead technical agencies, a team of independent experts was put together to critique and write the report that was subjected to a national validation workshop before submission to the APRM continental secretariat.

In Nigeria as part of the 'domestication' of the questionnaire, the national focal point ran a pre-test of the questionnaire. Feedback from the pre-test observed that the response rate was very low, the questionnaire was difficult to complete; and that it did not address the country's peculiarities, such as the role of traditional rulers. A decision was taken to unbundle and simplify the questionnaire. As in the case of Kenya the methodology adopted by Nigeria comprised a desk study, elite/decision-maker interviews, focus group discussions, and a mass household survey. There was controversy about the decision by the national focal point to use the National Bureau of Statistics to carry out the mass household survey. The initial TRIs were eventually dropped over a dispute regarding fees. The process of writing and validating the CSAR was quite thorough. In addition to the TRIs, a team of three experts was appointed as thematic coordinators. Once a draft was produced four

think tanks were contracted to peer review the draft. The executive summary of the CSAR in English, Hausa, Igbo and Yoruba was widely distributed in Nigeria's 36 states. Teams of members of the APRM National Working Group held validation meetings in 14 states in which state and non-state actors participated.

In Algeria members of the NGC worked closely with the CNES, the institution that led the technical process of data gathering and analysis. Members of the NGC held consultations in select local authorities. Such consultations were said to be open and at times stormy. Selection of the districts where consultations took place was driven by a desire to represent Algeria's diversity in its many forms.

In Benin the process was led by the TRIs that followed a common approach used in other countries, comprising a desk study, key informant workshops, and a representative sample survey. This was followed by a consultative process that sought to obtain input from a variety of stakeholders into the self-assessment report.

South Africa adapted the 88 page questionnaire into a six-page document that was translated into the ten other official languages. There have been concerns that in some instances the simplified version failed to capture the essence of the questions in the longer version. South Africa's approach to obtaining data was through a call for public submissions that could be made in three ways: written submissions; completion of the questionnaire; and reports from consultations conducted by provincial governing councils established in each of South Africa's nine provinces. The TRIs were given only five weeks within which to process data and write their draft respective reports. The TRIs had not been involved in the research methodology design so their approaches to compiling the drafts were different. Most of the TRIs were unable to incorporate all the data due to time constraints, poor quality of data and in some cases language limitations, which meant that the important effort at consultation and outreach was sometimes wasted, with feedback from outreach workers not eventually incorporated into the draft CSAR chapters. Some controversy also surrounds the manner in which the South Africa self-assessment report was compiled and finalised. There is a perception that government dominated the process of drafting the CSAR. After the secretariat compiled the draft CSAR that was a consolidation of the edited technical reports, the focal point convened an urgent meeting of the NGC to discuss the draft on the eve of the validation meeting. A revised draft was presented at the validation meeting. Further revisions were made to the CSAR by a multi-disciplinary task team led by a representative of the presidency on the NGC. There are questions about whether the final CSAR sufficiently incorporated inputs received, especially at the validation workshop.

In Ghana the research methodology used by each of the TRIs was slightly different. However the TRIs followed an approach that comprised a literature

review, elite/expert interviews with state and non-state actors, and sample surveys of ordinary Ghanaians.

In Burkina Faso the TRIs adopted an approach that was similar to other countries. They also faced challenges regarding the time constraints, complexity of the questionnaire and financial resources. The validation workshop was criticised for not providing an opportunity for participants to critique the report. This was due to the almost imminent arrival of the country review mission.

In Rwanda data was gathered mainly through focus group meetings that were also used to complete the questionnaire. The data was compiled into a single self-assessment report. It is interesting to note that Rwanda is the only country that sent the draft CSAR to institutions outside the country for further review. The report was sent to the Africa Institute for Political Analysis and Economic Integration for an expert review. Another external organisation, the Organisation for Social Science Research in Eastern and Southern Africa (OSSREA), did the final editing of the report.

As in the case of TRI selection, the APRM continental secretariat should provide clearer guidance on the types of research methodology that are suitable for use by the TRIs, and the sort of consultation that should be involved in drafting their thematic reports. While it may well be a useful contribution to have a national sample survey conducted by the body most qualified to conduct it – the national statistics office – if there are concerns about the independence of the national statistics office (according to the standards set out in the African Charter on Statistics), the national commission will need to have strong control over the way that the process is managed. In general, the more that the APRM self-assessment goes beyond desk-study and expert consultation, the greater value it will offer in adding new voices into national debates over the best strategies for development.

APRM country support and country review missions

Each APRM process includes at least two, and sometimes up to four, visits from a team led by the APRM panel member allocated responsibility for that particular country's review. A country support mission early in the process usually concludes with the signing of a memorandum on the modalities for conduct of the APRM in that country. In a significant number of cases, including Kenya, Rwanda and Nigeria, the APRM panel member has played an important role at this stage in ensuring that the national APRM commission has wider representation of civil society, or, for example in Algeria or Uganda, that the TRIs selected are more suitable for the work.

The country review mission (CRM) is conducted soon after the submission of the CSAR to the APRM continental secretariat. There were minor variations in the manner country review missions were conducted. Once in a country the CRM held consultations with a wide range of stakeholders that included state and non-state actors as well as the private sector. The country review

is based on background research done by the continental APRM secretariat and an issues paper developed from the CSAR. After conducting in-country consultations, the CRM compiles its own report and affords the country under review an opportunity to respond as well as amend the national programme of action (NPoA). The response is appended to the country review report for submission to the APRM Forum for peer review.

The duration of CRMs varied from country to country. It is not clear what determined the duration of the mission. The mission was in Nigeria for almost one month, 27 days in Burkina Faso, 19 days in Benin, 16 days in South Africa, 14 in Kenya, and 12 days in Ghana and Rwanda. In Algeria and Benin the mission made two visits. In the case of Algeria the second visit was warranted by gaps that had been identified in the CSAR, leading to the recommendation that the work of the National Economic and Social Council be supplemented by additional research carried out by TRIs.

Generally the CRMs had ready access to almost all levels of society right from the head of state to stakeholders at local levels. However in Algeria the oldest political party, the *Front des Forces Socialistes* refused to participate in a meeting organised by the CRM, alleging that the process was not taking political parties and human rights groups seriously.

Civil society participation

APRM base documents and guidelines urge participating countries to ensure a broad-based process that involves broad segments of the country's citizens in a dialogue about governance. The nature and quality of civil society participation in the APRM process is directly linked to the country's political context and history. Obviously where there are more guarantees for civic freedoms there are greater opportunities for civil society to participate in the APRM process in a meaningful way. The type of institutional arrangements that countries put in place can either promote or undermine civil society participation. The reality is that there will always be different levels at which and spaces in which civil society will participate in the APRM process. There are instances where civil society actors are invited to participate in the process such as consultative forums, through public calls for submissions, as representatives on the national governing councils, or as providers of specialised technical services. In other instances civil society actors have had to contest for a seat at the table, especially for membership of the national governing councils. Increasingly civil society organisations are creating spaces to engage with the APRM through development of capacity to monitor implementation of the APRM, especially the NPoA.

The Rwanda review collated here concludes that the process was government dominated. The self-assessment process was conducted by technical teams under the direction of the national NEPAD secretariat; yet some civil society representatives interviewed also stated that they appreciated the more open nature of the CSAR process in the context of Rwanda's usually closed system.

In Algeria too, civil society participation was limited – but still the process was more open than most national planning processes, creating a precedent that may be useful in future. Limited civil society participation is also noted even in those countries that have a fairly robust civil society sector such as Kenya, Nigeria and South Africa. In the case of Kenya it took intense lobbying and the intervention of the APRM panel member for the Kenyan government to include civil society in a meaningful way. In South Africa the tight timeframe within which the process was conducted created the perception that government was not committed to genuine civil society participation. Drafts were generally not made available in sufficient time for stakeholders to engage with substantive issues. On the other hand the government felt that non-governmental organisations were preoccupied with the transparency of a government-led process at the expense of substantive issues that needed to be debated. Although a fairly wide range of organisations were eventually included in the national working group in Nigeria, there was no clear or transparent criterion for inclusion in the working group. Only legally registered organisations were represented on the NGC in Algeria. A lot of organisations are prevented from legally incorporating and can therefore not be represented on the NGC. Invitation to participate in consultations excluded organisations that dealt with ‘politically sensitive issues’. While in Ghana, Benin and Burkina Faso there appears to have been more willingness on the part of government to involve civil society, there were still concerns about the criteria used to invite those who ended up participating.

The APRM core documents should in future clearly establish the stages in the process for independent civil society groups to contribute, the mechanisms by which their inputs can be taken into account, and the report-back systems to civil society and citizens at large on how the final self-assessment report was drafted. It should be made clear that hiring civil society think tanks to conduct research as TRIs does not substitute for a widespread consultation with the wider society. The National APRM Secretariat should also insist on the extension of the participatory ideal to the implementation phase, with regular involvement of civil society and parliamentarians in monitoring and evaluation of progress in achieving the programmes of action.

Political will

In each country where the APRM process has been undertaken, political support from the very top has been critical to the conduct of the self-assessment report and cooperation with the independent review by the eminent persons. Perhaps this is most obvious in the cases of South Africa, Algeria and (though to a lesser extent, given a change of government) Nigeria, each of them leaders in the adoption of NEPAD and establishment of the APRM. For these countries, successful and timely completion of the APRM was a matter of national pride; even of personal pride for the president. In the case of Rwanda too, one of the

very first APRM countries, the process was a priority to a government anxious to attract donor support for national development plans.

In the other countries that have completed the process so far, including in particular those reviewed by AfriMAP, direct support from the highest levels of government – the national focal point and president – has been important. In Benin and Burkina Faso, for example, the representative of the panel of eminent persons assigned to the country explicitly acknowledged the important role of the president during the country review mission or launch events for the report. In Mauritius, by contrast, the APRM process was started as one of the first group of countries to undertake the review; and has not yet been completed, six years later. AfriMAP's review, published midway, concluded that the lack of political leadership was the key reason why the process had stalled.

Strong political support is clearly necessary for the successful completion of the often onerous APRM self-assessment process, and for the role of the independent panel. Yet the political investment of the president can also carry risks: a country self-assessment report or country review report that challenges the government's view of itself can prove a test of commitment to the idea of independent review – as even South Africa found out.

Conclusion

A key objective of the APRM is to promote national dialogue about how the country is governed. This requires that greater numbers of citizens are aware of and informed on the APRM and what it seeks to achieve. Participation of citizens will largely depend on institutional arrangements that member states put in place that should be inclusive and should not be perceived simply as gate keepers of government interests. The research, report compilation, and implementation of the NPoA needs to be participatory so that it engenders a sense of ownership that is a vital principle of the APRM. This in turn entails that broad segments of the population should have easy access to information and should be availed adequate time to review drafts in order to participate meaningfully in the review process.

It is clear that in most countries that have conducted the APRM review, the process has been dominated and driven by government. This has been evident in the national institutional framework that has been put in place, in spite of clear guidelines that encourage processes that are impartial and objective. If the APRM is to be seen as a credible initiative, governments will have to allow more space for other actors to participate. The current revisions to the process, methodology and tools come at a vital time for the APRM. The common concern about the length and complexity of the questionnaire is a real issue that has to be addressed in relation to the realities coming out of those countries that have undertaken the review. Civil society organisations will in turn need to develop capacities to engage in policy dialogue with government in concrete ways that add value to policy making and formulation.

ALGERIA

Summary

Algeria was one of the initiators of the New Partnership for Africa's Development (NEPAD) and subsequently of the African Peer Review Mechanism (APRM) and it was only natural for it to implement the APRM on its own territory. It therefore began its own self-assessment, which was subsequently reviewed by the country review team sent out for the purpose under the APRM framework, an exercise described by the head of government as an 'audit' of Algeria by Africa. When Algeria announced its intention to implement the APRM, the question raised was not whether the country possessed the financial resources and skills to successfully conduct the exercise; the answer to that question was a resounding 'yes'. However, though the country has seen progress since the year 2000, the situation in Algeria – which had experienced a decade of violence and destruction, had been living in a state of emergency since the early 1990s, and whose political and economic management was commonly considered untransparent – raised issues. Under the circumstances, it was legitimate to ask whether Algeria could complete a self-assessment with no holds barred, which would require considerable transparency.

The answer to that question is less cut and dried. While the APRM can be described as a *technical success*, it is undeniable that it has suffered from – while at the same time shedding light on – *the structural problems faced by Algeria, particularly in terms of the lack of democracy and respect for public freedoms and human rights, as well as the tight controls on the media, associations and trade unions.*

Even a *technical success* represents significant progress in a country where the political regime is authoritarian, the media and associated landscape is tightly controlled and the leadership is unused to being held accountable for its governance. This technical success was evidently due to the backing of the president and the political will shown at the top levels of government to successfully implement APRM in Algeria. The commitment of the president of the republic to making Algeria a model of transparency (*une maison de verre*, or a 'glass house') in the framework of APRM implementation made it possible to overcome the reticence and quell the mistrust of the administration. This commitment on the part of top officials also meant that the National Governing Council (NGC) was equipped with all of the financial and logistic resources it required to fulfil its mission. It was also backed up by the government, of

which more than ten members agreed, in late 2005, to answer the NGC's questions on governance in the framework of hearings, the likes of which had never been seen in Algeria, and which were covered by the media.

This technical success can also be ascribed to the members of the NGC, who worked on a volunteer basis in an environment that was not initially enabling. The actions of the NGC are interesting, and particularly its tours of the wilayas. The tours gave local stakeholders in the governance of the targeted wilayas an opportunity to speak in discussion forums, and that experience was noteworthy for two reasons. Firstly, Algeria lacks a tradition of dialogue between the government and its constituents and members of civil society; a review of the press reveals that rioting has become a typical means for citizens around the country to draw the attention of the government to their daily problems. Secondly, since Algeria is an excessively centralised state where all decisions are taken in Algiers, a demonstration that open discussions can be held locally with civil society on local governance issues is a positive contribution. In this respect, it is hardly surprising that the participants in all wilayas requested the establishment of permanent local discussion forums based on the NGC model.

Whatever the degree of technical success achieved in the implementation of the APRM in Algeria, it remains the case that the exercise ran up against *structural problems experienced by Algeria, which are linked to the quality of political governance*. The impact of these structural problems can be seen on three levels.

Firstly, the documentation on the implementation of the process – particularly the NGC archives, which were submitted to the government, and the national self-assessment report – is not available to the public. This situation, which makes research on the subject very difficult, undermines the goal of transparency sought by the APRM.

Secondly, although the NGC was described as 'inclusive' by the APRM Secretariat support mission in July 2005, this was not quite the case, given the exclusion of so-called 'politically sensitive' associations and independent trade unions. Their exclusion – which cannot be ascribed to the NGC itself – was due in part to the fact that civil society groups considered 'politically sensitive' do not have legal status as associations, whereas such status was required for civil society groups to be invited to sit on the NGC. One of the characteristics of these types of associations is that they work on subjects such as human rights and, often, do not share the views of the government in power on essential issues such as 'national reconciliation'. The locking out of such associations – and also trade unions due to the endless administrative hassles faced by independent unions – stemmed from a deliberate policy by the government in power, aimed at preventing the emergence of a pluralistic civil society whose actors would have the benefit of legal status and the protection of the law.

Thirdly, a careful reading of the country review report and the report on the implementation of the plan of action reveals that the NGC was handicapped

by the lack of public policy impact studies, and that certain sensitive issues were treated superficially, either because they were viewed as taboo subjects, or because the analysis was not taken far enough. These issues include the state of emergency, whose conformity with the Algerian Constitution was not questioned by the country review mission. Similarly, a rather odd approach was taken to electoral fraud, which is a leading issue in Algeria, and to the issue of ‘national reconciliation’. Conformity with the international conventions ratified by Algeria and their implementing laws and regulations was not analysed, and when stock was taken on the issue, it was done in purely quantitative terms, with no qualitative analysis.

These points are revelatory of a certain ambiguity in the implementation of the APRM process, which requires openness and transparency, in a state such as Algeria, which claims to have a will for political openness that, if not belied by its actions, is at least subject to questions as to its sincerity.

APRM timeline in Algeria

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| 9 April 2003 | Signing of the APRM memorandum of understanding by Algeria. |
| November 2004 | Meeting of the 2nd Forum of Heads of State and Government of the APRM in Algiers. Launch of the process to set up an institutional mechanism for APRM implementation in Algeria, announced by the Deputy Minister of Foreign Affairs in charge of African and Maghrebian Affairs, who serves as the national focal point. |
| 12 March 2005 | Address by the head of government on behalf of the president of the republic on the establishment of the National Governing Council (NGC). |
| 23–25 July 2005 | APRM Secretariat support mission aimed at launching the self-assessment process. Signing of a memorandum of understanding with the Algerian Government. The APRM Team recommended that the research organisations appointed as technical research institutes (TRIs) should provide support for the <i>Conseil National Economique et Social</i> (CNES, the National Economic and Social Council), in its work as a technical support partner. |

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| October 2005 | <p>Eminent person Marie-Angélique Savané visits Algiers in an ‘extension’ of the support mission of July 2005.</p> <p>M.-A. Savané travels to Sétif and Oran with the chair of the NGC and the focal point representative to present the APRM and its objectives to local authorities and members of civil society.</p> |
| 30 Nov.–1 Dec. 2005 | <p>M.-A. Savané in Algiers for the General Assembly of the Union of African Economic and Social Councils (<i>Union des Conseils Économiques et Sociaux d’Afrique</i>, UCESA) in Algiers.</p> <p>The NGC hears 13 ministers in the presence of M.-A. Savané, who was invited to attend the event by the president of the republic.</p> |
| 26 March 2006 | <p>1st Plenary Meeting of the NGC. Official establishment of the bureau of the NGC.</p> |
| June–Aug. 2006 | <p>Visits by the NGC to different wilayas around the country to meet with local governance stakeholders.</p> |
| 7 August 2006 | <p>Organisation of an inter-ministerial council meeting to encourage public departments to help the authors of the country review report improve the quality of their work.</p> |
| 15–16 August 2006 Assessment Report | <p>Meeting of NGC thematic groups to enhance the Self-</p> |
| 29 August 2006 | <p>Government council meeting focusing on the APRM to validate the work done in the framework of the self-assessment process.</p> <p>2nd plenary session of the NGC held behind closed doors, focusing specifically on a review of the self-assessment already completed and a summary of the visits to the wilayas.</p> |
| 10 Nov.–5 Dec. 2006 | <p>Visit by the APRM country review mission, which consulted various governance stakeholders and members of civil society in Algiers and in various wilayas around the country.</p> |

| | |
|-------------------|--|
| | <p>The country review mission asked for the opinion polls and surveys lacking in the country self-assessment report to be conducted. The country review mission stressed the need for the specialised research organisations appointed as TRIs to provide support for the <i>Conseil National Economique et Social</i> in its work as a technical support partner.</p> |
| 1st quarter 2007 | <p>The four designated TRIs (CREAD, CRASC, CENEAP and the University of Tlemcen) conducted opinion polls and surveys whose findings were taken into account in the Country Self-Assessment Report.</p> |
| 4–16 March 2007 | <p>Final country review mission visit to Algeria.</p> <p>Submission and detailed presentation of the country self-assessment report by the NGC to the country review mission, behind closed doors.</p> |
| 1 July 2007 | <p>Presentation of the country review report in Accra at the 7th Forum of Heads of State and Government.</p> |
| 2nd semester 2007 | <p>The country review report was put online in French and English on the website of the Algerian Ministry of Foreign Affairs.</p> |
| March 2009 | <p>A series of conferences was held in three Algerian universities on the APRM implementation process in Algeria, the country review report and Algerian governance policy, by the national focal point, the Deputy Minister of Foreign Affairs in charge of African and Maghreb Affairs.</p> |
| 1st quarter 2009 | <p>The Progress Report on the Implementation of the national programme of action on Governance, dated November 2008, was put online in French and English on the website of the Algerian Ministry of Foreign Affairs.</p> |

APRM implementation in Algeria

Algeria joins NEPAD and the APRM

As a traditional promoter of African Unity and subsequently the African Union, Algeria has developed an effective African diplomacy, and was one of the founders of NEPAD. Together with Presidents Obasanjo of Nigeria, Wade of Senegal, Mbeki of South Africa and Mubarak of Egypt, President Bouteflika was one of the African Heads of State who backed NEPAD from the time the project was presented at the OAU Summit in Algiers in 1999 to its official launching in late 2001 at the 37th OAU Summit in Lusaka. Algeria was made responsible for human development, one of the top priorities of NEPAD, and was given the vice-chairmanship of the NEPAD Implementation Committee. Algeria was one of the first states to sign the APRM Memorandum on 9 March 2003. It later hosted the second meeting of the APRM Forum of Heads of State and Government in November 2004, at which what was known in the Algerian press as the 'Algiers Appeal' was launched. During the Forum's opening address, President Bouteflika stressed the need for funding of the APRM by African states themselves and deemed it 'essential for the member countries to provide their financial support if they intend to give the concept of ownership its full meaning'.¹ On that same occasion, Algeria announced its intention to submit to a peer review and the deputy minister of foreign affairs in charge of African and Maghrebian affairs, Abdelkader Messahel, 'officially launched the process of setting up the institutional mechanisms relating to the APRM'.²

The national focal point

From the very outset, in November 2004, when Algeria announced its desire to undergo the APRM Peer Review, the deputy minister of foreign affairs in charge of African and Maghrebian affairs acted as the leader within the Algerian government with respect to the APRM. Accordingly, Abdelkader Messahel was appointed as national focal point,³ which also made him a member of the National Governing Council (NGC) for the APRM.

The role of the focal point was to ensure the proper unfolding of the review process. He served as an interface with various partners, Algerian and foreign, governmental and non-governmental, and as such was the privileged interlocutor of the continental authorities. The focal point acted as an interface between the country review team and the various Algerian stakeholders in the process. He also played an important role in setting up the NGC, even though the details of the focal point's mission may sometimes appear vague

1 Our translation. See Ghania Oukazi, 'NEPAD. L'Appel d'Alger', *Le Quotidien d'Oran*, 24 November 2004.

2 See 'Algeria joins African Peer Review Mechanism', *Panapress* dispatch of 21 November 2004. Available in French at <http://www.panapress.com/newslatf.asp?code=freo66465&dte=20/11/2004> or in English at <http://62.210.150.98/dossindexlat.asp?code=eng018> upon subscription.

3 It seems there was no official nomination and that the announcement made by Mr Messahel in November 2004 served as an appointment as National focal point.

in practice. Regarding the completion of their work, none of the members of the NGC with whom we have met ever complained of any interference by the focal point in Council activities. On the contrary, the focal point facilitated their activities.

The minister assigned an ambassador, Mr El Haouès Riache, to monitor the APRM. In addition, Abderrahmane Merouane also monitored the process on a daily basis at the Ministry of Foreign Affairs.⁴

The National Governing Council

Mission

The national authorities created a National Governing Council (NGC) to conduct the self-assessment process. The Council was officially established by the head of government, Ahmed Ouyahia, on behalf of the president of the republic, on 12 March 2005. To our knowledge, no domestic legal text, law or decree or any other act was adopted to define its status, establish conditions governing its membership, its organisation or its running, or define its mission or the duration of its mandate.

The head of government addressed – in rather general terms – the objectives of the National Governing Council and the mission assigned to it by the executive authorities in a speech on 12 March 2005 at the opening ceremony of the NGC.⁵

The objective assigned to the Council by the head of government was to ‘work with faith and commitment on the preparation of the assessment’ for the peer review. In addition to stating this general objective, the head of government also issued certain ‘recommendations’ to the members of the Council.

In his first ‘recommendation’, the head of government recalled that ‘Algeria is one of the pioneers of the whole NEPAD process based on its strong conviction that it is necessary for Africans to work, not only to promote their development, but also to work by and for themselves to adapt their countries to the new (...) conventional rules on good governance’.

In his second ‘recommendation’, the head of government recalled that Algeria ‘is not entering into competition’ with the other African states ‘in terms of reforms’. He also told the members of the Council in charge of conducting the country’s self-assessment that they had, ‘as Algerians, many reasons to be satisfied with the major progress accomplished by [Algeria] in terms of democracy and good governance in many areas but especially the area of development’ ...

⁴ His day-to-day involvement was lauded by the APRM team in its Country Review Report.

⁵ ‘Allocution de Monsieur Ahmed Ouyahia, Chef du Gouvernement, à la cérémonie d’installation de la Commission Nationale sur la Gouvernance dans le cadre de la mise en œuvre du Mécanisme Africain d’Evaluation par les Pairs. 12 mars 2005’, available on the official site of the head of government, which became the prime minister’s department: www.cg.gov.dz/gouvernement/chef-G/discours/allo.ouyahia.12-03-2005.htm (last accessed 30 December 2008).

Finally, in his third ‘recommendation’ the head of government recalled the will of the president of the republic to see Algeria move ahead ‘in the utmost transparency with the audit it has requested from Africa’ and to make the peer review a ‘fair, voluntary, and transparent act’. He also stated that ‘Algeria aspired to be a glass house’ (that is, a model of transparency) and that it ‘had demonstrated that fact to many foreign governmental and non-governmental stakeholders, who were not always motivated by the best intentions towards it’.

In the absence of a domestic legal text, this speech constitutes, to our knowledge the main document available to the public regarding the missions of the NGC. Despite the lack of a detailed definition of the mission of the Council, it remains essential to the extent that it clearly states a will for transparency on the part of the authorities. The address stresses the importance of transparency in conducting the self-assessment but also in every step of the review process.

It seems that the membership of the Council was not definitively decided at the time of its establishment and that consultations continued for some time after March 2005. These were chiefly conducted by the focal point, mainly to ensure that civil society organisations were properly represented. Overall, the focal point played an important role in ‘co-opting’ NGC members from civil society.

Membership

The NGC was made up of 100 members. We have not been able to determine the precise details of the membership of the NGC. Indeed, no official list of the names of the members of the NGC is available to the public. Similarly, we have not been able to access a complete list of the different bodies, especially those from civil society, that were represented on the NGC, nor the number of representatives per body.

Some figures can be found in the country review report adopted by the panel of eminent persons in July 2007. They indicate that the membership included: ‘31 representatives of civil society organisations, 7 private sector and business representatives, 15 representatives of specialised institutions and research centres, 19 parliamentarians⁶ and technical officers from both houses and 28 representatives of ministries’.⁷

According to that breakdown, public institutions, belonging either to the executive or the legislative authorities, numbered 47 representatives. In principle, all ministerial departments were represented within the NGC, with at least one representative per ministry.

6 The Algerian parliament is bicameral. It is made up of the *Assemblée Populaire Nationale* (APN, or national assembly), which is the lower house, and the *Conseil de la Nation* (national council), which is the upper house. The members of the APN, known as deputies, are elected by universal direct suffrage. Two thirds of the members of the *Conseil de la Nation*, commonly known as senators, are elected by universal direct suffrage. The remaining third of the senators, known as the ‘President’s third’, are appointed by the president of the republic. Country Review Report of the People’s Democratic Republic of Algeria (hereafter Country Review Report).

7 Country Review Report, APRM, July 2007, § 17, pp. 36–37, available on the APRM website: <http://www.aprm-international.org/>.

Parliamentarians represented approximately one third of the governmental group. They were chosen based on the representativeness of the parliamentary group to which they belonged, with a preference for members of permanent parliamentary commissions. They were appointed by their respective parliamentary groups as members of the NGC.

The other two-thirds of the government group comprised civil servants, including 'technical officers' of parliamentary assemblies, i.e. employees of the public institution.

The other 53 members of the Council belonged to 'civil society' in the broad sense.

At first glance, the figures provided by the review report seem to show that a small majority of NGC members could be considered as being made up of people belonging to civil society. It could therefore be deduced that the NGC members were just about equally split between representatives of public institutions and representatives of civil society.

However, a closer look at the numerical data provided by the review report reveals that, in fact, civil society representatives made up less than 40% of the members of the NGC whilst civil servants made up approximately 35%. Elected representatives, i.e. parliamentarians, comprised around 15% of NGC membership. So, civil society representatives formed only a relative majority within the NGC.

The civil society organisations represented within the NGC were registered associations, employers' organisations and workers' unions. It has also been said that there were media representatives within the NGC; however, we were unable to obtain the names of the representatives or of the media in question.

Amongst the associations represented, according to a figure found in the press,⁸ 25 belonged to associations active in a variety of areas. These notably included:

- literacy training, i.e. an Algerian literacy association (IQRAA);
- children's rights, i.e. the NADA network, an Algerian network for the defence of the rights of the child, whose membership includes some one hundred associations working in the field and a national association for children in difficulty and in institutions (ANSEDI);
- youth, i.e. the Algerian Association for the Protection of Youth;
- women's rights, i.e. UNFA (the National Union of Algerian Women);
- the rural world, i.e. UNPA (the National Union of Algerian Peasants);
- and
- the rights of the disabled, with the Algerian Federation of Associations for the Physically Disabled (FAHM).

⁸ Tahar A.O., 'Enquête nationale d'évaluation de la bonne gouvernance. Des ministres refusent de répondre à la Commission Nationale', *La Voix de l'Oranie*, 14 January 2007.

The labour organisations that participated in the work of the NGC notably included:

- representing workers, the General Union of Algerian Workers (UGTA)
- representing private-sector employers, the Algerian Employers' Confederation (CAP) and *Savoir et Vouloir Entreprendre* (SEVE), an association of women entrepreneurs.

Balance was maintained between men and women, overall. Indeed, particular efforts were made by the Algerian authorities to ensure strong female presence within the NGC, as attested by the makeup of its bureau.

It should be pointed out that no members of the NGC received a salary or any other form of payment for their involvement in the Council. NGC members did receive per diems during their travels around the country, for which expenses were fully covered by the government.

The NGC set up a secretariat comprising top-notch staff made available by the administration.

The bureau

A bureau (executive committee) was set up within the NGC to serve both as an executive and steering body and to help rationalise the work of its some hundred members. The bureau acted as an interface with the partners of the NGC and actively developed the working programme of the Council.

The bureau comprised a chairwoman and four deputy chairs, each of whom was responsible for a specific theme. It also included a *rapporteur général*, who acted as a secretary general for the NGC and was a member of the bureau. All of the members of the bureau, including the *rapporteur général*, were elected from amongst the membership of the NGC. The official creation of the bureau only took place one year after the formation of the NGC, on 26 March 2006⁹ during its first plenary meeting. On that same date, an internal committee was also set up to adopt the Council's rules of procedure.

Fatma-Zohra Karadja was elected chairwoman of the NGC. A clinical psychologist by training, Fatma-Zohra Karadja chairs ANSEDI, an association for children in difficulty and in institutions.¹⁰ ANSEDI is a national association.¹¹

9 See the press statement by the Ministry of Foreign Affairs, dated Monday, 27 March 2006 'La Commission Nationale sur la Gouvernance adopte un plan d'action', available on: http://193.194.78.233/ma_fr/stories.php?story=06/03/27/4944210. See also the article published in the daily evening newspaper *Le Soir d'Algérie* in its edition of 29 August 2006 entitled 'Auto-évaluation sur la gouvernance en Algérie. Le Rapport sera soumis au Président en 2007', available on: <http://www.lesoirdalgerie.com/articles/2006/08/29/article.php?sid=42475&cid=2/>.

10 A detailed report on the activities of ANSEDI was provided in the Country Review Report. See Box no. 5, pp. 126–127.

11 In Algeria, associations are either local or national, depending on their operating territory. Law No. 90-31 of 4 December 1990 on associations provides for associations whose 'territorial scope involves one or more communes within a wilaya' and others 'with a national or interwilalay vocation' (Article 10). In principle, a local association may only legally operate within the wilaya where it was formed; a wilaya is the largest administrative unit in Algeria. There are 48 wilayas.

Karadja is also director of the El Biar child shelter in Algiers. She is active in the field of children's rights as well as in the protection of women's rights, and was a past member of the National Observatory on Human Rights in Algeria (*Observatoire national des droits de l'homme en Algérie*).¹² F.-Z. Karadja has also demonstrated her commitment on the continental scale, notably as deputy chair of the Economic and Social Council of the African Union.

Cherifa Aït Benamar acted as deputy chair responsible for the theme of Democracy and Political Governance. C. Aït Benamar was a member of the National Assembly of Algeria (*Assemblée Populaire Nationale*, APN), during the 5th legislature, from 2002 to 2007. She was elected MP in the electoral ward of the wilaya (a wilaya is the equivalent of a *département* in French-speaking African states) of Tizi Ouzou. In the APN, Aït Benamar was a member of the *Groupe des Indépendants*, a group of MPs not affiliated with any political party. A doctor by training, she had been active within the UGTA before becoming a member of parliament. She represented the UGTA within the women's committee of the International Confederation of Free Trade Unions (ICFTU).

Saïd Cheikh was deputy chair responsible for the theme of 'governance and economic management'. An economist and a researcher at the Algerian institute of global strategic studies (INESG), in April 2005 he was appointed head of the INESG department of research on economic and social development strategies, change in political institutions and transformation of institutional systems.¹³ The INESG was founded in 1985 and placed under the supervision of the office of the president of the republic; it is an active and recognised research centre, particularly in the fields of international relations and international security and on economic issues. The INESG publishes a periodical review called *Confluences internationales*.

Sarah Hassam was deputy chair responsible for the theme of Corporate Governance. Hassam represented the Algerian Employers' Confederation (CAP) within the NGC. Deputy chair of CAP, she has also held numerous representative positions within the organisation. Whilst she participated in the work of the NGC, Hassam also represented CAP on the board of directors of the National Social Insurance Fund.¹⁴ As an organisation representing private sector employers, CAP includes entrepreneurs working in a variety of industries around the country. CAP also develops regional strategies to

12 In that capacity, Fatma-Zohra Karadja was a member of the Algerian delegation that presented the second regular report of Algeria to the UN Human Rights Committee during its 63rd session in July 1998. See UN document CCPR/C/SR.1382 available at the following address: [www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.SR.1682.En?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.SR.1682.En?Opendocument). The National Human Rights Observatory (ONDH) was established by Presidential decree no. 92-77 of 22 February 1992 as an 'independent institution', for the 'observation and evaluation of respect for human rights' and placed under the authority of the office of the president of the republic (Articles 2, 4 and 5). The national advisory committee on the promotion and protection of human rights (CNCPPDH) succeeded the ONDH in 2001 under the terms of Presidential decree no. 01-71 of 25 March 2001.

13 Presidential decree of 2 April 2005 on appointments by the office of the president of the republic, available on the site of the official gazette: www.joradp.dz.

14 Order by the minister of employment, labour and social security of 15 March 2005 on the appointment of the members of the board of directors of the national social insurance fund.

protect the interests of private entrepreneurs. It participated in the creation of the *Union Maghrébine des Employeurs* (UME, the Maghrebian Employers' Union) on 17 February 2007 in Marrakech, Morocco.¹⁵

Arezki Lahiani was deputy chair responsible for the theme of Socio-economic Development. He represented the UGTA within the NGC. A consultant with UGTA, Lahiani is also an economist and a specialist on labour issues. In the past, he held the position of research officer for the minister of labour. He was also one of the architects of the *Fonds de soutien à l'investissement pour l'emploi* (FSIE),¹⁶ a support fund promoting investments for employment.

Abdelouahab Kara Mostefa acted as *rapporteur général* within the bureau. In his role as 'institutional memory' of the NGC, Mostefa was responsible for summing up debates, and he participated actively in the coordination and writing of the self-assessment report. A legal expert by training, Mostefa has taught at university and has served in various public administrations. He is also a consultant for the CNES.

Strict gender parity was observed within the bureau, which was made up of recognised and competent personalities. Similarly, careful attention was paid within the bureau to the balance between registered associations (chair), labour organisations (private sector employers and workers, with one deputy chair each) and elected representatives (one deputy chair). The fact that the position of chair of the NGC was entrusted to a women from the association community is noteworthy and not without meaning in this respect.

Thematic groups

Each of the other members of the NGC was affiliated with one of the four thematic groups. The members chose a theme according to the area of specialisation of the entity they represented and their own qualifications. The thematic groups covered the four main thrusts of the review. Each deputy chair was in charge of a thematic group. The deputy chairs were appointed by their peers within the NGC.

The thematic groups were as follows:

- Democracy and Political Governance
- Economic Governance and Management
- Corporate Governance
- Socio-economic Development.

Each thematic group was responsible for monitoring the issues and organising debates relating to its focus theme.

¹⁵ See French-language daily newspaper *El Watan*, 11 September 2007. www.elwatan.com.

¹⁶ Created by the Budget Act of 2005, the articles of association of the FSIE were established by decree No. 06-117 of 12 March 2006 and it was set up in September 2007 by the minister of finance. The FSIE is a capital corporation whose purpose is to finance small and medium enterprises with a view to creating jobs. The FSIE is the product of a joint effort between the public authorities, private entrepreneurs and the UGTA. The UGTA has two representatives in the General Assembly of the FSIE and two more on its board of directors.

Communications unit

A communications unit was set up within the NGC, officially on the same date as the election of the bureau, on 26 March 2006, in order to serve as an interface with the media.¹⁷ Kamel Elaïd, an independent MP elected in the wilaya of Tipasa was a very active member. Forming a separate entity from the bureau, the activities of the communications unit included: creating a logo to identify the NGC, designing and distributing an information folder and setting up a website. The NGC website, www.comnagov.dz, was operative for two years, from July 2005 to August 2007, closing one month after the presentation of the Country Review Report in Accra. It was generally acknowledged that the website provided relatively complete information on the APRM and the work of the NGC. The authorities pled a shortage of funding and the end of the NGC's mission to justify the deactivation of the website,¹⁸ which would have been extremely useful to better understand the running of the NGC and the APRM implementation in Algeria.

In addition to the creation of a website and the distribution of an information folder, the NGC communications unit undertook various media actions including the dissemination of a press book on its activities. A media roundtable was held on 12 May 2006, approximately one year after the NGC was set up.

The communications also facilitated the participation of members of the Council in several radio programmes on Algerian public radio channels, namely, 1 (in Arabic), 2 (in Tamazight or Berber) and 3 (in French). There are no private radio or television stations in Algeria. The communications unit did the same with the local radio stations (Radio Mitidja, Radio El Ouahat, Radio Bouna, Radio Soummam and Radio Tlemcen). The latter played an important role in popularising the self-assessment process and mobilising stakeholders during the NGC's travels around the country.¹⁹

Articles in national newspapers in Arabic and French reported on the work of the NGC in Algiers and in the different regions around the country.

However, the national newspapers gave more coverage to the country review team than the work of the NGC. The chair of the NGC was also invited to the *El Moudjahid*²⁰ Forum of 14 January 2007. The detailed report of this meeting with the press was not published in the daily newspaper *El Moudjahid* due to a lack of space owing to the publication of an unabridged transcript of a lengthy speech by the president of the republic. Although it was announced that it would be published in a later edition, the detailed report was never

17 See the press release by the Ministry of Foreign Affairs dated Monday 27 March 2006 'La Commission Nationale sur la Gouvernance adopte un plan d'action', available at: http://193.194.78.233/ma_fr/stories.php?story=06/03/27/4944210.

18 Interview with A. Merouane, Ministry of Foreign Affairs, 8 November 2008.

19 Interviews with members of the executive and consultation of personal archives of members of the NGC.

20 This was the daily French-language newspaper of the historic FLN during the war for liberation, and became the daily newspaper of the FLN, which was the only party between 1962 and 1989. *El Moudjahid* continues to be a leading newspaper in terms of coverage of institutional news.

published and we were unable to obtain a copy from the paper.²¹ The NGC was also invited to appear on a television show (*Sur le vif*) on the public satellite television station, Canal Algérie. In addition to participation in conferences, it should also be noted that the NGC participated in the one-day debate of the national assembly on 13 July 2006, focusing on human development in the framework of NEPAD.

Financing of the process

The NGC did not have an independent budget,²² but was given all of the material and financial resources it requested from the office of the head of government.²³

The NGC was given headquarters in Algiers, where it set up its permanent offices and held meetings. Staff was made available to the NGC to provide support for the bureau in its administrative management mission and for the communications unit. The Council was also given means of transportation, and the travel expenses of its members in the field were fully covered by the government. All NGC logistics resources were transferred to the office of the head of government at the end of its mission.²⁴ The prestigious state residence of Djenane El Mithak in Algiers was temporarily placed at the disposal of the NGC during the assessment process to hold hearings and plenary meetings. It seems that the assessment process was wholly funded using Algerian government funds²⁵ as confirmed by the national focal point in addresses on the APRM before the academic community in March 2009.²⁶

Despite their apparently exemplary behaviour in this respect, the authorities refused to discuss the amounts spent on the assessment exercise, so that it was impossible to make any sort of estimate of the amount. Our telephone contacts in early January 2009 with the office of the head of government's administration and resources branch did not yield results.

APRM secretariat support missions

First visit: July 2005

The first APRM support team visited Algeria from 23 to 25 July 2005, some four months after the establishment of the NGC by the head of government. The chief aim of this mission was to launch the self-assessment process in

21 Apparently, no records were kept of the report. Meeting and telephone contacts with Mr Tareb of *El Moudjahid*. Last telephone contact on 13 January 2009.

22 Interviews with members of the executive.

23 Interview with Fatma-Zohra Karadja, chair of the NGC, Algiers, 8 November 2008.

24 Interview with Fatma-Zohra Karadja, chair of the NGC, Algiers, 8 November 2008.

25 Interviews with members of the executive.

26 See the aforementioned *Conférence de M. Abdelkader Messahel* available on the website of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/25/3906353.

Algeria.²⁷ The delegation, which was led by Marie-Angélique Savané, also comprised eight other members.²⁸

The team was to sign a technical understanding on the APRM with a view to achieving its main objective. Its mission also included a review of the procedures and mechanisms set in place by the NGC to carry out its self-assessment mission and the preparation of a plan of action. To that end, it was to meet with the NGC and the technical research institutes to explain the process to them and discuss the self-assessment questionnaire in order to establish a roadmap to accelerate the various steps in the process.²⁹

The team signed a memorandum of understanding on the APRM implementation with the Algerian government upon its arrival in the capital on 23 July 2005.³⁰

During this visit, the delegation met with Algeria's highest state authorities, demonstrating their political will to successfully complete the self-assessment process. The delegation was granted a prolonged audience with the president of the republic.³¹ The support team also met with the head of government,³² the minister of finance as well as the speaker of the National Assembly and the president of the Council of the Nation.

The APRM delegation held a working session with an Algerian government delegation led by the focal point. On this occasion, talks focused in particular on the timeline for the implementation of the process. They culminated with the setting of a deadline of nine months for the finalisation of the self-assessment report.³³

The team also met with the members of the NGC. During that meeting, which was opened with an address by the focal point, the APRM delegation

27 The information in this paragraph was mostly drawn from the 'Communiqué à l'issue de la Mission de Soutien du Mécanisme Africain d'Evaluation par les Pairs (MAEP) en Algérie, 23–25 juillet 2005', 26 July 2005 and available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/27/994742.

28 They comprised: two representatives of the APRM secretariat in the persons of Bernard Kouassi, executive director, and Moïse Nembot, coordinator for Democracy and Good Governance; a representative of the NEPAD secretariat, technical support manager Gaston Bushayija; two representatives of the ECA, the United Nations Economic Commission for Africa in the persons of Hakim Ben Hammouda, director of Commerce and Regional Integration, and Amadou Lamine Gueye, a demographer at the ECA regional office in Tangiers; two representatives of the African Development Bank (AfDB), in the persons of Michael Mah'moud, financial adviser, and Georges Bene-Hoane, division head; one representative of the UNDP Africa regional office, Alioune Sait, executive director of the African Futures Institute.

29 This was the objective of the support mission presented in the Country Review Report, § 1.2, p. 1.

30 See the press release by the Ministry of Foreign Affairs of 24 July 2005, entitled: 'M. Messahel : une bonne gouvernance est "vitale" pour le développement de l'Afrique', available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/24/7846483.

31 See the press release by the Ministry of Foreign Affairs of 26 July 2005, entitled: 'Le Président Bouteflika reçoit la présidente du Panel des éminentes personnalités du MAEP', available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/26/3310256

32 Voir le communiqué de presse du Ministère des Affaires étrangères en date du 25 juillet 2005 intitulé « Ouyahia : l'Algérie disponible à coopérer avec le MAEP », disponible sur http://193.194.78.233/ma_fr/stories.php?story=05/07/25/6859387.

33 According to the press release 'Communiqué à l'issue de la Mission de Soutien du Mécanisme Africain d'Evaluation par les Pairs (MAEP) en Algérie, 23–25 juillet 2005', 26 July 2005 and available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/27/994742. However, the deadline was '6 months' according to another source. See the press release by the Ministry of Foreign Affairs entitled 'M. Messahel et Mme Savané animent une conférence de presse à l'issue des travaux de la Mission de soutien du MAEP', 26 July 2005, available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/26/3294143.

made a presentation on the APRM based on the reference documents of the mechanism.

The discussions with the NGC also made it possible to define the respective roles of the various actors in the self-assessment and review process. Another working session focused on the terms and conditions for the implementation of the process, drawing inspiration from the experience of APRM processes already begun in other African states.

In the course of these discussions, the support team recognised that the NGC was 'inclusive' in terms of its makeup. It also recommended that the Algerian authorities create an additional theme group, so that there would be four rather than the three that were originally planned. In addition, the APRM delegation took the opportunity to stress that other technical research institutes should be called upon in addition to the CNES.

Mrs Savané in Algiers in October 2005

Mrs Savané spent four days in Algeria during the second week of October 2005.³⁴ Her stay was an 'extension' of the support mission of July 2005.³⁵ During that time, Savané was able to meet with focal point, Mr Messahel, in the presence of the chair of the NGC, as well as with the minister of finance. Savané also conducted a working session with the members of the NGC and its chair, focusing particularly on the self-assessment timeline. She also met with the chair of the CNES at the headquarters of the institution, as well as with the institutions responsible for providing technical support in the self-assessment process.³⁶

In addition to these various contacts in Algiers, Mrs Savané, accompanied by A. Merouane from the national focal point office and F.-Z. Karadja, chair of the NGC, travelled to Sétif and Oran.³⁷ In each of those cities, Savané introduced the APRM and its objectives during meetings of the walis, representatives of the local authorities and civil society, economic actors and academics.³⁸

During this trip, Savané particularly stressed the need to 'ensure the broadest possible awareness on the subject of the APRM and the participation

34 Unless we are mistaken, this trip is not mentioned in the Country Review Report. The paragraph on the implementation of the APRM review process (pp. 1–4) in Algeria does not mention it.

35 See the press release of 12 October 2005, entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/10/12/1387478 and Zine Cherfaoui, 'Rapport national d'autoévaluation par les Pairs. L'Algérie et le test de la bonne gouvernance', in *El Watan*, 12 October 2005, available on: <http://www.elwatan.com/Rapport-national-d-autoevaluation>.

36 These were the National Statistics Bureau (*Office National des Statistiques*, ONS), the National Institute of Global Strategic Studies (*Institut National des Etudes de Stratégie Globale*, INESG), the CREAD, the CENEAP, the National Planning and Statistics Institute (*Institut National de la Planification et de la Statistique*, INPS) and the universities of Tlemcen and Oran. See the abovementioned press release of 12 October 2005, entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané'.

37 On 9 October 2005.

38 See the abovementioned press release of 12 October 2005 entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané' and, on the trip to Oran, Djamel Benachour, 'Bonne gouvernance. Mécanisme africain d'évaluation par les pairs en concertation', in *El Watan*, 10 October 2005, available on: <http://www.elwatan.com/Mecanisme-africain-d-evaluation>.

of representatives of all segments of society in the process'.³⁹ She optimistically expected the peer review to be conducted on the report on Algeria in early 2006.⁴⁰

The trip ended with a joint press conference by Savané and the focal point, Mr Messahel.⁴¹

Mrs Savané in Algiers in late November and early December 2005

In addition to these contacts at the highest level of government, Savané was invited by the president of the republic to attend the hearing by the NGC of 13 ministers at the Palais des Nations, located near Algiers, on 30 November and 1 December 2005.

Savané was in Algiers to attend the General Assembly of the Union of Economic and Social Councils of Africa (UCESA) which took place at the end of November. The UCESA devoted much of its proceedings to discussions on the APRM implementation, and it invited Savané to present a paper on the APRM at the event.⁴²

Self-assessment: Research methodology and consultations in the field

The country self-assessment report was prepared in three phases; most of the work was based on the questionnaire provided by the APRM continental secretariat.⁴³ The NGC began by preparing the report from the methodological standpoint. As soon as it was set up, in coordination with the focal point, it began preparing a rough draft of the self-assessment report through the thematic groups.

During the first phase of preparation of the report, the National Economic and Social Council (*Conseil National Economique et Social*, CNES) served as the main technical support organisation processing data⁴⁴ provided for the NGC by the National Statistics Board (*Office National des Statistiques*) and various ministerial departments. Although data gathering was a bit difficult at the outset due to the tendency of certain administrative departments to retain information, it was properly conducted in the end. Following data

39 See the abovementioned press release of 12 October 2005, entitled: 'La préparation du Rapport National d'autoévaluation par les Pairs au centre des activités de Mme Savané'.

40 See the press release of 11 October 2005, entitled 'M. Messahel reçoit la Présidente du Panel des personnalités du MAEP', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/10/11/9502112.

41 See the press release by the Ministry of Foreign Affairs, entitled 'M. Messahel et Mme Savané animent une conférence de presse à l'issue des travaux de la Mission de soutien du MAEP', 26 July 2005, available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/26/3294143.

42 See *Info Express* of Wednesday 30 November 2005, entitled 'Le NEPAD favorise des systèmes de gouvernance plus efficaces, selon le CNES', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/11/30/1913043.

43 *Autoévaluation des pays pour le Mécanisme africain d'évaluation par les pairs* (questionnaire), NEPAD/MAEP, 2004.

44 It seems that, from the beginning, the National Institute of Global Strategic Studies (*Institut National des Etudes de Stratégie Globale*, INESG), the CREAD, the CENEAP, the National Planning and Statistics Institute (*Institut National de la Planification et de la Statistique*, INPS) and the universities of Tlemcen and Oran were involved in the technical component of the self-assessment without having been formally qualified as technical research institutes and without there having been any opinion polls or surveys.

gathering and analysis, discussions within the NGC and meetings with several governance stakeholders in Algiers⁴⁵ the NGC was able to programme visits in the field and meetings with local governance stakeholders. After these two phases were completed, the CNES played an active role in the preparation of a preliminary version of the country self-assessment report. It is difficult to precisely define the exact role of the CNES, though it was significant in the opinion of all of the people we spoke to, because we were unable to discuss the subject with a representative of the organisation.

Finally, the preliminary version of the report was enhanced with the addition of research and surveys conducted by technical research institutes that were called on following the intervention of the country review team and its assessment of the preliminary version of the report.

The National Economic and Social Council

Initially, it seemed that the CNES was the principal institute called upon to seek out technical data, and to crosscheck, analyse and interpret it. According to its definition in the presidential decree of 5 October 1993 by which it was created, the CNES was an advisory body for dialogue and cooperation in the economic, social and cultural fields. The CNES took an active role in preparing the preliminary draft of the country self-assessment report.

The three principal mandates given to the CNES by the state are to ensure continuing dialogue and concertation between economic and social partners, to review and study issues of national interest involving economic and cultural development and, finally, to make proposals and recommendations and give advice on issues entering into its sphere of competence. The CNES already acts as a sort of commission on governance in the economic and social spheres.⁴⁶

In theory, the CNES is also representative to the extent that half of its 180 members come from the economic, social and cultural sectors and are mandated by organisations working in those areas, whilst one quarter of its members represent public institutions and the other quarter are appointed on individual merit.

Over the last 15 years, the CNES has built up a strong reputation as a technically competent and credible body that is critical in the scientific sense of the word, particularly under the chairmanship of M. Mentouri. In cooperation with the UN Development Programme (UNDP), the CNES publishes an annual National Human Development Report, which is a benchmark tool in its field in Algeria.

Professor Mohamed Seghir Babès has chaired the CNES since mid-2005. He succeeded Mohamed Salah Mentouri, who resigned, and who was deemed

45 During our interviews, we were unable to obtain specific details on those stakeholders, who essentially seem to have been representatives of socio-professional organisations.

46 We were unfortunately unable to obtain an interview with a representative of the CNES, despite repeated requests.

overly critical of the actions of the government.⁴⁷ M. Babès also represents North Africa on the APRM panel of eminent persons.

National consultations

The field visits to the wilayas were an important aspect of the national consultations. These consultations in the field served to gather the opinions of the citizens and various stakeholders in every dimension of governance, at the local level and at the national level.

Due to the size of the country and the diversity of the situations, the NGC chose not to visit all 48 wilayas in the country. It preferred to proceed by sampling, choosing districts on the basis of the following criteria:

- the geographical location of the wilaya (border, coastal, Hauts-Plateaux, South);
- its connection with the national infrastructure network, i.e. its degree of isolation;
- the level of local development;
- its economic vocation (rural, industrial);
- the relationship between the rural and urban habitat.

Thanks to the sampling carried out by the NGC, the visits to the wilayas were able to cover a number of regions in the country that were quite representative of the diversity found in Algeria.

The NGC, to wit the members of the bureau and certain Council members, notably travelled to the following wilayas: Béjaïa (17 June 2006), Jijel (18 June 2006)⁴⁸ Guelma, Tlemcen (26 July 2006),⁴⁹ Ouargla, Sétif and Oran (exact dates unknown).⁵⁰

Prior to the visits, the NGC always prepared a fact sheet with the help of the authorities concerned, as well as the associations and professional organisations operating in the wilaya. In terms of the public authorities, the Ministry of the Interior, local authorities at the national level, and the walis (the equivalent of prefects in French-speaking African states) in each wilaya played a very important role in preparing for the visits of the NGC by

47 See, *inter alia*, Mohamed-Salah Mentouri, chair of the CNES, in the French-language daily newspaper *Le Soir d'Algérie*: 'Certains refusent au CNES le rôle de veille stratégique'; interview by Cherif Bennaceur, *Le Soir d'Algérie*, 7 December 2004, available on: <http://www.lesoirdalgerie.com/articles/2004/12/07/article.php?sid=16592&cid=2>; M. Mamart, 'Des rapports suspicieux !', in French-language daily newspaper *El Watan*, 5 May 2005, available on: <http://www.elwatan.com/Des-rapports-suspicieux>; Hassan Moali, 'Le CNES revient aux normes maison', in *El Watan*, edition of 4 January 2006.

48 See the announcement of these visits in the daily newspaper *La Nouvelle République*, 12 June 2006.

49 C. Berriah, 'Séminaire sur la bonne gouvernance à Tlemcen. Plus de prérogatives aux élus locaux', in *El Watan*, 27 July 2006, last page.

50 An article in the daily newspaper *Le Soir d'Algérie* published in the edition of 29 August 2006 and entitled 'Auto-évaluation sur la gouvernance en Algérie. Le Rapport sera soumis au Président en 2007' provides a different list of these visits which took place in June and July 2006: Jijel, Guelma, Béjaïa, Tlemcen and Ouargla. This article is available at: <http://www.lesoirdalgerie.com/articles/2006/08/29/article.php?sid=42475&cid=2>. Despite using different search engines, we were unable to find reports on the visits. This does not necessarily mean that they were not covered by the press.

informing elected representatives and members of civil society in advance. Furthermore, the NGC was able to count on publicity by local radios for its work in the wilayas. The local radios systematically broadcast information about the visits beforehand. Non-governmental stakeholders, such as relays and local branches of associations represented on the NGC, also played an important role in mobilising local civil society stakeholders.

Meetings with local governance stakeholders and citizens always took place in the capital of the wilaya. The administration of each wilaya ensured that the questionnaire was distributed to those attending in advance.

Generally speaking, the walis, the heads of the daïras,⁵¹ the various technical agencies of the wilayas and the local elected representatives were present during the visits.

The visits to the wilayas had a threefold purpose:⁵²

- to disseminate the concept of governance and the APRM at the local level with the widest possible coverage of local authorities, elected representatives, associations, unions, journalists and the private sector;
- to lay the groundwork for the Algerian mission of the review team led by Mrs Savané;
- and, of course, to gather the opinions and proposals of local governance stakeholders and citizens to enhance the country self-assessment report.

Not all of the members of the NGC travelled at the same time. Each trip almost systematically included all of the members of the bureau, accompanied by a dozen other members on average. These members came from the different thematic groups of the NGC and chose to participate in a visit based on their individual availability and their interest for the wilaya being visited.

The visits, which lasted one or two days, followed a similar pattern:

- Presentation on the wilaya (socio-economic situation, assets, weaknesses) by the wali or one of his representatives;
- Address by the chair of the NGC on the APRM mechanism, its objectives and the aim of the meetings in the framework of self-assessment (drafting of a country self-assessment report and accompanied by a plan of action);
- Presentations by other members of the NGC on the four areas of governance in terms of objectives, standards, criteria and appropriate

⁵¹ Each wilaya comprises several daïras, which are the equivalent of sub-prefectures in francophone African states.

⁵² According to the copies of the NGC papers we were able to access, thanks to the kindness of the members of the Council.

formulations for the APRM questionnaire, focusing on the notion of local governance;

- Organisation of four thematic workshops whose attendance was open to all those present. Each workshop was systematically led by a person from the wilaya, either an elected representative or a representative of civil society, and included a facilitator who was always a member of the Council, so that the discussions followed the questionnaire;
- At the outcome of the internal proceedings, each thematic workshop had produced responses and an assessment, of which a written summary was made;
- The summaries of each workshop were read in plenary sessions, followed by group discussions focused on delving deeper into the topics;
- An overall synthesis of all of the proceedings and the trip was prepared.

The syntheses were used in the writing of the national self-assessment report, to which they were annexed as information documents.⁵³

Quality of the proceedings during the visits to the wilayas

The proceedings during the visits seem to have been very open, sometimes stormy, and always fruitful. All of the people with whom we met who had attended the proceedings emphasised the interest shown by the local participants in the NGC members' presentations, their willingness to enrol in the thematic workshops and their active involvement in the discussions.

The proceedings provided a unique opportunity for various local stakeholders in governance, including both public authorities and representatives of civil society, to meet to discuss the issues at stake. They often asked for permanent local councils to be established along the same lines, in order to maintain a tradition of discussions and create a forum for debate.⁵⁴ This was particularly important since in Algeria, the administration had no previous tradition of dialogue with its constituents. Indeed, a copy of a report which we were able to consult on the early activities of the NGC shows that, during different visits, local participants were acutely aware of the fact that the quality of local governance depended on the quality and dynamics of relationships between the different political, economic and social stakeholders in the wilaya.

Synthesis of data from the visits and inclusion in the self-assessment report

The NGC experienced a flurry of activity in the month of August 2006, which allowed it to make headway in the writing of the self-assessment process. As a mark of the government's interest in the APRM process, an inter-ministerial council meeting was convened on 7 August by the head of government; it

⁵³ Interview with Cherifa Ait Benamar, deputy chair of the NGC, and Kamel Elaïd, an MP and a member of the communications unit, Algiers, 11 January 2009.

⁵⁴ According to several members of the executive of the NGC with whom we met.

included the great majority of the members of the government and provided an opportunity to move forward with the drafting of the self-assessment report and to focus the work more on the quality of the data as opposed to their descriptive aspect. The exercise was validated by a government council⁵⁵ held on 29 August, which also allowed more progress to be achieved in the drafting of the report.

In the interval, the NGC⁵⁶ also held a meeting for its thematic groups on 15 and 16 August to enhance the self-assessment report and organised its second annual plenary meeting at the state residence of Djenane El Mithak in Algiers on 29 August under the chairmanship of F.-Z. Karadja in the presence of the national focal point and the chair of the CNES. The plenary meeting was held behind closed doors. According to the press, it afforded the NGC with an opportunity to review its activities since the first plenary session and sum up the visits to the wilayas. It also served to prepare for the visit of the country review team, particularly by establishing a list of wilayas to be visited.

Country review

The country review mission (CRM) (conducted by the APRM country review team) took place in two stages.⁵⁷ The primary stage comprised a visit to Algeria, from 10 November to 5 December 2006, by the international review team led by Mrs Savané. The APRM Team returned to Algeria a few months later, in March 2007, for the presentation of the self-assessment report.

Visit by the country review mission (10 November–5 December 2006)

An international review team visited Algeria from 10 November to 5 December 2006. The team was made up of 21 experts from 14 African Union member states. The experts were chosen 'based on their specialisations in one or more of the four APRM theme areas'.⁵⁸ The experts were members of the APRM secretariat or its strategic partner institutions (African Development Bank (AfDB), UN Economic Council for Africa (ECA), and UNDP).⁵⁹

According to its report on this prolonged mission in Algeria, the CRM felt that it had 'established the following commitments to be undertaken by the country:

- to carry out consultations as broadly as possible with all of the stakeholders to deepen and broaden the self-assessment report;

55 See '*Communiqué du Conseil de Gouvernement*' dated 30 August 2006 and available on the website of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=06/08/30/3643135.

56 The written source of this paragraph was an article published in *Le Soir d'Algérie* in its edition of 29 August 2006, entitled 'Auto-évaluation sur la gouvernance en Algérie. Le Rapport sera soumis au Président en 2007', available on: <http://www.lesoirdalgerie.com/articles/2006/08/29/article.php?sid=42475&cid=2>. It was corroborated by interviews with the members of the executive.

57 The Country Review Report provides details of the unfolding of the country review mission on pages 50 *et seq.* This paragraph is based on that information, but also complemented by other references.

58 On the makeup of the international review team, see Country Review Report, §§ 25 *et seq.*, pp. 38 *et seq.*

59 The precise makeup of the team is indicated in the Country Review Report, §§ 26–28, pp. 38–39.

- to review the draft programme of action submitted by the country and make suitable proposals;
- to ensure in so far as possible that the review process carried out by Algeria was technically satisfactory, credible and free of any political manipulation; and
- to reach a consensus with stakeholders on the remaining issues and challenges and on recommendations to improve governance in the country.⁶⁰

We propose to highlight certain aspects of the visit and put them into perspective using the assessment made by the CRM on its own work.

Consultations carried out by the country review mission

The consultations carried out by the CRM were far-reaching. The mission met with the highest authorities of the state, the president of the republic, the head of government and the national focal point, who was also a member of the government. The CRM made contact with various ministers and house speakers as well as with the representatives of a variety of public institutions including the office of the high commissioner on Amazight identity (*Haut-Commissariat a l'Amazighite*) and the High Council on the Arabic Language (*Haut Conseil de la langue arabe*).

The CRM also met with various stakeholders in governance, in Algiers during different events organised for that purpose and, in the field, during its visits to 11 wilayas (departments) around the country.

The CRM carried out broad meetings with economic and social stakeholders including representatives of national bodies, certain of which had not been invited to participate in the NGC proceedings, such as the Algerian Union of Public Entrepreneurs (*Union Nationale des Entrepreneurs Publics*, UNEP), which was satisfied with the quality of its contacts with the CRM.⁶¹ On the other hand, representatives of independent workers' unions, such as SNAPAP, were not invited.⁶²

As for the political parties, the *Front des Forces Socialistes* – the oldest opposition party in Algeria – refused to participate in the meeting organised by the CRM. It is surprising to note that the response of the FFS to the CRM's invitation sent by the national focal point, which was rather harsh, went unmentioned in the Country Review Report. And yet this response was revelatory of the general mistrust of certain major stakeholders in Algerian politics for the authorities in power and the events they organised or with which they are associated. In its reply, dated 30 November 2006, the national secretariat of the FFS expressed its 'surprise at the thoughtlessness of the

⁶⁰ Country Review Report, § 29, p. 39.

⁶¹ Interview with Ahcène Benyounes and Ali Slimani, respectively president and vice-president of the UNEP, Algiers, 10 January 2009.

⁶² Various contacts with Rachid Malaoui, president of SNAPAP, in January and March 2009.

approach consisting of inviting “all of the parties represented in Parliament” to a single meeting, scheduled to take place in only four days, and aimed at enabling the review team to “glean information on party politics and political trends in general in our country”. After having deplored what appeared to be a lack of preparation on the part of the team and/or the focal point, the FFS added that ‘apparently nothing serious can be expected from such a mockery of a meeting’. The opposition party also felt that the APRM review team did not devote enough time to political parties or human rights organisations, adding that ‘the simple fact that a mission lasting nearly a month and involving a team of some twenty people could devote so little time to our political parties and human rights organisations, is a clear statement of the low priority it sets on party politics and the human rights situation in Algeria. As it already anticipates the conclusions of the proposed review’.⁶³

Finally, it was rather surprising that such an eminent man as Professor Mohand Issad was not heard by the CRM⁶⁴ although he chaired the national justice reform commission (*Commission Nationale sur la Réforme de la Justice*) in 1999 and the national commission of inquiry into the events in Kabylia (*Commission nationale d’enquête sur les événements de Kabylie*) in 2001.

From a structural viewpoint, the consultations carried out by the CRM were necessarily affected by the problem of the closing down of free association, particularly in relation to organisations considered ‘politically sensitive’.⁶⁵ This fact particularly undermined the third CRM ‘commitment’ quoted in the list above, which was to ensure that ‘the review process conducted by Algeria was [*inter alia*] free from political manipulation’. It was also very surprising to see the names of the NGC and the APRM in a press release posted on the site of the Ministry of Foreign Affairs (the supervisory ministry of the national focal point), entitled ‘Le mouvement associatif oranais adhère à la démarche du Président Bouteflika. Les réactions au Projet’ (The associational movement of Oran supports the approach taken by President Bouteflika. Reactions to the Project).⁶⁶ This suggests that the NGC and the APRM supported the draft ‘Charter for Peace and National Reconciliation’ (*Charte pour la Paix et la Réconciliation Nationale*), which is obviously not within their mandate. Such

63 See the information statement by the national secretariat of the FFS, dated 30 November 2006, available on the site of the FFS: http://www.ffi-dz.com/spip.php?page=imprimer_articulo&id_article=402. We thank the FFS secretary for Youth and Judicial Affairs, Rachid Chaïbi, for having pointed it out to us.

64 Telephone interview with Professor Mohand Issad, 14 April 2009.

65 On this point, see our developments below.

66 This press release, dated 6 September 2005, is available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/09/18/1914834. It reports statements by Fatma-Zohra Karadja who ‘described ... the draft Charter for national peace and reconciliation as a “civilising project” and “proof of good governance” on the part of “a state capable of compassion”’. The problem here is not the position of F.-Z. Karadja, who is free to adopt whatever position she wishes. However, the fact that the press release presents Karadja as chair of the NGC is an issue, since it suggests that the NGC, as an institution created in the framework of APRM implementation, supports the project. An anomaly should also be pointed out: the quote from Karadja was made on 7 September according to the press release ... which, itself, is dated 6 September. A list of the wilayas visited, with no indication of the dates, appears in the Country Review Report in § 36, p. 41, and in the Joint Statement by the APRM team and the national focal point dated 20 December, which was published at the end of the mission, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=06/12/20/8380456.

a statement – although it was an isolated incident – was awkward to say the least.

The CRM also carried out sweeping consultations in the field.⁶⁷ During its stay in Algeria, the mission travelled:

- To the Guelma and Annaba⁶⁸ (wilayas in the eastern part of the country (14–16 November);
- To the wilayas of Sétif and Bordj Bou-Arreidj,⁶⁹ in the Hauts-Plateaux region (18–19 November);
- To the Oran,⁷⁰ Mostaganem and Tlemcen⁷¹ wilayas, in the western part of the country (19–21 November);
- To the wilayas of Ghardaïa, Ouargla and Tamanrasset, in the desert region known as Grand Sud (22–25 November);
- To the wilaya of Tizi-Ouzou, in Kabylia (30 November).⁷²

From a geographic, demographic, social and economic standpoint, the CRM took account of the major zones of the country.

During its visits, the mission was always accompanied by the chair of the NGC and sometimes by members of the bureau as well as the national focal point representative. The chair of the CNES, Professor Babès, who was also a member of the panel, was sometimes present, as in Annaba.⁷³

These visits to different regions of the country were of variable quality. For instance, the visit to the wilayas of Bordj Bou Arreridj only lasted ‘a few hours’,⁷⁴ during which the CRM toured an electronics business,⁷⁵ leaving little time to listen to local governance stakeholders in all their diversity.

67 A list of the wilayas visited, with no indication of the dates, appears in the Country Review Report in § 36, p. 41, and in the Joint Statement by the APRM team and the national focal point dated 20 December, which was published at the end of the mission, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=06/12/20/8380456.

68 See A. Djabali, ‘Des experts africains à Annaba’, in *El Watan*, 20 November 2006, available on: <http://www.elwatan.com/Des-experts-africains-a-Annaba>.

69 See the news brief on the visit, ‘Visite d’une délégation du MAEP’ in Abdelkader Djerbah, ‘Nouvelles de Bordj Boue Arréridj’, in *El Watan*, 23 November 2006, available on: <http://www.elwatan.com/Nouvelles-de-Bordj-Boue-Arreidj>.

70 See Djamel Benachour, ‘Visite du MAEP à Oran. Privilégier les solutions politiques’, in *El Watan*, 21 November 2006, available on: <http://www.elwatan.com/Le-MAEP-a-Oran>.

71 See C. Berriah, ‘Tlemcen. Algérie sous la loupe’, in *El Watan*, 22 November 2006, available on: <http://www.elwatan.com/Tlemcen,54523>.

72 See M.A.T., ‘Un panel d’experts africains y séjourne. Tizi Ouzou testée sur la gouvernance locale par le MAEP’, in *La Dépêche de Kabylie*, 2 December 2006, available on: <http://www.depechedekabylie.com/popread.php?id=31414&ed=1368>.

73 See the abovementioned article by A. Djabali, ‘Des experts africains à Annaba’, in *El Watan*, 20 November 2006.

74 See the abovementioned news brief on the visit, ‘Visite d’une délégation du MAEP’ in Abdelkader Djerbah, ‘Nouvelles de Bordj Boue Arréridj’, in *El Watan*, 23 November 2006.

75 See the abovementioned Joint Statement of 20 December 2006, § 15.

Generally speaking, the mission visited various achievements and institutions listed in the Joint Statement by the CRM and the national focal point of 20 December 2006.⁷⁶

In Annaba, the wali hosted a 'dinner-debate' that was open to the press. During the debate, Mrs Savané presented the APRM and indicated that the members of the CRM were available to listen to the participants.⁷⁷ According to one journalist, 'While the members of the executive and the Algerian local elected representative were measured in their speech, the same could not be said of the civil society representatives. Nothing was spared, including their rejection of the current system of governance, the unbridled wheeling and dealing amongst decision-makers, and the reforms undertaken in various socio-economic sectors. The panel members took copious notes.' The same journalist concluded that, 'for once, in Annaba, in the presence of the local authorities, the stage was set for a high level of transparency in governance at all levels of management of the country'.⁷⁸ On the other hand, the opinion of the *El Watan* correspondent on the workshop organised at Abou Bakr Belkaïd University in Tlemcen was severe. The journalist felt that, in terms of the principal aspects of political and economic governance, 'vital issues were left out' such as 'human rights, constitutional democracy (elections), conflicts with neighbours, the separation of powers, the independence of the judiciary [...] the state of corruption and the effectiveness of the fight against corruption, the rights of the underprivileged and the rights of women and children, among others!' In addition to criticising the lack of discussion on those matters, the journalist deplored the makeup of the participants. According to him, 'what we call civil society was absent'.⁷⁹

Although the consultations had their flaws, it remains that they were broad and diversified and that the work of the CRM did contribute to improving the self-assessment process.

Opinion of the international review team on the self-assessment process

Despite the particularly strong participation of the executive branch of government in promoting the success of the self-assessment process during the summer of 2006, as demonstrated by the organisation of an inter-ministerial council meeting on 7 August and a government council meeting on 29 August,

76 See ¶ 15. The APRM team visited 'the new Heliopolis University Pole in Guelma, the Ferhat Abbas University Pole in Sétif, the new faculty of medicine at the University of Tlemcen, the University of Ouargla and the University of Tamanrasset, *inter alia*. The Team also visited community development projects such as the new urban zone in Bouhroua and the new village of Boubrik in Ghardaïa; social housing construction sites in the city of Tamanrasset, the industrial zone and the "Condor" electronics business in Bordj Bou-Arredj, the amusement park and international conference centre in Tlemcen, the Trans-Saharan highway, and a private clinic in Tizi-Ouzou'.

77 See the abovementioned article by A. Djabali, 'Des experts africains à Annaba', in *El Watan*, 20 November 2006.

78 See Leïla Azzouz, 'Le fait du jour. MAEP et transparence', in *El Watan*, 18 November 2006, available on: <http://www.elwatan.com/Le-fait-du-jour,54112>.

79 See the abovementioned article by C. Berriah, 'Tlemcen. L'Algérie sous la loupe', in *El Watan*, 22 November 2006, available on: <http://www.elwatan.com/Tlemcen,54523>.

which approved the finalisation of the self-assessment report, at the time of the CRM, the opinion survey issue had still not been completely resolved.

Indeed, the CRM, in its own words, 'having noted the gaps in the national self-assessment report regarding complex situations in such a huge country, felt that opinion surveys should have been conducted to obtain multiple perspectives on the governance situation in the country'.⁸⁰ In other words, the CRM felt that the information and data contained in the self-assessment report were too governmental. Generally speaking, the NGC did not lack for raw data provided by various ministerial departments and public institutions. However, the work of the NGC was undermined by the lack of impact studies⁸¹ on the different socio-economic programmes undertaken by the executive, whose effectiveness and efficiency in terms of improving the quality of life of Algerian citizens were difficult to measure.

The judgement formulated by the CRM in autumn 2006 apparently had a positive impact, since surveys were conducted in January/February 2007 and their findings were included in the self-assessment report submitted to the APRM Secretariat in early March 2007.

Technical research institutes and additional surveys

Not until more than one year after the setting up of the NGC were institutions other than the CNES officially called upon to serve as technical research institutes (TRIs) to enhance the report through surveys and field research on the four APRM themes. This was done following a recommendation issued by the CRM during its stay in Algeria from 10 November to 5 December 2006.

On recommendation by the CRM, four TRIs were appointed and each was responsible for one of the four themes. The institutes were:

- The *Centre national d'études et d'analyses pour la population et le développement* (CENEAP, the National Centre for Population and Development Studies), responsible for Democracy and Political Governance;
- The *Centre de recherche en économie appliquée pour le développement* (CREAD, the Centre for Research Applied Economics for Development), in charge of Economic Governance and Management;
- The University of Tlemcen, focusing on Corporate Governance;
- The *Centre de recherche en anthropologie sociale et culturelle* (CRASC, the Centre for Research in Social and Cultural Anthropology), responsible for Socio-economic Development.

The CNES continued to play a role in data processing when the self-assessment report was revised in follow-up to the comments of the CRM. It seems that

⁸⁰ Country Review Report, § 39, p. 41.

⁸¹ Interview with Fatma-Zohra Karadja, chair of the NGC. Algiers, 8 November 2008. Interviews with various members of the executive.

the CNES had already called upon certain members of the aforementioned institutions to participate in its work in the self-assessment process before the research organisations were officially appointed as TRIs. However, it appears that initial contacts with certain members of the academic community were not always easy.⁸²

From a practical standpoint, the studies conducted by the TRIs were ordered by the focal point from the office of the deputy minister in charge of African and Maghrebian affairs.

All of the TRIs had strong experience in the field of study for which they were responsible. The CENEAP was a research institute placed under the supervision of the Ministry of the Interior and Local Authorities, whilst the CRASC and the CREAD were supervised by the Ministry of Higher Education and Scientific Research. All three research centres published periodical journals that were a reference in their field.⁸³ Like the University of Tlemcen, they were very active in the field of scientific research, including through ties with foreign research institutions in Africa and Europe.

The TRIs conducted field surveys, chiefly during the months of January and February 2007, in order to improve the quality of the self-assessment report. The CRM, in its own words, 'having noted the gaps in the national self-assessment report regarding complex situations in such a huge country, felt that opinion surveys should have been conducted to obtain perspectives on the governance situation in the country'.⁸⁴ This was to say that the CRM found the information and data contained in the self-assessment report too government-oriented and one-sided. Because it was only following a recommendation issued by the CRM – a recommendation that had already been made by the support mission in July 2006⁸⁵ – that other TRIs besides the CNES were called upon to conduct technical research, opinion surveys were undertaken very late in the self-assessment process and had to be done rapidly in January and February 2007 so that the self-assessment report could be submitted to the APRM secretariat in early March 2007.

The CNES seems to have played an important role both upstream and downstream in the development of the research methodology⁸⁶ and in the insertion of the survey findings into the final self-assessment report. Unfortunately, that is all we know on the subject, since our repeated requests for a meeting with the CNES went unanswered.

82 At least one researcher appointed by his institution decided not to participate in the process after realising that some of his critical comments were not accepted. This was Professor Benhamou, a human rights specialist at the University of Tlemcen. However, he still viewed the self-assessment exercise as a success. Telephone interview with Professor Benhamou, 6 January 2009.

83 These are: *Revue du CENEAP*, *Cahiers du CREAD* and *Insaniyat*, the journal of the CRASC.

84 Country Review Report, § 39, p. 41.

85 See the 'Communiqué à l'issue de la Mission de Soutien du Mécanisme Africain d'Évaluation par les Pairs (MAEP) en Algérie, 23–25 juillet 2005', 26 July 2005, available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/27/994742.

86 Interviews with the members of the executive and report on the status of the implementation of the national action plan on governance.

The opinion surveys on the theme of Democracy and Political Governance were conducted by the CENEAP. The TRI was given scarcely more than a month to conduct the surveys under its responsibility. The CENEAP conducted a stakeholder survey targeting various actors in Democracy and Political Governance, especially elected representatives, members of political parties and lawyers. The survey reached ‘several hundred people’ across the country.⁸⁷ The survey was based on the APRM questionnaire, which was adapted for the purpose.

The CREAD was responsible for the theme of Economic Governance and Management. The TRI carried out qualitative and quantitative surveys based on the APRM questionnaire, which it also adapted. The CREAD used a sampling technique and a self-administered questionnaire based on the APRM questionnaire, whose questions were reformulated in the framework of semi-structured interviews. The TRI tried to adhere as closely as possible to the APRM questionnaire.⁸⁸

The University of Tlemcen, which conducted the survey on corporate governance, surveyed some 800 Algerian SMEs (small and medium enterprises).⁸⁹

The survey findings were subsequently integrated into the self-assessment report by a drafting team in which the CNES was an active participant.

Final visit by the CRM (4–16 March 2007) and submission of self-assessment report

After her visit in autumn 2006, Mrs Savané led one last CRM in Algiers from 4–16 March 2007, in line with the schedule agreed upon with the Algerian authorities. According to the country review report, ‘the aim of the mission was to update its information in light of the latest developments taking place in the country, and to finalise the draft APRM report on Algeria’.⁹⁰

The final version of the self-assessment report was officially submitted to the CRM on 5 March during a ceremony held in the presence of Abdelkader Messahel, the deputy minister in charge of African and Maghrebian affairs; F.-Z. Karadja, chair of the National Governing Council; and Professor Babès, chair of the CNES.⁹¹ The next day, the NGC presented the report to the CRM, in great detail, including explanations on its methodology, behind closed doors. At the same time, a ‘draft 2007–2009 programme of action’ was also presented.⁹²

87 Interview with Saïd Benmerad at CENEAP headquarters in Birkhadem, Algiers, 18 January 2009.

88 Telephone interview with Mr Hammouda of the CREAD, 14 January 2009.

89 According to the information in the review report. We were unable to obtain information on the work of the CRASC, which was responsible for the fourth theme.

90 Country Review Report, § 1.14, p. 4.

91 See the press release of 6 March 2006, entitled ‘Le Rapport d’autoévaluation de l’Algérie remis au MAEP’, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/03/05/7176203.

92 See ‘Présentation du Rapport national d’autoévaluation’, in *El Watan*, 7 March 2007, available on: <http://www.elwatan.com/IMG/pdf/elwatan07032007.pdf>, p. 5.

During its visit, the CRM toured the headquarters of national security (*Direction générale de la sûreté nationale, DGSN*), on the occasion of international women's day.⁹³

Presentation at the APRM Forum

The country review report on Algeria was presented in Accra, Ghana, on 1 July 2007, at the 7th APRM forum of heads of state and government. The day before, President Bouteflika met with Mrs Savané to 'prepare' for the presentation. The audience took place in the presence of the minister of foreign affairs, Mourad Medelci, of the national focal point, Abdelkader Messahel, and of the chair of the CNES, Professor Babès.

During her presentation of the report,⁹⁴ Savané stressed that 'the self-assessment report submitted by Algeria met AU standards of professionalism and credibility'. She also pointed out the failings of the self-assessment report, adding that the CRM 'felt, based on its own analyses and observations, that certain recommendations and the ensuing programmes of action could be strengthened and better targeted'. Savané further emphasised the political support that the review process had enjoyed at the highest levels of government.

'The political will and the commitment of the leadership to following through on institutional, political and economic reforms' was in fact the first of 14 Algerian 'assets' identified in the synthesis, which the eminent personality listed as follows:

- a progressive return to peace and stability;
- a policy of national reconciliation;
- human resource development thanks to free education and healthcare;
- tremendous natural resources;
- achievement of most of the Millennium Development Goals and the ability to meet the commitments undertaken for 2015;
- a high life expectancy;
- strong and cautious management of financial resources;
- the hydrocarbon Revenue Regulation Fund (FRR);
- independent decision-making regarding the choice of financing for development programmes;

93 See Farid B., 'Mme Marie-Angélique Savané l'a affirmé hier après-midi à Alger à l'issue d'une rencontre à la DGSN. "L'expérience de l'Algérie dans la sécurité du citoyen mérite d'être développée dans d'autres pays africains"', *El Moudjahid*, 8 March 2007, p. 4, available on: www.dgsn.dz/fr/revue_presse_elmoudjahido8.03.2007.pdf.

94 See 'Synthèse du Rapport sur l'Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra'. Press release dated 2 July 2007 available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374. See also the report by Nadjia Bouaricha, '7e Forum du MAEP. L'Algérie épinglée sur la corruption et le chômage', in *El Watan*, 3 July 2007, available on: <http://www.elwatan.com/7e-Forum-du-Maep> and Mahmoud Mamart, 'Mécanisme africain d'évaluation par les pairs (MAEP). Un constat clément sur la gouvernance en Algérie', in *El Watan*, 9 July 2007, available on: <http://www.elwatan.com/Mecanisme-africain-d-evaluation,72180>.

- an ‘active and perspicacious diplomatic corps;
- a vibrant private press;
- an emerging civil society; and
- a large number of universities.

Mrs Savané also identified 11 ‘challenges’ in her summary. These were:

- reforming and modernising the state;
- gender equality issues and socio-cultural inertia;
- youth unemployment;
- environment and regional imbalances;
- broadening its growth base and diversifying its economic sectors;
- controlling inflation;
- empowerment of social and economic stakeholders;
- consolidation of national reconciliation and peace;
- the fight against corruption;
- accelerating structural reforms;
- proper matching of training to employment.

According to Savané, in order to meet those challenges, Algeria needed to resolve five ‘core issues’: state reform and modernisation; corruption and money-laundering; gender equality; youth employment and land development.

Mrs Savané and the panel felt that the success of state reform and of reforms in general depended on the ‘appropriateness of the procedures implemented’ and that it ‘is therefore urgent to move beyond issue of “enlightened and visionary leadership” and use a participatory approach to guide the decision-making processes to be implemented’. In the view of the panel, this ‘prerequisite’ and a ‘revolution of mentalities’ were necessary for ‘the Algerian nation [...] to win the battle of reforming and modernising the state and society’. The synthesis by Savané therefore addressed – in diplomatic terms – the fundamental governance issue in Algeria: that of the low level of participation of citizens in the public life of the nation and especially in decision-making, either directly or indirectly. Although she noted a ‘progressive return to peace and stability’ in her synthesis, Savané failed to mention the state of emergency in effect for more than 15 years, which constitutes one of the core characteristics of governance in Algeria.

President Bouteflika, in his address to the heads of state and government, described the presentation by Mrs Savané as ‘instructive’ and the Country Review Report as ‘very solid’ and ‘excellent’. The head of state stressed the ‘major processes of change’ undertaken by Algeria and the ‘tremendous efforts’ made by the country. He felt that those efforts ‘were reflected in their foundation, scope and purpose by the national self-assessment exercise’, which ‘objectively highlighted’ the challenges faced in the process of modernising the state and society. President Bouteflika felt that ‘the most important challenge

is, undoubtedly, the consolidation of the return to peace after the long and difficult period of instability and insecurity' that Algeria experienced, and he stated that 'it is that spirit of reconciliation, of dealing with the considerable consequences of our national tragedy, that currently guides government policies and actions in various areas'.⁹⁵

Launching of the review report and plan of action

To the extent of our knowledge, no official ceremony was held to launch the country review report after the six-month deadline that the APRM rules give states under review to publish a report. According to the national focal point, in July 2007 'a synthesis was made public which reported some of the "good practices" in Algeria, particularly in the area of leadership, based on the programme undertaken by President Bouteflika, in matters of national reconciliation, education, healthcare and infrastructure'.⁹⁶

Subsequently, the country review report was placed online on the website of the Ministry of Foreign Affairs, which was the supervisory ministry of the deputy minister in charge of African and Maghrebian affairs, who served as the national focal point. In the 18 months following the presentation of the report during the 7th forum of APRM heads of state and government on 1 July 2007, it seems that no steps were taken to present or disseminate the report in the different regions of the country. At the end of 2008, the Arabic version of the country review report, which was already available online in French and English,⁹⁷ was in the process of being finalised. This way of going about things bears witness to the inconsistency of the official language policy in Algeria. Indeed, the authorities constantly and dogmatically proclaim that they wish to promote the Arabic language, which is the only official language in Algeria, and yet they did not provide citizens with an Arabic version of the country review report. Between July 2007 and the end of 2008, there were no reports in the press on any initiatives aimed at presenting and disseminating the country review report in Algeria as was done by the national focal point a few weeks prior to the presidential election of April 2009.

In March 2009, the national focal point, A. Messahel, made presentations in three Algerian universities⁹⁸ on the overall APRM implementation process in Algeria, the country review report drafted by the country review mission, and Algerian governance policies. Messahel met with the academic community in

95 'Intervention du Président Bouteflika au 7ème Forum des Chefs d'Etat et de Gouvernement du MAEP (Accra, dimanche 1er juillet 2007)'. press release, 2 July 2007, full text available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/02/3151669.

96 See the press release dated 16 July 2007, 'M. Messahel : le rapport d'évaluation sur la gouvernance en Algérie est l'un des "plus transparents"', available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/15/0443837

97 As at 15 June 2009.

98 The text of the contribution by A. Messahel during the university conference tour is available on the site of the Ministry of Foreign Affairs under the title 'Conférence de M. Abdelkader Messahel', 16 March 2009, available at: http://193.194.78.233/ma_fr/stories.php?story=09/03/25/3906353.

Oran on 11 March,⁹⁹ in Constantine on 14 March¹⁰⁰ and in Béjaïa on 15 March.¹⁰¹ There do not seem to have been any other events relating to the APRM since then, and, particularly, none involving the members of the NGC. During his different addresses, Messahel stressed that democracy and political governance were ‘undeniably the most important part of the governance review exercise, according to the national focal point. In his view, governance mainly involved four themes in Algeria: national reconciliation, organisation of elections, consolidation of the Rule of Law and the fight against corruption.

The official national plan of action was appended to the country review report. According to Mrs Savané, the country review mission considered ‘that certain recommendations and the ensuing programmes of action could be strengthened and better targeted’.¹⁰² This opinion can only be shared after reading the document, and it was confirmed in the report on the implementation status of the national action programme on governance.

The document, which is available on the home page of the website of the Ministry of Foreign Affairs, is dated November 2008. It was written¹⁰³ in conformity with the methodological guidelines of the APRM secretariat and the panel of eminent persons and takes account of the findings of the preparatory workshop organised by the APRM secretariat in Pretoria on 8 and 9 October 2009 on ‘the rationalisation and acceleration of the APRM process’ and those of the workshop organised jointly by the CNES and the APRM secretariat in Algiers on 8 and 9 November 2007. The national focal point, under the direct authority of the head of government, played a decisive role in the drafting of the report, notably supported by the CNES and ‘research institutions, including the CENEAP’¹⁰⁴ as well as by the focal points created in various ministries and public institutions. The latter were mandated to monitor the implementation of the plan of action in their sector of activity and write regular interim reports on the progress achieved. The writers of the

99 See ‘Messahel : l’Algérie sollicitée par le MAEP pour ses pratiques de gouvernance exemplaires’, press release, 14 March 2009, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/14/0210942; H. Barti, ‘Oran : le plaidoyer de Messahel’, *Le Quotidien d’Oran*, 12 March 2009, available at: http://www.lequotidien-oran.com/index.php?news=5117190&archive_date=2009-03-12.

100 ‘Rapport national d’évaluation du MAEP – Messahel à Constantine : “Démocratie et gouvernance politique, axe édifiant pour l’évaluation des avancées de l’Algérie”’, press release, 15 March 2009, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/14/0242361 and *El Moudjahid*, 14 March 2009, available on: <http://www.elmoudjahid.com/accueil/cooperation/28928.html>; Amar Rafa, ‘Lors d’une conférence consacrée au rapport de l’Algérie par le MAEP. Messahel souligne les “acquis importants” de l’Algérie ces dix dernières années’, *La Tribune*, 15 March 2009, available at: <http://www.latribune-online.com/evenement/13402.html>.

101 See ‘M. Messahel expose le rapport du MAEP à l’Université de Béjaïa’, press release, 15 March 2009, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=09/03/14/0253089 and *El Moudjahid*, 15 March, available at <http://www.elmoudjahid.com/accueil/cooperation/29083.html>; Arezki Slimani, ‘Abdelkader Messahel à Béjaïa : “La Réconciliation est un acquis indéniable”’, *L’Expression*, 16 March 2009, p. 4, www.lexpressiondz.com.

102 See ‘Synthèse du Rapport sur l’Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra’, press release, 2 July 2007, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374.

103 On this issue, see the Country Review Report on the implementation status of the national plan of action on governance, pp. 8–11.

104 The Country Review Report (p. 10) does not specify what other research institutes were involved.

report worked in four theme groups. The sector report mechanism was set up in the different public administrative departments in July 2007, and regular meetings were organised with technical partners throughout 2008.

In the view of the national focal point, 'in addition to espousing the philosophy of the African mechanism, over the last two years, the government's programme of action and plan of action were structured in such a way as to integrate the approach and objectives of the National Programme on Governance'. He added that 'Algeria is the first African country to achieve this symbiosis of the principles and objectives developed in the APRM and national public policies'.¹⁰⁵ This 'symbiosis' was illustrated, according to the Report on Implementation, by 'the government programme approved by the National Assembly on 28 June 2007 which explicitly refers to the APRM'.¹⁰⁶ It was also reflected in the government plan of action for the implementation of the 2009 programme of the president of the republic, which strongly resembled the foregoing.¹⁰⁷

Review of the problems and shortcomings of the process

The strong political backing of the president of the republic made the self-assessment and review process a success in a country whose institutions did not have a pluralistic tradition, which was just emerging from a decade of devastating and traumatic violence, and which had been subjected to a state of emergency for more than 15 years. From that standpoint and in the opinion of a great majority of observers, this novel undertaking was a definite success. In this regard, the fact that 13 ministers were heard by the NGC in late 2005, in the presence of M.-A. Savané, was highly symbolic.

The review process was, however, not without flaws and difficulties. These notably included problems of representativeness due to structural political reasons, despite undeniably strong participation by non-governmental bodies; a low level of awareness surrounding the process; difficulties in the administration of the questionnaire, and difficult access to information. Furthermore, the fact that both the review report and the self-assessment report failed to address certain questions was problematic.

The political will of the president of the republic

The strong political will of the president of the republic to make the review process a success was clearly apparent in the NGC inauguration address spoken by the head of government on behalf of the president of the republic. This political will was symbolised by the image of Algeria as a 'transparent house' or 'glass house', and it was further reflected in the president's recommendation to

¹⁰⁵ See the aforementioned 'Conférence de M. Abdelkader Messahel' (16 March 2009).

¹⁰⁶ Report on the implementation of the plan of action, p. 9.

¹⁰⁷ See in particular the second chapter; pp. 7 *et seq.* This document is available on the portal of the prime minister: <http://www.premier-ministre.gov.dz/media/PDF/plan2009.pdf>.

the review participants, urging them to put their fingers on the ‘sore spots’,¹⁰⁸ which served as a leitmotiv.

The APRM review report also stressed the personal involvement of the president in having the country reviewed as the first practical example¹⁰⁹. The president’s commitment to the process can be illustrated by the audience he granted, lasting more than three hours, to the members of the support mission in July 2005 and the five-hour audience he granted to the country review mission on 12 November 2006.

President Bouteflika also granted several other audiences to Mrs Savané, in Abuja on 19 June 2005¹¹⁰, in Algiers on 17 April 2007¹¹¹ and in Accra on 30 June 2007.¹¹²

Savané also met with the head of government, Ahmed Ouyahia, on 25 July 2005¹¹³ and with his successor, Abdelaziz Belkhadem, on 25 November 2006 and 5 December 2006.¹¹⁴

She was also granted audiences with other members of government and speakers of the various representative assemblies.

This personal involvement on the part of the president of the republic went a long way to facilitating the work of the NGC and its contacts with various public institutions: the ministries in particular, as well as the walis, which are the equivalent of prefects, local representatives of the state in each wilaya. Instructions were sent out by the office of the president of the republic and the office of the head of government to help the NGC fulfil its mission. President Bouteflika’s strong and clear commitment was particularly important, since the process was perceived by the public administration, especially at the outset, as a form of meddling in its affairs by a Council with a high proportion of members from civil society. Thus, relations between the NGC and local authorities were laborious at the start, since the latter thought they were going to be assessed by the Council. After the initial tension was dissipated, relations improved considerably thanks to the endorsement of the president and the explanations provided by the NGC.¹¹⁵

¹⁰⁸ For example, see the Country Review Report, pp. 38 and 50.

¹⁰⁹ Country Review Report, p. 50.

¹¹⁰ On the sidelines of the 3rd forum of heads of state and government of APRM participant countries. See the press release dated 20 June 2005, entitled ‘Le Président Bouteflika regagne Alger après avoir pris part à la 3ème réunion du MAEP à Abuja’, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/06/20/0876234.

¹¹¹ See the press release of 18 April 2007 on the site of the Ministry of Foreign Affairs, entitled: ‘Le Président Bouteflika reçoit Mme Marie-Angélique Savané’, available on: http://193.194.78.233/ma_fr/stories.php?story=07/04/18/1872933.

¹¹² See the press release of 1 July 2007, on the site of the Ministry of Foreign Affairs, entitled: ‘Le Président Bouteflika reçoit Mme Savané’, available on: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6202969.

¹¹³ See the Ministry of Foreign Affairs press release of 25 July 2005, entitled ‘Ouyahia : L’Algérie disponible à coopérer avec le MAEP’, available on: http://193.194.78.233/ma_fr/stories.php?story=05/07/25/6859387.

¹¹⁴ See the press releases dated 25 November 2006 and 5 December 2006, on the site of the Ministry of Foreign Affairs, respectively entitled ‘M. Belkhadem reçoit Mme Marie Angélique Savané’, available on: http://193.194.78.233/ma_fr/stories.php?story=06/11/26/9647867 and ‘Le Chef du Gouvernement reçoit Mme Savané’, available on: http://193.194.78.233/ma_fr/stories.php?story=06/12/05/8112636.

¹¹⁵ Interview with Fatma-Zohra Karadja, chair of the NGC. Algiers, 8 November 2008.

The very need for this type of approach reflects the extent to which the Algerian administration is mistrustful of all outside eyes.¹¹⁶ It also bears witness to a rather vertical power structure in which the initiative must come from the top for the administrative system to react positively to an undertaking of this kind, or indeed to any undertaking at all.

The president's political will was manifested in the provision of the necessary resources to ensure the success of the NGC mission, as was confirmed by all of the members of the NGC bureau with whom we met.

Support by the head of government

The head of government obviously played a role throughout the process. His involvement was even stronger during the formalisation of the draft self-assessment report. It was chiefly reflected by the organisation of an inter-ministerial council meeting on 7 August 2006. The meeting was convened by the head of government upon request by the NGC. It was attended by the chair of the NGC, F.-Z. Karadja, as well as by virtually all of the members of the Government. The inter-ministerial council meeting helped improve the quality of the self-assessment report. The information provided by the different ministerial departments tended to be overly descriptive, and the inter-ministerial council meeting of 7 August 2006 was able to reduce the share of descriptions in the draft report and make it more appraising.

Subsequently, a government council meeting¹¹⁷ held on 29 August 2006 approved the finalisation of the self-assessment report.

NGC hearing of 13 ministers in the presence of Mrs Savané and African experts

On 30 November and 1 December 2005, the NGC heard 13 Algerian government ministers in the framework of the self-assessment process.¹¹⁸ The hearing sessions notably focused on the '2005/2009 five-year recovery plan' and on its ties to the programme of action to follow from the self-assessment process.

The exercise was completely novel in Algeria and appeared to be highly symbolic. Indeed, in Algerian political practice, the executive branch in general and ministers in particular are only exceptionally asked to account for their actions, even before national elected representatives.¹¹⁹ A tenuous tradition of debate before parliamentary bodies has begun to establish itself in recent years, but it remains very hesitant.

¹¹⁶ This lack of confidence was expressed by the head of government at that time, Ahmed Ouyahia, in his abovementioned address on 12 March 2005, on the occasion of the inauguration of the NGC.

¹¹⁷ The *Conseil du Gouvernement* (council of government) is presided over by the head of government (who bears the title of prime minister since the constitutional reform of autumn 2008) whereas the *Conseil des ministres* (council of ministers) is presided over by the head of state, i.e. the president of the republic.

¹¹⁸ See 'Début d'une rencontre entre la Commission de gouvernance et des membres du Gouvernement', press release, 5 December 2005, available on the website of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=05/12/03/4564690.

¹¹⁹ *Inter alia*, Article 133 of the Constitution of 1996 provides that 'members of parliament may question the government on topical issues' and that 'parliamentary commissions may hear members of government'. In addition, Article 134 provides that 'members of parliament may address any question to any member of government, in oral or written form'.

The undertaking was initiated by the members of the NGC and it obviously could never have taken place without the approval and support of the president of the republic, who was initially to attend the hearings. They took place scant days before the meeting of the Union of African National Economic and Social Councils on the Millennium Development Goals at the Palais des Nations, thereby facilitating the presence of African observers such as Mrs Savané, who was personally invited by the president of the republic.

The commitment of the head of state also had a spill-over impact on government ministers¹²⁰ and overcame the reticence of certain ministers who apparently did not initially intend to participate in the exercise.¹²¹

Despite some lingering reticence,¹²² the hearings were useful. They allowed for real debate between the members of the NGC and the members of the government in attendance during two full days. They allowed concrete progress to be made in the review process, particularly on socio-economic issues. Furthermore, thanks notably to relatively strong media coverage, the hearings were useful if only for their highly symbolic and instructive value. Certain issues that were stressed, such as the fact that an inter-ministerial council meeting had to be organised in August 2006 to make the data supplied to the NGC by the different administrative departments less descriptive and more appreciative, and the fact that the NGC still lacked impact studies on public policies,¹²³ lead us to believe that the hearings were also a communications operation aimed at the members of the CRM.

The APRM assessment reflected in the CNES 2007 National Report on Human Development

It is worthy of note that the National Report on Human Development (*Rapport National sur le Développement Humain, RNDH*) produced by the CNES for the year 2007 took account of the perspectives on human development found in the APRM review report. The CNES included a special section in the 2007 RNDH, entitled '*Un regard externe sur le développement humain à travers l'évaluation pays dans le cadre du APRM*' (An outside perspective on human development through the APRM country review). The RNDH did not repeat all of the conclusions of the APRM report or make a synthesis of it. The special section was presented as an extract of 'assessments directly linked to human development, with a view to consolidating, or even comparing findings'¹²⁴ and its aim was to make the RNDH a more thorough and complete report.

120 Interview with Fatma-Zohra Karadja, Chair of the NGC. Algiers, 8 November 2008.

121 Some 'were unwilling to participate in the question-and-answer period, and were duly admonished' according to F.-Z. Karadja, as quoted in the press.

122 See A.O. Tahar, 'Enquête nationale d'évaluation de la bonne gouvernance. Des ministres refusent de répondre à la Commission Nationale', in *La Voix de l'Oranie*, 14 January 2007.

123 It is totally abnormal that the impact of public policies was never really studied in Algeria, or at least that such studies—when they did exist—were never submitted to the judgement of the citizens and were never publicly debated. In recent years, hearings of ministers by the president of the republic have constituted a sort of serial saga, especially during the month of Ramadan.

124 *Rapport National sur le Développement Humain 2007*, CNES, July 2008, p. 79, available on the CNES website: www.cnes.dz

This inclusion in the RNDH report, in addition to the fact that it was useful for the RNDH, was also helpful in that it contributed to the dissemination of the findings of the APRM report in expert circles.

Representation of civil society within the NGC

This question encompasses two aspects: representation of associations and representation of labour and employers' organisations.

Lack of representation of so-called 'politically sensitive' organisations

One principle that was followed in the composition of the National Governing Council was only to call upon legally registered associations as representatives of civil society. On first sight, this principle can hardly be criticised. Law No. 90-31 of 4 December 1990 on associations stipulates that associations are properly formed after submitting a declaration of incorporation to the appropriate public authorities.¹²⁵ The latter have 60 days following the submission of the declaration of incorporation to deliver a registration receipt. Furthermore, when the competent authorities consider that the incorporation of an association is contrary to the provisions of law, it has an additional month and a half following the submission of the declaration to seize the administrative chamber of the court with territorial jurisdiction, which then has 30 days to rule. Under the terms of the law, the competent authorities have only two choices: either to deliver a receipt and register the association so that it has legal status, or ask a court of justice to rule on the matter.

However, this principle is not upheld in practice. Often, when a declaration of incorporation is submitted, the competent authorities do not grant a receipt, nor do they seize a court of justice as they are required to do by law. In particular, this fate has befallen certain human rights associations, such as SOS Disparus, a group for families of victims of forced disappearances in the 1990s, which is an extremely sensitive issue. SOS Disparus exists in Algeria and also has a sister association abroad, in France, known as the collective of families of the disappeared in Algeria (*Collectif des Familles de Disparu(e)s en Algérie*, CFDA). The latter organisation was granted observer status by the African Commission on Human and Peoples' Rights during its 44th ordinary session in November 2008.

As an in-depth study has demonstrated, the Algerian associational landscape is characterised by the 'scarcity of associations involved in protest, human rights, and what are commonly known as "politically sensitive" associations'.¹²⁶ Their scarcity is undoubtedly due in part to the policy of refusing to register certain associations, a policy criticised by the United Nations Human Rights Committee. In its concluding observations of 1 November 2007 on the 3rd

¹²⁵ The wali having jurisdiction over the territory in the case of local associations, and the minister of the interior for national or inter-wilaya associations. The law is available on the website of the Gazette: http://www.joradp.dz/JJO8499/1990/053/F_Pag.htm.

¹²⁶ See the study by Omar Derras, *Le phénomène associatif en Algérie. Etat des lieux : participation sociale et vitalité associative*, Algiers, Friedrich Ebert Stiftung, Algiers Office, January 2007, p. 35.

Periodic Report by Algeria, covering the period from July 1998 to September 2006, the Human Rights Committee was ‘concerned that numerous human rights organisations and advocates were unable to freely exercise their activities’ and recommended to the Algerian authorities that they should henceforth ‘guarantee the right of all associations to appeal when refused registration’.¹²⁷

Under those conditions, the representation of civil society within the NGC was skewed from the start, because certain civil society groups were prevented from legally incorporating as associations, particularly those dealing with ‘politically sensitive’ issues, which of course are highly relevant to governance.

In other situations, registration was accepted on condition that the association renounced its national vocation and agreed to be a local association operating only within the territory of a single wilaya. Generally speaking, it was noted in the aforementioned study that ‘everything seems [...] to indicate that the state wants to shape the associational landscape to suit its own purposes, giving it a specific function as a natural extension of and servant to the whims of the state’.¹²⁸

Under such conditions, it is hardly surprising that certain associations that were legally registered but were highly critical of the policies of the executive branch in their area of activity were not contacted, such as the Djazaïrouna association of families of victims of terrorism¹²⁹ or Somoud, an association of families of victims abducted by armed Muslim fundamentalist groups.¹³⁰ These associations, which were legally registered, were not asked to send representatives to the NGC. Neither were they consulted during the hearings organised by the NGC or later by the country review mission.

The fact that such organisations, which are absolutely legal,¹³¹ were not in any way involved in the self-assessment process despite being very active in areas relevant to governance can hardly be seen as an accident. Indeed, their common denominator was that they publicly opposed the policies of the president of the republic on *de facto* amnesty for Muslim fundamentalist activists who committed murder. It should be pointed out that the creation of the NGC in March 2005 coincided with debates on the transition from the ‘civil harmony’ instituted in 1999 to the next step reflected by the adoption of the

127 Paragraph 25 of the Concluding Observations of the United Nations Human Rights Committee adopted on 1 November 2007, on the 3rd Periodic Report submitted by Algeria pursuant to Article 40 of the International Covenant on Civil and Political Rights (CCPR/C/DZA/CO/3). Available on: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/457/75/PDF/G0745775.pdf?OpenElement> or <http://www2.ohchr.org/english/bodies/hrc/hracs91.htm>.

128 Omar Derras, *Le phénomène associatif en Algérie*, op. cit., p. 35.

129 Interview with Cherifa Kheddar, Chair of Djazaïrouna, 6 March 2009.

130 Interviews with Adnène Bouchaib, vice president of Somoud, 6 and 11 March 2009. Like Djazaïrouna, Somoud is a local association. It is registered in the wilaya of Algiers. In 1996, Somoud submitted an application to the Ministry of the Interior to register as a national association. The application was never answered.

131 Furthermore, if one attempted to justify the situation by the fact that the associations were local in scope, that argument would be debatable to the extent that the country had only 948 national associations and more than 30 million inhabitants and 79023 local associations, which were therefore far more numerous. These figures on associations appear in paragraph 195 (p. 81) of the Country Review Report.

‘Charter for peace and national reconciliation’¹³² by referendum in September 2005, following a campaign distinguished by its lack of open forums.¹³³

To all of these issues, we can add the fact that a large number of associations that served as mass organisations of the former single party, such as the UNPA and the UNFA, were represented within the NGC. Without taking away from the quality of their work in the field, these associations tended to be organisations ‘with an allegiance to power’¹³⁴ and not known for their criticism of the executive branch, which can be something of a hindrance if they are supposed to ‘put their fingers on the sore spots’.

Despite the fact that there was no official list made available to the public of the members of the NGC or the associations represented therein, the foregoing information does cast some doubt on the quality of its representation of civil society. Indeed, it appears that the representation of civil society within the NGC was flawed and that the ideas and interests of certain sectors of civil society were not represented during the self-assessment. It should be pointed out that this information is in no way intended to cast doubt on the honourableness or quality of the work of the associations that were represented within the NGC.

Representation of labour and employers’ organisations

This representation involves two components: workers’ unions and employers’ organisations.

Regarding trade unions, note should be taken of the low level of unionisation in the private sector, which necessarily had repercussions in terms of the absence of unions representing private-sector workers within the NGC. Still, there are 75 trade unions in Algeria, operating ‘under unequal conditions’,¹³⁵ chiefly in the public sector. The UGTA seems to have been the only general trade union involved in the work of the NGC.

The UGTA’s main rival union, SNAPAP (*Syndicat National Autonome des personnels de l’Administration Publique*), an independent national union of public administration staff, was not invited to send representatives to the NGC.¹³⁶ This could have been due to the fact that, at the time of the creation of the NGC (as was still the case at the time of the writing of this report),

132 ‘Civil harmony’ and ‘national reconciliation’ were the names given to the process initiated by President Bouteflika in 1999, which was supposed to bring lasting peace. The process involved amnesty (which was partial in legal terms, but very broad in practice) for armed Muslim fundamentalists and the prohibition of legal action against any agents of the state who were suspected of having committed crimes during the violent events of the 1990s, rebaptised as the ‘national tragedy’. Impunity and forgetfulness were one of the two major thrusts of the process, along with abstaining from seeking out the political and penal responsibilities of the various actors of that time in the commission of certain crimes. This focus tends to depoliticise the events of the 1990s, which are given the generic label of ‘national tragedy’, which could very well apply to damage caused by a natural disaster.

133 See, among other references, A. Benchabane, ‘La presse étrangère et le référendum. Des doutes sur la véracité des chiffres’, in *El Watan*, 2 October 2005, available on: <http://www.elwatan.com/La-presse-etrangere-et-le-referendum>.

134 To use an expression taken from O. Derras, *Le phénomène associatif en Algérie*, *op. cit.*, p. 36. Such bonds of allegiance are pre-eminent in the Algerian associational landscape, as pointed out by Ammar Belhimmer, *Le pluralisme politique, syndical et associatif*, Friedrich Ebert Stiftung, Algiers, September 2008, p. 45.

135 Ammar Belhimmer, *Le pluralisme politique, syndical et associatif*, *op. cit.*, p. 29.

136 Various contacts with Rachid Malaoui, president of SNAPAP, in January and March 2009.

the authorities were opposed to emergence of independent trade unions¹³⁷ that could challenge the hegemony of the UGTA, which has close ties to the regime in power.¹³⁸ SNAPAP, which is one of the largest of such unions, was a particular target.

The UGTA was the only authorised trade union in the days of the single party and, in a way, the current regime and the UGTA are both descendants of the single-party system that prevailed in Algeria up until 1989. The UGTA supported the candidacy of President Bouteflika in 1999, in 2004 and in 2009. The UGTA also called on the competent authorities in 2008 to revise the Constitution – which limited to two the authorised number of consecutive presidential mandates – in order to enable the president of the republic then in office, Abdelaziz Bouteflika, to run for a third term¹³⁹ The UGTA's secretary general, Abdelmadjid Sidi-Saïd, began to campaign for Bouteflika even before the electoral campaign was officially launched.¹⁴⁰ Under such conditions, it is hardly surprising that the political authorities have always wanted to deal with only one union, the UGTA¹⁴¹ and that no independent unions were officially contacted in the APRM framework.¹⁴²

The problem affecting trade union representation within the NGC also applied, although less acutely, to employers' organisations.

Private employers were represented within the NGC by the *Confédération Algérienne du Patronat* (CAP). CAP participated in the tripartite negotiation of the national economic and social pact of 30 September 2006 between the government, employers and the UGTA, and was also a signatory to the agreement. The Algerian Union of Public Entrepreneurs (*Union Nationale des*

137 On the obstruction of the emergence of independent labour unions in 2005, see the 2006 annual report on violations of union rights by the International Confederation of Free Trade Unions, p. 16 (the 2006 report covers violations committed in 2005), available on: <http://www.icftu.org/www/pdf/surveyo6/Surveyo6-FR.pdf>. On the status of relations between these unions and the executive a few weeks before the establishment of the NGC, see Djamilia Kourta, 'Discours de Bouteflika sur les libertés – Les syndicats autonomes indignés', in *El Watan*, 26 February 2005, available on: <http://www.elwatan.com/Les-syndicats-autonomes-indignes>.

138 See Nabila Amir, 'Clôture hier des travaux du 11ème Congrès de la Centrale syndicale. Quand le Gouvernement s'immisce dans les affaires de l'UGTA...', in *El Watan*, 1 April 2008, available on: <http://www.elwatan.com/IMG/pdf/elwatan01042008.pdf>.

139 Nabila Amir, 'L'UGTA demande la révision de la Constitution et un 3ème mandat', in *El Watan*, 1 April 2008, available on: <http://www.elwatan.com/IMG/pdf/elwatan01042008.pdf>.

140 A. Boukarine, 'A quatre jours de l'ouverture de la campagne présidentielle : Sidi-Saïd appelle à voter pour Bouteflika', in *Liberté*, 16 March 2009, available on: <http://www.liberte-algerie.com/edit.php?id=110842>.

141 On this issue, see Ammar Belhimmer, *Le pluralisme politique, syndical et associatif*, op. cit., p. 32, who considers that the UGTA enjoys a 'free ride' thanks to its former status as the union of the single party, the ensuing 'presumption of representativeness' and the 'closeness it creates with decision-making spheres and power in the framework of "blotting paper unionism" that absorbs basic demands and popular discontent'.

142 Telephone interview on 25 March 2009 with Dr Tahar Besbas, coordinator of the National Committee on Trade Union Freedom (*Comité National des Libertés Syndicales*, CNLS) and former secretary general of the National Union of Public Health Practitioners (*Syndicat National des Praticiens de la Santé Publique*, SNPSP). Dr Besbas is currently a Member of Parliament for Algiers, elected on the list of an opposition party, *Rassemblement pour la Culture et la Démocratie* (RCD).

Entrepreneurs Publics, UNEP), as a representative organisation, participated in the negotiations but did not sign the pact.¹⁴³

The UNEP, which represents public employers—the public sector (excluding administration) still represents a sizeable share of salaried employment in Algeria—was not called upon to send representatives to the NGC or to activate its local branches when the NGC travelled to the wilayas.¹⁴⁴ On the other hand, it was invited to the hearings organised by the country review mission (CRM) and its views were taken into account on that occasion.

Lack of transparency

The very few NGC working papers that we were able to access were transmitted to us by individual members of the NGC, whom we wish to thank. It was not even possible to obtain an official list naming the members of the NGC or the associations represented from the office of the focal point.

In addition, the archives of the NGC were handed over by the latter to the office of the focal point.¹⁴⁵ Despite having made a request, we were unable to consult those archives. As the self-assessment process was an exercise in transparency, it is highly paradoxical that access to the NGC's working papers has been restricted. Similarly, it is surprising that the NGC website was deactivated as soon as its mission was completed. For very little cost, the information on the NGC's activities that appeared on the site could have been made available through the site of a ministry, such as the supervisory ministry of the focal point, for instance.

In this case, it seems that the will of the president of the republic to see Algeria move ahead 'in the utmost transparency with the audit it requested in Africa' and to ensure that the peer review was a 'voluntary, fair and transparent act' was taken literally.¹⁴⁶ Apparently, transparency was only for the authors of the review, and not for others, including the intended ultimate beneficiaries of the APRM mechanism, to wit, the people of Algeria to whom the political authorities were never accountable. This lack of transparency may seem surprising in light of the nature and purpose of the APRM, but it was entirely foreseeable for those who shared the opinion of the former head of government, Ahmed Benbitour, according to whom 'the Algerian state is characterised by authoritarianism and patrimonialism in its exercise of power and by rent-seeking and predation in its resource allocation'.¹⁴⁷

143 Interview with Ahcène Benyounes and Ali Slimani, respectively president and vice-president of UNEP, Algiers, 10 January 2009.

144 Ibid.

145 Interview with Fatma-Zohra Karadja, chair of the NGC. Algiers, 8 November 2008.

146 This political will was expressed in the above terms by the head of government during his address at the inauguration of the NGC, in March 2005.

147 Quoted by Mustapha Benfodil, 'Les excès de la centralisation du pouvoir. L'Etat paralysé', in *El Watan*, 30 August 2009, pp. 1 and 3.

Critical assessment of certain findings of the review

This critical assessment focuses on certain statements contained in the country review report, and in the country self-assessment report (CSAR) as summarised in the country review report. Our assessment does not aim to be exhaustive. Instead, we will focus on points that are particularly revealing or that are tied in to structural governance issues. As we were unable to obtain an official copy of the CSAR, we have based our evaluation on what was said of it in the Country Review Report, particularly since more than ‘80% of the data gathered by the Council was included in the review report on governance in Algeria’.¹⁴⁸

It should be noted that, generally speaking, the CSAR seems to have taken a descriptive and formalistic approach to political governance issues. The summary of the CSAR in this area, as it appears in the country review report, looks very much like a catalogue of standards in force and focuses more on descriptions of institutions rather than on in-depth analysis of the conformity of institutional practices with Algerian law and the conformity of Algerian law with the international commitments undertaken by Algeria. Finally, our critical assessment also focuses on certain omissions.

The judgement expressed by Mrs Savané in Accra, according to which the APRM ‘felt that certain recommendations and programmes of action [...] ensuing from the [plan of action] could be strengthened and better targeted’¹⁴⁹ is confirmed upon reading the report on the implementation of the plan,¹⁵⁰ especially with regard to the portions on democracy and political governance which are, in the words of the national focal point, ‘undeniably the most important part of the governance review exercise, which is in fact a barometer of the exercise of democracy’. Our analysis will particularly focus on the so-called ‘national reconciliation’ policy, which ‘is a condition for a definitive and sustainable return to security, without which any real development initiative would be hazardous, if not to say illusory’ according to A. Messahel, before we more briefly address the figures on socio-economic governance.

Theme: Democracy and Political Governance

Certain omissions and affirmations relating to the theme of Democracy and Political Governance leave the reader in a state of perplexity.

The first finding in this area that may be perplexing for the reader involves the state of emergency: since 1992, Algeria has been living under a state of emergency, which remains in effect, even though it was modified in the mid-1990s.

¹⁴⁸ See the press release of 16 July 2007, ‘M. Messahel : le rapport d’évaluation sur la gouvernance en Algérie est l’un des “plus transparents”’, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/15/0443837.

¹⁴⁹ See ‘Synthèse du Rapport sur l’Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra’, press release, 2 July 2007, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374.

¹⁵⁰ Since the implementation of the plan was presented by the national focal point, we will focus on that assessment.

By definition, a state of emergency is an exceptional regime whose purpose is to enable the state to reduce the exercise of certain liberties in order to deal with a public danger. Regarding what was said about it in the CSAR, according to the CRM's summary, the report stressed that 'to deal with terrorist violence, Algeria has implemented provisions of its Constitution, in keeping with its international commitments. Thus, under the terms of Article 84 of the Constitution, a state of emergency was declared' (para. 125, p. 65 of the country review report). First of all, this assessment of the situation contrasts with that of the legal bodies in charge of monitoring international commitments in Algeria.¹⁵¹ Secondly, it does not mention that Article 91 paragraph 2 of the Algerian Constitution of 1996, which is currently in force, stipulates that a state of emergency may only be prolonged following the approval of Parliament sitting in full chamber,¹⁵² which has never taken place to our knowledge.

According to the summary in the review report, the CSAR made no mention of the report of the national commission of inquiry into the events in Kabylia (*Commission nationale d'enquête sur les événements de Kabylie*) set up in 2001, nor did the review report itself. The commission of inquiry was chaired by Professor Mohand Issad, an eminent and widely respected jurist, and was mandated by the president of the republic. In its final report, it challenged the continuation of the state of emergency and the exorbitant powers of the military authorities in practice.¹⁵³

The CRM did not expressly mention the issue of the state of emergency in its recommendations on Objective 1 ('Preventing and reducing intra- and inter-state conflicts'). It did, however, affirm in the body of its conclusions relating to Objective 2 ('Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizen rights and supremacy of the Constitution') that government 'awareness' should be raised regarding 'the lifting of the state of emergency as soon as circumstances allowed, in order to quell speculation on the "political instrumentalisation of terrorism by the public authorities"' (para. 188).

It is unfortunate that the CRM did not clearly and expressly deal with this issue in its recommendations at least to ask the public authorities to allow open and contradictory debate on whether or not the state of emergency needed to be maintained.

Another point that may perplex the reader is the silence surrounding the events in Kabylia in 2001, in which more than 120 people were killed by the forces of law and order, riots occurred repeatedly for months, and the people of the region disavowed the representatives elected in the local elections of 10 October 2002. The elections were massively boycotted by the population of the region, as were the legislative elections of 30 May 2002, during which

151 See the Concluding Observations of the Human Rights Committee of 29 July 1998 (CCPR/C/79/Add.95), available on: [http://www.unhchr.ch/tbs/doc.nsf/\(Symbol\)/CCPR.C.79.Add.95.Fr?Opendocument](http://www.unhchr.ch/tbs/doc.nsf/(Symbol)/CCPR.C.79.Add.95.Fr?Opendocument).

152 Article 86 of the Constitution of 1989 only required the approval of the National Assembly, which was the only house of parliament at the time.

153 See the French-language daily, *Le jeune indépendant*, 30 December 2001.

records of abstention were observed in the two principal wilayas of Kabylia: 98.24% in Tizi Ouzou and 97.39% in Béjaïa.¹⁵⁴ After addressing the issue of terrorism, paragraph 131 (p. 66 of the country review report) on the ‘other conflicts’ addressed in the CSAR fails to mention the riots which, in addition to the numerous deaths involved, pointed to a serious issue of political representativeness within national institutions throughout the region of Kabylia.¹⁵⁵ The subject was broached very discreetly and indirectly when the CRM pointed out the absence of the *Front des Forces Socialistes*¹⁵⁶ in parliament, without explaining that this absence was due to its refusal to participate in the legislative elections of 2002 due to the events in Kabylia.

Not only was this political conflict denied in the CSAR, but the political nature and characteristics of the protesters’ demands seemed to be reduced to ‘a problem of language and socio-cultural diversity’ by the CRM (paragraph 147, p. 70 of the country review report). And yet, as has been rightly pointed out, ‘although the unrest was concentrated in Kabylia, it was not born of identity-based demands, but [was] cause[d] by problems of a largely national scope’¹⁵⁷ and was aimed first and foremost at the national gendarmerie and poor governance. Furthermore, it is significant that the president of the republic never made an official visit to the two wilayas of Tizi Ouzou and Béjaïa, which form the heart of Kabylia, during either his first or his second term.¹⁵⁸

The conclusion of the CRM on this point was all the more incomprehensible in that it reproached the CSAR, in its assessment of terrorism, with ‘fail[ing] to analyse the internal causes, whose elucidation is required to develop a national strategy of conflict prevention and management’ especially ‘economic and social inequalities’ (paragraphs 135–136, p. 67). The CRM seemed satisfied with the recognition of *Tamazight*, the Berber language, as a national language in the constitutional revision of 2002. Neither the NGC nor the country review mission seemed to wonder how the events took place, what was their impact on the life of the nation or what they meant in terms of governance in Algeria. They apparently also did not wonder how the unrest was quelled or what was done to satisfy the demands of the demonstrators. And yet they both had access to the report of the *Commission nationale d’enquête sur les événements de Kabylie* chaired by Professor of Law Mohand Issad, who also chaired the

154 Official figures of the Constitutional Council. Available on the site of the Council: www.conseil-constitutionnel.dz (see *Activités du Conseil, Bilan 2002*).

155 See *Algeria: Unrest and Impasse in Kabylia*, a report by the International Crisis Group, 10 June 2003, available on: www.icg.org.

156 The FFS is traditionally the dominant political party in Kabylia, alongside the *Rassemblement pour la Culture et la Démocratie* (RCD).

157 *Algeria: Unrest and Impasse in Kabylia*, *op. cit.*, p. 3.

158 Mourad Slimani, ‘Belkhadem à Béjaïa : “La Kabylie ne doit pas être prise en otage”’, in *El Watan*, 19 March 2009, available on: <http://www.elwatan.com/La-Kabylie-ne-doit-pas-etre-prise>. President Bouteflika made an official visit to Béjaïa then to the neighbouring wilaya of Jijel on 25 March and to Tizi Ouzou on 27 March 2009. See Ghania Oukazi, ‘Bouteflika à Béjaïa et à Jijel’, in *Le Quotidien d’Oran*, 26 March 2009, available on: <http://www.lequotidien-oran.com/index.php?news=5118115>.

national justice reform commission (CNRJ) in 1999.¹⁵⁹ However, Professor Issad was never approached to join the NGC, nor was he heard by the NGC or by the CRM.¹⁶⁰

The NGC and the CRM might have wondered about the follow-up given to the observations and recommendations of the Commission and about the handling of the crisis, particularly in terms of what legal sanctions were taken against members of the security forces who shot at demonstrators or of the possible criminal liability of superior officers, not to mention the political responsibility of the government.

These issues were particularly important in light of the fact that, as Professor Issad said in June 2008, ‘there was no political explanation or legal response to the fact that they “shot at” a region’.¹⁶¹ In this respect it was quite significant that during his visit to Tizi Ouzou at the end of March 2009 as a candidate for the presidential election of 9 April 2009, the head of state, Abdelaziz Bouteflika, declared that, ‘From where I was standing¹⁶² I still do not know today who, on one or the other side, caused this tragedy’.¹⁶³ This revealing statement can be interpreted in either of two ways. Either the president of the republic, to whom the Constitution granted broad powers, and the state departments were unable to elucidate the largely disproportionate use of armed force by the security services, which caused more than 120 civilian deaths, or else there was no political will to identify whether responsibilities were ‘on one or the other side’. Whatever the response, the situation raises a serious and unresolved issue regarding political governance and respect for human rights.

Regarding Objective 2 ‘Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, citizen rights and supremacy of the Constitution’, it is surprising that the word ‘fraud’ was never associated with the adjective ‘electoral’,¹⁶⁴ whereas the authorities are suspected of fraud at every election. In this respect, the CSAR did point to ‘the need to reflect on improving and subsequently enhancing the credibility of popular representation, and on the exploration of ways and means of ending suspicions of ‘media lockdowns’ of which the opposition claims to be a victim’ (para. 162 of the country review report).

The country review report did not go as far. It mentioned ‘criticisms of arbitrariness and manipulation in the forming of lists of candidates by the

159 Professor Issad and other observers of legal issues have been increasingly critical of the Algerian justice situation in the first decade of 2000. See ‘Mohand Issad. Président de la CNRJ : “Nous avons appelé à une justice de qualité non de célérité”’, interview conducted by Salima Tlemçani, in *El Watan*, 28 March 2005, available on: <http://www.elwatan.com/Mohand-Issad-President-de-la-CNRJ>.

160 Telephone interview with Professor Mohand Issad 14 April 2009.

161 Nordine Douici, ‘Issad Mohand à Tizi Ouzou’, in *El Watan*, 19 June 2008, available on: <http://www.elwatan.com/Issad-Mohand-a-Tizi-Ouzou>. This observation was obviously prior to 2008.

162 Bouteflika was already president of the republic in 2001.

163 Quoted by Chania Oukazi, in ‘Bouteflika à Tizi Ouzou : “Je ne sais pas qui a provoqué cette tragédie”’, in *Le Quotidien d’Oran*, 28 March 2009, available on: http://www.lequotidien-oran.com/pdf_version.php?id=5118183.

164 The word was only used in the Country Review Report in reference to tax fraud, corruption and the economy in general (paragraphs 3.43, 564, 742, 749, 758, 768, and 1078).

party machinery' (para. 180 of the report) and seemed to confine the issue of the representativeness of elected assemblies to a matter of 'representation of complexity and geographic, linguistic and socio-cultural diversity' (para. 181). The issue of the political representativeness of elected officials was limited to that of local elected representatives (para. 181). In addition, in light of its recommendations on Objective 2, the APRM team seemed to consider, through a formalistic approach, that improving the quality of voter representation was purely a matter of 'revising various electoral laws', particularly on voting procedures.

Thus, the matter of electoral fraud was never addressed clearly or in depth, although recurring accusations of electoral fraud were a major cause of what the APRM team discretely referred to as the 'progressive disaffection of the voters'¹⁶⁵ with elections (para. 181).

On the contrary, the country review report considered that 'all in all, electoral competitions remain relatively fair and the organisation of elections has improved from one vote to another' (para. 179) and 'salute[d] the political pluralism of the elected assemblies' as one of the 'emblems of the progress achieved in the area of electoral competition' (para. 182).

This statement is quite surprising in light of the fact that, in a letter addressed to the president of the republic on 17 May 2007 and signed by its coordinator, Saïd Bouchaïr, the National Supervisory Commission on the Legislative Elections of March 2007 (*Commission nationale politique de surveillance des élections législatives*) reported 'serious excesses' during the electoral operation, which were not 'isolated acts'. The Commission considered that such acts involved 'all of the regions of the country' and had a 'national character'. It concluded that these 'irresponsible actions were of a nature to compromise the fairness of the election results'. The contents of that letter – which gave rise to controversy between its signatory and the minister of the interior – were confirmed by a report by the same Commission that was described as 'damning' by the press.¹⁶⁶ While it is obvious that the contents of that letter could not have been known to the members of the NGC or the APRM team when the self-assessment report was submitted in March 2007, the controversy surrounding the letter was, however, widely publicised by the time the CRM wrote its review report, which was submitted to the heads of state and government on 1 July 2007.

These circumstances, which cast doubt on the assessment by the CRM, were not mentioned in its report, although the national supervisory commission on the legislative elections was a body created by presidential decree and the

¹⁶⁵ The rate of participation was officially 46.17% for the legislative elections of 2002 and 35.67% for the legislative elections of 2007. See respectively the proclamations of the Constitutional Council, n°1/P./CC/02 du 3 juin 2002 relative aux résultats de l'élection des membres de l'Assemblée Populaire Nationale and n°03/P./CC/07 du 21 mai 2007 portant résultats de l'élection des membres de l'Assemblée Populaire Nationale (www.conseil-constitutionnel.dz). These figures are believed by many observers of Algerian political life to be overestimates.

¹⁶⁶ See Salima Tlemçani, 'Le dernier de mot de Bouchaïr', in *El Watan*, 2 June 2007, available on: <http://www.elwatan.com/Le-dernier-mot-de-Bouchair>.

matter had been reported in the press¹⁶⁷ well before the country review report was submitted to the heads of state and government.

According to the review report, 'Algeria has [...] regularly organis[ed], free, transparent and fair general elections in peace and stability. Today's Algeria is also distinguished by the vitality of its political, media and trade-union pluralisms'.¹⁶⁸ However, the comments above, added to the issues surrounding the quality of representation of civil society within the NGC, prompt us to take that affirmation with a grain of salt.

Recent developments in Algerian politics also provide a clear illustration. Article 74 of the Algerian Constitution of 1996 was amended to enable President Bouteflika to run for a third term in office. Paragraph two of Article 74 provided in its original version that the president of the republic, elected for a term of five years, could be re-elected only once. The constitutional revision of 15 November 2008 rewrote paragraph two of Article 74, which now stipulates that the 'president of the republic may be re-elected' without placing any limits on the number of terms in office. The revision was adopted by both houses of parliament as allowed by the Constitution, which also offers the option of a referendum, which the president of the republic, who initiated the revision, did not choose. It seems to us that this change – aptly described as a 'constitutional rape' – was contrary to the recommendations made by the APRM team in Accra on 1 July 2007. In her synthesis, Mrs Savané stressed that the 'success [of the reforms] will depend on the pertinence of the procedures implemented,' adding that 'it is therefore urgent that they transcend the issue of "*enlightened and visionary leadership*" and that they are grounded in a participatory approach that will guide the decision-making processes to be implemented'¹⁶⁹.

On the presentation of the so-called 'national reconciliation' process

The Report on the Implementation of the Plan of Action addresses the vital issue of 'national reconciliation' in Chapter I on the theme of Objective 1 'Preventing and reducing internal and inter-state conflicts'. The fundamental issue of 'dealing with the aftermath of the national tragedy' was covered in just over three pages, and three aspects were addressed:

- 'support measures involved in the policy on the disappeared (Presidential decree no. 06-93 of 28/02/2006 on the compensation of victims of the national tragedy (the disappeared)';
- 'procedures relating to state aid for poor families suffering due to the involvement of a relative in terrorism (death as a member of a terrorist group), on grounds of national solidarity, under which they benefit from

167 And more specifically in the daily newspaper *El Watan*, which was quoted no fewer than nine times in the Country Review Report: Paragraphs 325, 327, 355, 358, 359, 360, and 1028.

168 Paragraph 91 of the Country Review Report.

169 See 'Synthèse du Rapport sur Algérie présenté par Mme Marie-Angélique Savané devant le 7ème Forum du MAEP à Accra', press release, 2 July 2007, available on the site of the Ministry of Foreign Affairs: http://193.194.78.233/ma_fr/stories.php?story=07/07/01/6215374.

Government aid based on a certificate delivered by the administrative authorities (Presidential decree no. 06-94 of 28/02/2006 on state aid for such families)'; and

- 'the application of Presidential decree no. 124-06 of 27/03/2006 establishing the terms of rehiring or compensation of persons having been subjected to administrative dismissal measures due to acts linked to the national tragedy'.

The way in which this issue, which is crucial for the future of the country, was addressed is revelatory of what the authorities considered to be good governance and of the way in which they understood reviews and assessments of public policies. In that regard, the report gives the impression that the violence that nearly destroyed the nation-state in the 1990s had no political roots and that the resolution of the 'conflict' – to use the term contained in the title of Objective 1 of the Political Governance theme – which had torn society apart had no political or legal implications. The criticism of the CSAR by the country review report, according to which the report 'fail[ed] to analyse of the internal causes [of terrorism] whose elucidation is required to develop a national strategy of conflict prevention and management' also applied to the way in which 'national reconciliation' was addressed and presented in the report on the Implementation of the Plan of Action.

The reference text on the 'national reconciliation' policy was the 'Charter for Peace and National Reconciliation'. Order no. 06-01 of 27 February 2006¹⁷⁰ on the implementation of the Charter, which served as a foundation for the texts quoted above, raised numerous problems of conformity with the commitments on human rights sovereignly undertaken by Algeria, as pointed out in late 2007 by the UN Human Rights Committee¹⁷¹ – an independent and impartial body mandated to monitor implementation of the International Covenant on Civil and Political Rights – in its review of the 3rd Periodic Report submitted to it by the Algerian Government.

The Order and the related texts have been implemented in the utmost opacity, which was not dissipated by the publication of figures on the amounts of the different types of aid and compensation granted to 'victims of the national tragedy' – an expression that actually places victims and aggressors in the same category!¹⁷² Their implementation raises a number of questions.

Regarding members of terrorist groups, the order provided for the termination of all criminal proceedings against persons sought, convicted or held for acts of terrorism or their amnesty; in principle, however, the

170 Like the aforementioned decrees, the order may be consulted online on the website of the *Journal officiel*: www.joradp.dz.

171 See the concluding observations of the Human Rights Committee of November 2007, quoted above (CCPR/C/DZA/CO/3), available on: <http://daccessdds.un.org/doc/UNDOC/GEN/G07/457/75/PDF/Go745775.pdf?OpenElement> or <http://www2.ohchr.org/english/bodies/hrc/hrcsg1.htm>.

172 On this matter and on 'national reconciliation' in general, see the series of articles by the Arabic-language daily *El Khabar*, 13 June 2009, pp. 2, 3 and 4, available in Arabic on: <http://www.elkhabar.com/pdf/khabar/quotidien/2009/06/12/quotidien.pdf>.

Order did not grant impunity to persons charged or convicted for collective massacres, rape or bomb attacks in public places, nor to the accomplices or instigators of such acts. The details of the implementation of the Order and related texts, on this point and many others, have not been made known to Algerian public opinion. Therefore, in 2007, the Human Rights Committee asked the Algerian Government to provide it with detailed information on the number of people who had benefitted from the measures stipulated by the Order of February 2006. The Committee also specified that the information should indicate for what offenses and under what conditions the Order was applied to its thousands of beneficiaries. This information—which is extremely important to determine whether the Order itself and international law were upheld—should certainly have appeared in the Report on the Implementation of the Plan of Action as proof of good governance.

Where state employees are concerned, it was not the implementation of the Order that raised issues, but rather the Order itself. Article 45 of the text expressly forbade all criminal proceedings against elements of the security forces, no matter what crime they may have committed. This provision is obviously contrary to international law, as was pointed out by the Human Rights Committee. It has asked the Algerian government to ensure that the article was not applied to the most serious crimes, such as torture, extralegal executions and forced disappearances.

The texts were indeed particularly problematical where they related to forced disappearances. Such disappearances caused by agents of the state – numbering 8023 according to the latest figures¹⁷³ or 1077 more than were declared by the public authorities two years ago – remain unpunished.¹⁷⁴ Presidential decree no. 06-93 of 28 February 2006 on the compensation of victims of the national tragedy provides in Article 2 that ‘all persons having disappeared in the context of events described in the Charter and whose disappearance was established by the criminal investigation department following a search, shall be considered victims of the national tragedy’. Article 3 stipulates that ‘a judgement declaring that the victim is deceased due to the national tragedy gives the beneficiaries of the victim the right to compensation under the terms of the present decree’. In other words, victims’ families may benefit from compensation *on condition* that they request a judgement declaring their loved one deceased. The regime treats this issue like a simple financial matter without taking account of its human dimension. It is in the light of the provisions of the Order of February 2006 and the abovementioned decrees, which advocate forgetfulness and enshrine impunity,¹⁷⁵ that we can understand the section of the report on the

173 See the Report on the Implementation of the Plan of Action (*Rapport sur la mise en œuvre du Plan d'action*), p. 29.

174 Agathe Duparc, ‘Les familles Algériennes de disparus en quête de justice’, in the French daily *Le Monde*, 10 March 2009.

175 See Chahreddine Berriah, ‘Rencontre sur la vérité à Barcelone. Témoignages poignants d’Algériens’, in *El Watan*, 7 May 2009, available on: <http://www.elwatan.com/Temoignages-poignants-d-Algeriens>.

Implementation of the Plan of Action regarding the ‘victims of the national tragedy’, which reads very much like an accounting statement.

The compliance of Presidential decree no. 06-93 with the International Covenant on Civil and Political Rights is questionable. Indeed, as was forcefully recalled by the Human Rights Committee in its concluding observations of 2007, the families of the victims are entitled to the fullest possible reparation. This includes the right to compensation *with no counterpart obligations on the part of the families and the right to the truth*, and notably the right to know what happened to their loved one. There again, the Algerian justice system has an obligation under international law to conduct thorough and impartial investigations to clarify each case of forced disappearance. This obligation implies that light must be shed on the circumstances of each disappearance and that all victims must be identified. The political authorities are still a long way from moving in that direction as pointed out, *inter alia*, in the statements of the *Collectif des Familles de Disparu(e)s en Algérie* before the African Commission on Human and Peoples’ Rights in 2009.¹⁷⁶ It should be recalled that the APRM focused particular attention on the treaty engagements subscribed by the states.

Finally, it is quite surprising that the victims of terrorism and their families were not mentioned in the report on the Implementation of the Plan of Action under Objective 1 on the theme of Political Governance nor, unless we are mistaken, anywhere else in the report. Indeed, the right of families of victims of terrorism to the truth is not always upheld, no matter what fate befalls the terrorists themselves. According to Ali Merabet, President of the association Somoud,¹⁷⁷ it often happens that the authorities refuse to carry out effective investigations, to seek and identify, using techniques such as DNA tests, the bodies of victims of terrorists, even though, in certain situations, the former terrorists themselves inform the families of where to find the bodies of their loved ones.

Theme: Economic and Political Governance

Regarding the themes of economic governance and political governance, the lack of consequences following public attacks by the president against certain ministers, whom he accused of having lied about economic policy, necessarily raised questions regarding governance. These questions, however, were ignored by the country review report.

¹⁷⁶ Interview in March 2009, with Nassera Dutour, mother of a missing person, member of SOS Disparus (an association that is tolerated but not legally recognised) and spokesperson for the organisation of families of missing people in Algeria, *Collectif des Familles des Disparus en Algérie* (CFDA). See also the interventions by the CFDA before the African Commission on Human and Peoples’ Rights on the occasion of the 45th Ordinary Session of the Commission (Banjul, The Gambia, 9–22 May 2009), available on the CFDA website: http://www.algerie-disparus.org/cfda/index.php?option=com_content&task=view&id=271&Itemid=97. The CFDA has been granted observer status by the African Commission.

¹⁷⁷ Quotes gathered at the meeting jointly organised by the CFDA and the World Organisation Against Torture (OMCT) on ‘La Vérité en Algérie – Bilan et perspectives un an après les recommandations onusiennes’ (Geneva, 5 and 6 March 2009).

The hearings of 13 ministers by the NGC in late 2005 should be put into perspective in light of the public accusations of lying made by the president of the republic in April 2006 against certain of his ministers in charge of implementing his economic policies. During an inspection tour in the capital city, the president publicly accused certain ministers of having lied about the implementation of his economic policies. Accusations were specifically levelled at Abdelhamid Temmar and Mourad Medelci, respectively minister of participation and promotion of investments and minister of finance.¹⁷⁸ In other words, the President reproached his ministers for not having been truthful with him, particularly regarding the progress of the major construction and engineering projects launched around the country and on the implementation of the government's economic policy. The accusations, which focused on issues of vital importance for the country in terms of its economic governance, were not picked up by the country review report. They also had no impact in political terms, since the ministers accused of lying remained in their positions and the liability of the government of the time was not called into question before the national representatives dominated by the presidential alliance. Furthermore, M. Medelci has since become minister of foreign affairs, the supervisory minister of the focal point.

Finally, recent developments have underscored the acuteness of such problems in Algeria. During a radio broadcast on 11 March 2009, Prime Minister Ahmed Ouyahia accused his minister of industry and promotion of investments, Abdelhamid Temmar, of 'deceit' regarding the industrial strategy.¹⁷⁹ This strategy was finalised in spring 2007, as indicated by its description in the CSAR¹⁸⁰ summary. These repeated accusations of lying, against one of the chief ministers in charge of implementing the economic policy of the president, occurred one month prior to the presidential elections of April 2009. They confirm the existence of a longstanding problem of consistency in the actions of the public authorities which, we feel, should have been mentioned by the NGC in the CSAR and by the APRM team¹⁸¹ in its review, particularly since it clearly reveals the existence of a 'state crisis' according to the analysis of a political science professor of the University of Algiers.¹⁸²

Theme: Socio-economic Development

The report on the Implementation of the Plan of Action reflected the major strides accomplished by Algeria in terms of socio-economic development. This progress was corroborated by the national reports on human development

178 See Madjid Makedhi, 'Bouteflika critique publiquement les ministres. "Vous m'avez menti !"', in *El Watan*, 10 April 2006, available on: <http://www.elwatan.com/Bouteflika-critique-publiquement>.

179 Madjid Makedhi, 'Stratégie industrielle : Ouyahia accuse Temmar de tromperie', in *El Watan*, 12 March 2009, available at: <http://www.elwatan.com/Dossier-lie-a-la-mise-en-place-d>.

180 Country Review Report, paragraph 430, p. 151.

181 According to the chair of the NGC, '80% of the data collected by the Council was included in the report reviewing governance in Algeria'. See the press release by the Ministry of Foreign Affairs of 16 July 2007, 'M. Messahel : le rapport d'évaluation sur la gouvernance en Algérie est l'un des "plus transparents"', available on: http://193.194.78.233/ma_fr/stories.php?story=07/07/15/0443837.

182 See the interview granted to Hacem Ouali by Professor Mohamed Henad, entitled 'Notre pays vit un coma politique', in *El Watan*, 30 August 2009, p. 2.

(*Rapports nationaux sur le développement humain*, RNDH) written by the CNES, which closely collaborated in the writing of the report on implementation. The report contains a wealth of figures demonstrating the impact of certain public policies even though, in general terms, the chair of the CNES, Professor Babès, ‘allows (...) that the progress made by Algeria remains insufficient in relation to the colossal investments made by the state’.¹⁸³

It should, however, be pointed out that the figures put forward by the CNES and, consequently, those appearing in the Report on the implementation of the Plan of Action do not seem to be in line with those of UNDP, whereas the CNES reports are ‘built on the UN model’.¹⁸⁴ The UNDP figures on human development, which show lower performances than the CNES figures, are contested by the chair of the Algerian institution.

Conclusions and recommendations

It is difficult to give a nuanced opinion on the Algerian self-assessment process in the APRM framework. Its technical success is as undeniable as its substance is questionable. Even though the actual figures remain a mystery, the financial efforts made by the public authorities to ensure the technical success of the mechanism are undeniable. Similarly, the political will to achieve the technical success of the self-assessment has been strong, unwavering and productive. In this sense, Algeria has fulfilled its commitment to the other African states. This technical success can also be credited to the members of the NGC, and the NGC bureau in particular, who committed themselves to the process on a purely volunteer basis. It can also be credited to the CNES and the TRIs, which were obliged to conduct studies in the field in great haste.

The APRM highlighted the progress achieved by Algeria in terms of governance without placing enough emphasis on the structural problems – especially in terms of democracy and political governance – that are an obvious obstacle to better governance in Algeria in terms of the four APRM themes. These problems, which were not sufficiently taken into account in the country review report, were revealed by an attempt to analyse APRM implementation in Algeria. They were visible first of all in the makeup of the NGC. By closing out the associational movement from the outset, no real representation of ‘civil society’ was made possible within the body, which, for instance, did not include ‘politically sensitive’ associations. That decision cannot be put down to the NGC itself, which was not responsible, but rather to the structure of associations and trade unions in Algeria as imposed and controlled by the political authorities. Similarly, Algerian citizens had no access to the final outputs of the assessment: the country review report and the report of the

¹⁸³ See Sofiane M., ‘Développement humain : le CNES critique le PNUD’, in *Le Quotidien d’Oran*, 15 June 2009, available on: <http://www.lequotidien-oran.com/index.php?news=5122505>.

¹⁸⁴ See the synthesis of the *Résultats globaux du Rapport national sur le développement humain 2008* by the CNES, <http://www.cnes.dz/doc2008/SYNTHESE%20RNDH%202008.pdf>. For a critical report on the abovementioned RNDH 2008, see *El Watan Economie* weekly supplement to *El Watan* daily newspaper, 27 April–3 May 2009, pp. 1, 4 & 5, available on: <http://www.elwatan.com/IMG/pdf/SuppEco27042009.pdf>.

national focal point on the implementation of the plan of action. Access to the self-assessment report, i.e. the CSAR written by the NGC, seems to be impossible, and the different steps of the self-assessment are extremely hard to reconstruct. In other words, the authorities only featured the institutional outputs, which were questionable in light of certain omissions regarding political governance. Transparency was curiously lacking in a process specifically designed to be an exercise in transparency.

Similarly, little publicity was given to the country review report in Algeria or to the plan of action throughout 2008. The lack of dissemination gave the impression that the process was above all an exercise in diplomacy and that it was not aimed first and foremost at Algerians. It also seemed suspicious that the ‘symbiosis’ between the plan of action for Algeria under the APRM and the government programme based on the programme of the president of the republic was emphasised just weeks before the presidential election of April 2009.

These criticisms form the basis for the recommendations that follow. In order to strengthen the transparency and democratic culture to which the APRM process was supposed to contribute, the Algerian government should:

- Provide the public, and particularly researchers, with access to the archives of the NGC and the whole APRM implementation process in Algeria;
- Publish figures on the amounts spent in the process of APRM implementation in Algeria;
- Publish an official list of the bodies represented within the NGC and a list of the names of the representatives of all bodies represented (associations, trade union organisations, parliament) other than ministries;
- Involve the two houses of parliament on APRM issues to a greater extent;
- More closely involve research institutes and the academic community in reflection on governance issues;
- Raise awareness in the private press and the public media on governance and APRM issues;
- Organise an inclusive, open, multipartite and pluralistic national debate on all governance issues, accessible to the public media of the political parties, including opposition parties, and all civil society stakeholders, including independent trade unions and so-called ‘politically sensitive’ associations;
- Form local commissions on governance that represent all civil society stakeholders and that can serve as a forum for regular dialogue with the administration on matters of local interest.

With a view to implementing the foregoing recommendations, it would be desirable, *inter alia*:

- to put an end to the practice of preventing civil society groups from acquiring the status of legally recognised associations and to broaden effective legal recourse to protect the rights of associations and trade unions;
- to liberalise rules on associations, trade unions and the audiovisual media;
- to reinforce respect for individual and civil liberties and allow public, pluralistic and multipartite debate on the state of emergency and its impact on the effective exercise of civil liberties.

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BENIN

Summary

Benin signed the memorandum of understanding (MoU) committing it to the African Peer Review Mechanism (APRM) on 31 March 2004, following in the footsteps of other African countries. The two-stage APRM process of self-assessment followed by an independent review by the continental APRM Secretariat facilitated an open national dialogue by providing the entire Beninese population with the opportunity to voice their opinions on their country's governance. Benin holds the distinction of being the first French-speaking West African country to submit to and complete both the self-assessment and the APRM independent review. The question raised was whether Benin was up to the task.

The implementation of the APRM in Benin was characterised by a genuine effort to maximise citizen participation in the self-assessment. The Independent National Commission for the Implementation of the APRM (*Commission Nationale Indépendante de Mise en œuvre du MAEP*, CNIM-MAEP), a body of almost one hundred members drawn from public institutions and groups representing all social strata, was created as part of this effort. However, the diversity of the commission's composition was both its strength and its weakness. In fact, the Independent National Commission suffered from significant administrative shortcomings, primarily due to the fact that from the outset its representativeness was championed over its ability to effectively conduct the self-assessment process. Poor financing of the process and problems administering the questionnaire only exacerbated the administrative weaknesses of the CNIM-MAEP.

To a great extent, strong commitment to the APRM from high-ranking Beninese politicians compensated for these administrative weaknesses. Former president Mathieu Kérékou and his successor Boni Yayi expressed clear support for the APRM. President Yayi, in particular, was able to bring together key elements of his government's political resources to support the APRM process. His government has since adopted measures to ensure that the APRM programme of action will be effectively implemented in Benin. One such measure is the creation of a National Governance Commission (*Commission nationale de gouvernance*).

Benin's commitment to the APRM is the logical result of its already well-established commitment to participatory democracy. Benin has been

viewed as a model of good governance in West Africa since the Sovereign National Conference of 1990, which successfully ended the authoritarian leadership of Marxist and military regimes and inaugurated a long period of elected government. Multi-party, transparent elections, overseen by a relatively independent institution, have been held periodically over the last 18 years and have resulted in peaceful democratic transitions between governments. Among the main reasons that successive governments have generally respected the constitution of 1990 has been the oversight and guarantees ensured by the Constitutional Court, whose independence is now secured. This institutional progress has paved the way for the recognition of a growing number of economic and social rights. The struggle against corruption is now at the core of the government's programme of action, along with efforts to offer free education and to expand healthcare coverage.

The APRM, conceived as a way to assess the state of society and to create a space for dialogue between citizens and leaders about issues of governance, has the ability to harness national energies to consolidate and build upon Benin's democratic and social achievements. The widespread participation in the implementation of the APRM and the support it received from the government mean that the process can be a tool to improve on the democratic evolution begun in 1990. The Programme of Action developed at the end of the APRM process should be consolidated with other government-established development programmes in order to create a roadmap for citizen participation in defining governance in Benin.

This report offers an independent review of the APRM process as it has taken place in Benin. It presents the most important stages in the process, from the time Benin signed the APRM MoU on 31 March 2004, until the presentation of the report on Benin to the APRM Forum of Heads of State participating in the APRM (the actual 'peer review') on 30 January 2008. The report also considers whether the presentation of the report to the APRM Forum was followed by a real debate about governance in Benin, and the conditions under which such debate should be organised. Finally, the report offers recommendations for the implementation phase for the APRM Programme of Action in Benin.

Implementation of the APRM in Benin

Benin's adherence to the process and the establishment of an Independent National Commission

It was the administration of President Mathieu Kérékou, whose two five-year terms ended in 2006, that took the steps for Benin to join the APRM process and established the necessary institutional framework. Benin signed the APRM memorandum of understanding on 31 March 2004. After several meetings between the administrative authorities of Benin and the United Nations Development Program (UNDP), an agreement for a US \$150 000

financial assistance package to launch the review process was signed on 12 May 2005 by the Ministry of Foreign Affairs and African Integration and the Resident Representative of the UNDP in Cotonou.

Steps to establish a legal framework and institutions to manage the APRM process then followed. On 1 July 2005, a recruitment notice for a national APRM Coordinator was published in the media. In August and September 2005 the Beninese Minister of Planning and Development and the Minister of Foreign Affairs and African Integration collaborated with the UNDP on the hiring process. Mr Cyprien Gagnon, a jurist and a specialist in programme management in the area of human rights and community development, emerged as the leading candidate and was hired as the national coordinator of the APRM. He started work on 18 October 2005.

Together with a small APRM group set up by the Beninese government, the national coordinator held preparatory meetings for putting together a suitable institutional framework. This group prepared a draft decree to create the Independent National Commission for the Implementation of the APRM in Benin (*Commission Nationale Indépendante de Mise en œuvre du MAEP*, CNIM-MAEP), which the Minister of Foreign Affairs and African Integration (in charge of the national focal point for the APRM process in Benin) then submitted to the Council of Ministers for approval. Although the draft decree was only officially approved by the Council of Ministers in March 2006, the implementation of the institutional framework it set out began with the establishment of the Independent National Commission on 11 November 2005.

According to the decree the objectives of the CNIM-MAEP were to provide proper integration of APRM objectives at national level and to promote the adoption of policies, standards and practices intended to improve political, economic and corporate governance in Benin, and to strengthen capacity to ensure policy stability in these areas. Its mission was to lead the Benin review process and to promote cooperation between Benin and leading APRM authorities within the context of the Benin review.¹

For these purposes, it was charged with:

- defining the methodologies to be used within the framework of the review;
- translating the principles, processes, objectives and work of the APRM into popular language to make them accessible to various actors in the area of development, and to increase national public awareness about the APRM;

¹ Decree No. 038C of 13 March 2006 on the creation, powers, composition and organisation of the National Commission for the Implementation of the APRM (*Décret N°038C du 13 mars 2006 portant Création, attributions, composition et organisation de la Commission Nationale de mise en œuvre du MAEP*).

- rendering the memorandum of understanding and the Declaration on the APRM understandable in everyday language;
- overseeing the impression that Benin made at international level through the implementation of the APRM;
- undertaking efforts to strengthen the process of democratic renewal and the consolidation of the rule of law;
- developing projects and programmes to be submitted to the National NEPAD Commission to be adopted and implemented by NEPAD authorities;
- monitoring the implementation of national activities carried out within the framework of the APRM;
- promoting improved integration of national activities within the context of the APRM;
- producing periodic reports about APRM implementation progress;
- ensuring follow-up of the review results and their translation into a coherent and implementable national programme of action consistent with the various development programmes already in place in the country, often also prepared in a participatory way.

The CNIM-MAEP is composed of 97 members as follows:

Public institutions:

- five representatives of the National Assembly (two deputies from the governing party, two from the opposition and one parliamentary official);
- two representatives of the Economic and Social Council;
- twenty-one representatives of the executive branch of government, including:
 - four from the Presidency of the Republic (two technical advisors of the President of the Republic, one from the Committee on Public Ethics, and one independent person chosen by the Head of State);
 - six directors from the Ministry of Foreign Affairs and African Integration, including the minister himself;
 - eight representatives of other ministries;²
 - one representative of the Permanent National Commission of French-Speaking Countries (*Commission nationale permanente de la francophonie*);

² The other ministries or sub-ministries involved in this framework which have each appointed a representative include: the Ministry of Planning and Development; the Ministry of Finance and Economy; the Ministry of Industry, Commerce and Employment Development; the Ministry of Justice, Legislation and Human Rights; the Ministry for the Public Service, Labour and Administrative Reform; the Ministry of the Environment, Habitat and Urban Planning; the Ministry for the Family, Social Security and Solidarity; and the Ministry of Agriculture, Livestock and Fisheries.

- one representative of the National Association of Municipalities of Benin (*Association nationale des communes du Bénin*); and
- one journalist working for the civil service.

All together there were thus 28 representatives of state institutions.

For **civil society** there were:

- six representatives of universities and research centres;
- five representatives of private sector media;
- eleven NGO representatives;
- six trade union representatives;
- two representatives of underprivileged persons;
- seven representatives of religious groups and charitable associations;
- five representatives of women's organisations;
- five representatives of youth associations; and
- seven private sector representatives.

If we add six of the nine designated resource persons for the process (Prof. Albert Tévoédjrè, former international civil servant and former minister; Prof. Honorat Aguessy; Mr Nestor Aho and Mr Yves de Souza, both researchers and academics; Soulé Daouda, a physician and Bertin Borna, an attorney), we reach the number of sixty people from civil society in its widest sense.³

Six individuals representing Benin's technical and financial partners (one for UNDP, one for UNESCO, one for the Francophonie, and three for the financial and banking institutions).

If to them we add three of the nine resource persons that could not be grouped with representatives of civil society because they are officials or affiliated with a ministry, we arrive at the nine people that, added to the 88 already listed, bring the total number of members of the Independent National Commission to 97. Of these 97 members, eighteen were women.

It should be noted that aside from the six media representatives, the two representatives of the underprivileged, and three representatives of financial or banking institutions, the decree creating the CNIM-MAEP specifically or expressly appointed the persons or organisations from which they must be chosen, whether they are technical or financial partners, state institutions or civil society organisations.

³ The seven representatives of the private sector are accounted for here, although they are representatives of business. The same situation exists with the six representatives of trade unions who are not always considered members of civil society in the same way as the others. A report of the National APRM Secretariat proposes another classification of members of the Independent National Commission: 27 representatives of the government, if we ignore the unaffiliated individual appointed by the President of the Republic; 13 representatives of the private sector, that is, the seven officials and six other persons working in the business sector, even if such persons are not part of the National Independent Commission for this purpose. So by this other classification there are 57 persons from civil society.

All of these people were placed according to their expertise among the various structures to ensure the most effective working system.

Structure of the Independent National Commission (CNIM-MAEP)

Executive committee

All 97 members of the Independent National Commission are under the authority of a four-person executive committee composed of the chairperson, the first vice-chair, the second vice-chair and the rapporteur. The first three of these are elected; while the fourth person, the rapporteur, is National Coordinator Cyprien Gagnon, recruited after a call for candidates.

The decree stipulates that the chair and one of the vice-chairs of the executive committee must come from civil society, while the second vice-chair should be held by a member of parliament (*député*).

The election results granted the chair to Professor Honorat Aguessy, a member of civil society. He is a recognised leader in Benin, both as an academic and as the founder of a pan-African civil society organisation. Professor Aguessy is the chairman of the Institute for Development and Endogenous Exchange (*Institut pour le développement et les échanges endogènes*, IDEE), and is a former international official. Respected by his fellow academics, political actors and civil society, his election was uncontested.

Another individual from civil society, a woman, was elected vice-chair: Mrs Léontine Idohou, a member of the National Coalition of Civil Society Organisations against Corruption (*Front des organisations de la société civile contre la corruption*, FONAC).⁴

Technical committees

Aside from the executive committee, all 97 members of the Commission were divided up into four specialised technical committees according to their skills and qualifications. These specialised technical committees were organised around the themes that were to be the subject of reports, namely:

- Democracy and Political Governance;
- Economic Management and Governance;
- Corporate Governance; and
- Socio-economic Development.

Their role was to define and monitor the implementation of the planned research methodologies as well as any other matter relevant to their respective area of competence within the framework of the review process. This required interaction with technical research institutions.

⁴ In fact, she served as the only vice-chair, since the second vice-chair was never appointed, for unexplained administrative reasons.

Technical research institutions

It was clear that technical and fieldwork could not be conducted by the specialised technical committees, but rather should be carried out by technical research institutions (TRIs). These TRIs were charged with collecting and analysing the data collected on the basis of the self-assessment questionnaire, and with contributing to the drafting of the self-assessment report and the programme of action resulting from the self-assessment's recommendations. The TRIs were independent firms or specialists in the area to which they were assigned. Four TRIs were selected by the CNIM-MAEP, following limited consultations, on the basis of their abilities, experience and expertise in the field. They were:

- *Afrique Conseil* (Africa Advice) for democracy and political governance;
- *Centre d'Education à Distance* (Centre for Distance Learning, CED) for economic management;
- *Homo Consultio* for corporate governance; and
- *Geca Prospectives* for socio-economic development.

These TRIs all have extensive consultation and research experience on a range of subject areas (political, economic and social), and in general have demonstrated skills in the field. Their expertise in their assigned areas was not subject to question.

National focal point

To ensure that work proceeded well and to monitor ongoing activities without needing to be involved in operational issues, the government identified a national focal point to serve as an agency of the Independent National Commission.

This role was assigned to the Department for African Integration in the Ministry of Foreign Affairs and African Integration. The appointee had a general supervisory role over the other APRM institutions, and was limited to serving as a facilitator and an interface between the various stakeholders. The appointee was directed not to intervene at all in the process itself so as not to influence or distort the results.⁵

According to the decree creating the Commission, the role of the focal point is 'to monitor the review process and Benin's interactions with national organisations, international institutions and development partners on a daily basis'.⁶ The role as facilitator thus enabled the focal point to maintain relationships with the various actors involved in the process: the Commission, the government, the technical and financial partners, the APRM Secretariat, and members of the panel of eminent persons.

⁵ Interview with the Director of African Integration of the Ministry of Foreign Affairs and African Integration, Cotonou, 9 October 2007.

⁶ Decree of 13 March 2006, Article 14.

Local focal points

During the third quarter of 2006, the Independent National Commission established local-level focal points, as one national focal point could not independently take on the assigned tasks in all of the 22 central-level ministries, dispersed administrative entities (*administrations déconcentrées* – six departmental prefectures) and decentralised municipal structures (77 communes).

The thirteen *arrondissements* (sub-divisions) of Cotonou, the only commune of the Coastal Department (*Département Littoral*) and Benin's main city, were categorised with the country's other 76 communes.

In all, 116 focal points, (involving 339 people drawn from the public sector, the private sector and civil society) served as liaisons to the Commission in relation to the sector in which their ministry operated or in relation to the geographical area of their commune or department.

National coordinator

The Office of the National Coordinator of the APRM was the principal operational agency of the Independent National Commission. Under the decree creating the CNIM-MAEP, it was charged with 'the day-to-day management of the review process'.⁷ The decree entrusted the Office of the National Coordinator of the APRM with the overall organisation and supervision of the CNIM-MAEP's efforts, as well as the coordination of the work of the specialised technical committees.⁸ It also had to ensure that other agencies of the Commission were properly established and run efficiently.

In practice, the national coordinator was running a UNDP project to assist Benin's government with the APRM process. He headed a small administrative team composed of an accounting secretary and a driver with a state-provided vehicle, all paid by UNDP as part of its 'project to assist good governance and the consolidation of democracy'.

Problems were quickly uncovered within the administrative chain of command in the CNIM-MAEP. The national coordinator, who served as national executive secretary and rapporteur of the Commission, reported to the UNDP on administrative and financial management. He was concurrently under the supervision of the national APRM Secretariat, based in the Department for African Integration in the Ministry of Foreign Affairs and African Integration. This double reporting system invited difficulties in the relations between the national coordinator and the chairman of the CNIM-MAEP. In fact, it wasn't long before there was friction between the two individuals. After only five months as national coordinator, Cyprien Gagnon abruptly resigned following conflicts with the chair of the National Commission. He was replaced in April 2006 by Roger Kouessi.

⁷ Decree of 13 March 2006, Article 13.

⁸ Decree of 13 March 2006, Article 18.

Advisory committee

An advisory committee (*comité consultatif*) was also created to assist the executive committee of the National Commission. Its purpose was to ensure that all directives and decisions originating from the executive committee were properly executed. It was composed of the executive committee members, the chairs of the specialised technical committees, the national focal point and the national coordinator.

APRM Secretariat country support mission

The entire APRM process in Benin really got under way with the country support mission of 14–17 November 2005, led by Mrs Marie Angélique Savané, the member of the panel of eminent persons assigned to be in charge of the process in Benin. The mission, whose main objective was to launch the process of self-assessment in Benin, consisted of seven other people as well as Mrs Savané: one representative of the UNDP (Mrs Edith Gasana, Resident Representative of the UNDP in Benin), and two each from the APRM Secretariat, the United Nations Economic Commission for Africa (ECA) and the African Development Bank (AfDB).⁹

During its visit, the country support mission held meetings and working sessions with various individuals and institutions in order to explain the principles, organisation and process of the APRM. Among the institutions, mention should be made of: the APRM national focal point in Benin within the Ministry of Foreign Affairs and African Integration, the members of the CNIM-MAEP, representatives of civil society and the private sector, the Committee on Public Ethics and the technical research institutions.

The support mission held an information and orientation seminar on the APRM process for the CNIM-MAEP members. At working sessions with the focal point and Commission members, the mission insisted on the need for the composition of the National Commission to be equitable and representative of all stakeholders from the various layers of Beninese society and the different geographical regions, to ensure that the self-assessment process would be transparent and inclusive. The support mission also encouraged private sector and civil society representatives to become better organised in choosing their representatives on the National Commission, and to come up with a strategy for stronger engagement with the self-assessment process.

These work sessions made it possible to establish a roadmap of the APRM process, including the following steps:

9 This information is taken from the Joint Communiqué following the Support mission for the African Peer View Mechanism (APRM) in Benin, 14–17 November 2005, made public on 16 November 2005 by Mrs Marie-Angélique Savané, member of the Panel of Eminent Persons of the APRM, and by H.E. Mr Rogatien Biaou, Minister of Foreign Affairs and African Integration of Benin. The text of the communiqué is available at: <http://www.issafrica.org/AF/RegOrg/nepad/aprm/beninnov05.pdf>

- the creation of the four thematic groups (or technical committees) of the CNIM-APRM, following the four themes of the APRM self-assessment questionnaire;
- identification of the four technical research institutions (TRIs) to run nationwide workshops and other working sessions on the four APRM themes, under the supervision of the National Commission;
- the development of terms of reference for these TRIs;
- the establishment of a calendar of activities, including awareness and information seminars and self-assessment workshops, as well as the proposal of a preliminary budget and submission of the self-assessment report and preliminary programme of action to the continental APRM Secretariat.

One of the important outcomes of the support mission was the signing on 14 November 2005 of the Technical Memorandum on the Peer Review Mechanism in Benin. Mrs Savané signed on behalf of the Forum of Heads of State and Government participating in the APRM. Mr Rogatian Biaou, the Minister of Foreign Affairs and African Integration, signed on behalf of the government of Benin. This memorandum expresses the government's commitment to the implementation of the self-assessment process and welcomes the panel's next review mission.

The signing of this technical memorandum, and the official inauguration of the CNIM-MAEP on 11 November 2005, marked the formal initiation of the APRM process in Benin.

Preparation for APRM implementation

Training of participants

The different structures responsible for implementing the APRM process were trained in various ways during 2006 to enable them to perform their duties effectively.

A number of activities were undertaken to bring APRM actors up to speed and ensure their ownership of the process. These activities consisted of meetings to internalise the APRM principles, discussions about the methodology for APRM implementation, National Commission plenary meetings on the status of the roadmap implementation, and thematic workshops monitoring the self-assessment activities.

In all, more than 40 training and follow-up workshops were organised for capacity building of the structures for APRM implementation. The participants at these workshops were TRI researchers; members of the National Commission meeting either in plenary or in workshops for each theme of the self-assessment; the focal points in ministries, prefectures and communes;

and journalists. A total of 1 064 people (851 men and 213 women) participated in these training sessions, conducted by 129 trainers and facilitators.¹⁰

Social mobilisation

Some sixty press agencies were contacted to send journalists to the training sessions on the APRM process, principles and methods, with the aim of building the media's capacity for social mobilisation. The objective was to identify subjects to be covered and to create a schedule of programmes for broadcasting and for articles in the press.¹¹

During July and August 2006, a communication plan was developed, identifying strategic entry points for each of the stakeholders. This plan proposed a series of information activities for all actors to increase awareness of the APRM process, its objectives, different stages and methodologies. Its goal was to encourage the effective and broad-based involvement of the country's political, administrative and socio-economic actors.¹²

The National Commission executive committee toured all twelve departments in Benin during 2006 to present the project and encourage the participation of the government and local authorities (prefects, mayors, local elected officials). This resulted in a significant level of participation by the administrative authorities that were themselves part of the process.¹³

Exchange visits

Exchange visits were organised to enable participants in the Beninese APRM process to learn about the experiences of their colleagues from countries that had carried out the same process. In February 2006, National Commission members in Benin welcomed colleagues from Ghana who visited to share their experiences. As part of this visit, the two sides agreed to establish an African network of support and methodological orientation for countries engaged in the self-assessment process. A delegation from the German development assistance agency based in South Africa (GTZ South Africa) visited in April 2006 in order to assess the type of logistical or technical assistance that it could provide to the Beninese Commission.¹⁴

Members of the Commission were also asked to present or participate at various meetings outside of Benin, in Togo, Belgium and Nigeria.

10 See National APRM Secretariat, Report of Activities for the Government of Benin and the UNDP for the period of January 1 to September 30 2007, Cotonou, 2007 and APRM National Secretariat, General Report for the Government of Benin and the UNDP, Cotonou, 2007.

11 Ibid.

12 Ibid.

13 Interviews in Cotonou, October–December 2007 with individuals cited at end of report.

14 National APRM Secretariat, Report of Activities for the Government of Benin and the UNDP for the period of January 1 to September 30 2007, Cotonou, 2007 and National APRM Secretariat, Activity Report for the Government of Benin and the UNDP, Cotonou, 2007.

*Self-Assessment: Research methodology and national consultations***Interim studies and reports from the technical research institutions**

During 2006, and especially between May and July 2006, the TRIs began to research and develop their thematic reports about the four APRM sectors.

Afrique Conseil, the firm designated as the TRI for Democracy and Political Governance, used documentary research, focus groups and survey studies to gather data.

During the exploratory phase in May and June of 2006, *Afrique Conseil* organised focus groups with academic, political and media elites in order to collect their opinions and to prepare for the survey phase. The following were targeted in this way: media professionals, political players, private sector operators, teachers of political science, law, and economics, civil society representatives and local elected officials. A total of 51 persons, categorised by profession, were consulted.

For the public opinion survey, three questionnaire modules were extracted from the standard APRM questionnaire and adapted for Benin. There were modules for: civil society and households; governance and local elected officials; and business actors. The sample selected was of 598 individuals, representing approximately 1/10 000 of Benin's 6.8 million residents (based on the last population census held in 2002). Socio-demographic factors such as residential area, sex, age, ethnicity, religion and educational qualifications were used to determine the sample.

The TRI firm CED, in charge of the subject of Economic Management, used a similar approach to collect data. A desktop research phase was followed by a phase of focus groups and panels, which then led into the opinion survey phase.

The CED organised two panels: the first brought together 23 senior individuals (university professors, researchers, senior civil servants, business people, trade union representatives, etc.); the second grouped senior executives with extensive knowledge of management and economic governance.

Again, the APRM master questionnaire was adapted for the study, and a public opinion poll sampling technique was used. The selection made it possible to separate both the dignitaries and local authorities from the general public, as well as rural from urban areas. In each district, 25 individuals were interviewed, representing all social strata and socio-economic categories. The collected data were organised according to the socio-demographic and socio-economic characteristics of the public and the various APRM objectives as described in the guidelines.

Homo Consultio, the TRI firm assigned to the area of Corporate Governance, also conducted a desktop review. A panel was then organised consisting of 60 specialists identified by subject, geographic origin, level of education, profession and ethnic group. An in-depth study was conducted on a representative sample of private and public sector representatives, individual actors (members of corporate boards of directors, customers and clients of businesses, oversight

authorities and corporate management authorities, consumer associations, foreign and national investors, etc.).

The sample ultimately included 36 public enterprises, 110 private businesses in the formal sector, and 100 private businesses in the informal sector (involved in food, arts, design, buildings, electronics, electricity and refrigeration, hygiene and personal care, metals and mechanical construction, textiles and clothing); and 120 customers and corporate clients were also interviewed. In total, the field studies involved 366 units. The prepared questionnaire contained four modules: i) public and semi-public enterprises and state agencies; ii) clients and customers of companies; iii) large and mid-size private companies in the formal sector; and iv) companies in the informal sector.

The firm *Geca Prospectives*, responsible for Socio-Economic Development, also carried out documentary research and preliminary interviews based on 12 thematic areas: education, health, environment, hygiene and sanitation, water and energy, rural development and food safety, transport, land management, housing and territorial integrity, communications (ICT), employment and commerce, microfinance, family protection, gender and justice, culture, leisure and traditions).

Twenty-four communes were selected for field work, including Benin's six major towns at the national level and both the least developed and the most populous commune in each department. Empirical data were gathered from national state structures, civil society actors, and local government authorities at departmental and commune level. This information was later analysed on both a qualitative and quantitative basis.

Preparation for national consultations

In addition to the desktop research, studies and opinion surveys carried out by the technical research institutions, the Independent National Commission also decided to set up national consultations to pin down all aspects of the Beninese people's opinions about how they are governed and their vision of the immediate future of the country. This was done so that Benin's self-assessment report and preliminary programme of action would be consistent with the aspirations of the public.

Beyond raising public awareness of the APRM, these national consultations were intended to deepen the analysis of the state of governance in Benin within the four thematic areas. Conceived as the final stage of the self-assessment process, these consultations were an opportunity to involve all stakeholders in the process (dispersed and decentralised public authorities, the private sector and civil society). They took place in all districts and in all ministries as well as in the private sector, this time with employers' organisations.

Before the national consultations took place, advance support missions were organised for the focal points to help them organise the process. The National Commission prepared guidelines for the preparation and organisation of the consultation meetings. Twelve National Commission members were sent on

support missions to the local focal points at commune and prefecture level in the country's twelve departments. Three other members were sent to the ministries. One Commission member was dispatched to the private sector. These individuals were to: i) inform people of the date scheduled for the consultation; ii) go over the guidelines for the preparation and organisation of the consultations with the focal point; iii) increase awareness among mayors or ministers and/or their chiefs of staff so that they become personally involved in social mobilisation and in chairing consultation meetings; and iv) address any concerns raised. In all, 16 members of the Independent National Commission for the Implementation of the APRM were sent to talk to 104 focal points. These various missions made it possible to prepare properly for the national consultations.

In addition to sending the support teams to train the focal points on the national consultations, the National Commission created supervisory teams in order to ensure compliance with the self-assessment standards and principles of the APRM; and also to ensure that the Commission could follow the progress of the various activities. These teams were made up of Independent National Commission members. Whereas members of the support team each worked with two communes, the members of the supervisory teams, composed of advisory committee members and an accountant responsible for logistics, oversaw the proper progress of consultations in all of the communes for which they were responsible.

National consultations

For the ministries, employers' organisations and communes, the national consultations took place in the following stages:

- Welcoming speeches presented by a focal point member of the socio-economic unit (communes, ministries, employers' organisations);
- Statement by the representative of the National Commission presenting the APRM, its goals, principles, content and methodologies, and an explanation of the national consultation and the awareness-raising meeting itself;
- Opening speeches by the mayor, minister or president of employers' organisation to specifically invite the participants to give their opinions and points of view about the state of governance in the four thematic areas;
- Introduction to the discussion and to the presentation of the summary of questionnaire responses by the head of the socio-economic unit or a member of the commune focal point;
- Discussion with the floor given to the participants;
- Detailed recording of the public's ideas and points of view.

Focal point members and the support team collected and carefully documented the various opinions expressed by the public during these national consultations. These opinions then served as the basis for preparing reports on the national consultation process.

The key ideas originating from the various socio-economic units were compiled and reorganised around the four APRM areas. An expert analysed these ideas, and then submitted them to the National Commission for validation.¹⁵

Analysis of interim TRI thematic reports and national consultation reports

To facilitate the task of validating the self-assessment report, the National Commission invited resource people from outside the Commission to read the self-assessment results, including both the TRI thematic reports and the analytical summary of the national consultations. These individuals were also asked to critique the results, both in their own right and with regard to other national and international documents on development strategies. These experts worked theme by theme and prepared their reports accordingly.

The experts were: Dr Michel Dedehouanou, a lecturer and researcher in economics at the University of Abomey-Calavi, for Economic Governance and Management; Dr Ismael Tadde, a professor in management sciences, for Corporate Governance; Mr Mouftaou Laleye, expert in political governance, for Democracy and Political Governance; and Mr Marcellin Adechina, development expert, for Socio-Economic Development. Their observations were integrated into the interim reports and the results of national consultations before these documents were submitted to the validation seminar.

Seminar to validate the interim TRI thematic reports and the results of national consultations

From 31 May to 2 June 2007, National Commission members, resource persons and TRIs held a validation seminar to approve the interim TRI reports in the four thematic areas, and the results of national consultations. The objectives of this seminar were:

- to evaluate the thematic reports and programmes of action proposed by the TRIs in all four areas;
- to make critical observations and positive contributions about the methodology, form and content of the interim reports to be integrated into the final reports; and
- to contribute to the improvement of the thematic reports in order to facilitate the preparation of the overall report and the national programme of action.

¹⁵ The expert's identity was not disclosed despite repeated requests to leading APRM organisations.

The validation seminar brought together some 60 persons from the private and public sectors, civil society, TRI representatives, resource persons and National Commission members, all of whom were taken outside of Cotonou and accommodated locally (in Ouidah) during the entire validation seminar. After the plenary opening session, working sessions were held for each of the four thematic areas, and within each session break-out workshops could also be held. At each session the appropriate TRI representative presented his/her interim report. The National Coordinator of the Commission then presented the results of the national consultations for the thematic area in question. The workshop participants were then required to:

- internalise the content of the thematic reports so as to be able to readily present the results to the public;
- amend the TRI thematic reports in light of the conclusions drawn from national consultations; and
- highlight for each theme first the efforts or best practices in governance, then the defects or shortcomings of governance, and finally, the proposed solutions or improvements in governance.

Report-back sessions from the workshop discussions were held for each of the four themes before the closing plenary.

The validation seminar thus allowed the collection of a large number of concerns and suggestions from the participants.

Releasing the self-assessment report to the public and public validation

Following the validation seminar in Ouidah, the results of the self-assessment were prepared and presented to the general public by way of a report-back of the concerns that had been collected a few months earlier. In this way they could see if the published results were what they had actually expressed.

For this purpose, three sessions were organised on 3 and 7 July 2007 to present and validate the draft report for the benefit of the public at large (focal points, local authorities, staff of the local representatives of national administrative services, private sector actors, civil society actors, etc.). One meeting was held in Parakou to benefit people from the country's four northern departments (Borgou, Alibori, Atacora, and Donga) and brought together some 60 participants on 3 July 2007. On the same day, in Lokossa, more than one hundred people from the departments of Zou, Collines, Mono and Couffo met for the same purpose. In Cotonou, approximately 150 people from Littoral, Atlantique, Ouémé and Plateau departments met on 7 July 2007.

At all of these report-back and validation workshops, the TRIs presented their reports and programmes of action as they stood after integrating the comments of specialists, the results of national consultations and the observations and recommendations of the validation workshops. The participants then responded with their criticism and suggestions.

Results of the self-assessment: Publicly-raised issues about governance

The concerns and recommendations raised by the public during the national consultations for the validation of the self-assessment report included the following:

On Democracy and Political Governance: The people of Benin are aware of the progress that has been and continues to be made to uphold the ideal of democracy in their country. In practice, however, the systems of governance are defective and threaten to undermine the democratic process. Therefore, the public forthrightly condemned the political opportunism and Benin's politicians' lack of ethics, the marginalisation of vulnerable groups, and the violation of women and children's rights.¹⁶

On Economic Governance: Numerous shortcomings were criticised in this area. The Benin people denounced amateurism in the management of the economy, the politicisation of administration, substandard performance of public enterprises, general corruption in the public and private sectors, as well as poor management of public finances.¹⁷

On Corporate Governance: The same issues reported for economic governance were revisited here: corruption, cronyism, the burden of taxation that leads to fraud or tax evasion, the poor state of infrastructure, and the lack of professionalism.¹⁸

On Socio-economic Development: Participants censured the poor conceptual basis and lack of funding for socio-economic development programmes, persistent poverty, the quasi non-existence of basic social services, and the under-representation of women.¹⁹

Finalising the self-assessment report and its submission to the APRM Secretariat

During August and September 2007, two academic experts, sociologist Albert Tingbe Azalou and economist Pasteur Akpo, were mandated to draft the general self-assessment report for Benin. More specifically, they were asked to base the report on the TRI thematic reports and their various programmes of action, the most important contributions from the validation seminar, the recorded opinions of the public from the report-back meetings, the analytic summary of the results of the national consultations, and the criticisms and suggestions of the resource persons.²⁰

These two experts had already participated in various internal or public validation meetings and were well-informed about problems that had been

¹⁶ Global Report of the Validation Seminar for the TRI thematic reports, June 2007, p. 82.

¹⁷ Ibid, p. 20.

¹⁸ Ibid, p. 54.

¹⁹ Ibid, p. 106.

²⁰ National APRM Secretariat, Activity Report to the Government and UNDP for the period of January 1 to September 30, 2007, Cotonou, 2007, and National APRM Secretariat, General Report to the Government of Benin and UNDP, Cotonou, 2007.

raised. The report they drafted was subsequently submitted to the APRM Secretariat to plan the review mission in Benin.

Review missions to Benin

First review mission

Mr Gaston Bushayija, an expert in socio-economic development from the continental APRM Secretariat, visited the Beninese authorities in June 2007, before the country review mission to Benin was conducted. Working in close cooperation with the advisory committee, the goal of his visit was to organise and plan the implementation of the review mission with the Beninese authorities. During his visit, Mr Bushayija noted, with the members of the National Commission, the problems that marked the self-assessment phase as well as the planning of the review mission.

Led by APRM panel member Mrs Marie-Angélique Savané, the mission visited Benin from Monday 16 July 2007 to Wednesday 4 August 2007. The delegation was composed of African specialists recognised as experts in the four key areas. The goal of this first review was to verify the data contained in the self-assessment report and to set out the basis of the peer review report. This exercise consisted of meeting all stakeholders in the process, that is, all actors met by the National Commission during the national consultations. Thus, the mission was able to meet, discuss and work with all parties involved in the APRM process and the self-assessment phase. Work sessions were held with public authorities and institutions, ministries, civil society, the general public, etc.²¹

The review mission team visited all the departments and a sample of communes in Benin in order to have a first-hand account of the work that had been done.²² Certain members of the National Commission accompanied the mission into the field. During a period of three weeks, the delegation met all actors representing Beninese society, and was thus able to compare the data collected during their tour with the data contained in the self-assessment report and the various documents about governance in Benin.

The Benin government was, however, also asked to supply additional information.²³ Furthermore, the delegation noted that certain groups were not sufficiently taken into account, and therefore made the effort to meet with groups exclusively composed of women and young people. Announcements appeared on national television to invite women's and youth associations, political parties, private businesses and various other social actors to meet the review committee members according to a specified schedule.

21 Interview with the Director of African Integration of the Ministry of Foreign Affairs and African Integration, Cotonou, 9 October 2007.

22 Interview with the Director of Communications and Territory Planning and the General Secretary of the Trade Union of the Prefecture of Parakou, 27 September 2007.

23 Interviews with the Director of Monitoring/Review of the Nex Committee and with the Director of African Integration of the Ministry of Foreign Affairs and African Integration, Cotonou, 9 October 2007.

Second review mission

A second APRM Secretariat review mission took place in October 2007 with the principal objective of presenting the draft peer review report to the head of state, President Boni Yayi. Prior to the review team's arrival, Beninese authorities had submitted the supplementary information requested at the end of the first review mission.²⁴ This two-week-long work visit enabled the APRM eminent persons to conduct meetings and unannounced field visits. In this way, for example, the mission paid unannounced visits both to female vendors at the Dantokpa market, the largest of its kind in Cotonou and Benin, as well as to the executive director of the Benin National Water Company (SONEB), and each agreed to reply to additional questions posed by members of the evaluation mission.²⁵ The mission also held several meetings with the head of state to present him with the findings of the report.

Review report for Benin

Presentation of the peer report

Mrs Marie Angélique Savané presented the Benin country review report prepared by the APRM Secretariat and eminent persons to the 8th APRM Forum – the real peer review by heads of state – held in Addis Ababa on 30 January 2008.

With regard to democracy and political governance, this report highlighted progress in the area of the adoption of standards,²⁶ the maintenance of social peace, respect for human rights and electoral schedules, democratic change of government, and respect for the rule of law, the constitution and the separation of powers. However it also highlighted concerns about the low level of women's participation in politics and administration, the heavily politicised and unprofessional nature of public administration, worrying levels of corruption and the fragility of electoral mechanisms.²⁷

With regard to economic governance and management, the report observed that Benin has adopted most of the standards, codes and principles related to economic governance and management. Benin has also adopted strategic plans for development, even if their implementation in sector programmes has suffered from some shortcomings. With regard to public finance, progress has been made in results-based management, but many shortcomings still remain in terms of oversight of public spending. The panel recommended the implementation of sound, transparent and predictable economic policies,

²⁴ Ibid.

²⁵ Interview with the Director of African Integration of the Ministry of Foreign Affairs and African Integration, Cotonou, 9 October 2007.

²⁶ The report was nonetheless concerned about the non-ratification of certain AU standards, notably the fact that Benin has yet to promulgate a law to ratify the African Union Convention on Preventing and Combating Corruption, adopted in July 2003 in Maputo.

²⁷ African Union and APRM, Review Report on Governance, Republic of Benin, January 2008, p. 6.

sound public finance management, a greater effort against corruption and money laundering, and accelerated regional integration through harmonised monetary, trade and investment policies.²⁸

With regard to corporate governance, although Benin has adopted most of the standards and principles, many challenges are yet to be met, including the informal sector's unfair competition practices against the formal sector, the tax burden, the ineffective legal system, and a lack of effort in the face of corruption.²⁹

As far as socio-economic development is concerned, there too Benin has adopted the fundamental regional and international principles and standards. The over-dependence of Benin's economy on international assistance was noted. Efforts have been undertaken to improve access to basic social services, but much remains to be done in the areas of health, education and potable water. Access to agricultural land and urban property rights also constitute a major concern throughout the country.³⁰

As cross-cutting themes, the report emphasised the struggle against corruption, the need to accelerate the transfer of resources to grassroots communities, the involvement of traditional authorities in local development, more effective integration of issues of gender and equality of the sexes, training and increased value placed on the role of young people, special attention to the informal sector, reform of public administration, encouragement of active citizenship, and the rule of law.³¹

After the report was presented to the APRM Forum, President Boni Yayi spoke about the programme of action annexed to the report, highlighting in particular the struggle against corruption. President Yayi spoke in front of his peers about the efforts made since he took power on 6 April 2006.

His peers offered both encouragement and advice. The heads of state welcomed the report and congratulated the Beninese people not only for the exercise itself, but also for the free pre-school and primary education programmes already in place, and for the plans for free healthcare for pregnant mothers and for children under five years of age. They also commended the efforts undertaken for Benin's economic development and the promotion of sub-regional and regional integration. President Yayi was particularly concerned with the socio-economic impact of multiple political parties, the financing of NGOs by external forces that could turn them away from their normal activities, corruption, the large size of the informal sector, and the exploitation of children. Thus, a particular emphasis was placed on the sectors to be strengthened: the need for infrastructure, energy, agriculture and job creation for youth and women, as well as the place of women in decision-making positions.

28 Ibid., p. 12–17.

29 Ibid., p. 18–21.

30 Ibid., p. 22–26.

31 Ibid., p. 27–31.

The national programme of action annexed to the report, which defined the policies and practices needed to implement its priorities, identifies a set of actions to be taken during the period 2008–2015 in the four areas of governance. It estimates the cost of implementation at US\$ 2.6 billion.

National inauguration of the report

On 12 February 2008, twelve days after his return from Addis Ababa where the Benin report had been adopted, President Yayi organised a public launch event. Mrs Marie-Angélique Savané, chair of the APRM panel, presented the 462-page printed report to Dr Yayi in his role as head of state, before members of the government, various public institutions, the diplomatic corps and other individuals including Professor Ashante of Ghana.

In her speech, Mrs Savané mentioned the significance of the APRM and the great hope it represented for the African continent. She praised the patriotism of President Yayi and his personal commitment both to the APRM process and to the development of his country and the African continent. After discussing the content of the report, she expressed the hope that it would be a defining text for all Beninese citizens. She said that for her, Benin was unique in the history of the APRM for the level of seriousness with which it had approached the process. It was also the first time that the speeches made following Dr Boni Yayi's presentation to his peers in Addis Ababa had been marked with such personal appreciation of his role. Usually, the heads of state gave their opinion only about the report itself. She quoted President Thabo Mbeki of South Africa, who said of President Yayi that 'you have before you a man who is a true African patriot, who knows what he wants, and who is prepared to commit himself to its achievement, for the sake of his country'.³²

In turn, President Yayi thanked his predecessor, President Mathieu Kerekou, for launching the APRM process. He highlighted the Beninese people's strong wish for change. After recalling the challenges noted in the report, he appealed to all Beninese to commit themselves, with their government, to rise to the challenge. According to the head of state, the government would set up a National Commission on Governance. He stated that this would be an autonomous entity, composed of senior Beninese dignitaries of exemplary ethical standards and proven professional experience. Since Benin will not be able to meet these challenges alone, the head of state announced that a roundtable of development partners would be immediately organised to ensure Benin's continued access to the assistance of technical and financial partners.³³

The inaugural ceremony for the national report also served as the occasion for the President of the Republic to decorate Mrs Savané and Professor Honorat Aguessy, chair of the Independent National Commission for the

³² Charles Yansunu, 'Boni Yayi, la fierté d'un continent', *Fraternité* (Cotonou), 13 February 2008, p. 3.

³³ *Ibid.*

Implementation of the APRM in Benin, as members of the National Order of Benin.³⁴

Financing the process

The budget for the implementation of the APRM has not been made public. Thus, data about APRM funding in Benin primarily comes from meetings with the main participants in the process. The total budget for the implementation of the APRM in Benin was initially estimated at CFA 225 million, or about US\$450 000 broken down with contributions as follows:

- Government of Benin: CFA 25 million, or \$50 000;
- UNDP: CFA 75 million, or \$150 000;
- African Development Bank: CFA 100 million, or \$200 000;
- African Capacity Building Foundation: CFA 25 million, or \$50 000.

From the start of the process, the UNDP was asked to manage all of the finances, and therefore set up a joint fund financed from a number of sources. This mechanism provided a total final budget of approaching \$350 000.³⁵ To this the Benin government contributed upwards of \$50 000, the UNDP \$100 000, and the African Development Bank \$150 000.

We should also mention the role played by the German Hans Seidel Foundation during the implementation of the process. This foundation supported and followed the process during its entire implementation, including a financial contribution of \$50 000. The foundation directly managed this money without going through the UNDP joint fund, because it believed that the APRM mechanism fell within the activities it undertakes as part of its general mandate.³⁶ The foundation specialises in public education and in organising training sessions and seminars in the field. The foundation participated effectively in the national consultations, and financed training seminars both for the general public and for the focal points. In addition, it was in contact with the public when the foundation accompanied the National Commission and the international experts during their various missions to Benin.

Finally, President Yayi's government provided additional financial contributions for the two review missions; though these cannot be exactly quantified because they covered a wide range of expenses including lodging, travel, security, etc.³⁷

34 Edgard Coua-Ozotti, 'Pour services rendus à la nation béninoise, Savané et Aguessy admis dans l'ordre national du Bénin', *La Nation* (Cotonou), 13 February 2008, p. 3.

35 Interview with the Director for African Integration of the Ministry of Foreign Affairs and African Integration, Cotonou, 9 October 2007.

36 Interview with the APRM focal point of Hans Seidel Foundation.

37 Interview with the Director of African Integration of the Ministry of Foreign Affairs and African Integration, Cotonou, 9 October 2007.

Evaluation, problems and shortcomings of the process

Panel members emphasised President Boni Yayi's personal involvement in the implementation of the review in Benin. Nevertheless, the self-assessment process encountered problems and failures, primarily due to administrative inadequacies, insufficient financial resources, inadequate public awareness activities, and difficulties administering the questionnaire. The process did, however, benefit from the significant involvement of non-governmental actors, even if representatives of civil society were appointed under the authority of the government.

Personal involvement of President Boni Yayi

The country review report notes that Mrs Marie Angélique Savané's review mission highlighted the personal involvement of the Beninese president. As far as the panel members were concerned, 'the results obtained by the review mission were to a great extent made possible by the personal involvement of His Excellency Dr Boni Yayi, President of the Republic of Benin, and his entire government'.³⁸ Thus, 'the Benin evaluation process took place under excellent working conditions, seen both in the quality of the commitment of all of the stakeholders to the success of process, and in the quality of the material and logistical assistance made available to the evaluation mission in the field'.³⁹

The mission prepared a non-exhaustive list of evidence of the President of the Republic's personal involvement. It included:

- Repeated expressions of encouragement to APRM panel members by the head of state to carry out the process in Benin as soon as possible;
- The official inauguration of the country review mission during a televised ceremony in the presence of representatives of state institutions;
- No fewer than seven audiences granted by the president to Mrs Savané;
- The audience granted to the country review mission on 18 July 2007, during which the president gave advice and orientation for the mission's success, and urged the team to work with full transparency and with no topic off-limits;
- The broad-based report-back session for the presentation of the preliminary results of the mission during a working dinner that brought together the President of the Republic, the entire government and many public institutions;
- The invitation of review mission members, during their second visit to the country, to a meeting of the Council of Ministers presided over

³⁸ African Union and APRM, Review Report on Governance, Republic of Benin, January 2008, p. 46.

³⁹ Ibid.

by the head of state himself, at which they could communicate directly with members of the government.⁴⁰

Administrative problems

The self-assessment process began in some confusion due to numerous administrative problems within the structures responsible for running it. The National Secretariat under the direction of the national coordinator had only one accounting secretary and one driver. A communications consultant provided temporary assistance, but it was obvious that this small staff had many difficulties in handling efficiently the large number of tasks and requests assigned to them.

Furthermore, the Secretariat did not have its own office, and was housed in two offices of the Ministry of Foreign Affairs and African Integration, which did not offer sufficient visibility to the activities of the Secretariat.

The Secretariat also complained about the lack of teaching materials (video projectors, flip charts, projection screens, etc.) needed to arrange presentations, workshops and seminars.⁴¹

Finally, the delay in releasing funds and the cooperation problems between the national coordinator, chosen by a public recruitment process, and the chair of the National Commission, led to the resignation of the former and his replacement by another coordinator in April 2006.

These administrative problems had a negative impact on the rolling out of the various activities, especially during the start-up period. For example, the TRIs began their work before signing a contract with the National Commission and before the funds were made available.

Similarly, questions arose concerning the appointment, powers or capacities of the focal points. In practice, their appointment was not made on the basis of clearly defined criteria. In addition, no administrative regulation had officially appointed them as focal points. No focal point interviewed for this report was capable of explaining the basis upon which they had been chosen, nor had they received an official document notifying them of their selection. Criteria were in fact developed, but lack of time and oversight of the process meant that they were not followed everywhere, and individuals were in effect appointed at the discretion of the directors of their socio-economic unit. Certain focal points were completely uninformed of the content and duration of their mandate.⁴²

Poor public awareness

When the TRIs began their field studies, many of their contacts knew nothing about the APRM or the status of the ongoing self-assessment process. These people sometimes challenged the legitimacy of the TRIs' information-gathering

⁴⁰ Ibid.

⁴¹ National APRM Secretariat, General Report to the Government of Benin and the UNDP, Cotonou, 2007, p. 25.

⁴² Interview with the secretary-general of the trade union of the Prefecture of Natitingou, 29–30 October 2007.

visits. Certain respondents, including administrative authorities, refused to cooperate with the TRI interviewers. The TRI studies thus took place before the awareness raising sessions for the public and dispersed and decentralised administrative authorities, or before they had really benefited from their effect. Public awareness was only really developed during the national consultations, when the National Commission teams arrived to gather information and explain the APRM process, just before distributing the questionnaires and collecting the resulting data, opinions, concerns, and recommendations.

Problems administering the questionnaire

In addition, despite efforts to reformulate certain questions, the respondents complained that they did not understand some aspects of the questionnaire, or that other questions did not interest them because they did not directly touch on their concerns. This was the case for questions relating to regional and sub-regional economic integration. The lack of questionnaires translated into national languages was also considered to be a major problem.⁴³

Since that time it appears that attempts to reformulate the questions have not successfully reduced the gap between the concerns of some members of the grassroots public, and those of the National Commission and the review mission. Some participants in the process reported that certain groups found that a number of questions asked in the self-assessment process and by the review missions did not take their true concerns into account. They did not hesitate to inform the members of the National Commission and panel members about these concerns.⁴⁴

Insufficient financial resources

The lack of financial resources was also criticised. As mentioned earlier in this report, several pledges of funds were not delivered. Consequently, of the \$450 000 provided for in the advance budget, only \$350 000 was received in cash contributions. As a consequence National Commission members were forced to serve in a volunteer capacity, which negatively impacted on the quality of their participation. Several National Commission members who realised that there was no remuneration for serving on the Commission left abruptly and their work had to be carried out by others. In fact, it was the hope of remuneration that inflated the number of Commission members to 97 in the first place. There was also a high turnover of focal points with their constant resignations and replacements, resulting in administrative instability.

Those leading the process also generally believed that the lack of sufficient financial resources negatively impacted on the quality of fieldwork.⁴⁵ For example, they often had trouble travelling to certain locations. In practice, each commune received only CFA 2 000 (US\$4) for focal point travel. In general

43 National APRM Secretariat, General Report to the Government of Benin and the UNDP, Cotonou, 2007, p. 112.

44 Interview with the director of the planning department of the Prefecture of Parakou, 27 September 2007.

45 Ibid.

such a sum is insufficient; in geographically remote departments, especially those in northern Benin, this amount of money would be considered insulting, even ridiculous.⁴⁶

Some focal points realised that the work could not be properly accomplished given the lack of travel or communication resources. Other focal points, especially those of prefectures, criticised the fact that priority was given to communes (*mairies*) for field visits. Even though this was provided for from the start, they could not always make the planned field visits to follow up the process. The role of focal points based in prefectures was thus mostly limited to transmitting or collating information and documents. In general, those interviewed believed that field visits should not be attempted if not properly funded.

Appointment of civil society members and the quality of their involvement

We must examine the central role that civil society should play in the APRM process. In fact, the novelty that the APRM introduced into people's thinking is the fact that African leaders are subject to the scrutiny of their peers. The real revolution lies in the fact that those who are governed offer their opinion and that the governors must consider this feedback. Given this starting point, who can better serve in the role of representative of the people than civil society? Thus observers of the APRM process reflected on whether civil society had fulfilled its duties and obligations by representing the people in the right way.

Civil society was broadly represented within the Independent National Commission. However, the decree creating the National Commission gave the state the authority to appoint which organisations could send members to the Commission. This official selection took place despite the existence of a consultation framework among civil society organisations that could have made the desired appointments and transmitted the list to the government, just as is done in the appointment of civil society representatives on the National Electoral Commission at its national headquarters and its local offices.

It is true that certain key civil society networks appear on the list prepared by the government. This is true of FONAC, an anti-corruption coalition, and Social Watch, which monitors government activities.⁴⁷ Nevertheless, we can say that certain well-known associations working throughout the country were not included, despite the relevance of their activities. It's not possible to say

⁴⁶ Interview with the secretary general of the trade union of the Prefecture of Parakou, 27 September 2007.

⁴⁷ Interviews with the president of Social Watch and president of Rifonga, Cotonou, 8 and 11 October 2007. Social Watch is an initiative of civil society organisations involved in the follow-up processes for the resolutions of the World Social Summit for Development (Copenhagen) and the Fourth World Conference on Women's Rights (Beijing). Social Watch aims to develop participatory approaches to create spaces for dialogue and exchanges between CSOs and the public on the one hand, and the state, local governments and development partners on the other; for the purpose of influencing social development policies based on poverty reduction strategies, and to encourage positive change to benefit marginalised communities of localities in Benin. Social Watch is involved in various areas of activity linked to 12 priority targets for the Millennium Development Goals established by Benin. Information from Governance in Africa, a site of the Alliance to Reform Governance in Africa at <http://www.afrique-gouvernance.net/fiches/bipint/fiche-bipint-242.html> (accessed on 18 April 2008).

that this was done intentionally, because it is hard to integrate everyone in a single process; but, for example, certain very representative associations or networks working in the area of gender were not included.

Gender-specific considerations were not properly taken into account, despite the presence of women's associations on the National Commission. In this respect, it is surprising that well-known and very active networks such as WILDAF (Women in Law and Development in Africa, Benin branch) and RIFONGA (Network of African NGOs and Associations for the Integration of Women/*Réseau pour l'intégration des Femmes des ONG et Associations Africaines*) were not directly involved in the process. The president of WILDAF criticised this situation.⁴⁸ However, the government considered WILDAF to be a member of the Social Watch network. Moreover, in addition to her role as a FONAC member, the deputy chair of the National Commission is also the chair of RIFONGA; she stated that she did her utmost to ensure that gender was taken into consideration.⁴⁹

Shortcomings were also found at the local level. The Union of Cotton Producers of the Department of Borgou was not approached, even though cotton production is the main activity in that department and cotton exports are one of the main sources of income of Benin.⁵⁰

Despite these failures or oversights, the strong representation of civil society within the National Commission enabled it to make a contribution at all levels of the process. Civil society was heavily represented at both national and local meetings. Thus it was involved and actively participated in the implementation of the self-assessment process.

Problems accessing the results of the self-assessment and the review

While the process is regarded as participatory, the results of the self-assessment were not made available to the public. No information or documentation centre was provided about the APRM process; although UNDP-Benin dedicated an issue of its magazine to the review mission. The various documents relating to the process could only be obtained for inclusion in this study through personal contacts and on the basis of anonymity.

This confidentiality fits poorly with the desire for a participatory approach to the work. Fortunately, a public launch for the country review report was arranged, and the report was distributed to the guests. However, efforts still need to be undertaken to publicise the report. The Social Watch network called on the government to involve all those who participated in the self-assessment process and the country review in the establishment of a collective follow-up mechanism.

48 Interviews with the president of WILDAF and the president of RIFONGA, Cotonou, 8 and 11 October 2007.

49 Interview with the president of RIFONGA, Cotonou, 8 October 2007.

50 Interview with the coordinator of the Union of Cotton Producers of the Department of Borgou, 27 September 2007.

Final comments and recommendations

In conclusion, the self-assessment and review processes were implemented in a generally positive way. Despite limited resources, the campaign to raise awareness of the APRM was generally successful. Those interviewed for this report had a general understanding of what the APRM is.

In addition, those who had only heard about the APRM were generally attracted to the idea. Nevertheless, there were some differing or even contrary opinions. In fact, some believed that the APRM constituted interference in the internal affairs of Benin. Others who were less sceptical suggested that the APRM was an irrelevant utopia.⁵¹ Still others criticised the fact that the assessment was conducted by foreigners who for that reason could not know the realities of Benin.⁵² Those with this view believed that the APRM risked taking very general decisions, not adapted to the idiosyncrasies of each country.⁵³

However, most people interviewed were enthusiastic about the APRM.⁵⁴ They approved of the opportunity for the public to voice its opinion. Those involved were able to express themselves about the problems facing Beninese society without fear. Peer review was viewed positively.

The following failures were nonetheless mentioned during the entire evaluation period: the media's lack of involvement as a major player in the mechanism; the lack of a popular version of the APRM written in simple, accessible, everyday language; the lack of preparation due to the rush to begin the process; the lack of adequate financial resources; the problems of administration and leadership, even if minor, among the CNIM-MAEP's structures; the general public's lack of awareness of the APRM; and the fact that the APRM would have been better accepted had local languages been used.

No study in living memory had ever been conducted so exhaustively, or had ever given Beninese society the chance to speak out to the same extent.⁵⁵ It is for this reason that the APRM was such a powerful tool for evaluating governance. Public authorities therefore have a real obligation to take steps to improve governance and meet the needs of the people that were identified by the self-assessment report.

This obligation is all the more important because the President of the Republic solemnly promised his peers to comply scrupulously with the recommendations given to him during the review process. This puts the credibility of both the head of state and of the Beninese nation in general at stake. Great hope and real expectations have been brought to life because of the efforts to consult the public and make them aware of the process.

51 Interview with the secretary-general of the union of civil servants of the Prefecture of Natitingou, 29–30 October 2007.

52 Interview with the 2nd deputy mayor of Parakou, 27 September 2007.

53 Interview with the secretary-general of the union of civil servants of the Prefecture of Natitingou, 29–30 October 2007.

54 See list of interviews at end of report.

55 Excluding the National Conference of February 1990. But that conference differed from the APRM process in that it was held during a period of crisis and was not based on such broad studies and consultations.

The High Commission on Concerted Governance established early in 2008 with the assistance of the UNDP could also play an important role in monitoring the implementation of the recommendations. It could serve as an interface between grassroots communities and civil society organisations and the government. In general, the decision to create a National Commission on Governance to monitor the implementation of the review report and its recommendations was seen as a good omen.⁵⁶

During the implementation phase, public authorities must put into effect the recommendations made by the peers in the final review report with the utmost transparency. In addition, they must ensure the widest possible participation and involvement of Beninese society in this task.

Civil society must realise fully its citizen monitor role by overseeing the activities of public authorities in implementing the report, and especially the recommendations of the APRM. The current drive to implement citizen monitoring, originating in certain civil society organisations within the Social Watch network, should be taken into consideration.⁵⁷

The linked activities of these various organisations should lead to increased public awareness and provide information about the process, for the purpose of enabling real ownership of the APRM; and thus also to lead to an effective and permanent national dialogue about governance in Benin. Civil society organisations, to rise to this challenge, should thus integrate follow-up to the APRM into their ongoing programmes.

Finally, the public should not be left on the margins of this process. If their role in a modern democracy is to question the authorities on how they manage their town, the APRM project should be supportive of their rights and obligations. The success of the APRM in Benin requires a significant mind shift for all of Beninese society.⁵⁸

56 Interviews with the Director of Monitoring/Review of the Nex Committee and with the Director of African Integration, Cotonou, October 9, 2007.

57 Meeting with the Chairman of Social Watch, Cotonou, October 11, 2007.

58 Interview with the Coordinator of the Union of Cotton Producers of the Department of Borgou (UDPC), Parakou, September 27, 2007.

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List of interviews

Atlantique / Littoral

- Mr Isidore Agbokou, Head of TRI Mission on Corporate Governance
- Mr Médard Padonou, NEX Committee, Ministry of Development.
- Mrs Joseph Djogbenou, Chairman of the Board of the NGO, HPD
- Mr Séraphin Lissassi, Director of African Integration at the Ministry of Foreign Affairs and African Integration
- Mrs Léontine Idohou, Chairman of RIFONGA (Network for Integration of Women into Decision-Making Authorities)
- Mrs Huguette Akplogan-Dossa, National Coordinator of the NGO, Social Watch.
- Mrs Boko Nadjo, Chairman of the NGO, WILDAF Benin
- Hans Seidel Foundation, APRM focal point

Borgou / Alibori

- Mr Sanrigui Chabi Iranin, 2nd Deputy Mayor of Parakou
- Mr Yagui, Director of the Mayor's Office of Parakou
- Mr Jean-Claude Kouagou, Regional Director of *Le Matinal* Press Group

Mrs Loukyath Zato Dangou, Senior Director, Public Press Office of Radio and Television of Benin (ORTB)

Mrs Akpamoli Tollo Adrienne, Director of Communication and Land Planning of Borgou

Mr Bio Dadji Oro Bourke, Secretary of Prefecture Trade Union

Mr Semè Ourou Ganni, Coordinator, Departmental Union of Cotton Producers of Borgou

Atacora / Donga

Mr Sébastien Paatcha, CA/TAMPEGBE, Delegated Civil Status Official (Toucououtouna)

Mr Léopold Tinguinin, Council of Township Cotton Producers of Cotton, UCR/TNA (Toucououtouna)

Mr Sika Bombouté Konto, 2nd Deputy Mayor of Toucououtouna

Mr Kassa, Mampo Nagnini, Professors Serving at Departmental Center of INFREA Atacora

Mr Antoine Sama, Retired Administrator, Resource Person, Elders Representative/Natitingou

Mr Abdoulaye Boni Kogui, Director of CCIB Annex, Atacora-Donga-Member of focal point of the Natitingou district

Bernard Becoude, representative of NGO, Raoul Follereau (Natitingou)

Mr Raoul Steve Gounoukon, Director of Regional Office, Atacora-Donga, of Fraternité Press Group

Mr Issahou Touré Sidi, APRM Focal Unit member of Djougou.

Mr Moussa Adamou, Director, Public Relations (Radio Solidarité FM Djougou).

Mrs Catherine Paul, Executive Director of AFDD (Donga's Women's Association for Development), Djougou

Mr Nourémi Aboudou, Director of General Administration of Djougou's City Hall

BURKINA FASO

Summary

Burkina Faso adhered to the APRM on 9 March 2003 and signed the Memorandum of Understanding on 20 March 2003, thereby officially marking the commitment of the political authorities of Burkina Faso, before their people and the international community, to comply with the principles of democracy, good political, economic and corporate governance, and socio-economic development, by submitting to regular reviews by their African peers. In 2006, the country set in place the instruments it needed to conduct a self-assessment using the APRM. After the creation of an APRM national governing council, a permanent secretariat for the APRM was officially set in place.

Professor Mohamed Seghir Babès, a member of the panel of eminent persons of the African APRM, was in Burkina Faso from 19–22 June 2006, where he led a delegation of six persons on a mission to support the implementation of the review process. In October 2007, the self-assessment process began in earnest with the intervention of the technical research institutes (TRIs), which were mandated to gather data for the administration of the self-assessment questionnaire. In order to successfully execute the APRM process, a department was created to deal with communications issues through awareness and information activities aimed at citizens and public authorities alike. Before the data-gathering phase began, this department launched awareness activities to facilitate the administration of APRM questionnaires. Regular progress reports were issued at every step in the process, before and after its implementation. However, the effectiveness of APRM communications activities in Burkina Faso was seriously compromised by the low level of ownership of the process, affecting both the citizens and the public authorities.

Four TRIs were identified to support the APRM National Governing Council in conducting the self-assessment in Burkina Faso. These were the *Centre pour la gouvernance démocratique* (CGD, Centre for Democratic Governance), the *Centre d'analyse des politiques économiques et sociales* (CAPES, Centre for Economic and Social Policy Analysis), the *Institut national de la statistique et de la démographie* (INSD, the National Institute of Statistics and Demographics) and the *Institut supérieur des sciences de la population* (ISSP, the Higher Institute of Population Science). These institutes were

mandated to gather data, respectively, in the areas of democratic and political governance, economic governance and financial management, corporate governance and socio-economic development. All four TRIs used largely the same methodology to administer the questionnaires, involving a documentary review and a survey-based data-gathering technique. On the whole, the data-gathering exercise revealed a certain number of insufficiencies and criticisms pointed out by the TRIs, which seemed to be obstacles to the administration of the questionnaires.

Following the data-gathering phase, the APRM Permanent Secretariat organised a joint, two-day validation workshop in order to pool and harmonise the different reports into a single document to ensure a certain consistency in light of the different analytical approaches of the TRIs. The validation workshop for the national self-assessment report also included awareness and information for those invited to attend the event, through the presentation of summary versions of all four reports. The fact that the participants did not have the necessary background information to be able to effectively comment on the contents of the reports and contribute to their qualitative improvement had a negative impact on the workshop objectives. Following this meeting, the APRM expert review mission was conducted to compare the data contained in the self-assessment report with the perceptions of society.

The Burkina Faso review mission was conducted from 18 February to 16 March 2008 under the leadership of the APRM panel of eminent persons. Following the initial handshake, the mission held seminars with members of the government and conducted in-depth working sessions with organisations and bodies in charge of managing the national governance system. It also held working sessions with the country's technical and financial partners, ambassadors from G8 member countries and the African ambassadors accredited in Burkina Faso. After a far-reaching consultation of organisations and bodies at the central level, in Ouagadougou, the mission went into the field to talk to the grassroots population about the issues and challenges identified in the national self-assessment report. All 13 regions of Burkina Faso were visited and meetings were held with the participation of civil society organisations, customary and religious leaders, and the political and administrative authorities. Some 5 000 people took part in those meetings.

The submission of the review report by the APRM experts, including the country review and comments on the plan of action (PoA), took place in May 2008 and was followed by comments by the government. The Burkina Faso review report was scheduled to be presented at the APRM Forum meeting held in Egypt on 29 June 2008. However, this intention was thwarted by the busy schedule of the heads of state during the summit. The report was finally presented during an extraordinary meeting of the APRM Forum held in Cotonou in October 2008.

The APRM process in Burkina Faso raises several questions, notably regarding its contribution to governance discourse and practices in the

country, as well as its integrity and inclusiveness. When the APRM began in Burkina Faso, the country had been implementing a national policy on good governance (*Politique Nationale de Bonne Gouvernance*, PNBG) since 2003, but no efforts seem to have been made to clarify the relationship between the two initiatives, and the authorities in charge of leading the APRM do not seem to have given enough thought to the contributions that the APRM and the PNBG could have made to each other.

Another important question raised by the APRM process in Burkina Faso is that of its integrity and independence. First of all, the way in which the process was conducted did not fully satisfy the scientific and technical soundness criteria recommended by the guidelines in the APRM founding documents. Three out of four of the technical research institutes in charge of ensuring the scientific and independent nature of the research were government organisations. In addition, the TRIs did not have enough time to gather, process and validate the self-assessment report data; and even if they had been given more time, the means available to them were too limited to enable them to do scientifically sound research.

Finally, the way in which the APRM was conducted in Burkina Faso raised several questions regarding its inclusiveness and independence. On the one hand, the bodies in charge of leading the process were almost entirely dependent upon the executive, and particularly on the president of Burkina Faso, who appointed their top officials by decree. While this presented the advantage of ensuring personal involvement in the process on the part of the head of state and increasing its political prestige in the eyes of public institutions, the arrangement did not exactly fit the idea of an independent process contained in the guidelines for participating countries. On the other hand, APRM implementation requires participatory and inclusive involvement of all strata of society represented by civil society organisations (CSOs). In Burkina Faso, civil society involvement in the APRM process was mitigated. On the one hand, CSOs were not fully represented in the APRM steering bodies. A good part of civil society felt that the mandate of the persons sitting on those bodies on behalf of civil society was not representative because they were co-opted by the public authorities. On the other hand, however, the CSO representatives were able to make their opinions heard during the preparation of the self-assessment and review reports and several exchange and information sessions were held with a view to ensuring CSO involvement.

Implementing the APRM in Burkina Faso: Major steps in the process

By voluntarily adhering to the APRM on 9 March 2003, Burkina Faso became one of the first countries on the continent to commit to taking all the necessary steps to facilitate the development and implementation of a national programme of action (PoA) aimed at improving its performances in the areas of democratic, economic and financial governance, socio-economic development and corporate governance. Consequently, measures were taken

at the highest level of government to fulfil that commitment to promote sustainable human development in Burkina Faso.

Preparation at the government level

Burkina Faso signed a memorandum of understanding on 20 March 2003, thereby officially marking the commitment of the country's political authorities, in the eyes of the people and the international community, to adhere to the principles of democracy, good political, economic and corporate governance and socio-economic development, by submitting to regular reviews by their African peers. When Burkina Faso adhered to the APRM, it already had internal mechanisms for the promotion of good governance. The public authorities had adopted a national good governance plan (*Politique nationale de bonne gouvernance*, PNBG) in 1998, which was revised in 2003 to become a national good governance policy. The priority focuses of good governance were structured around four poles: political governance including public safety and the promotion of human rights, administrative governance, economic governance and local governance. The national policy on good governance was an instrument for the operationalisation of the Strategic Framework for Poverty Reduction (SFPR), in that it provided more specifics on socio-economic development and elements for implementation.

After adhering to the APRM, Burkina Faso appointed the minister of foreign affairs and regional cooperation as APRM focal point. The government then set up a ministerial committee, comprising the ministers of finance and the budget, foreign affairs and regional cooperation, and the economy and development, with a mandate to determine APRM operating methods at the national level.¹ Upon the initiative of the ministerial committee, several sectorial meetings were held between 2003 and 2005 on NEPAD and the APRM. The fundamental objective of the meetings was to raise awareness amongst the people of Burkina Faso and obtain their adherence to the process. To this end, from 11–13 April 2005, Burkina Faso organised a national workshop on the APRM in collaboration with the United Nations Development Program (UNDP). In addition to participants from public institutions, the private sector and civil society organisations, the workshop was attended by representatives from Ghana and Rwanda, who shared their experience in APRM implementation with the stakeholders in Burkina Faso. The Ouagadougou workshop enabled various actors in development to familiarise themselves with the APRM process, to engage in debates on the major issues linked to good governance and, above all, to envisage the necessary bridges to ensure efficient implementation of the APRM in Burkina Faso.

In so doing, Burkina Faso completed a consultation process undertaken by the government with all social actors to enable the latter to achieve genuine ownership of the APRM as a new tool for the promotion of good governance

¹ Information gathered from the APRM permanent secretary during an interview on 2 May 2008. However, we were not informed of the precise date on which the ministerial committee was set up.

and sustainable development on the African continent. Based on the consensual conclusions of the workshop, the ministerial committee identified the fundamental features of the organisation that would be responsible for APRM management at the national level.

Setting up institutional management for the APRM

In order to ensure the leadership of APRM implementation in Burkina Faso, the government set up an institutional arrangement comprising two major bodies: an African Peer Review Mechanism National Governing Council (APRM NGC) and an African Peer Review Mechanism Permanent Secretariat (APRM PS). Each body has clearly defined powers, duties and functions.

The bodies were created by the government and directed by persons appointed by the executive, which implied that the authorities led by the President of Burkina Faso intended to exert tight control over the process. The governing council is the deliberating body of the APRM and adopts all major decisions regarding implementation. The APRM Permanent Secretariat is led by a permanent secretary appointed by decree of the President of Burkina Faso.²

The APRM National Governing Council

The council comprises 28 members³ including representatives of the executive and the legislature (opposition and majority), representatives of employers' organisations and labour organisations, as well as civil society representatives. The chairmanship of the APRM NGC was automatically filled by the director of the office of the president of the republic.⁴ He was assisted by a deputy chair elected from outside of the representatives of the executive.

The decree stipulated the composition of the NGC as follows:

- Representing the executive: the cabinet director of the president of Burkina Faso, a representative of the prime minister, a representative of the ministry of foreign affairs in charge of NEPAD, a representative of the ministry of finance and the budget, a representative of the ministry of the civil service and state reform, a representative of the ministry of justice, a representative of the ministry for the promotion of human rights, a representative of the minister of territorial administration and decentralisation, and a representative of the ministry of labour, employment and youth, for a total of 10 members;
- Representing the legislature: four representatives, two from political parties supporting the president (*Congrès pour la Démocratie et le Progrès*, which is the party in power, and a dozen political parties that

² Article 7 of Decree No. 2007-337/PRES/PM/MAECR of 25 May 2007, on the composition, duties and powers and running of the APRM NGC.

³ Ibid., Article 2.

⁴ Ibid., Article 4.

support the programme of President Blaise Compaoré) and two from opposition political parties;

- Representing employers' and labour organisations: two representatives of employers' organisations and two representatives of labour organisations, for a total of four representatives;
- Representing CSOs: two representatives of women's organisations, two youth representatives, two media representatives, two representatives of the scientific community and two representatives of grassroots communities (a customary leader and a farmers' representative), for a total of 10 representatives.⁵

The different organisations were supposed to freely appoint their representatives on the APRM NGC.⁶ In every case, however, all of the members of the body were officially appointed by presidential decree.⁷ Upon analysis, it can be considered that the composition of the NGC is sufficiently representative of the various social strata of Burkina Faso thanks to the inclusion of representatives of a variety of governance stakeholders such as the state (the executive), CSOs and the private sector.

The NGC includes four working groups established by order of its chair, focusing on each of the four areas of governance to be self-assessed. Each working group is led by a component of the council: the private sector leads the working group on corporate governance; CSOs are in charge of the working group on economic and social development; economic governance and financial management are under the responsibility of the executive; and, finally, the legislature is responsible for the working group on political and democratic governance.

The APRM NGC holds ordinary meetings on a quarterly basis. Extraordinary meetings are convened by the chair or upon request by two-thirds of its members.⁸ At least twice a year, it submits reports to the president of Burkina Faso on the execution of its missions, decisions and recommendations.⁹

The APRM Permanent Secretariat

The APRM has a Permanent Secretariat, also created by decree and is headed by a permanent secretary.¹⁰ The permanent secretary has the rank of a secretary general in a ministerial department. The Permanent Secretariat comprises: a private secretariat, a democratic and political governance department, an economic governance department, an administrative and financial department

⁵ Ibid., Article 3.

⁶ Interview with certain members of the APRM national governing council.

⁷ Article 5, of Decree No. 2007-337/PRES/PM/MAECR of 25 May 2007, on the composition, duties and powers and running of the APRM NGC.

⁸ Ibid., Article 9.

⁹ Ibid., Article 13.

¹⁰ Decree No. 2007-338/PRES/PM/MAECR of 25 May 2007, on the duties and powers, organisation and running of the APRM PS.

and a communications, public relations and computer department. The departments are led by department heads appointed by decree. Their rank is equivalent to that of ministerial department heads. The organisation and running of the departments and the private secretariat are governed by an order by the chair of the APRM NGC. In addition to providing technical support for the APRM NGC, the duties of the APRM PS include preparing the contribution of the president of Burkina Faso at the APRM Forum of Heads of State and Government, liaising with the APRM Secretariat, NEPAD and all other national, African or international organisations involved in APRM or NEPAD implementation, organising and monitoring the mission of the APRM secretariat support team, informing and raising the awareness of the national stakeholders involved in the various APRM processes and, finally, conducting advocacy to raise funds from partners.

Appointment of technical research institutes (TRIs)

In keeping with APRM principles, the APRM PS and the APRM NGC and its working groups have called upon organisations specialising in research, with strong knowledge of review methodology and governance issues, to help conduct the Burkina Faso self-assessment according to rigorous methodology and a scientific approach. To that purpose, four TRIs were identified¹¹ to support the APRM NGC in conducting the self-assessment of Burkina Faso. These were the *Centre pour la gouvernance démocratique* (CGD, Centre for Democratic Governance), *Centre d'analyse des politiques économiques et sociales* (CAPES, Centre for Economic and Social Policy Analysis), the *Institut national de la statistique et de la démographie* (INSD, the National Institute of Statistics and Demographics) and the *Institut supérieur des sciences de la population* (ISSP, the Higher Institute of Population Science). The institutes were mandated to gather data, respectively, in the areas of democratic and political governance, economic governance and financial management, corporate governance and socio-economic development. Their aim was to clearly define the issues and challenges of all four areas of governance with a view to formulating the national self-assessment report. This report will be subject to a critical review by an international team of African experts responsible for the country review in the framework of the APRM.

The primary objective of the self-assessment team was to allow citizens' voices to be heard and to gather their perceptions and approaches in terms of how they felt they were governed. The views of the population were focused on the four thematic areas mentioned above. In order to achieve their objective, the partner research institutes were to:

- Conduct a broad and in-depth documentary review;

¹¹ At least six months before the data gathered, the TRIs were appointed through a call for offers, and the final selection was made by the APRM NGC as the deliberating body of the APRM process (interviews with Mr Luther Yaméogo, *Centre pour la Gouvernance Démocratique* [CGD], and members of the NGC).

- Meet with the different stakeholders and other relevant actors in national governance;
- Produce a report and a preliminary programme of action on governance in Burkina Faso.

Evaluation of the capacity of the TRIs to carry out the project

Four TRIs were appointed to gather data for the self-assessment. They possessed the skills and capacities needed to conduct the research activities.

CAPES was created by Decree No. 2000/171/PRES of 16 May 2000 and has been operational since 2001. As a public institute, the Centre is headed by an executive director supported by a technical staff of seven permanent experts recruited by test.¹² A team was formed to cover the various areas of economic and social analysis. CAPES carried out a study on the problem of capacity building in Burkina Faso including a state of the art review, a strategy and a priority action programme. It also reflected on the outcomes of structural adjustment programmes, particularly in terms of Burkina Faso's capacity to absorb aid. The Centre also provided technical support and complementary operational functions for the stakeholders, particularly by producing the requested capacity-building products and making them available on the public and private markets. In so doing, CAPES accomplished a central mission by furthering government action on capacity building, in the process of defining, executing and following up on macro-economic and sectorial policies and poverty reduction.

The ISSP is a state research institute created by ministerial order on 27 July 2005. It replaced the *Unité d'Enseignement et de Recherche en Démographie* (UERD, Teaching and Research Unit for Demographics) of the University of Ouagadougou, which was set up by the Government of Burkina Faso in 1991 with financial assistance from the United Nations Population Fund (UNFPA) and with scientific and technical support from the *Institut de démographie de l'Université catholique de Louvain* (Demographics Institute of the Catholic University of Louvain, Belgium). Over some 15 years, the ISSP (formerly UERD) has conducted several research studies on population and development issues, either on its own initiative or at the request of national and international partners. It ensured the promotion and coordination of demographics teaching at the University of Ouagadougou and in vocational schools. The ISSP also organised introductory seminars and upgrading workshops for executives and institutions affected by population issues. In the framework of these activities, a series of publications was produced by ISSP researchers or collaborators with a view to disseminating their research findings. During the meeting of 9 September 2005 held in Ouagadougou, the Council of Ministers of Higher Education of the member countries of the West African Economic and Monetary Union (known as UEMOA, *Union économique et monétaire ouest-*

¹² Experts in information and communication management, institutional economics, macro-economics and sociology.

africaine) designated the ISSP as a ‘UEMOA centre of excellence’ in the fields of population and health.¹³

As an applied research, training and advocacy institute, and as a facilitator of dialogue on democratic governance, the CGD’s fundamental aim is to disseminate knowledge and new ideas in the West African sub-region and in Burkina Faso in particular. Based on its objectives as an independent non-governmental research institute, the Centre develops a portfolio of pluri-annual projects in various areas including periodic reviews of the state of democratic governance, constitutionalism and the rule of law, citizens’ participation and democratic culture. To that end, the CGD conducts advisory activities, training, civic education, applied research, and consensus-building on democratic governance and public policy issues. The CGD has already carried out numerous studies on the state of governance in Burkina Faso and survey studies in the political sphere. It also conducts capacity-building activities for national governance stakeholders.

The INSD is a government institute presented as the official statistics department of Burkina Faso. A public establishment of an administrative nature, having its own legal status and financial independence, it is under the technical supervision of the ministry in charge of statistics and the financial supervision of the ministry in charge of finance.¹⁴ It conducts its activities in the general framework of the national statistics system governed by the law organising and regulating statistics activities.¹⁵ The INSD is responsible for numerous publications of statistics on Burkina Faso.

Support mission of the APRM panel

Professor Mohamed Seghir Babès, a member of the panel of eminent persons of the APRM, was in Burkina Faso from 19–22 June 2006, heading a six-member delegation on a mission to support the implementation of the review process.¹⁶ The main objective of this mission was to launch the self-assessment process in Burkina Faso. More specifically, the support mission signed a Technical Memorandum of Understanding with the government of Burkina Faso on the peer review mechanism. Under the terms of the agreement, Burkina Faso agreed to allow the APRM panel of eminent persons to conduct technical inspections on its territory and, subsequently, to accept a mission to review the self-assessment process. The support mission therefore reviewed the procedures and mechanisms set in place by Burkina Faso to carry out its self-assessment. It also met with the national organisation and technical research institutes to assess the potential of researchers who could be involved in the process. Finally, it facilitated the development of a roadmap

¹³ See the ISSP website at the following address: www.issp.bf

¹⁴ Decree No. 2000-508/PRES/MEF of 27 October 2000 by the President of the Republic.

¹⁵ Act No. 012-2007/AN of 31 May 2007 on the organisation and regulation of statistics activities. For further information on all of the activities of the INSD, see its website at the following address: www.insd.bf.

¹⁶ *Rapport d'évaluation du Burkina Faso*, May 2008, p. 44. This country review report, of which we have obtained a copy, was not yet officially published at the time of the drafting of this report in July 2008.

for the national organisation to help expedite the different self-assessment activities.

The support mission marked the official launching of the Burkina Faso APRM review.¹⁷ The memorandum of understanding signed during the mission enabled the APRM NGC to work on the formulation of a questionnaire to help the government conduct a national self-assessment in terms of its performances (democracy, governance), but also to diagnose the difficulties faced by the country in those areas. At the outcome of the mission, Burkina Faso began its self-assessment with a view to submitting a report and a national programme of action (PoA) as stipulated and required by the APRM process.¹⁸

The APRM communications strategy

The department of communications and public relations of the APRM PS is in charge of awareness and information missions on the APRM process in Burkina Faso. The aims of this department are:

- to monitor all media and news issues of interest for the APRM;
- to formulate a communications plan for the APRM NGC and to ensure its implementation;
- to ensure the drafting and dissemination of APRM news-letters;
- to create and run the APRM NGC website;
- to ensure strong visibility for the actions of the APRM NGC.¹⁹

Based on the missions assigned to it, the communications department organised numerous awareness and information sessions, during each of which the permanent secretary had the opportunity to present the progress of the ongoing APRM process in Burkina Faso. These information and awareness meetings were organised at every stage of the assessment process. For instance, on 15 February 2007, the APRM NGC organised a meeting with CSOs on the implementation of the process in Burkina Faso. On 10 and 11 January 2008, the Permanent Secretariat of the NGC organised an information and communication workshop on the progress of the self-assessment process in Burkina Faso, with support from the UNDP. The participants were able to review preliminary thematic reports by the four TRIs and formulate recommendations with a view to improving relevance. In prelude to the review mission in Burkina Faso scheduled to take place on 18 February 2008, the APRM PS held a press conference on 14 February 2008 to prepare national opinion.²⁰

Upon analysis, it seems that the missions assigned to the department were not sufficiently fulfilled. Firstly, up to the time of the presentation of the Burkina

¹⁷ Ibid., p. 12.

¹⁸ Ibid.

¹⁹ Article 10 of Decree No. 2007-338/PRES/PM/MAEGR on the duties and powers, organisation and running of the APRM PS.

²⁰ *Sidwaya* daily newspaper of 15 February 2008.

Faso review report to the APRM Forum, there was no APRM Burkina Faso website. Secondly, it was only in June 2008 – six months after the compilation of the self-assessment report – that the drafting phase of the first newsletter on the APRM process in Burkina Faso began. Thus, the communications strategy of the APRM was inefficient to the extent that it was unable to promote better knowledge of the process by the people and government agencies, which could have facilitated data collection.

Data-collection methodology

Each of the four TRIs developed its own personal methodology (although they were all quite similar) to enable it to fulfil its mission, which was to administer the APRM questionnaire. All four methodological proposals were then harmonised with a view to homogenising the preliminary PoA, which was put forward following the completion of the different studies.

Centre pour la gouvernance démocratique (CGD)

In determining a sample size for research on democratic and political governance, the CGD faced two constraints: the cost of the study (data collection, processing and analysis) and its aim of achieving precision. In the light of these objective statistical and material constraints, and considering the nature of the information sought, the Centre adopted a combined qualitative and quantitative methodology, based on opinion surveys and focus groups.

Initially, an opinion survey was conducted, focusing on representative and relevant organisations in the area of democratic and political governance. With regard to the organisation of the questionnaire and the formulation of the indicators, a certain number of citizens were also questioned. The researchers were assigned according to the objectives identified in the questionnaire with a diversified and specialised target audience in keeping with the nature of the questions. Thus, for questions relating to conflict prevention and management, government actors in the areas of defence and security and civil society stakeholders active in the field, as well as citizens, were asked to share their perceptions on the subject. The same approach was taken for all nine study objectives.

Subsequently, in order to refine the data, the CGD set up regional focus groups facilitated by caucuses of local civil society organisations.²¹ Through the focus group technique, qualitative data was gathered and then a synthesis was carried out to identify the positions of the group, while naturally pointing out all notable differences, in keeping with the purpose of the focus groups. In terms of numbers, the sample was considerably larger than the 300 people called for in the terms of reference. It should be noted that, on instructions from the APRM NGC, benchmark organisations with local representation were identified to participate in the focus groups. The CGD surveyors also

²¹ Caucuses are groups bringing together the main civil society organisations on the local scale. They are distributed across the country's 13 regions and comprise several working groups (women, youth, research institutes, human rights movements, associations of marginalised persons, etc.).

used the benchmark organisations during the documentary review. The division of the national territory into 13 administrative regions constituted a natural stratification; each region formed a sample.

In order to successfully implement the process, a technical team was also set up. This team was in charge of leading the entire process of research design, implementation and monitoring as well as the drafting of reports and the PoA. In addition to the senior experts placed under the coordination of the executive director of the CGD, the team also included experienced PhD-level researchers who had already conducted similar research for the CGD, who gathered data in Ouagadougou, and coordinators of civil society organisation caucuses, who had been regional strategic partners of the CGD since 2004, and whose role was to facilitate the regional focus groups. In all, a dynamic team of some 27 people was mobilised for the surveys. Data gathering per se was carried out from 16–30 October 2007.

Practical difficulties were encountered during the pilot phase of the surveys. The government organisations surveyed were sometimes difficult to reach; some required appointments to be set up and researchers were often referred to unwieldy official channels. Sometimes, the respondents required time to prepare their technical responses in advance, or they lacked the ability to respond to certain questions of an elitist nature. Another type of difficulty encountered by the CGD researchers stemmed from the attitude of certain political opposition parties who challenged the APRM itself and refused to answer the questions of the surveyor. To better manage the considerable number of indicators contained in the questionnaire, it was revised by objective and question in view of the indicators and field research requirements. Each surveyor was made responsible for one specific questionnaire objective and was expected to gather the necessary data to inform the questionnaire indicators.²²

Centre d'analyse des politiques économiques et sociales (CAPES)

CAPES set up a technical team comprising a research coordinator, five consultants and two assistants and in October 2007 they began reviewing the APRM questionnaire and developing a new questionnaire to gather popular opinions on issues relating to economic governance and management of public finance. CAPES designed six survey forms covering standards and codes and five objectives: to promote macro-economic policies that contribute to sustainable development; to implement economic policies that are sound, transparent and foreseeable by the government; to promote sound management of public finance; to fight against corruption and money laundering; and to speed up regional integration by contributing to the harmonisation of monetary, trade and investment policies.

The survey forms on the five objectives were administered to technical organisations such as: the *Direction générale des études et de la planification* (DGEP, the government research and planning agency), the main ministerial

²² Interviews with CGD surveyors on 9 and 10 May 2008.

departments, the *Direction générale des impôts* (DGI, the agency in charge of income tax), *Direction de la prévision et de l'analyse macroéconomique* (DPAM, a macro-economic forecast and study agency), the *Direction générale des douanes* (DGD, the Customs Agency), the *Direction de la législation et de la réglementation* (the legislative and regulatory agency), the *Direction des politiques économiques* (DPE, an economic policy agency), the *Direction des relations extérieures* (an ECOWAS national unit), the *Direction générale du commerce* (trade agency), the *Département du marché régional, du commerce, de la concurrence et de la coopération de l'UEMOA* (UEMOA regional market, trade, competition and cooperation department), the National Assembly, REN-LAC (a national network aimed at fighting corruption), CEDRES (the Centre for Economic and Social Documentation and Research), BCEAO (the West African Central Bank), labour union confederations (CNTB, CSB, CGTB, ONSL) and the MBDHP (the Burkinabé Movement for Human and Peoples' Rights). In addition to those organisations, all 13 regions of the country were covered by an opinion survey. A sample of 789 individuals was formed based on the demographic weight of the regions and the socio-professional categories of the country in reference to the surveys by the INSD.

Institut supérieur des sciences de la population (ISSP)

The methodology adopted by this public research institute was broken down into four parts: a documentary review; a survey at the central level focusing on officials from administrative structures and non-governmental organisations; interviews with the administrative authorities and opinion leaders at all levels of local government; and an opinion survey of a sample of the general population.

For the documentary review, 12 ministries were chosen based on their role in socio-economic development.²³ In addition, a certain number of non-governmental organisations and other CSOs were identified with a view to conducting a documentary review on the different sectorial policy papers relating to socio-economic development. The documentary review also enabled the ISSP to document part one of the assessment, that is, the standards and codes adopted by Burkina Faso and the mechanisms in place to ensure compliance. The documentary review conducted during this phase along with the initial questionnaire made it possible to develop specific questionnaires addressed to the different ministries mentioned above and certain organisations.

The approach used to conduct the surveys was both qualitative and quantitative. The qualitative survey comprised two parts: individual interviews at the local level with administrative officials and opinion leaders and adapted

23 These ministries were as follows: agriculture, water and fisheries resources, basic education and literacy, territorial administration and decentralisation, employment and youth, promotion of women, economy and finance, health, higher education and scientific research, information technology, social action and solidarity, promotion of human rights, urbanism and housing (ISSP, Rapport sur le développement économique et social, January 2008, p. 141).

versions of the standard APRM questionnaire which were sent to central-level ministerial departments in Ouagadougou.²⁴ The quantitative survey consisted of an individual questionnaire on major economic and social development policies administered to a sample of heads of households. At each level of local government, interviews were conducted with all of the actors involved through each sectorial development programme as well as with opinion leaders (religious officials, NGO officials, etc.). The aim of these interviews was to document the level of knowledge about sectorial policies and programmes, the level of participation of the actors in the implementation of the different programmes in their respective areas, and opinions on the management and implementation of the policies.²⁵ The surveys were conducted at the regional,²⁶ provincial²⁷ and departmental²⁸ levels.

The ISSP also conducted another opinion survey aimed at a sample of heads of households. The objective of this survey was to obtain grassroots viewpoints on perceptions of governance in terms of social and economic policies in Burkina Faso, their level of participation in the establishment of said policies and how they thought the management and implementation of such policies could be improved.

In the end, due to financial constraints, it was difficult for the ISSP technical team to ensure a strictly representative sample by drawing households at random. The ISSP used a quota method to select the households, which it felt ensured that the survey units were somewhat representative.²⁹

Institut national de la statistique et de la démographie (INSD)

The INSD is another of the government structures that participated in APRM data gathering. It also encountered numerous difficulties in attempting to keep the pace chosen by the APRM bodies for the formulation of the self-assessment report on corporate governance. According to the ISSP, bureaucratic red tape typical of public administration caused the very long delay by the INSD.³⁰ For example, due to internal procedure issues, the team in charge of data collection did not have timely access to the financial resources allocated for the research.

24 A total of 11 ministries and 11 other organisations took part in this survey (ISSP, *Rapport sur le développement économique et social*, January 2008, p. 141).

25 Ibid., p. 142.

26 At the regional level, a total of 22 interviews were conducted with regional directors, notably those in charge of: basic education and literacy, health, the economy and finance, agriculture, water and fisheries resources, and social action and national solidarity. In addition to the regional directors, interviews were also conducted with officials from civil society organisations at the regional level, to wit: officials from associations, health mutual coordinators, micro-credit coordinators, officials from NGOs, officials from cooperatives. A total of 27 officials from different organisations were reached (Ibid.).

27 At the provincial level, the same approach used at the regional level was applied, i.e. interviews with provincial directors of basic education and literacy, health, the economy and finance, agriculture, water and fisheries resources, and social action and national solidarity but also officials from civil society organisations. A total of ten provincial directors and 27 officials from organisations were interviewed (Ibid.).

28 At the departmental/communal and village levels, interviews took place with officials and opinion leaders such as village chiefs, customary and religious leaders, village administrative officials, officials in associations in the villages. At this level, 35 interviews were conducted.

29 ISSP, *Rapport sur le Développement économique et social*, January 2008, pp. 142–146.

30 Ibid., p. 142.

Up to the time of the workshop for the validation of the reports of the TRIs, in January 2008, the INSD report was not yet finalised. The INSD only submitted its report the day before the arrival of the panel experts.

The methodology used by the INSD, was similar to that used by the other TRIs. It included a documentary review and surveys in the field using a predetermined sample. In order to achieve this, the Institute recruited consultants to gather data. Three types of questionnaires were developed and administered to businesses (formal and informal), labour unions and employees. The APRM document that was supposed to be used to collect data had to be adapted since it was not a questionnaire 'but rather a collection of questions or issues' that needed to be broken down into questionnaire form. Like the other TRIs, the INSD acknowledged that it encountered more difficulties with formal businesses than with informal ones. The survey response rate remained low, standing at approximately 50 per cent of formal businesses, despite efforts made to repeatedly contact business leaders and raise their awareness.³¹

Particular problems encountered during data collection

The data-gathering exercise revealed a certain number of insufficiencies and criticisms highlighted by the TRIs, which seemed to be obstacles to the administration of the questionnaires. They included the following:

- The targets did not seem to be informed about the national APRM process despite the publicity campaigns and letters of recommendation that had apparently been addressed to them. In certain situations, the letters were delayed.
- The technicality of the questionnaire in places, led to selective responses, with interviewees only answering the questions involving their areas of competence; the people surveyed found that because the questionnaire was 'written in such formal language', its comprehension was probably negatively affected for the majority of the population.
- The length of certain questions was problematical. An illustration is the question contained in objectives 2 and 4 of the section on political and democratic governance. Some people³² pointed out that the exercise was more like an essay than a typical survey with closed questions answered by Yes or No.
- Information was withheld at certain levels of the public administration and there was a lack of availability of institutes and organisations, especially government institutes and organisations, which always go through official channels to provide the required information to the surveyors.

³¹ Interviews with Dansané Ouédraogo, an employee of the INSD.

³² Information gathered from CGD surveyors and Dansané Ouédraogo, head of the corporate and trade statistics department of the INSD.

- At the documentary level, certain lists were out of date or misfiled, such as lists on the ratification of international legal instruments.
- The financial resources allotted to the TRIs, in view of the scope of the work demanded of them, were limited. Each TRI only seems to have received some twenty million CFA francs, whereas they had submitted budgets ranging from 40 to 50 million CFA francs based on their needs.³³
- The time allotted to the TRIs to gather data was insufficient. In all, the TRIs had three months to gather data for the self-assessment. This situation seems to have influenced the quality of analysis of the data collected to the extent that the limited time allotted did not allow the TRIs to conduct in-depth analyses of the findings obtained in the field.³⁴ Two days were set aside for the pooling of the different TRI reports, but in reality, those two days were used by the individual TRIs to finalise their own reports.

Faced with the difficulty of administering the questionnaire to ‘officials’, the strategy used was to gather the opinions of government institutions’ ‘resource persons’ as ordinary citizens. This enabled the surveyors to overcome the difficulty linked to referrals to official channels which they systematically faced whenever they asked for an official opinion. The technical nature of the questions also created difficulties in obtaining responses, and in certain cases, expertise was required to answer certain questions.

Pooling of the findings of the TRIs

On 4–5 January 2008, following the data-gathering phase carried out by each TRI, the APRM PS organised a two-day common validation workshop to pool and synthesise the individual reports into a single document in order to ensure a certain homogeneity in relation to the various angles of analysis of the TRIs. The pooling workshop took place in Koubry, a community located some 50 km from Ouagadougou, and was attended by all of the TRI research teams involved in the data-gathering process. This phase preceded the validation of the self-assessment report at the national level.

Presentation and validation of the progress report on the self-assessment process

On 10–11 January 2008, the draft national self-assessment report was submitted for validation by nearly 200 national and local actors, from both governmental and non-governmental spheres.³⁵ The workshop participants came from national, central and local government administrations, from the formal and

³³ Information gathered from Mr Jean-François Kobiane of the ISSP.

³⁴ This opinion was put forward by Mr Jean-François Kobiane, ISSP research coordinator in the APRM framework focusing on socio-economic development, in our interview with him.

³⁵ Jean-Baptiste Natama, *Note d'information sur le processus du MAEP au Burkina Faso*, p. 8; the APRM PS drafted regular descriptive memos on the APRM process, which were distributed within the Council as information papers.

informal private sectors, from CSOs and traditional structures. The validation of the diagnostic report on the state of national governance was a decisive turning point proceeding from the unifying principle of feedback.

The diagnostic proceedings concluded that Burkina Faso had signed and ratified most of the standards and codes of good conduct identified by the APRM. However, the standards and codes were not sufficiently well known by the population and their implementation was not tangible in terms of notably improved living conditions for the people, particularly in the following areas: enjoyment of civil and political rights; transparent and efficient economic and budgetary management; corporate governance in a context of sustainable development; and economic and social development. A preliminary programme of action in each of the thematic areas of the APRM was proposed with the aim of strengthening gains and existing good practices and meeting the challenges identified in areas suffering from serious failings. For Burkina Faso, the assessment report contributed to the preliminary programme of action in an approach of harmonisation of the activities to be executed with existing programmes such as the priority action plan for the implementation of the Strategic Framework for Poverty Reduction (SFPR).

However, the self-assessment report validation workshop was sharply criticised. According to many participants, it was not a genuine validation workshop for the purpose of discussing the content of the draft report resulting from the TRI research findings, to the extent that the assessment report was not actually discussed.³⁶ The meeting seems to have been an information session on the APRM process with brief presentations of the synthesised versions of the four reports rather than a genuine working session on the content of the TRIs' research. It provided an opportunity for most of the participants to receive a synthesis of the report and to make initial contact with the document without being able to make an in-depth judgment on its content. Those questioned on the subject would have preferred to have received the draft report before the workshop in order to formulate relevant criticisms during the validation meeting. The desire of the citizens to contribute to the enrichment of the self-assessment report was legitimate, but, in practice, the APRM PS did not have time to conduct such an exercise due to the imminent arrival of the panel experts. It would have been preferable for the work to have been done at a lower level through regional validations of the national self-assessment report. However, this procedural issue could not have affected the quality of the work of the TRI other than by improving it.

APRM review mission

A review mission by the APRM panel of eminent persons took place in Burkina Faso from 18 February to 16 March 2008 to verify the compliance of the self-

³⁶ All members of the APRM NGC with whom we met during the drafting of this report acknowledged that the self-assessment report was not discussed (interviews conducted between May and July 2008 with members of the APRM NGC).

assessment process with APRM principles and guidelines and to prepare the official Burkina Faso review report.

Composition and objectives of the review mission

The Burkina Faso review mission was conducted by a two-member team comprising Professor Mohamed Seghir Babès and Madame Marie Angélique Savané, members of the APRM panel of eminent persons.³⁷ Burkina Faso was the ninth country to be reviewed and the second country that was not a member of the NEPAD implementation committee (so that it was less well informed about the APRM and less well prepared for the process). It was also the third French-speaking country in sub-Saharan Africa.

The mission team comprised 19 African experts from 12 African Union member states, chosen for their skills and experience in the area of governance, and specifically in the thematic areas covered by the APRM. The team included experts from the APRM panel and Secretariat,³⁸ partner institutions³⁹ and independent experts on the themes of democracy and political governance,⁴⁰ economic management,⁴¹ corporate governance⁴² and socio-economic development.⁴³

In keeping with the APRM mandate, the review mission verified and looked further into the findings of the self-assessment by the APRM NGC of Burkina Faso, on the country's performance in the area of governance. More concretely, the objectives of the mission were:

- to conduct consultations as broadly as possible with all of the stakeholders to increase the depth and breadth of the self-assessment report;

37 The newspaper *Le Pays*, No. 4057 of 18 February 2008 'MAEP: la mission d'évaluation du Burkina attendue à Bobo'.

38 Representing the APRM Panel and Secretariat: Professor Mohamed Seghir Babès and Madame Marie-Angélique Savané, mission leaders, members of the APRM panel of eminent persons; Mr Moïse Nembot, coordinator in charge of democracy and political governance and coordinator of the Burkina Faso review; Mr Dalmar Jama, corporate governance researcher and Mme Atany Kagnaguine, support officer to the APRM panel of eminent persons.

39 Representing the partner institutions: Mme Houda Mejri, information officer in charge of gender issues at UNECA; Mr Daniel Gbetnkoum, economic affairs officer, UNECA, West Africa sub-region; Mr Guy Fortunat Ranaivomanana, economic affairs and governance officer, UNECA; Mr Donatien Bihute, former vice president, ADB, international consultant, representing ADB; Mme Sylvie Kinigi, former prime minister of Burundi, international consultant, representing the UNDP and Mr Kango Lare-Lantone, governance programme officer at the UNDP Regional Service Centre in Dakar.

40 Dr Yenikoye Ismael Aboubacar, international consultant, former dean of the faculty of humanities of Niamey; Dr Babacar Gueye, associate professor of the faculty of law of the University Cheikh Anta Diop in Dakar and Dr Léopold Donfact Sokeng, associate professor of public law at the University of Douala.

41 Dr Mbaya J. Kankwenda, international consultant, CEO of ICREDES, former chief economist of UNDP Africa, former UNDP resident representative and former minister of planning of the Democratic Republic of Congo, and Dr Pasteur Just Akpo, Professor at the University of Benin.

42 Dr Karim Ben Kahla, associate professor of management science, University of Tunis.

43 Mr Ousmane M. Diallo, international consultant, former minister of planning of Mali; Dr Mahmoud Ben Romdhane, professor of economic science at the University of Tunis and Dr Omar Saïp Sy, professor of management at the University of Paris.

- to assess the draft PoA submitted by the country and to make suitable proposals;
- to ensure in so far as possible that the self-assessment process carried out by Burkina Faso was technically satisfactory, credible and free from any political manipulation;
- to establish a consensus with the stakeholders on the remaining issues and challenges, as well as recommendations to improve governance in the country.

Thus, the mission was to meet with all of the actors involved in the APRM process in Burkina Faso, particularly the president of the republic, representatives of the legislature and the judiciary, the institutions of the republic, members of government, local government from all regions and certain provinces of the country, political parties, traditional leadership institutions, employers' organisations and the private sector, civil society, opinion leaders, youth movements and women's organisations, groups of disadvantaged people, representatives of the academic world, as well as the media.

Activities conducted during the review mission

The work of the mission began with the official launching of the review by the president of the republic⁴⁴ in the presence of the bodies politic and actors in development, followed by a press conference. Shortly afterward, the head of state granted an audience to the mission, followed by an audience with the prime minister. Next, the mission team spoke with the heads of the institutions of the republic, the president of the National Assembly accompanied by the chairs of the parliamentary working groups and commissions, members of government, members of the diplomatic and consular corps and international organisations, traditional leaders, civil society, and the private sector.

After this initial greeting, the mission team held seminars with the members of the government as a whole (35 ministers and delegate ministers took part in the seminars) during which the review team engaged in dialogue with the ministers on the strategic orientations of the country, the issues and challenges of political and economic governance and socio-economic development that the country is facing or will face in future, as well as possible avenues towards medium- and long-term solutions.

The consultations with the experts were organised around the four themes of the review. During their trips to the field, the participants were divided into four thematic groups and the work of each group was subsequently reported back in a plenary session.⁴⁵

The mission worked in three stages: first in Ouagadougou, the capital and largest city of Burkina Faso where the governmental and diplomatic services

44 As reported in the newspaper *Le Pays*, No. 4058 of 19 February 2008, 'Mise en œuvre du MAEP au Burkina: La "vraie" évaluation commence maintenant'.

45 Interview with Blanchard Bayala, civil servant to the prime minister and member of the APRM NGC.

are located; followed by a regional stage, during which the mission travelled to all 13 regions of the country (the first time an APRM review mission covered the whole of the geographical territory of a member country); and finally the report at the end of the mission.

The review mission at the central level

In Ouagadougou, the mission team met first with the APRM focal point and NGC to discuss the self-assessment report. Next, over the following five days, the team met with all of the stakeholders, including civil society and the private sector, first in a plenary session, then in thematic workshops. The mission team met with all of the heads of the institutions of the republic, to wit: the Constitutional Court, the Court of Cassation, the State Council, the Economic and Social Council and the Higher Council on Communications. The mission team also met with the ombudsman, the grand chancellor of national orders, the National Ethics Committee, the auditor-general's department, the High Authority for the Fight against Corruption, the State Audit Office⁴⁶ and the chairman of the CENI (Independent National Electoral Commission). Immediately following, the mission team interviewed the ambassadors of the G8 countries accredited in Burkina Faso and residing in Ouagadougou (USA, France, Canada and Germany) and the technical and financial partners. The meeting with the ambassadors of the African countries accredited in Burkina Faso and residing in Ouagadougou was one of the highlights of the activities of the review mission. As the APRM is an instrument for the promotion of governance in African states, it provided the experts with an opportunity to draw the attention of the diplomats to the importance of the instrument and the need for African countries to undergo reviews. The meeting also enabled the experts to gather the opinions of the ambassadors regarding governance in Burkina Faso. In addition, the mission also met with the TRIs.

The mission also organised a women's forum, a youth forum, a forum for executives and intellectuals, a media forum, a forum for political parties, and a labour union forum to discuss the subjects and concerns close to the hearts of each organisation. Finally, the mission held theme meetings with several groups such as the chair of the national governing council of private investors, representatives of the association of banks and financial establishments, representatives of the youths' association, representatives of the association of women entrepreneurs, economic operators and several financial institutions.

The review mission at the local level

The review team then travelled to all 13 regions of the country and held meetings in their respective capitals (Ziniaré, Kaya, Dori, Bobo-Dioulasso, Banfora, Gaoua, Ouahigouya, Koudougou, Dédougou, Tenkodogo, Fada N'gourma, Manga and Ouagadougou). At the local level, the review work carried out

⁴⁶ The State Audit Office (*Inspection générale d'Etat*) is now the State Audit High Authority (*Autorité supérieure de contrôle de l'Etat, ASCE*).

by the experts took place in three main successive stages. In each case, the team met with all of the stakeholders first in a plenary session, then in theme workshops, and finally in a plenary feedback session during which the workshop findings were validated. Everywhere it went, the mission team noted with great satisfaction that not only did the people respond in large numbers to the invitation of the APRM, but they also fulfilled the expectations of the reviewers by skilfully and articulately analysing the situation. The trip to Bobo-Dioulasso was a vital component of the expert review mission. On Wednesday 27 February, the delegation visited Bobo-Dioulasso, where it met with various stakeholder groups in the Hauts Bassins region. In the view of the APRM African experts, the Hauts Bassins region was a key stage in the execution of their mission. Indeed, according to delegation head Marie Angélique Savané, as the economic capital, Bobo-Dioulasso was a favourable site for gathering complete and credible indicators. The cosmopolitan nature of the city was also a major asset, reflecting considerable sub-regional integration which could not necessarily be found in the other cities. The city of Bobo-Dioulasso had also been the point of departure for the demonstrations against the high cost of living.⁴⁷

Upon returning to Ouagadougou, the mission had an opportunity to speak at length with the prime minister and the members of government all together. It was an opportunity for the APRM to hear members of government speak on such thorny issues as the multiple party system and politics, corruption, the running of national institutions and the separation of powers, but also on crosscutting issues such as gender equality, youth employment, etc. During that phase, the mission was also able to speak with the association of women entrepreneurs and promoters of women's welfare in Burkina Faso and with the Permanent Secretariat of National Commitments. Finally, a restitution meeting took place at the end of the stay during a working session presided over by the president of the republic, and attended by the prime minister and the chair of the APRM NGC. During the session, the review team presented the chief provisional findings of the consultations, with a focus on the major achievements of Burkina Faso, but also on the challenges identified by the review.

The broad consultation process initiated by the review mission reached 'approximately 5 000 people'.⁴⁸ The fact that the review took place in a context of crisis linked to social grievances allowed the experts to measure the vitality of democracy in Burkina Faso. The mission was able to gather comments and criticisms on the process, as illustrated by the following:⁴⁹

- Strong mobilisation demonstrating popular interest in the review;

47 Daily newspaper *Le Pays* No. 4064 of 27 February 2008, 'Evaluation du Burkina par le MAEP: les manifestations contre la vie chère s'invitent dans le bilan'.

48 Interview with the APRM PS, 2 May 2008.

49 Information note on the APRM process prepared by the APRM PS, internal document, p. 9.

- Trips to all regions of the country marked a notable first among APRM missions;⁵⁰
- The people felt a need for communication and dialogue with their government and asked for more time to discuss their concerns;
- The debates took place in the presence of both parties and all participants expressed their views in their language of choice;
- The participatory development approach raised considerable interest in the population and should be extended to all initiatives and programmes throughout all of their different phases;
- The existence of highly diversified associations, whose mobilisation is vital to support government actors in their day-to-day actions to promote development;
- Poor understanding of the APRM approach by some, who viewed the mechanism as a structure that had come to judge the government.

Financing of the APRM process in Burkina Faso

The implementation of the APRM self-assessment process in Burkina Faso entailed the mobilisation of significant material and financial resources.

The resources for the APRM NGC were supposed to be drawn from annual government budget allocations and other authorised funding sources.⁵¹ In reality, most of the financial resources for the execution the self-assessment process and the running of the APRM bodies were covered by the state budget. In 2007 and 2008, the government granted the APRM PS the sum of CFA 387 186 000, or approximately US \$860 414.⁵² This amount was intended to support the activities of the national body steering the implementation of the APRM.

Funding for the APRM process in Burkina Faso is also covered by the UNDP through a capacity-building programme for republican institutions and gender mainstreaming (*Programme de renforcement des capacités des institutions républicaines et de systématisation du genre*, PRCIREG) of which component 3 applied to the APRM. The programme, which covers the 2006–2010 period, has enabled the APRM PS to benefit from support in different forms: support for participation in international meetings as well as material support (computer and audiovisual equipment, support for the formulation of a communications and popularisation strategy for the mechanism). In 2006, the programme helped the APRM PS to become operational and in 2007 and 2008, the programme promoted the development of work plans. The goal of the first work plan was to facilitate self-assessment and the second work plan, which is ongoing, should make it possible to popularise the national review report. This

⁵⁰ Based on interviews with members of the APRM NGC and APRM PS.

⁵¹ Article 15 of Decree No. 2007-337/PRES/PM/MAECR, on the composition, duties and powers and running of the APRM NGC.

⁵² Cf. government budgets for 2007 and 2008.

programme received the following amounts: 2006: US \$140 000; 2007: US \$248 000; 2008: US \$300 000 (or US \$668 000 over three years).⁵³

In all, according to the information made available to us, financing for the Burkina Faso APRM was supported by the state and the national UNDP office.

Civil society participation

The CSOs of Burkina Faso are characterised by their great numbers and diversity.⁵⁴ The rich and close-knit fabric of associations is the principal strength of CSOs. This pluralism, which is a clear manifestation of the freedom of association, is not only a strong pledge of the independence of civil society, but also a potential source of counter-power and a guarantee against potential totalitarian inclinations on the part of the state or authoritarian tendencies on the part of the political authorities. It also promotes emulation and the emergence of organisational and individual leadership within civil society, which is increasingly aware of its own ability to influence public opinion and to weigh on government decisions as a power of persuasion and an element of counter-power. The special attention devoted to civil society by the public authorities has been a determining factor in their considerable involvement in the APRM process in Burkina Faso.

Civil society participation in APRM implementation took place both upstream and downstream of the process.⁵⁵ First of all, CSOs were strongly represented on the APRM NGC, where, with 12 representatives out of 28, they were more strongly represented than the other structures. This seems to explain the place and importance of CSOs in governance in Burkina Faso.⁵⁶ Prior consultations were organised with civil society representatives to stimulate their involvement and adhesion throughout the process. Workshops were organised in 2003 and 2005, involving large numbers of CSOs, for the finalisation and operationalisation of the self-assessment process. The distinction of the CSOs was symbolised above all by the selection of the *Centre pour la gouvernance démocratique*, a civil society organisation active in the area of democratic governance, as a TRI responsible for the portion of the self-assessment report focusing on policy and democratic governance. Also, the position of deputy chair of the APRM NGC was allotted to civil society to increase their accountability for the process. Civil society is in charge of the working group on economic and social development.⁵⁷ Throughout the process, CSOs were regularly called upon to participate in data gathering,

53 Information gathered from Delphine Ouandaogo, democratic governance programme officer and gender focal point, UNDP.

54 Indeed, eleven components of CSOs have been identified: women's organisations, research and training institutes, labour organisations, religious organisations, human rights organisations and special advocacy groups, private media, NGOs and development associations, youth movements, 'marginalised' persons, farmers' organisations, and cultural and artistic organisations (an Extract from CODESRIA-OSIWA, *La gouvernance des organisations de la société au Burkina Faso*. Report produced by Professor Augustin Loada, p. 81).

55 Interview with the APRM permanent secretary in Burkina Faso on 2 May 2008.

56 Interview with the deputy chair of the APRM NGC and women's representative on 25 May 2007.

57 Words by the APRM permanent secretary.

either by ensuring its organisation⁵⁸ or by sharing their opinions on the theme questionnaires proposed by the different TRIs.

The participation of CSOs was also manifested by the frequent expression of their concerns and apprehensions regarding the APRM process. On 15 February 2007, for example, the APRM national governing council organised a meeting with CSOs on the implementation of the process in Burkina Faso, and its principal objective was to discuss the APRM and particularly the self-assessment report to be produced by the Burkina Faso organisation. The meeting of 15 February was a briefing meeting on the process and the expectations of the NGC vis-à-vis civil society. More than thirty organisations responded to the invitation of the NGC, which was presided over by its chair. Following the intervention of the chair and the heads of all four working groups, the meeting participants pointed out a certain number of insufficiencies regarding both the process in itself and the implementation methods adopted by the NGC.

First of all, CSOs noted that they had been placed before a *fait accompli* in terms of the selection of their representatives on the NGC, who were co-opted through affinities with certain leaders. The participants felt it was important to recall that such practices were not only dubious but also threatened to discredit the initiative as a whole. Secondly, they unanimously deplored the lack of materials (documents) presenting the process, its actors in Burkina Faso, its objectives and the expected outcomes. Indeed, no briefing documents were made available for the participants. This created a sort of suspicion among certain participants who could not help wondering whether the meeting was a sort of preparation for participation in name only or just a means for those in charge to ease their conscience. Even the questionnaire, which is standard and was therefore available from the time the process began, was not made available to the civil society representatives. In summary, the speakers on behalf of civil society expressed some apprehension as to the risk that the weight of the administrative culture marked by the withholding of information and the co-opting of non-representative actors might contribute to making the inclusion of civil society in the APRM a participation in name only.⁵⁹

Submission of the Burkina Faso report

The APRM panel of experts prepared its national review report for Burkina Faso based on the self-assessment report and the provisional programme of action (PoA) prepared by the TRIs. The review report and the comments of the panel on the national PoA were submitted beforehand to the government of Burkina Faso during the month of May 2008 for comment. On 26 May 2008, the government presided by Prime Minister Tertius Zongo in the absence of the president of the republic, held an Extraordinary Council of Ministers for the purpose of examining the APRM review.

⁵⁸ For this purpose, regional groups of SCOS, i.e. SCOS Caucuses, were mobilised by the TRIs either to collect data or to facilitate data collection.

⁵⁹ *Sidwaya* daily newspaper, 29 February 2008, 'Bonne gouvernance: les Hauts-Bassins à la loupe du MAEP'.

According to a statement published at the outcome of the council of ministers, the government of Burkina Faso observed that ‘the report points out with great professionalism the opportunities and challenges but also the measures the country must face’. This statement indicates that the public authorities shared with the panel their realisation that there are still obstacles to the process of good governance and economic and social development in Burkina Faso. However, the government expressed some reservations, as, in its view, ‘certain considerations, analyses and comments contained in the report warranted improvement, or even qualification or correction. Furthermore, some factual data ought to be re-examined in light of political and socio-economic change in the country’.⁶⁰ The inaccuracy of some data, as pointed out by the government, could be explained by the fact that government institutions did not generally give the TRIs satisfaction during data collection. This lack of collaboration could justify the reservations of the government on some of the factual data.

Following those remarks, the government authorised the bodies in charge of the APRM to submit the Burkina Faso review report and PoA to the APRM panel of experts. The president of the republic, who was supposed to present it on 29 June 2008 during the 9th Forum of Heads of State and Government of the African Union at Sharm-el-Sheik, Egypt, was unable to do so in the end due to the apparently fully booked agenda of the summit.⁶¹ The Burkina Faso report was finally presented on 25 and 26 October 2008, in the capital of Benin (Cotonou) during the 1st Extraordinary Summit of Heads of State and Government of the APRM.

Critical evaluation of the APRM process in Burkina Faso

The APRM process in Burkina Faso was marked by a number of insufficiencies, the foremost being the haste with which the process was conducted. The relatively poor quality of the self-assessment could not be offset by the strong political will of the government authorities in the process.

Strong involvement by the political authorities

The operationalisation of the APRM process in Burkina Faso was characterised by very strong involvement of the national authorities. The APRM process was made possible thanks to a clear political will on the part of the various political and administrative authorities of the country, beginning with the president of the republic. First of all, the APRM is a self-criticism instrument that was freely accepted by each state. Secondly, despite a period of hesitation essentially owing to various electoral issues,⁶² the political authorities resumed the process in 2007 with the self-assessment. This political will was essentially

60 Excerpts from the final Statement of the Council of Ministers of 26 May 2008, published on 27 May 2008 on the site www.fasonet.bf.

61 Jean-Baptiste Natama, information note on the APRM process, p. 11.

62 Between 2003 and October 2007, when the self-assessment process began, Burkina Faso held presidential elections in 2005, municipal elections in 2006, and legislative elections in 2007.

manifested through the personal involvement of the president of Burkina Faso who attached the APRM governing bodies to the office of the president with a view to ensuring the leadership of the process. Members of the government, led by the prime minister, then became involved in the mechanism in their respective fields.

A hastily led process

The commencement of the self-assessment process was considerably delayed, chiefly due to the busy electoral schedule of Burkina Faso between 2005 and 2007. The bodies in charge of the implementation of the APRM process were set in place in 2005 and the working schedule of the APRM panel had planned the launching of the Burkina Faso review process for the fourth quarter of 2005. But Burkina Faso's governmental and political activities were monopolised by the elections that took place between the latter half of 2005 and the end of the first half of 2007, with the organisation of presidential elections in November 2005 and legislative elections in May 2007. This electoral activity could only form an obstacle to the self-assessment, which effectively did not begin until 2007. The self-assessment lasted three months, from October 2007 to December 2007. This gave the impression that, for the bodies in charge of the process, the goal was to draft a report at any cost, even to the substantial detriment of its quality. The different TRIs we met complained of the material lack of time to collect and analyse data.

The low level of grassroots popular awareness of the objectives of the mechanism, partly due to the lack of sufficient time, constituted another handicap to the successful unwinding of the process. During a mission to promote awareness of the visit of the experts, which we attended in December 2007 in the eastern Burkina region, the people with whom we spoke expressed their regret that no similar mission had taken place before the self-assessment process. That would undoubtedly have enabled the people interviewed to respond more calmly to the questionnaires submitted to them.

The insufficient collaboration during data gathering by the various TRIs on the part of the government services that possessed most of the information also hampered the data-gathering process. Indeed, access to information from public departments was often blocked by official channels which required separate individual authorisations from the senior official of the department in each instance. Questionnaires addressed to public departments generally registered low response rates.

Limited popular adherence and civil society participation

Broad adherence of various strata of Burkina Faso society in the APRM mechanism has been an asset in the process. This adherence was notably reflected by the presence of the most representative strata of the population in the coordination structure of the process (APRM NGC) and by the direct participation of the population in the most important stages of the process,

from data gathering to meetings with the APRM experts in charge of the review, including validation meetings for the self-assessment report.

However, APRM implementation did not meet with the expected popular enthusiasm leading to ownership and greater involvement of the various segments of Burkina Faso society. Indeed, civil society participation in the process was incomplete. CSOs were formally represented on the APRM NGC, which was the national body in charge of coordinating APRM implementation. However, in the general opinion of the civil society representatives interviewed for the report, CSO members were appointed to the NGC without the participation of the organisations they were supposed to represent. The representatives were effectively co-opted by the government, rather than being elected or appointed consensually by the other CSOs.

Insufficient financial resources

The scope of the data-gathering work also required the mobilisation of substantial financial resources for its completion. However, we have observed that low levels of financial resources were allocated to the TRIs to conduct representative surveys. The low level of resources undoubtedly did not allow the research organisations to travel to a maximum number of locations and enlarge the sample of interviewees.

The lack of sufficient resources seemed to explain the opinion of the people interviewed regarding the low level of campaigns aimed at boosting ownership of the APRM process by the members of the national commission and the population. Indeed, the training planned for the members of the APRM NGC was unable to take place. In addition, there were no nationwide prep missions in the field to raise awareness in local authorities and populations in preparation for the self-assessment phase.

Integrity of the process and independence of the APRM management bodies

The Burkina Faso self-assessment process was placed in the hands of national bodies: the INSD, ISSP, CAPES and the CGD. Only the CGD is a civil society organisation independent from the public authorities. However, the fact that the other three institutes are government structures does not seem to have impacted on their scientific and intellectual independence during data gathering and analysis in the self-assessment phase. In our interviews with their representatives, none of the TRIs reported any attempts by the authorities to intervene in the conduct of their research or to orient the content of their respective reports. Thus, the control of the process by the president of Burkina Faso was purely administrative due to the fact that the bodies in charge of APRM implementation reported to his office. This control in no way affected the independence of the self-assessment process.

Impact on existing governance and development programmes

The formulation of the APRM national PoA included ongoing initiatives and particularly the focuses of government programmes and plans. The objectives pursued in the PoA will be implemented by national structures that include both government bodies and non-government bodies in charge of similar actions. This will make it possible to avoid overlapping and increase the efficiency of the planned actions. It is expected that the execution of the PoA will take place according to the subsidiarity principle. This means that the PoA will not replace existing sectorial strategies or strategies already undergoing finalisation, but will ensure their consistency to guarantee better impact on beneficiary populations. The strategies include the Strategic Framework for Poverty Reduction (SFPR) and the national good governance policy (*Politique nationale de bonne gouvernance*, PNBG).

The SFPR is a framework document whose purpose is to set forth the priority development objectives established by the government. It reflects the essential choices operated at the level of priority sectors. The approach underlying the development and implementation of the SFPR is an iterative approach. The government has decided to update the SFPR every three years to integrate the lessons learned from the implementation of the public policies adopted in the document. The SFPR revision process is a government initiative involving broad consultation with all actors in governance. The SFPR comprises four main focuses:

1. Increasing the pace of growth and founding growth on equity;
2. Guaranteeing access to basic social services for the poor;
3. Increasing both employment as well as income-generating opportunities for the poor;
4. Promoting good governance (democratic, economic and local).

In October 1998, the government of Burkina Faso adopted a national good governance plan for the 1998–2003 period. In light of the evaluation of the plan in March 2003, the government reaffirmed its will to promote the principles of good governance in Burkina Faso through the formulation of a national policy on good governance (PNBG). The choice of a national policy on good governance up to 2015 reflects the concern of the public authorities for the need of a strategic orientation document that, on the one hand, clarifies the fourth theme of the SFPR on good governance and, on the other hand, specifies the actions envisaged with respect to international commitments, especially those linked to the Millennium Development Goals (MDGs) and the APRM.

It is not yet clear how the subsidiarity principle will work in practice. It is important for the implementation of the PoA to take account of all other existing mechanisms, whether they are part of the SFPR or various programmes (government programmes, presidential programmes, etc.). Consistency between the different programmes is necessary to avoid overlapping or wasted time.

Conclusions and recommendations

Good governance is henceforth at the heart of the process of development in Africa, as demonstrated by the organisation of African forums on governance, of which the seventh took place in Burkina Faso in October 2007, on the subject of state capacity building in Africa. In March 2003 in Abuja, Nigeria, during the sixth summit of the committee of heads of state and government in charge of implementing NEPAD, a memorandum of understanding was concluded on the APRM. The purpose of this mechanism is to further the adoption of policies, standards and practices leading to political stability, strong economic growth, sustainable development and accelerated sub-regional and continental economic integration through exchanges of experience and consolidation of successful best practices, including the identification of insufficiencies and the evaluation of capacity-building needs in participating countries (28 in all).

By adhering voluntarily to the APRM on 9 March 2003, Burkina Faso undertook to take all necessary measures to facilitate the development and implementation of a national action programme with a view to improving its performances in the areas of democratic, economic and financial governance, socio-economic development and corporate governance.

For Burkina Faso, the APRM process to which it committed itself on 20 March 2003 represents an incontestable capacity-building tool. Having adopted a national PoA on good governance well before the advent of the APRM, Burkina Faso undertook, on September 2003, the elaboration of a second plan of the same nature to serve as the foundation for its national policy on governance and to ensure the consistency of its strategic focuses with those established in the framework of the APRM.

Economic and social progress aimed at improving the living conditions of the people, as referred to in the SFPR, does not seem to have got off the ground, as witnessed by the demonstrations against the high cost of living in February 2008. Corruption also seems to be recurrent in Burkina Faso society, despite the implementation by the public authorities of a major institutional mechanism to fight against the phenomenon. Thus, the review process was able to point out some of the weaknesses of governance that have been repeatedly underlined by national actors. All of the actors in governance hope that the national PoA produced by the process will be more than just another programme with little chance of actually being implemented.

In order to improve the APRM process in Burkina Faso, we recommend the following actions and measures, certain of which have been suggested by the persons we have interviewed:

1. Ensure restitution of the expert review report to the people in the different regions of Burkina Faso; or, preferably, publish the review report so that it is accessible to all citizens;
2. Enhance the participatory and inclusive nature of the APRM process, as well as the independence of the APRM bodies, by including representatives

of various social strata and by increasing their independence in relation to the government. In particular, the bodies set up to ensure the monitoring of the PoA should be politically independent, like the corresponding structures in Ghana and in other countries;

3. Avoid bringing an institutional response to the diagnosis established by the experts in their review report and, instead, act on the concerns expressed by the citizens. Indeed, the feelings of the people reflect the ineffectiveness of the existing array of state organisations;
4. Organise a national workshop on ownership of the PoA to enable the different social strata to gain familiarity with its contents and thereby motivate them to play a parallel role in monitoring and evaluating its implementation;
5. Strengthen the capacities of the members of the APRM NGC to enable them to master the concepts of the APRM and the APRM process so that they can fulfil their role as interfaces between the national APRM body and the grassroots population;
6. Strengthen the institutional capacities of the APRM SP to enable it to carry out monitoring and evaluation during the PoA operationalisation phase;
7. Make the APRM Burkina Faso website operational and publish all documents relating to the different stages of the APRM in the country on that site;
8. Ensure the circulation of information within national bodies in charge of the APRM process in order to make sure that the same level of information is shared by all;
9. Define a mechanism for the involvement of the TRIs in the process of PoA implementation, monitoring and evaluation in light of their wealth of experience in various areas of governance;
10. Adopt a communications plan in conformity with APRM guidelines in order to ensure greater visibility and stronger ownership of the process by the primary stakeholders – the grassroots population;
11. Increase the scope and depth of local community media involvement in the APRM process communications strategy in light of their proximity and accessibility to grassroots populations;
12. Adopt a mechanism to boost the work of the TRIs by enabling them to work in synergy with a view to harmonising their data-gathering methods and techniques to obtain self-assessment reports whose consistency is unquestionable;
13. Set in place a lightweight structure for the monitoring and evaluation of the PoA in collaboration with the existing consultation frameworks for the operationalisation of the SFPR.

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- Sidwaya*, 15 February to 16 March 2008

List of persons interviewed

At the APRM National Governing Council (NGC)

- Emmanuel Blanchard Bayala, representing the prime minister
- Teeg Wendé Aymar Kabore, representing youths
- Soumaïla Lingani, representing labour unions
- Adelaïde Zabramba, representing women, deputy chair of the APRM NGC

- Maria Lougue, representing women
- Timothée T. Soulama, representing the ministry of labour and social security
- Félix Ouedraogo, representing the media
- Albert Djigma, representing customary authorities
- Rasmané Ouedraogo, representing the ministry of the environment and quality of life
- Baloma Marcel Sandaogo, representing the ministry of the civil service and state reform
- Salvador Yameogo, member of the National Assembly
- Malick Sawadogo, member of the National Assembly
- Yacouba Ouedraogo, representing labour unions

At the APRM Permanent Secretariat

- Toussaint Natama, APRM permanent secretary
- Benjamine Douamba, head of communications
- Parfait Zio, communications officer
- Hervé Kouraogo, APRM PS technical advisor

At the technical research institutes

- Luther Yameogo, CGD researcher
- Jean-François Kobiane, head of the research unit on education and population at the ISSP, research coordinator on economic and social development in the framework of the APRM self-assessment
- Dr Abdoulaye Zonon, macro-economist at CAPES
- Dansané Ouedraogo, head of the department of corporate and trade statistics of the INSD
- Placide Some, INSD survey official

At the United Nations Development Programme

- Delphine Ouandaogo, programme officer and gender focal point

GHANA

Summary

Overview

In March 2003, Ghana signed the memorandum of understanding acceding to the African Peer Review Mechanism (APRM). In January 2006, President John Kufuor became the first African leader to be peer reviewed. Between these two dates, but starting mainly in March 2004, with the appointment of Ghana's APRM Governing Council, the country undertook a self-assessment in political governance, economic management, corporate governance, and socio-economic development, the four APRM themes. Alongside this self-assessment, Ghana produced a programme of action to address the shortcomings that had been discovered, not necessarily in the performance of the government, but more systemically in the procedures and performance of state and non-state institutions. The resulting self-assessment report and programme of action, and the process that produced them, were then subjected to an independent evaluation by a panel of eminent African persons who submitted their own report in June 2005 to the African leaders who had also signed up to the APRM, known as the APRM Forum. It was to the findings of this country review report, presented by the panel of eminent persons, that President Kufuor addressed himself, in January 2006.

The Ghana APRM self-assessment process stood out not only because Ghana was a pioneer, but also because the Ghana model – a small group of distinguished individuals appointed as a governing council for the process, working through reputable independent research institutions to deliver the country self-assessment report and the programme of action – has been held out as an example for the other countries entering the process. This model delivered flexibility of operation, absence of political manipulation, involvement by civil society groups and ordinary citizens, a robust self-assessment and a detailed programme of action, which the government adopted and is implementing through its various specialised ministries and agencies. Nevertheless, many civil society groups in Ghana feel that a more critical view should be taken of their country's performance.

Despite the strong emphasis on civil society involvement, in practice many civil society groups felt that the balance between public awareness-raising and meaningful consultation was not sufficiently weighted in favour of meaningful

consultation. There were three main civil society consultation events to consider or validate the country self-assessment report. But the way these meetings were conducted left many participants with the sense that though those consultations may have been broad they were not sufficiently deep. There was no mechanism for those involved to satisfy themselves that their comments on what became the final draft of the country self-assessment report and programme of action – to all intents and purposes the heart of the country’s peer review process – had been taken into account. This feeling did not appear to be mitigated by the fact that four independent institutions (three of them civil society) were commissioned to conduct the surveys and analysis for the assessment report. The Governing Council, which quite rightly is the central organiser, is felt not to have left enough space for others to make meaningful input.

The APRM represents a new departure in African governance. It is the first working framework to help improve governance within the countries of the continent and to help promote collective action among them. To take root however, it needs to succeed in mobilising a critical mass of the population into sustained effort conceptually, strategically and operationally. Thus the thrust of this report is to examine how the APRM was conducted in Ghana, but to be mindful in so doing of how the lessons learnt in Accra and Kumasi may be applied, with suitable modification, in Algiers and Oran, Dakar and Thiès, Nairobi and Mombasa, Lusaka and Kitwe, Pretoria and Johannesburg.

With this in mind, this report recommends that the government of Ghana takes further steps to regularise the status and composition of the Ghana National APRM Governing Council, which has now been given responsibility for monitoring the implementation of the national programme of action. Such regularisation could include formalisation of its *modus operandi* by an act of parliament, with members appointed by a transparent public service appointments system and given staggered terms of service, so that continuity is preserved. For its part, the Governing Council should take steps to ensure that the country self-assessment report, which is still embargoed (unlike the country review report prepared by the APRM panel of eminent persons) is published immediately. Also, it should take a moment to pause and seek feedback from all stakeholders about the way the country self-assessment process was managed, and incorporate the findings into its design of the next phase of the APRM journey. Civil society organisations, who for the most part are already monitoring those aspects of the programme of action that relate to their particular mission objectives, should find ways to share this information more effectively with one another and engage collectively with this process.

Ghana’s APRM experience also has lessons at the continental level. There is a need to make the APRM questionnaire more user-friendly as an instrument for soliciting the opinions of both experts and non-experts. It could in addition provide greater flexibility for assessing views not just on the process, but also the strategy of government; that is, not just how African governments are taking their people with them, but also where they are taking them. The APRM

Forum should, in the spirit of the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance and the new Charter on Democracy, Elections and Governance, take steps to ensure that governments undertaking an APRM self-assessment engage civil society as partners during the process. There should be a greater emphasis on ensuring access to information about the conduct of the APRM, in particular insisting on the need to publish the country self-assessment report at national level, but also by providing more information about what actually takes place when the president of the country being peer reviewed discusses the country review report with the presidents of other participating countries. Once a critical mass of countries has completed the process, a review of lessons learnt should be undertaken by the APRM panel of eminent persons. Once such a stage has been reached, it should be easier to organise regular events for stakeholders at both regional and continental level to share and advise on good – and bad – practice.

The APRM in Ghana

The country self-assessment process in Ghana was led by the National APRM Governing Council (NAPRM-GC), a group of seven distinguished individuals given the independent authority to run the process. There was opposition from civil society to the manner of their appointment: as individuals rather than representatives of a range of interest groups. Nevertheless there was general recognition that each had considerable standing and was distinguished in his or her respective field. They were and are supported by a secretariat headed by a chief executive with recognised expertise in public administration. The NAPRM-GC and its secretariat appointed the technical research institutes (TRIs) that carried out the research and drafted the four thematic sections of the country self-assessment report; conducted country-wide public education programmes; convened the various stakeholder meetings that launched the process and validated the final research products before they were submitted to the APRM panel of eminent persons; and hosted the APRM country review mission.

The four TRIs appointed by the Governing Council were all non-governmental research organisations recognised in Ghana as leaders in their fields. They were clearly competent to carry out the work, and in no sense could be described as subservient to government. All of those involved in the project for the TRIs confirmed that there was no interference from any quarter in their research. Nonetheless, because the criteria by which they were chosen were not made public, and because the terms of their contracts with the Governing Council meant that they were not free to share the results of their research, this engendered a certain sense of exclusion among some civil society groups.

The task of delivering on the public awareness-raising, stakeholder consultation, the country self-assessment, and programme of action was carried out in three broad stages using pre-field, field, and post-field methodologies. The first of these, the pre-field methodology, comprised in-house research or

literature review; education, awareness-raising, and the creation of ownership among ordinary Ghanaians; harmonising and coordinating methodological approaches among technical review teams; identifying stakeholders; recasting the questionnaire into a survey instrument; data gathering and analysis. The second, the field methodology, involved interviews with government and independent state officials and with civil society groups, and finally sample surveys of ordinary Ghanaians. The third and last, the post-field methodology, involved a range of activities such as having the material produced by the TRIs assessed by independent experts appointed by the Governing Council; and validation exercises by various stakeholders to determine that the findings of the TRIs conformed with what those knowledgeable about the various thematic areas thought were realistic. The national programme of action (NPoA) was derived and collated by the TRIs from observations, comments, and suggestions made by various respondents, with additional input from civil society groups. These two sets of documents – the findings from the TRIs and the NPoA – were consolidated, under the supervision of the Governing Council, into one document, the Ghana country self-assessment report (CSAR). A copy of the Ghana CSAR and NPoA was presented to President Kufuor in March 2005, while another was sent to the APRM Secretariat in South Africa.

The TRIs employed broadly similar research techniques, involving desk research; adaptation of the APRM questionnaire for use in the field; interviews of representatives of government and public institutions and of advocacy groups; focus groups and interviews of ordinary citizens and grassroots organisations; and review of the research product by technical experts. Nevertheless, because of their different sample size and subject matter, there were significant variations. The Ghana Centre for Democratic Development (CDD), responsible for the theme democracy and good political governance, used the services of an advisory panel of 12 people, to supervise the conduct of a household survey of 1 200 people. Similarly, the Institute of Statistical Social and Economic Research (ISSER), which conducted the survey on socio-economic development, used a sampling framework whereby they took data

from around 1 000 people. They sample-surveyed at least 20 people in each of two districts, in each of Ghana's ten regions, a total of around 400 people; conducted focus group discussions with a similar number; and then spoke to about 200 individuals from government, independent state institutions, and civil society. The Centre for Policy Analysis (CEPA) and the Private Enterprise Foundation (PEF), who dealt with economic management and corporate governance respectively, interviewed around 600 people, but from a narrower cross-section of society: primarily government, civil society groups, and independent experts.

One challenge faced by the TRIs was that the NAPRM-GC's sensitisation efforts ran concurrently with the research for the self-assessment report. Public outreach was concentrated in the period from May to September 2004; meetings were held throughout the country, and were directly attended by more

than 1 000 people, in addition to media and other outreach. Nevertheless, it did sometimes happen that those responsible for conducting interviews found that those they wanted to interview had not yet heard of the APRM process; in at least one case, interviewees were withdrawn until an awareness-raising exercise had been conducted.

In addition to general sensitisation and detailed research, four important events were convened by the NAPRM-GC during the APRM process at which a broad range of civil society groups had the opportunity to make inputs to and comment on the conduct of the self-assessment process as a whole and the draft reports. These were the initial stakeholders' workshop held in May 2004; a meeting convened in February 2005 at which the draft thematic self-assessment reports were presented; a 'national validation meeting' held during the country review mission of the APRM panel in April 2005; and finally a further validation meeting held in June 2005, attended by the chair of the APRM panel of eminent persons.

The February 2005 validation meeting, attended by about 50 people from a range of sectors, heard presentations of the draft reports for each of the four APRM themes – democracy and good political governance, economic governance and management, corporate governance, and socio-economic development. Participants had the opportunity to make comments on the presentations, but although they were given summaries of the various reports at the meeting, they had not received any documentation before the meeting to enable them to digest the contents more thoroughly. In addition, they were not given any feedback on how their inputs had been used. Minutes or reports of this or the other meetings are not publicly available, and the country self-assessment report itself, submitted to the APRM panel and the government of Ghana, has yet to be published.

There is some indication that the request to the TRIs to include a programme of action within the scope of their work came some time later in the process. The cost of the NPoA was worked out by the various ministries and technical agencies of government with the appropriate expertise. The fully costed report was submitted to the APRM Secretariat in May 2005; the effort involved meant that this was after the other elements of the country self-assessment report had already been sent.

The APRM panel's April 2005 country review mission was led by Dr Chris Stals, the member of the panel of eminent persons responsible for monitoring the Ghana process. It held meetings with a wide range of actors in different parts of the country and collected independent information to cross-check the country self-assessment report and finalise the panel's own country review report – the document that is presented to the APRM Forum. The repeat visit in June 2005, led by the chair of the panel, Marie-Angelique Savane, had not been scheduled in the initial calendar, and was apparently designed specifically to allow discussion of the programme of action, which had not been costed

at the time of the country review mission, with civil society groups. Again, no minutes or report of these two meetings are available.

Since the Ghana country review report was examined and adopted by the APRM Forum, Ghana has submitted two progress reports to the APRM Secretariat on its implementation of the programme of action, showing that some important measures recommended in the NPoA have been taken. A process of harmonising the NPoA with other national development agendas, including the Growth and Poverty Reduction Strategy, has also been undertaken. The NAPRM-GC has also put in place some structures to ensure monitoring of the NPoA at district level, and conducted a household survey in late 2006, focusing on questions relevant to the four APRM themes. There is some question, however, as to whether the steps now being taken by the Governing Council in its progress reports are in fact those that would have been taken if its first choice monitoring and evaluation framework had proceeded as planned. At least two TRIs indicated that they were waiting for the Governing Council to inform them that the funds required to design and implement a monitoring and evaluation framework of choice have been made available.

Challenges relating to civil society involvement in the Ghana APRM process

The first challenge relating to civil society engagement in the APRM process arises from the nature of the documentation itself. The various documents establishing the APRM at continental level have subtle but important differences in the way that they define civil society and how it should be involved in the APRM processes at national level; in some contexts, civil society (broadly defined) is described as a partner in the process of developing the programme of action; in others, government is only enjoined to consult widely with all relevant stakeholders. The ambiguities in these documents leave important issues up to the government of each country to decide. Even though in Ghana the government created quite an independent structure for the APRM, the Governing Council appears to have preferred to use the more narrow definition of involvement.

Although the criteria for appointing the individual members of the Governing Council were indeed made public, the fact that they were not seen as representatives of different stakeholder groups appears to have contributed to the development of a certain distance between them and civil society. However, the lesson from elsewhere on the continent suggests that a Governing Council composed wholly of civil society organisations can produce its own problems. There is a balance to be found here. One of the recommendations attempts to address this issue.

The high quality of the civil society research institutions that conducted the research on which the self-assessment was based, and their independence in carrying out this task, was one of the great strengths of the APRM process in Ghana. However, their involvement in the self-assessment process was not regarded by civil society groups as an instance of civil society engagement in the process, at least not as they understand engagement, but rather as a

professional and contractual relationship, in which the TRIs were service providers rather than independent interlocutors.

Finally, it would appear that issuing closed rather than open invitations to participants in the various consultation fora, and the fact that draft documentation was not circulated in advance of the meetings to enable those invited to develop a view on the matter to be discussed, served to undermine civil society confidence in the degree of involvement welcomed by the Governing Council. On the other hand, there was poor attendance by civil society groups at some of these meetings, with some organisations not attending at all, or else the heads sending relatively junior staff to represent them, especially for second and later invitations, rather than attending themselves.

The aim of the APRM is to promote political stability, growth, sustainable development, and integration. This means that it provides Africa with an opportunity, hitherto unavailable, to foster in a systematic way the development of collective strategies at regional and continental levels in pursuit of broad development goals. The recommendations below are intended to help make those outcomes more likely.

Recommendations

For the APRM in Ghana it is recommended that:

The government should:

1. Further institutionalise APRM institutions by underpinning the Ghana NAPRM Governing Council and Secretariat by an act of parliament, rather than, as is now the case, resting them on Ghana's ascension to the NEPAD and APRM agreements at African level.
2. Deepen the independence of the NAPRM-GC and provide for greater continuity by appointing its members for fixed terms of office, staggered so that a given proportion (say a quarter or a third) is replaced at regular intervals.

The Ghana NAPRM-GC should:

3. Place the Ghana Country self-assessment report and all its supporting documentation into the public domain as soon as possible.
4. Commission an independent survey for all stakeholders to establish (a) how they regard the Ghana country self-assessment exercise just completed, (b) what suggestions they have for monitoring implementation of the NPoA; and act on these findings.

Civil society groups should:

5. Take steps to share with one another the findings they make during the process of monitoring the NPoA.

6. Explore ways to mobilise more effectively to engage collectively with the APRM.

For APRM at a continental level it is recommended that the appropriate authorities should:

7. Amend the various documents establishing the APRM so that they are uniform in their treatment of important organs and procedures, and more prescriptive in the standards they require of participating governments, including a framework for governments to publish the country self-assessment reports.
8. Encourage and monitor governments' engagement with civil society as partners during the APRM self-assessment process and development of the programme of action.
9. Aim to conduct a comprehensive review of the conduct of the APRM, once a critical mass of countries have completed the review, perhaps at some point during 2008, with a view to evaluating and implementing its lessons.
10. As part of the review to amend the APRM questionnaire to make it more user-friendly, better able to get opinion about strategic goals, and to include bands for key performance indicators.

APRM timeline in Ghana

| Acceding to the APRM | |
|--|---|
| 3 November 2002 | Declaration of intention to accede to the APRM |
| 9 March 2003 | MoU establishing the APRM signed by Ghana |
| Preparing the ground | |
| 1 May 2003 | National focal point established – Ministry of Regional Cooperation and NEPAD created |
| February 2004 | APRM secretariat formed ^a |
| 18 March 2004 | National APRM Governing Council inaugurated ^b |
| | Appointment of technical research institutes |
| The country self-assessment and programme of action | |
| 24 May 2004 | Country support mission arrives ^c |
| 27 May 2004 | MoU between Ghana government and APRM panel signed during a formal opening ceremony described as National Stakeholders Workshop |
| 27-29 May 2004 | APRM National Stakeholders Workshop |
| 29 May 2004 | Country support mission leaves |
| September 2004 | Stakeholder Forum for the Disabled – Accra Rehabilitation Centre ^d |
| 23-25 September 2004 | Training for Trainer Workshop in collaboration with NCCE, Crystal Rose Hotel, Kumasi ^e |
| August 2004 | Forum for Security Services ^f |

| | |
|---|--|
| 10-13 February 2005 | Deliberation on national self-assessment report and NPoA at Ghana Institute of Management and Public Administration – GIMPA, Accra |
| 24 February 2005 | APRM launched in Dodowa in collaboration with NCCE |
| March 2005 | Final consolidated self-assessment report (CSAR) submitted to the APRM Secretariat together with draft programme of action |
| 4 April 2005 | APRM country review team visit commences |
| April 2005 | National Validation Meeting – GIMPA, Accra |
| 2005 April | Stakeholder Forum for Chiefs in Kumasi ^e |
| 16 April 2005 | APRM country review team visit ends |
| May 2005 | Draft NPoA submitted to the APRM Secretariat |
| 8 June 2005 | Validation meeting with chairperson of APRM panel ^h – Regency Hotel, Accra |
| 10 June 2005 | Response from government to APRM panel |
| 19 June 2005 | Presentation of Ghana APRM country review report to APRM Forum (participating heads of state) ⁱ |
| 22 January 2006 | APRM peer review of Ghana, Khartoum |
| Implementing the programme of action | |
| March 2007 | Workshop to implement the APRM NPoA, Bolgatanga ^a |
| May 2007 | Workshop to implement the NPoA, Ho |
| May 2007 | Workshop to implement the NPoA, Takoradi |

Notes

- a A.E. Amoah, 'National African Peer Review Mechanism in Focus', *Daily Graphic*, 25 May 2004, p. 7.
b Author's Interviews with members of the Ghana NAPRM-GC.
c Communiqué – The African Peer Review Mechanism (APRM) Support Mission to Ghana 24-29 May 2004.
d Ghana National APRM Secretariat Ghana's Journey through the APRM Mechanism', *Daily Graphic*, 4 November 2005.
e Ibid.
f Ibid.
g Ibid.
h Ibid.
i Mark-Anthony Vinorkor, 'Ghana not yet Reviewed by APRM', *Daily Graphic*, 25 June 2005, p. 1.
j Benjamin Glover, 'Workshop on APRM held in Bolga', *Daily Graphic*, 19 March 2007.

Implementing the APRM in Ghana: The process

Accession and establishment of national structures

Ghana was among the first tranche of countries that acceded to the APRM. It declared its intention to do so in November 2002 and on 9 March 2003 signed the memorandum of understanding (MoU) establishing the African Peer Review Mechanism, at the meeting of the NEPAD HSGIC in Abuja, Nigeria, at which the MoU and several other core documents for the APRM were adopted. By so doing the government affirmed, among other things, that it would:

- 'Adopt the declaration on democracy, political, economic and corporate governance [AHG/235(XXXVIII) Annex I].
- Accept the principles of the African Peer Review Mechanism [AHG/235(XXXVIII) Annex II], and committed ourselves to their implementation.
- Contribute fully to the funding of the African Peer Review Mechanism in order to affirm the African ownership of the mechanism.
- Take all necessary steps to facilitate the development and implementation of a national programme of action to improve our performance in the areas of governance and socio-economic development as stipulated in the Base Document of the African Peer Review Mechanism.
- Ensure the participation of all stakeholders in the development of the national programme of action including trades unions, women, youth, civil society, private sector, rural communities, and professional associations.
- Sign the memorandum of understanding on technical assessments, and the country review Visit following consultation with all stakeholders.¹

The purpose of this paper is to examine the extent to which these undertakings, especially with respect to civil society participation, have been adhered to.

The Ministry of Regional Cooperation and NEPAD and the APRM Governing Council

In March 2002, the UN Development Programme (UNDP) provided the funds for the Ministry of Foreign Affairs to engage Dr Francis Appiah, at the time head of department of the School of Public Administration at the University of Ghana Business School, to set up and head a new NEPAD Secretariat within the ministry. In May 2003, President John Agyekum Kufuor appointed Dr Kofi Konadu Apraku as head of a new Ministry of Regional Co-operation and NEPAD, following Ghana's accession to the APRM. Dr Appiah then became the national technical adviser on NEPAD, based in the new ministry. He played an important role in helping to establish the National APRM Governing Council (NAPRM-GC),² and when in March 2004 it became the 'focal point' for the African Peer Review Mechanism in Ghana, he was appointed its executive secretary and chief consultant. He and his staff formed the secretariat for the Governing Council, and moved out of the ministry into separate premises.³

President Kufuor formally inaugurated the seven-person Ghana National APRM Governing Council on 18 March 2004, a year after the establishment

1 Memorandum of Understanding establishing the African Peer Review Mechanism, 9 March 2003, NEPAD/HSGIC/03-2003/APRM/MoU. Available at <http://sites.dbsa.org/aprm/index3.php>.

2 Author's interview with Professor Adjepong, chairperson of the Ghana APRM National Governing Council.

3 Profile of Dr Francis Appiah on the Ghana APRM website, <http://www.naprm-gc.org/home.php>

of the Ministry of Regional Cooperation and NEPAD.⁴ The legal basis of the NAPRM-GC was set out by the attorney-general in a letter to its members where he explained that the government's membership of NEPAD and the APRM provided the authority for their operations. The NAPRM-GC was created as an autonomous body and placed outside the orbit of its 'parent' ministry.

During the period before the Governing Council was established, Dr Appiah announced that its members would be appointed as individuals. This produced something of a furore among civil society groups, who felt that members of the council should represent a range of constituencies. As a result, the formal announcement was postponed for three months.⁵ Nonetheless, when the members of the NAPRM-GC were eventually announced by President Kufuor, they were appointed in their individual capacities, on the basis of their experience and distinction in their respective fields.⁶ Most were retired but one or two were still in active service.⁷ Notwithstanding their credentials, the fact that they were appointed as individuals and without open consultation on who should constitute the members of the Governing Council or on its structure was the cause of some negative comment.⁸

Initially, the NAPRM Governing Council's contact with the government was directly to the president. However, its chairman asked President Kufuor to appoint a liaison person close to the presidency through whom the Governing Council could engage with the president and the government. Mrs Chenery Hesse, chief adviser to the president and one time deputy director of the International Labour Organisation, was appointed in this role.

4 Dr Francis Appiah explained that the criteria for choosing the members of the Governing Council were: I. Non-state actors, i.e. appointees are not state officials, II. Professional competence, III. Integrity, objectivity, impartiality and independence in public domain, IV. Command of public rectitude, V. Capacity to stand up for public scrutiny in respect of APRM findings, VI. Capacity to engage Parliament, Executive, Judiciary and civil society and to enlist their participation, and VII. Sentiments and symbolisms in respect of: Ethnic and regional balance, Religious representation, Academic representation, Civil society advocacy, Gender balance, Legal representation, and International organisations' review experience. Paper on 'Ghana's experience and lessons learnt in the implementation of the APRM' presented at the NEPAD Colloquium 9-11 December 2004, Cotonou, Benin (available at <http://www.ces-benin.org/event/nepad/nepad.php>, and on <http://www.naprm-gc.org/home.php>).

5 Author's interview with Dr Francis Appiah, executive secretary, Ghana APRM Secretariat.

6 The chairman was Rev. Prof. S.K. Adjepong, former vice chancellor of the University of Cape Coast and currently principal of the Methodist University College. The other members appointed were Amb. Alex Ntim Abankwa, a retired diplomat and former head of Ghana's mission to the European Union, who has worked with all governments of Ghana since independence; Prof. Samuel K. Botwe Asante, an international consultant and former principal regional adviser to the UN Economic Commission for Africa (UNECA); Most Rev. Dr Bishop Paul Bemile, Catholic Bishop of Wa and director of the Inter-region Dialogue; Prof. Miranda Greenstreet, the former director of the Institute of Adult Education of the University of Ghana, and chair of the Coalition of Domestic Election Observers in the Ghana 2001/2004 elections; Mr Nutifafa Kuenyehia, a former chair of the Ghana Bar Association and the National Media Commission; and Ms Gloria Ofori-Boadu, a former executive director of the International Federation of Women Lawyers (FIDA) in Ghana and currently president of the Women's Assistance and Business Association (WABA).

7 *African Peer Review Mechanism: Country Review Report of the Republic of Ghana*, June 2005, p. 5 (hereafter Ghana – APRM Country Review Report).

8 Author's interview with Dr Appiah. See also Eric Albert Opoku, 'Effective Stakeholder Participation in APRM Process for Promotion of Democratic Governance: A Case Study of Ghana', UNDP Oslo Governance Centre, December 2006, p. 26; and Steven Gruzid, 'An Independent View on Ghana's APRM', *Daily Graphic* (Accra) 19 June 2006.

In April 2006, the Ministry of Regional Cooperation and NEPAD were merged with the Ministry of Foreign Affairs. However, the other structures established for the APRM in Ghana remain in place.

Financing the APRM

All countries that accede to the APRM are required to make a minimum annual contribution of US\$100 000 to help finance the activities of the APRM panel of eminent persons and the APRM Secretariat, based in South Africa. In addition to this, governments are responsible for financing the National Governing Councils and their secretariats. The members of the Ghana NAPRM-GC are not paid; however, the costs of setting up the Governing Council, its secretariat, and its programmes were to be met by government. The government provided the required funds to undertake the necessary tasks. The total costs of the Ghana APRM process from the inauguration of the NAPRM-GC to the preparation of the country self-assessment report were approximately \$1,5 million.⁹ The Ghana government called on financial support from a number of external agencies, including the governments of the United Kingdom and Germany, to assist with these expenses. Two staff of the secretariat are supported by the UNDP Ghana office.¹⁰ The accounts of the APRM Governing Council and secretariat are audited by the auditor-general.

Preparing for the country self-assessment

The country self-assessment process in Ghana may be divided into two broad areas of activity, each with its sub-divisions. The first consists of the activities of the NAPRM-GC, and the second the activities of the technical research institutes (TRIs) appointed to carry out the research that would constitute the country self-assessment report.

The NAPRM-GC was responsible for conducting public awareness-raising and sensitisation activities among stakeholders and also consulting them to ensure their effective participation in the development and validation of the country self-assessment report and programme of action. The technical research institutes were responsible for ensuring that they surveyed, analysed, and reported on the views of Ghanaians on the nature of political governance, economic management, corporate governance, and socio-economic development in Ghana.

Appointing the technical research institutes

One of the first tasks of the NAPRM-GC was to decide how to undertake the country self-assessment. The NAPRM-GC determined that the task should be undertaken by four expert institutes, and having decided who these should be,

⁹ Author's interview with Dr Appiah.

¹⁰ Dr Francis Appiah, 'The APRM Process - The Experience of Ghana', paper delivered at the Third Conference of the African Evaluation Association, 1-6 December, Cape Town South Africa, (the reference on the Ghana Governing Council web site, and the title of the speech give no indication of the year in which it was delivered). Ghana APRM website: <http://www.naprm-gc.org/home.php> (click on "speeches" then on "2nd speech").

approached them to conduct the self-assessment exercise in their respective areas of competence. The bodies selected were the Centre for Democratic Development (CDD) for democracy and good political governance; the Centre for Economic Policy Analysis (CEPA) for economic governance and management; the Private Enterprise Foundation (PEF) for corporate governance; and the Institute for Statistical, Social and Economic Research (ISSER) for socio-economic development. All four organisations have a track record of quality research and publications and are widely recognised within Ghana as among the leaders in their respective fields.

ISSER, the oldest of the four institutes, was set up in its present form as an institute for social and economic research in 1969, having previously existed as the Institute of Statistics of the University of Ghana since 1962. CEPA was established in 1993 as an independent, non-governmental think-tank by Joe Abbey, an economist and one-time minister of finance and economic planning. It provides analysis and perspectives on economic policy issues on Ghana and the developing world. PEF was set up in 1994 by four business bodies (the Association of Ghanaian Industries, the Ghanaian National Chamber of Commerce, the Ghana Employers Association, and the Federation of Associations of Ghanaian Exporters) to undertake policy research and advocacy, contract management and services, institutional capacity development and training, and promotion of technology based industries. Finally, CDD was set up in 1998 to promote discussion on matters of governance and its relationship to development. It has conducted a number of investigations into aspects of the Ghanaian political architecture, and its attendant processes, including election monitoring.

Once appointed, the TRIs, working closely with the NAPRM-GC and one another, agreed that while each would lead on the section of the questionnaire relevant to their specific expertise, they would share information from their findings to enable the others conduct their part of the exercise. This process led, with approval from the Panel, to the questionnaire being recast to render it better capable of eliciting the information outlined in the specific questions received from the continental APRM Secretariat.¹¹

Public education and consultation by the NAPRM-GC

The NAPRM-GC was responsible both for public education and outreach activities aimed at gaining substantive inputs to the process by informing Ghana's citizens about the APRM, and also for ensuring effective consultation of a broad range of civil society groups, in order to gain their advice and support for the APRM process. To facilitate its public awareness and consultation activities, the Ghana NAPRM-GC employed a stakeholder liaison officer to engage with civil society groups and the wider public.

¹¹ Author's interviews with members of the Ghana APRM National Governing Council and the technical research institutes.

National stakeholder workshop

The members of the country support mission from the APRM panel arrived in Ghana in May 2004 to formally start Ghana's APRM process. At a signing ceremony held on 24 May, Minister of Regional Cooperation and NEPAD, K.K. Apraku signed the 'Memorandum of Understanding on the Technical Assessment Mission and the Country Review Visit of the APRM' on behalf of the government of the Republic of Ghana. Dr Chris Stals, member of the APRM panel of eminent persons, signed on behalf of the panel.¹²

Over the next few days (27–29 May), a national stakeholder workshop, organised by the NAPRM-GC, was held at Akosombo, about two hours drive from Accra, for various stakeholder groups, including civil society, and attended by members of the country support mission. The author understands that approximately 200 people attended. In addition to signing the MoU, the purpose of the support mission was to assess the state of Ghana's preparedness to commence the self-assessment stage of the APRM process. Much of the meeting was taken up in discussing the nature of the questionnaire and the amendments required to be made to it to make it better suitable for use in the Ghanaian context.¹³

Main consultation events organised by the NAPRM-GC:

- A National Stakeholders Workshop 2004, at Akosombo, 27–29 May 2004
- Deliberations on the national self-assessment report and NPoA, at the Ghana Institute of Management and Public Administration (GIMPA), 10–13 February 2005
- National Validation Meeting during the country review mission, at GIMPA, 4–11 April 2005
- A validation meeting attended by the chairperson of APRM panel of eminent persons, Madam Marie-Angelique Savane, at the Regency Hotel in Accra, 8 June 2005

Public education about the APRM

Even before the NAPRM-GC was set up or the Ministry of Regional Cooperation and NEPAD established, what was then the Ministry of Economic Planning and Regional Co-operation, in collaboration with UNDP, conducted a workshop for parliamentarians on NEPAD and the APRM on 10 December 2002, and another for media practitioners two days later on 12 December.

After the May 2004 national stakeholder workshop at Akosombo, the NAPRM-GC commenced a programme of sensitisation and awareness-raising events around the country, which ran mainly from June to September 2004 and included nine regional stakeholders' fora.¹⁴ After an interruption during the campaigning and run-up to general elections on 7 December 2004, some events

¹² APRM Support Mission to Ghana – May 2004 – Communiqué, available at [http://sites.dbsa.org/aprm/index.php?filename=APRM Support Mission to Ghana](http://sites.dbsa.org/aprm/index.php?filename=APRM%20Support%20Mission%20to%20Ghana).

¹³ Africa Peer Review Mechanism Report of Support Mission to Ghana 24–29 May, 2004. Hard copy provided by Ghana APRM Secretariat.

¹⁴ Ghana NAPRM-GC web page: [http://www.naprm-gc.org/home.php/publications/1st RSforum report and 2nd RSforum report](http://www.naprm-gc.org/home.php/publications/1st%20RSforum%20report%20and%202nd%20RSforum%20report).

continued into early 2005. In total, substantially more than one thousand people attended these meetings, with a large representation from the state sector.¹⁵

The meetings had a standard format. A welcome address by the leader of the region or institution hosting the meeting was followed by presentations by the chairman of the Ghana NAPRM-GC or his representative, on NEPAD and the APRM in general; by members of the governing council on each of the four thematic areas of the APRM; and finally by Dr Appiah, the executive secretary to the NAPRM-GC, on the details of implementing the APRM in Ghana. A question and answer session followed this, after which participants broke into four 'syndicates' or discussion groups, which mirrored the four thematic areas of the APRM, to consider the themes in greater detail. At the end of the syndicated discussions a plenary event was organised for people to report back on the main points made during the group discussions. The aim of these meetings was to introduce the Governing Council members to the public, identify and educate regional stakeholders about the APRM process, prepare the ground for the technical teams to administer the APRM questionnaires, and ensure that the APRM was non-partisan and free from political manipulation.¹⁶

Table 1: Participants at the APRM sensitisation fora, May 2004 to April 2005¹⁷

| Region | Male | Female | Total |
|----------------------------------|------------|------------|--------------|
| Upper West Region | 54 | 8 | 62 |
| Upper East Region | 72 | 16 | 88 |
| Northern Region | 89 | 16 | 105 |
| Brong Ahafo Region | 84 | 14 | 98 |
| Ashanti Region | 94 | 33 | 127 |
| Eastern Region | 104 | 25 | 129 |
| Western Region | 55 | 5 | 60 |
| Volta Region | 117 | 30 | 147 |
| Security Services | 59 | 20 | 79 |
| TUC and trade associations | 33 | 9 | 42 |
| Physically challenged (disabled) | 57 | 24 | 81 |
| Youth groups | 113 | 67 | 180 |
| NCCE and the media | 23 | 4 | 27 |
| Total | 954 | 271 | 1 225 |

¹⁵ Based on an analysis of Ghana NAPRM Governing Council web site: http://www.naprm-gc.org/home.php/publications/1st_RSforum_report_and_2nd_RSforum_report.

¹⁶ Report on Ghana NAPRM-GC Sensitisation activities. http://www.naprm-gc.org/Misc/Documents/1st_RSForum.pdf (neither the web site nor the title of the documents gives any indication as to when the various sensitisation events occurred).

¹⁷ Opoku, op cit, p. 26.

The process of promoting public awareness continued well into 2005. For example, an event was held in February 2005 in Dodowa in Southern Ghana, on the theme 'Democracy and good Political Governance' by the national APRM Secretariat, in collaboration with the National Commission for Civic Education (NCCE). At the time the Daily Graphic reported that similar events would be repeated in every region.¹⁸

Research activities by the technical research institutes

General survey methodology

Running parallel to the sensitisation activities of the NAPRM-GC, the four TRIs set about the task of establishing the views of different strata of the Ghanaian population. All the TRIs received the questionnaire in April 2004. First drafts of the reports were completed in September 2004 and the texts submitted to the NAPRM-GC in January 2005.

Mainly because of their different subject areas, and hence the need to sample from different segments of the population, each of the TRIs used slightly different methods to determine their sample and collect their data. The general format however was for each to go through a three-stage process.

The first of these, the pre-field methodology, comprised in-house research or literature review; education, awareness-raising, and the creation of ownership among ordinary Ghanaians; harmonising and coordinating methodological approaches among technical review teams; identifying stakeholders; recasting the questionnaire into a survey instrument; data gathering and analysis. The second, the field methodology, involved interviews with government and independent state officials, and civil society groups, and finally sample surveys of ordinary Ghanaians. The third and last, the post-field methodology, involved a range of activities such as having the material produced by the TRIs assessed by independent experts appointed by the Governing Council; and validation exercises by various stakeholders to determine that the findings of the TRIs conformed with what those knowledgeable about the various thematic areas thought were realistic.¹⁹ This last may be described as a reality check on the findings, not by way of sampling but by way of informed opinion.

The most common forms of participation in the field research were 'panel' or group interviews, mainly of government officials and non-state actors with expert knowledge. Another was sample surveys of individual citizens. For groups of individuals, focus group discussions were employed. When dealing with organised groups, such as unions, 'syndicated group discussions'²⁰ were employed and the results fed into the process. Memoranda were elicited from identified groups, such as trade unions or teachers' associations, after they had taken their members through education and sensitisation on the APRM.

¹⁸ Article by Donald Ato Dapatem, *Daily Graphic*, 10 February 2005, p. 12.

¹⁹ Ghana – APRM Country Review Report, p. 137, Ghana Programme of Action (GPOA).

²⁰ The NAPRM-GC uses the term *syndicate* to mean the same thing as a workshop type meeting.

The TRIs consulted about 5 000 people in total, but by slightly different methods.²¹ Each sought information both from ‘elite voices’ from the government, publicly funded, and non-governmental organisation (NGO sectors, and also from the general public. However, because of their different subject areas (political governance, economic management, corporate governance, and socio-economic development) the balance between elite and mass surveys was different for each TRI. All the members of the TRIs spoken to affirmed that they had total autonomy with respect to their choice of whom to interview, and did not experience any interference from any quarter.²²

The TRIs met on a regular basis with the NAPRM-GC during the questionnaire development phase to ensure consistency. Given the overlapping nature of the questionnaire and to prevent duplication, there was agreement on who would approach which agency for information. The data collected was then shared between all four TRIs. Where the survey involved group consultations, the interviewers were expected to take down what, in their view, constituted the considered and settled view of the group, while also taking note of minority opinions.

To control for quality in the area of democracy and good governance, expert and competent civil society groups were invited to undertake specialist technical reviews. For more technical focus areas expert individuals were commissioned on a consultancy basis to conduct internal peer reviews of the documents produced by the technical teams.

Methodology of individual TRIs

CDD, responsible for the thematic area democracy and good governance, engaged the services of a 12-member civil society advisory body to help them to carry out their task.²³ They conducted two surveys, one based on a household sampling framework of 1 200 people provided by the Ghana Statistical Service; and the other an elite survey of about 200 interviewees.²⁴ The mass survey was carried out over two weeks during the month of August, and provided information about the views of ordinary citizens on governance issues. The elite survey, more so than the household survey, provided input for the programme of action. Also providing some input to the programme of action were the

21 Ghana – APRM Country Review Report, p. 137, GPOA.

22 Author’s interviews with Daniel Armah-Attah and Joseph Asunka, programme officers, Ghana Centre for Democratic Development; Samuel Cudjoe, contract services manager, PEF, now programme officer APRM Secretariat; Abena Oduro, senior lecturer, Department of Economics, University of Legon, Ghana; Dr Peter Quartey, research fellow, Institute of Statistical, Social and Economic Research, University of Ghana Legon; Cynthia Addoquaye Tagoe, senior research assistant, Institute of Statistical, Social and Economic Research, University of Ghana, Legon.

23 Author’s interview with Daniel Armah Attah and Joseph Asunka of CDD. The members of the advisory body were: Superintendent Avorgah, Dr Nicholas Amponsah, Nii Osah Mills (legal practitioner), Ms Esther Ofei Aboagye (executive director, Institute of Local Government Studies), Ms Nana Oye Lithur (United Nations Commission for Human Rights), Ms Sena Gabianu (retired public servant), Mr George Sarpong (executive secretary, National Media Commission), K.B. Asante (retired career diplomat), Ben Assorrow, Prof. Kofi Quashigah (Law Faculty, University of Ghana), Ms Bernice Sam (executive secretary, Women in Law and Development (WILDAF)), Dr Kwesi Anning (head, CPRM Dept., Kofi Annan International Peacekeeping Training Centre), and Prof. Kwame Bofo-Arthur (Political Science Dept., University of Ghana).

24 Author’s interview with Daniel Armah Attah and Joseph Asunka of CDD.

findings from in-house research. Their in-house research focused on the list of codes and standards which participating countries are audited for as part of the APRM process, to establish the extent to which they have incorporated ratified protocols into domestic law. During the survey CDD, like ISSER, found that sometimes the citizenry had not yet been visited by the public awareness-raising teams.

CEPA, with the mandate to examine the quality of economic governance, focused on a group of about 200 contacts. The main categories within this group were government officials, the private sector, informed individuals, district assemblies (the principal local government structure in Ghana), trade unions, and some (estimated five) civil society organisations. The questionnaire was modified to make it more relevant to the Ghanaian situation. All the interviews were conducted face-to-face, by four people from CEPA. The main civil society groups spoken to were the Integrated Social Development Centre, the Institute for Democratic Governance, and the Ghana Union of Traders Associations (GUTA) all in Accra; the Centre for Development of People (CEDEP) in Kumasi; and the Social Enterprise Development Foundation (SEND) based in northern Ghana. Those that conducted the survey for CEPA spent about two months collecting the data they required. As might be expected, they found that there was a certain amount of previous knowledge about the APRM within their target group, but they could not be certain that this was as a result of the secretariat's sensitisation programme.²⁵

PEF, responsible for corporate governance, broke down the questionnaire into sections suitable for the attention of specific stakeholders, such as corporations, public institutions, and civil society groups. Overall they spoke to about 600 people, but excluded the informal sector.²⁶ The following table gives the proportion of different social segments approached by PEF as part of the country assessment.

Table 2: PEF interviewees – target and actual

| Grouping | Target | Achieved | % achieved | % of total achieved |
|---------------------------------------|--------|----------|------------|---------------------|
| Trade and business associations | 40 | 25 | 62,50 | 4,02 |
| Civil society organisations | 20 | 13 | 65,00 | 2,09 |
| Trade unions | 5 | 2 | 40,00 | 0,32 |
| Corporations (MN and SMEs) | 230 | 206 | 89,57 | 33,12 |
| Workers (unionised and non-unionised) | 100 | 99 | 99,00 | 15,92 |
| Community members | 400 | 238 | 59,50 | 38,26 |

²⁵ Author's interview with Abena Oduro, Core Fellow, CEPA, now senior lecturer Department of Economics, University of Ghana.

²⁶ Author's interview with Samuel Cudjoe, contract services manager, PEF, and now programme officer at the Ghana APRM Secretariat.

| | | | | |
|---------------------------------------|------------|------------|--------------|---------------|
| Regulators | 15 | 8 | 53,33 | 1,29 |
| Experts | 20 | 18 | 90,00 | 2,89 |
| Ministries, departments, and agencies | 10 | 6 | 60,00 | 0,96 |
| Audit and law firms | 10 | 7 | 70,00 | 1,13 |
| Total | 850 | 622 | 73,00 | 100,00 |

Source: PEF section of the Ghana self-assessment report, p. 124. Final column added by author.

The table shows that, using PEF's definition of civil society, the percentage of respondents from this sector constituted just over 2 per cent of those it interviewed. A less restrictive definition which included trade unions, trade and business associations, workers (unionised and non-unionised) and community members, would take the percentage of civil society interviewees to over 60 per cent.

An assumption was made that the national unions represented their members in the regions, and therefore those in the regions were not surveyed separately. Five regions – Western, Greater Accra, Ashanti, Brong Ahafo, and Upper West – were surveyed in this way for 'group opinions' from such bodies as regional trade unions and other membership organisations.

ISSER's sampling for research on socio-economic development involved taking the views of about 1 000 people, divided into three broad groups. The first group was sample-surveyed taking a minimum of 20 respondents from two districts in each of Ghana's 10 regions. One of the districts chosen in each region had to be a high-performing district with respect to socio-economic development and the other a low-performing district. The criteria for high and low-performing included school enrolment and educational performance at Basic Education Certificate Examination (BECE) taken after nine years of primary and junior secondary school attendance, ability to generate own resources, and high economic output.²⁷ In the eastern region, for example, the two districts chosen were New Juaben and Birim North.²⁸ In addition, about two focus group discussions (of about 15 to 20 people) were held per region. In one instance the survey team decided to withdraw to allow the sensitisation process to take place before returning to undertake the survey.²⁹ The final category of interviews was those conducted with members of the elite in government ministries and agencies, and NGOs meaning that a minimum of around 800 respondents were interviewed or consulted in total.

Adoption of the country self-assessment report and draft programme of action

Once the initial versions of the thematic country self-assessments had been prepared, the NAPRM-GC appointed four individuals as technical experts,

27 Author's interview with Dr Peter Quartey, research fellow, ISSER.

28 Author's interview with Cynthia Addoquaye Tagoe, senior research assistant, ISSER.

29 Author's interview with Dr Peter Quartey, research fellow, ISSER.

one for each thematic area, to review and assess the work carried out by the TRIs.

The Ghana country review report records a number of events organised to validate the self-assessment report and the NPoA:

- Stakeholder validation of the draft reports and NPoA presented by the technical review teams, during a national validation exercise convened by the NAPRM-GC from 10 to 13 February 2005 at the Ghana Institute of Management and Public Administration (GIMPA)
- Revisions to the country self-assessment based on the proceedings of the national validation workshop
- In-house ministerial review by government officials from the Ministry of Regional Cooperation and NEPAD
- Review of the draft self-assessment report and programme of action by a government-appointed team of experts at a retreat in Elmina on 18-20 February 2005
- Review by a team of government ministers
- Review by a parliamentary select committee on APRM matters
- Review by the Trades Union Congress³⁰

Some 50 people (of 200 invited) attended the ‘validation meeting’ on 10-13 February 2005, at which the draft reports by the TRIs were presented and participants invited to contribute to the formulation of a programme of action based on their findings. Those present included ‘some governmental and non-governmental organisations, members of the Governing Council, staff of the NAPRM-GC secretariat and the TRIs. The non-governmental organisations represented included Institute of Democratic Governance (IDEG), African Security Dialogue and Research (who were quite critical of the process in Ghana) Children’s Rights International, Association of Ghana Industries, Ghana Employers’ Association, Ghana National Chamber of Commerce and Industry, and Commonwealth Human Rights Initiative, the Office of the President, Ministries of Regional Cooperation and NEPAD, Foreign Affairs, Environment & Science, Food and Agriculture, as well as the National Commission for Civic Education, Ghana Armed Forces, Ghana Statistical Service, Ghana Investment Promotion Centre and CHRAJ’.³¹

The programme of action thus seems to have had input from at least two sources: the TRIs and participants at the validation meeting.³² Two members of TRIs indicated that the request for a programme of action came as an additional request from the Governing Council, when they were near to completing the data collection exercise.³³ It was therefore derived from the

³⁰ Ghana – APRM Country Review Report, p. 141, GPOA.

³¹ Opoku, *op.cit.*, p. 27.

³² Author’s interviews with the TRIs and with some members of civil society who attended the February 2005 validation meeting.

³³ Authors’ meeting with Samuel Cudjoe and Dr Peter Quartey.

observations, comments, and suggestions made by the various respondents, and was collated.

The final consolidated country self-assessment report (CSAR) and a draft programme of action were presented to the government on 18 March 2005, and in the same month to the APRM Secretariat in South Africa.³⁴ The draft programme of action had still to be costed by the technical ministries and agencies that had the appropriate technical expertise, which delayed its final submission to May 2005.³⁵ When it was costed, the NPoA totalled \$5.5 billion over five years.

The country review mission and submission of the country review report

After the draft country self-assessment report had been submitted, a 16-member country review team from the APRM Panel and Secretariat arrived in the country to conduct an assessment of the process. The purpose of the country review mission was to provide an opportunity for the team ‘to discuss the draft programme of action that the country has drawn up to improve their governance and socio-economic development, to provide positive reinforcement for the sound aspects, and to address identified weaknesses and shortcomings in the various areas of governance and development’.³⁶ As usual, the team was led by Dr Chris Stals, accompanied by experts from a range of continental institutions.³⁷ From 4 to 16 April 2005 they travelled around the country and met with a range of stakeholders.

Perhaps the most important of their meetings was the national validation meeting organised in Accra at GIMPA, towards the end of their stay. However, the Ghana APRM secretariat, though requested to, was not able to provide a participants list for this meeting, nor a report of what had transpired.³⁸

In addition, the members of the country review mission engaged in a number of activities including:

34 Ghana – APRM Country Review Report, p. 7, section 23.

35 Author’s interview with members of TRIs.

36 Ghana – APRM Country Review Report, p. 11.

37 Other members were Dr Bernard Kouassi (executive director), Ms Evelynne Change (coordinator: corporate governance), Mr Dalmar Jama (research analyst: corporate governance), all from the continental APRM Secretariat; Mr Sudir Chuckun (coordinator: multilateral relations and policy), from the NEPAD secretariat; Mr Seward M. Cooper (chief counsel and head of the Good Governance Unit) and Prof. Claudius Dele Olowu (principal governance expert, public administration), both from the African Development Bank; Ms Zemenay Lakew (senior programme coordinator, AU-NEPAD Support Unit), UNDP; and Dr Okey Onyejekwe (senior regional adviser), UNECA. The seven independent consultants were Prof. Ahmed Mohiddin (director, 21st Century Africa Foundation), Prof. Michelo K. Hansungule (Professor of Human Rights Law, Centre for Human Rights, University of Pretoria, South Africa), and Mr Alfred Mubanda (former UNDP resident representative in Ghana and former minister of state for foreign affairs of Uganda) all for democracy and good political governance. Dr Afeikhena T. Jerome (consultant and senior lecturer, Department of Economics, University of Ibadan, Nigeria) and Dr Omotunde Johnson (consultant on economic issues and former International Monetary Fund resident representative in Ghana) worked on economic governance and management issues. Ms Gertrude Takawira (former country director, South and Eastern African Trade Information and Negotiating Institute [SEATINI] and managing consultant, Governance and Development Services, Zimbabwe) was responsible for corporate governance; and Prof. L. Adele Jinadu (executive director, Centre for Advanced Social Science, Port Harcourt, Nigeria) focused on socio-economic development.

38 See appendix on methodology.

- Holding working sessions with the NAPRM-GC and the technical teams to discuss the ‘Issues Paper’ on Ghana prepared by the APRM Secretariat on the basis of independent information and the initial draft CSAR and NPoA
- Attending a workshop for the Trade Union Congress, academia and non-governmental organisations to discuss the CSAR and evaluate the extent to which Ghanaians had been included in the review process
- Attending meetings with representatives of specific sectors, including the Serious Fraud Office, the Commission for Human Rights and Administrative Justice, the Office of the Auditor-General, and ministries, departments and agencies
- Paying visits to various regional capitals, including Ho (Volta and Eastern regions), Cape Coast (Central and Western regions), Wa (Upper West, Upper East and Northern regions) and Kumasi (Ashanti and Brong-Ahafo regions), to meet with regional stakeholders. In the course of these meetings, the team members were able to assess, amongst other things, the level of broad-based participation, the role of regional stakeholders in decision-making, and region-specific challenges
- Attending a workshop in Accra with members of parliament (MPs). The workshop allowed for open deliberations on the APRM in-country processes and the role of Parliament as a legislative and oversight institution
- Meetings with Ghana’s development partners
- Holding a meeting with the deputy minister for finance and the deputy governor of the Bank of Ghana to discuss macroeconomic policy and management in Ghana³⁹

Meanwhile, the government too was examining the country self-assessment report. In a series of meetings, one of them chaired by President Kufuor, the report was closely examined and approved by the cabinet, with a commitment to implement the programme of action.⁴⁰

After the departure of the country review mission team, the chairperson of the APRM panel of eminent persons, Marie-Angelique Savane, made a special visit to Accra, accompanied by Dr Stals, to conduct her own assessment of the Ghana APRM process. This meeting had not been provided for in the APRM schedule of visits by Panel members, but according to the Ghana country review report was undertaken to allow the chair to assess the nature of the NAPRM-GC’s engagement with civil society, and to discuss the costed NPoA.⁴¹ She had the opportunity to meet with a number of stakeholders on 8 June

³⁹ APRM Ghana Country Review Report, pp. 9-10.

⁴⁰ Author’s interview with Professor Adjepong.

⁴¹ Author’s interviews with Professor Adjepong and Dr Appiah.

2005.⁴² The country review report records that: ‘In interactions with Ghana following the CRM, including a visit by the chairperson of the panel, the leader of the country review process, the Secretariat, and the panel have satisfied themselves that the NPoA:

- has been designed by all stakeholders in Ghana and that all have participated actively in the self-assessment process;
- covers the important gaps and deficiencies identified in the extensive APRM process;
- provides satisfactory indications of costs and time frames;
- elaborates on monitoring and implementation responsibilities;
- represents a firm commitment from all stakeholders; and
- is fully endorsed by the government, which unreservedly accepts its share of responsibility for the implementation of the programme.’⁴³

The APRM panel prepared its Ghana country review report on the basis of the self-assessment report submitted to it, the NPoA, the APRM Secretariat’s issues paper and the findings of the country review mission. This report was submitted to the government of Ghana on 18 March 2005.⁴⁴ A letter of 10 June 2005 from the Ghana NAPRM-GC on behalf of the government responded to a number of points of concern. On 19 June 2005, the APRM panel submitted the Ghana country review report and national programme of action to the APRM Forum.

For the media in Ghana, this was the end of the Ghana process, and they took it that Ghana had been peer reviewed. A press conference by Professor Adjepong explained that this was not in fact the case and that Ghana would be reviewed in August 2005.⁴⁵ The confusion arose because the Base Document of the APRM says that ‘The Fourth Stage begins when the Team’s report is submitted to the participating heads of state and Government through the APRM Secretariat. The consideration and adoption of the final report by the participating heads of state and Government, including their decision in this regard, marks the end of this stage.’⁴⁶ And it goes on: ‘Six months after the report has been considered by the heads of state and Government of the participating member countries, it should be formally and publicly tabled in key regional and sub-regional structures such as the Pan-African Parliament, the African Commission on Human and Peoples’ Rights, the envisaged Peace and Security Council and the Economic, Social and Cultural Council

42 Ghana APRM Secretariat ‘Ghana’s Journey Through The African Peer Review Mechanism’, *Daily Graphic*, 4 November 2005.

43 APRM Ghana Country Review Report, p. 125, paragraph 18.

44 Author’s interview with Ambassador Abankwa.

45 *Daily Graphic*, 25 June 2005.

46 The APRM Base Document, section 23 <http://sites.dbsa.org/aprm/index3.php>.

(ECOSOCC) of the African Union. This constitutes the fifth and final stage of the process.⁴⁷

As things turned out, President John Kufuor did not address the issues contained in the Ghana APRM country review report with his peers until 22 January 2006, during a meeting of the APRM Forum held in Khartoum, Sudan. It would seem that the procedure set out in the Base Document has been slightly modified to allow for the head of state of the country being peer reviewed to respond to the country review report presented by the APRM panel. Nevertheless, the Ghana country review report, including the programme of action, was placed in the public domain by the continental APRM Secretariat on 6 October 2005.

Monitoring the implementation of the NPoA

To kick off the public awareness-raising for implementing the programme of action, the Governing Council organised two launch events for the Ghana country review report and programme of action, one for the general public on 18 April 2006 at the Accra International Conference Centre, and another for the diplomatic community and international organisations on Friday, 5 May 2006, at the Golden Tulip Hotel, Accra. In addition it published 7 000 copies of the country review report for distribution to individuals and public and private institutions within the country.⁴⁸ With attention now on the manner of implementing the NPoA, President Kufuor asked the members of the NAPRM-GC to continue with their APRM oversight responsibilities and to supervise its implementation.⁴⁹ The Governing Council and Secretariat thus remain in place. This is not the case in Kenya, for example, where the National APRM Governing Council was disbanded.

The NPoA identifies the agencies responsible for each of its constituent activities. The government had taken steps to harmonise the budget of the NPoA with the other elements of its development agenda. The estimated cost of \$5.5 billion included some projects already budgeted for. Some of the additional funds would be provided by government and some from external sources.

Implementation

The programme of action provided details of the expected outputs, outcomes, costs and implementing agencies, on a project-by-project basis, thus making it relatively easy to monitor. A crucial stage in the implementation process is that the NPoA should be fully harmonised with Ghana's existing development strategy framework. The other programmes concerned are the Growth and Poverty Reduction Strategy (GPRS II), the Results Matrix of Development Partners, and the Multi-Donor Budget Support Matrix, as well as the objectives

47 The APRM Base Document, section 25.

48 Monitoring and Evaluation Report on the Implementation of the Ghana National Programme of Action for the Period January – June 2006, p. 12.

49 Ibid., p. 8.

of the Millennium Development Goals.⁵⁰ In line with its brief, the Governing Council now participates in the consultative group formed by government to harmonise all governance programmes.⁵¹ The end result should be that these various programmes are reflected first in the medium-term expenditure frameworks and then in annual budgets. The government of Ghana has undertaken to take the required action not only to integrate the NPoA with the country's existing development framework but also to make available the funds required to implement it. In the words of the Ghana country review report, the NPoA 'is fully endorsed by the government, which unreservedly accepts its share of responsibility for the implementation of the programme'.⁵² In this context, the task of the Governing Council will be to monitor the steps being taken in this regard, and the degree of success they enjoy. Once the funds are available in the intended quantities for the intended projects, at the scheduled times, then their task is to ensure effective monitoring of the NPoA.

Monitoring

The NAPRM-GC has formed a strategic partnership with the National Commission on Civic Education, a constitutional body, to develop a framework for monitoring and evaluating the programme of action. To this end they have worked on 'building the capacity of district level civil society organisations in participatory M&E, and in the use of such tools as the Citizen Report Cards'.⁵³

The secretariat to the NAPRM-GC organised at least one workshop to explore the issues involved in developing a monitoring and evaluation framework.⁵⁴ The TRIs were approached as part of this exercise, and indicated what it would cost for them to participate. In the meantime, the secretariat of the Governing Council is proceeding on the basis of its own efforts, and is complying with the reporting requirements. Ghana, more than in line with its requirement to make an annual report, has to date sent progress reports every six months.⁵⁵

The Governing Council reports that it conducted desk-based research, and also conducted a household survey of 1 200 citizens from 20 districts in

50 Bartholomew Armah, 'Towards Policy Coherence: Integrating APRM with Existing Processes (MDGs and PRS)', paper presented at the APRM Continental conference 'Africa's Bold March to Capture the 21st century – The role of the APRM', 8-10 May 2007, Accra, Ghana.

51 It is known as the Consultative Group on Pillar III – Governance and Civic Responsibility. Reference – Monitoring and Evaluation Report on the Implementation of the Ghana National Programmed of Action for the Period January – June 2006, p. 14.

52 APRM Ghana Country Review Report, p. 125.

53 Monitoring and Evaluation Report on the Implementation of the Ghana National Programme of Action for the Period January – June 2006, p. 14.

54 Author's interview with Cynthia Addoquaye Tagoe. The workshop took place at the Greenland Hotel in Swedru, where a broad range of stakeholders were present, together with representatives of the TRIs.

55 Author's interview with Samuel Cudjoe, programme officer, Ghana APRM Secretariat. The progress reports are available online, at the site of the Ghana National APRM Governing Council: <http://www.naprm-gc.org/home.php>.

all the ten regions between 3 October 2006 and 10 December 2006, using enumerators trained by the NCCE. A survey ‘checklist was also developed for use during the focus group discussions that were held with identifiable groups – traditional authorities, youth groups, etc.’⁵⁶ Focus group discussions were held with various stakeholder groups including traditional authorities (chiefs and queen mothers), youth groups, district assembly members and civil society organisations across the ten regions of Ghana. Personal interviews were also held with 32 experts in various fields, economics, governance, finance, gender and child issues.⁵⁷ Finally, ‘information collected from all sources was subjected to a strict validation process at both the community level and at the national level. All stakeholders were given an opportunity to make inputs into whatever issue that is raised’.⁵⁸

To secure civil society input, the Governing Council has contracted four designated civil society organisations to act as lead agencies to monitor the activities of the civil society sector within their respective areas of expertise. Two of the four are CDD for democracy and good political governance, and PEF for corporate governance. The former ‘collaborates with umbrella institutions like the Ghana Anti-Corruption Coalition, The Ghana Integrity Initiative, the SEND Foundation, ISODEC, the Institute for Democratic Governance, etc. and the latter with ‘the Institute for Directors, Association of Ghana Industries, Ghana Chamber of Mines, Institute of Chartered Accountants, Ghana Association of Bankers, Association of Garages, etc. to ‘interact with their constituents and with the population at large in monitoring the progress made towards implementation of the NPoA’.⁵⁹

At least one of the TRIs informed the author that they had been approached by the Governing Council to assist with developing a monitoring and evaluation framework for the NPoA. They had indicated what it would cost for them to participate and were awaiting to be informed by the Governing Council when the money became available.⁶⁰ Another TRI said that they had applied to the African Development Bank, with the support of the government, to be able to monitor the implementation of the NPoA on matters of democracy and good governance.⁶¹

Key NPoA outputs

According to the progress reports, among the key elements of the NPoA already implemented are:⁶²

56 Ghana National APRM-GC, Annual Progress Report 2006, pp. 3-4.

57 Ibid., p. 4.

58 Monitoring and Evaluation Report on the Implementation of the Ghana National Programme of Action for the Period January – June 2006, p. 11

59 Monitoring and Evaluation Report on the Implementation of the Ghana National Programme of Action for the Period January – June 2006, p. 9.

60 Author’s interview with Dr Peter Quartey.

61 Author’s interview with Daniel Armah-Attoh and Joseph Asunka, programme officers, CDD.

62 Ghana National APRM-GC, Annual Progress Report 2006, pp.vii-xiv.

- The Local Government Service Act has been passed, and the Local Government Service Council has been instituted, though the Local Government Service is yet to be operational.
- The Criminal Code of 1998 has been amended to criminalise harmful widowhood rites and ritual servitude.
- The law on female genital mutilation (FGM) has been strengthened and presented to Parliament.
- The law prohibiting human trafficking has been passed and 120 child protection volunteer teams established to serve as watchdogs for children.
- The Disability Act, 2006 (Act 715) has been passed.
- The Whistleblowers Act, 2006 (Act 720) has been passed.
- The Freedom of Information Bill has been revised and submitted to the Minister of Justice and Attorney-General for consideration.
- The Domestic Violence Bill received a second reading in Parliament.⁶³
- The Institute of Chartered Accountants – Ghana has declared that all Ghanaian companies and businesses should adopt International Accounting Reporting from 1 January 2007.
- Overly restrictive legislations such as the Industrial Relation Act of 1965, which hindered trade union activities, have been repealed with the passage of the Labour Act 2003 (Act 651).
- The Insurance Bill has been proofread and gazetted and corrections are being effected.

The APRM in Ghana: Issues around civil society involvement

The APRM and the concept of civil society

The various APRM documents use the concept of civil society slightly differently in different contexts. For example, the APRM Base Document states: ‘In Stage Two, the Review Team will visit the country concerned where its priority order of business will be to carry out the widest possible range of consultations with the Government, officials, political parties, parliamentarians and representatives of civil society organisations (including the media, academia, trade unions, business, professional bodies).’⁶⁴ In the ‘Organisation and Process’ document, however, the description of civil society is broadened: ‘The APRM Team will interact and consult extensively with government officials, parliamentarians, representatives of political parties, the business community, representatives of civil society (including media, academia, trade unions, non-governmental organisations (NGOs), community-based organisations (CBOs), rural communities and representatives of international organisations.’⁶⁵

63 This bill was passed by Parliament on 21 February 2007 and signed into law by President Kufuor shortly thereafter.

64 APRM Base Document, section 19.

65 APRM Organisation and Process document: NEPAD/HGSIC-3-2003/APRM/Guideline/O&P9 March 2003 section 7.8.

However in the MoU establishing the APRM, adopted in Abuja in 2003, governments are asked to ‘ensure the participation of all stakeholders in the development of the national programme of action including trade unions, women, youth, civil society, private sector, rural communities, and professional associations’.⁶⁶ The concept of civil society being used here is clearly narrower than in the previous documents.

For the purposes of this report civil society is regarded as the range of associations between individuals that occupy the social space between the household or homestead and the state, that are freely entered into, self-defined, and self-governed, within existing legal parameters. Among these associations are: business associations, trade unions, community-based groups, membership advocacy based organisations, non-membership advocacy organisations, and faith-based organisations. More often than not the founders of these bodies come from the same ranks as the ruling elite. Sometimes though, they are formed by those lower down the social ladder, who, by associating, have been able to increase their leverage in ways not otherwise possible, even within a liberal representative democracy. The relationship of civil society groups with the state changes over time, embracing such diverse roles as an ‘established’ body, with an imperative to support and protect the state, a contractor to the state, and even as a countervailing power to the state. The flavour of a society’s political system rests, in part, on the density and relative balance between these different kinds of civil society organisations.

Civil society and political culture in Ghana

Civil society in Ghana has had a complex relationship with the various governments that have been in power since independence. Among the factors that have influenced the relationship have been the pluralistic character of society, the level of activism among the main social groups, the primacy of constitutional provisions relating to freedom of association, and the political culture.

Ghana has not had a history of significant divides based either on faith or ethnicity. However it has had in its 50 years of independence two significant sources of division: socio-economic and ideological. The policies of the government of Ghana’s first president, Kwame Nkrumah, was a source of what one may term ideological pluralism. Nkrumah was the foremost proponent of social democracy, statism, and Pan-Africanism. His policies generated a counterperspective and position. Thus the Ghanaian elite was home to two very distinctive ideas about how society should be organised. This meant that any government in power was invariably confronted with a well-organised and historically rooted countertendency. These opposing views were not always expressed by political activity but sometimes by civil society organisations. In this regard the trade union movement on the one hand, and the Ghana Bar

⁶⁶ Memorandum of Understanding establishing the African Peer Review Mechanism, 9 March 2003, <http://sites.dbsa.org/aprm/index3.php?>

Association on the other, have at particular moments in Ghana's history taken on this role vis-à-vis the incumbent government or regime.

Two particular aspects of Nkrumah's government were the areas of education and state participation in the economy. He oversaw a major expansion in educational opportunity. Two new universities were created and, along with the pre-established University of Legon, produced a stream of well-educated graduates. The primary and secondary school systems were similarly financed from state resources. Over a number of years, the size of Ghana's educated elite grew. One outcome of this was the possibility of fragmentation within this group. The first independence government also pursued a policy of direct state participation in the economy which resulted in a number of state-owned companies operating in all sectors of the economy. The performance of the Ghanaian economy, especially during the 1970s, became another source of social pluralism. Inequality increased, while economic performance declined. During the 1980s, the trend towards a 'participatory' or large state was reversed and a programme of divestiture was set in train that continues to this day. One of the social consequences of this move was a massive shrinking in levels of employment in government and the public sector. The unemployment that ensued was a source of increased social stratification. But by shrinking government employment it forced alternative coping mechanisms.⁶⁷ While the trend in socio-economic development during the early years was towards expanding the numbers in the elite, the tendency in later years also involved growing differential between the different social groups, especially during periods of economic prosperity. That trend has continued into the present when, despite growth, extreme poverty has increased.⁶⁸

The anti-colonial struggle in Ghana took a decisive turn towards greater involvement of the general population when Kwame Nkrumah's party, the Convention People's Party (CPP), mobilised the 'veranda boys' – the lowly paid and unemployed – to participate in the struggle for independence. When the CPP came to power it adopted an interventionist approach to social mobilisation. It sought to affiliate a range of organisations to the party and attempted to co-opt workers, women's and youth groups, among others. A second period of grassroots activism was born when Jerry Rawlings came to power by military coup in 1981, and called for the creation of people's and workers' defence committees throughout the country. Both these periods spurred countervailing forces, who opposed the call for power to be exercised from below. In time, the regime of Rawlings abandoned the attempt at popular mobilisation. In the process, however, two trends had developed. On the one hand the Rawlings regime had stirred up hostility within a certain section of the elite, who through their professional associations agitated and worked to

67 Giovanni Andrea Cornia, Richard Jolly, and Frances Stewart, *Adjustment with a Human Face, Vol II*, Clarendon Press, 1987, pp. 93-125.

68 UN Population Fund, *State of Ghana Population Report 2003*, UNFPA, 2004, 'Population, Poverty and Development', pp. 21-21.

minimise and indeed resist some of the measures the regime introduced. It had one main argument, and that was the right to freely associate. On the other hand there was the section of the intellectual elite that had been initially drawn towards Rawlings, but for various reasons had become disillusioned. It too was of the view that it was now important to allow space for civil society to freely express itself. The result was that when the 1992 constitution that would guide a new democratic Ghana was being drafted during the last days of the military government, the two wings of the ideological divide were ready to allow space for freedom of expression and autonomous mobilisation of civil society.

Thus the 1992 constitution came to enshrine a number of key freedoms, including freedom of association and expression, and non-discrimination on grounds of religion, gender, disability and ethnicity. The current political dispensation is the first in Ghana's history which is underpinned by the assumption that the default position of social organisation is one of freedom of association, expression, non-discrimination, etc. President Kufuor's New Patriotic Party (NPP) government, which comes from a tradition that is not statist, can be expected to have less difficulty adhering to these tenets of the constitution. That this is not altogether easy in practice may be deduced from the fact the process of making these freedoms meaningful is not without struggle. Perhaps the most notable recent instance is the current debate around a freedom of information act. The government is giving every indication of wishing to introduce such an act, but also argues that it is not straightforward.⁶⁹ One of the reasons for this is the character of the Ghanaian political landscape: the high level of ideological pluralism in the country, the density of civil society groups, the highly educated and competent character of the protagonists on each side, and its history of activism.

APRM provisions for civil society engagement

Although the MoU establishing the APRM requires governments to 'ensure the participation of all stakeholders in the development of the National Programme of Action including trade unions, women, youth, civil society, private sector, rural communities, and professional associations',⁷⁰ the guidelines developed to assist governments during the course of the APRM enjoins them to 'define, in collaboration with stakeholders, a roadmap on participation in the APRM, which should be widely publicised...'⁷¹ It is contended that choosing one or other of these approaches would make a difference in how one engaged with civil society. In the event, the NAPRM-GC appears to have decided to work

69 The president was reported by the Ghana News Agency on 17 May 2007 as saying that freedom of information was a potentially dangerous weapon that needed to be planned for, while the attorney-general was reported by the *Daily Dispatch* as saying that 'Ghana has not reached a stage where it needs and can successfully implement a Freedom of Information Law'. The formulation suggested less than whole-hearted endorsement of the idea of a freedom of information act.

70 Memorandum of understanding establishing the African Peer Review Mechanism, 9 March 2003, paragraph 22.

71 Guidelines for Countries to prepare for and participate in the African Peer Review Mechanism, 2003, paragraph 31 (a).

with civil society in the sense outlined in the MoU, rather than that contained in the guidelines. If the latter approach had been adopted, the nature of the Ghana process is likely to have been somewhat different.

The APRM National Governing Council

Perhaps the first salvo fired by civil society in its engagement with the government during the Ghana APRM process was in response to the announcement by Dr Francis Appiah, during a workshop organised by the South African Institute of International Affairs (SAIIA) in November 2003, about the appointment of the members of the Ghana NAPRM-GC. The reaction from the audience was such that the announcement of the decision was delayed by three months. The civil society groups present 'were openly angry with their government, dismissing claims that wide consultation had occurred'.⁷² Whether during the three months that the announcement of its members was delayed, meaningful consultations with civil society and other stakeholders were undertaken is not clear; but when the announcement came, the membership of the National Governing Council consisted of individuals who, although of standing, did not include anyone who was seen by civil society as representing them. Given this, the reaction to the announcement was less objectionable than it perhaps might otherwise have been. In addition to their recognised social distinction, the members of the Ghana APRM-GC were collectively vested with the authority to act as the APRM focal point for the country. This meant that they could communicate directly with the APRM panel and Secretariat, without having to go through the government. They did not have to swear allegiance to the president, and agreed that they should feel free to exercise their power as they best saw fit.⁷³ In the words of one of them, they all felt that they had 'reputations to protect'.⁷⁴

Appointment of the TRIs

The second such moment was over the appointment of the TRIs. The four bodies chosen, though competent, were hand-picked by the Governing Council. Since there were a number of possible alternatives many wondered about the basis on which the choice was made. The issue was not so much a matter of confidence in the TRIs but more about confidence in the way the Governing Council had chosen to proceed.⁷⁵ By appointing not individuals, or indeed government agencies to undertake the country self-assessment exercise, as it might have done, the NAPRM-GC could be forgiven for thinking that its action might be seen by some as an instance of civil society involvement. Civil society however did not see it that way and, certainly, did not feel that it was engaging

⁷² Steven Gruzd, 'Africa's Trailblazer: Ghana and the APRM', *Services Delivery Review (SDR)* Vol. 4 No. 3, 2006 p. 23 (Journal of the South African Department of Public Services and Administration).

⁷³ Author's interview with Professor Adjepong.

⁷⁴ Author's interview with Ambassador Abankwah.

⁷⁵ Author's interviews with various civil society groups.

in the process as a partner. The APRM process was rather hiring civil society groups as consultants, than consulting civil society as an independent voice.

Awareness-raising and consultation

Sequencing sensitisation and evaluation

The third moment of civil society engagement was in the area of public awareness-raising and consultation. It was in this area that civil society seemed to have the greatest number of issues with the process adopted by the NAPRM-GC. The first point was that the public awareness-raising exercise had not reached out to as much of the country as should have been the case, meaning that many people still did not know very much about the APRM when the self-assessment was under way. Sensitisation did not take place in advance of the evaluation process but in parallel with it. This led to some situations where people first heard of the APRM from the interviewers sent by the various TRIs rather than having first heard about the country self-assessment process from the NAPRM-GC. In some instances the field researchers reached the citizenry before the NAPRM-GC did⁷⁶ and in one instance a decision was taken to withdraw the field staff until the sensitisation and awareness-raising had been conducted.⁷⁷ Secondly, the consultation on the country self-assessment report and the programme of action were thought by some to be very cursory, and left people not really fully briefed about the documents they were evaluating. They also had no way of knowing how their suggestions were used, if at all.

Penetration ratios

More fundamental than the sequencing of the sensitisation and evaluation process was the nature of the sensitisation and consultation exercise itself. It was clearly a mammoth task, and would have to reach deep into the society for it to be considered a success. The NCCE was brought in during the sensitisation process to assist and provide deeper penetration.⁷⁸ On the basis that 50 000 people heard of the APRM, this implies a penetration ratio of the adult population of approximately 0.5 per cent. This level of penetration means that in practice many adults are not aware of the APRM process. The APRM guidelines are silent on the penetration levels that would constitute a satisfactory level. One of the recommendations in this report attempts to address this issue.

Consultation and validation

The most important national consultation and validation events were the national stakeholder workshop in Akosombo in May 2004, attended by around 200 people; the national validation workshop at GIMPA in February 2005,

⁷⁶ Author's interview with Institute for Democratic Governance, and Abena Oduro, then of CEPA.

⁷⁷ Author's interview with Dr Peter Quartey, research fellow, ISSER, University of Ghana, Legon.

⁷⁸ Author's interview with Professor Adjepong.

attended by approximately 50 people; and the national validation workshop at the Regency Hotel in Accra in June 2005.

The majority of these and other meetings were conducted in the south of the country, in or near the capital, Accra, with invitations being issued to civil society groups from the regions to attend. The NAPRM-GC and its stakeholder liaison officer determined which individuals and groups were invited to which sensitisation workshops and other programmes of the Governing Council. Although this would pass the requirement contained in the MoU between the African Union and the government it would not pass the more rigorous test set down in the APRM guidelines. No public invitations were issued; instead targeted invitations were sent out.

The main questions with regard to the nature of the consultation include:

- How entry to the site of consultation was organised?
- What assistance was provided to those who needed it to attend?
- Did participants receive timely documentary information prior to the event?
- What provisions were made to remove possible barriers to full participation by all attendees (language, physical, hearing or sight disability)?
- Was enough time provided for the event?
- Did the event allow participants sufficient opportunity to freely express their views?
- To what extent were the views expressed incorporated into the documentation going forward?
- What opportunities were provided to participants to monitor the way in which their interventions had been incorporated into documentation?

Entry: The NAPRM-GC was responsible for deciding who was invited to the consultations and validation exercises. The invitations were not issued publicly but to individuals or organisations. This meant that with the best will in the world accusations of favouritism or exclusionism could be made, but not adequately defended.⁷⁹ There was a definite sense among many of those interviewed for this report that the NAPRM-GC may have been guilty of targeting only those on whose allegiance it could count. This however is not wholly borne out by the facts, since those who were known to be critical of the process were invited to attend the main consultation and validation workshops. It seems to be the case that the heads of invited organisations tended to ask their juniors to attend on their behalf.

Assistance to attend: There is no mention of any provisions given to civil society members to be able to attend the various consultation and validation meetings. This is potentially of some importance, given the fact that plans

⁷⁹ Opoku, *op.cit.*, p. 27.

to have events in some zones did not materialise, and instead the validation events were held in one location for the whole country.

Timely prior documentation: There was no record of participants being sent, before the consultation or validation exercise, the documents or summary texts of what was to be the subject of discussion at the meeting to which they had been invited. All such documentation was circulated at the meeting.

Facilitating access: There is no data on actions, if any, given to participants at the three consultation and validation events under consideration, to facilitate their access to the venue or to proceedings.

Duration: The consultation and validation exercises often took one or more days. This could be considered reasonable time for there to be adequate discussion of the issues to be covered.

Adequacy of framework for expression of views: The national APRM Secretariat was requested to but did not provide information on either the attendance lists or reports on the discussions during the main consultation and validation meetings.

Incorporation of views into documents: Participants at the February 2005 validation event were not able to see the report on which they were deliberating, the draft country self-assessment report (CSAR), though they were given presentations and some supporting documentation, on which they were able to comment. In the words of Eric Opoku of UNDP, their recommendations were able to ‘enrich the final Ghana country reports’.⁸⁰ Their comments may well have done so, but they were not able to satisfy themselves that this had been the case.

Opportunities for participants to monitor use made of ideas expressed: The Ghana NAPRM-GC did not institute any mechanism for the participants to monitor how their comments, observations, and suggestions were utilised, either in the final document, or in the design of the process.

The effect of all these factors was to produce a process which secured a certain level of civil society engagement, but left the most prominent members of this group feeling that, although they had been invited to the party, they had not played any significant part in organising it – which, rightly or wrongly, they had expected at the beginning of the process. The NAPRM-GC has not had an opportunity to undertake a monitoring and evaluation exercise among stakeholders to find out how they experienced the process. One of the recommendations is that such an exercise should be undertaken.

Issues raised during sensitisation events

During the sensitisation events themselves, participants raised a number of issues in relation to improving civil society engagement, either during the question and answer sessions after the main presentations, or during the

⁸⁰ Ibid., p. 28.

syndicate discussions. Among the most important suggestions were that the NAPRM-GC should:⁸¹

- Hold district rather than regional fora
- Conduct stakeholder validation of the country self-assessment report before its submission to the APRM panel of eminent persons
- Ensure minority group participation
- Stress the importance of a freedom of information act
- Strengthen the engagement of the NCCE with the process
- Make presentations relating to the process in Twi (the most widely spoken Ghanaian language) instead of English
- Translate the APRM questionnaire and other documents into Ghanaian languages

The lessons the NAPRM-GC recorded as having taken away from these and other comments were:

- The idea of NEPAD/APRM has general appeal despite the comments from some participants that the masses were not adequately consulted during the nurture of the idea. This brings out the fact that people would like to be involved in decisions that affect their development.
- The citizenry are ready and eager to participate in the process to express their views on the various development issues. Consultations should therefore be broadened to include a sizable number of people for Ghanaians to truly own the process and its outcome.
- The independence of the Governing Council and the technical teams are seen as commendable and very important for the elimination of all suspicion of political manipulation and to ensure objectivity of the final results.
- There is the need to step up awareness creation in the process, including by working with the NCCE, and also ensure responsible reportage by the media to encourage participation and ensure success of the APRM process.

The Ghana APRM process took place under special circumstances. Perhaps the most notable was that it was relatively soon after the government of President Kufuor had come to power, but also that the process of the country self-assessment straddled the election marking the end of his first term. Political sensitivities would have been acute. At best it could be argued that the members of the Governing Council, none of them having come from civil society, were unfamiliar and perhaps therefore uncomfortable with civil society engagement. It is of course possible that, given the standing of the members

⁸¹ Ghana NAPRM-GC website: <http://www.naprm-gc.org/home.php> (click on publications then on 1st RSForum).

and the hierarchical character of African society, this was deliberate; but this has not been proved yet. Also there was a time constraint, since the APRM panel required the process to be completed within six months of the signing of the MoU. This did not in fact happen. Lastly there was the issue of money. As an African leader noted when supporting the adoption of Spanish as an official language of the African Union, in the face of some resistance because of the additional cost involved, ‘democracy costs’. To have conducted a really penetrative public awareness programme would have been very expensive. To have conducted a meaningful consultation with stakeholders in the manner outlined above would also have been costly. But given that the process has happened, it is fitting that there is a pause, and a stock-taking, so that positions do not become places of retreat rather instead of places from which to reach out to others with differing positions.

Monitoring implementation of the NPoA

When speaking to those in the TRIs who had been involved in the country self-assessment, the clear impression gained by the author was that the TRIs were waiting for the Governing Council to resolve the issue of funding for a monitoring and evaluation framework, so that they could be engaged to contribute to the process.⁸² The progress report of the Governing Council, summarised above, suggests on the other hand that it is well on the way not only to developing, but to implementing such a framework. The idea of using a combination of district level grassroots organisations, working in conjunction with the district chief executives who are responsible for local government administration, to set up what are termed ‘district level oversight and implementation committees’ outlines this framework. The civil society groups spoken to were of the view, however, that this would unnecessarily bureaucratise and perhaps politicise the process. The district chief executive, who would be a core element of the system, is an appointee of whoever is the president of the country, and could not be expected to be highly critical of government initiatives.⁸³

Independent assessment by civil society groups

The Ghana country review report records that: ‘It may be added that some civil society organisations including the African Security Dialogue and Research (ASDR) and Institute for Democratic Governance on their own accord undertook a shadow APRM review of the country to interrogate and complement the official review process to deepen the national consultation

82 Author’s interviews with Samuel Cudjoe – Principal Programme Officer, Ghana APRM Secretariat, Dr Peter Quartey, Research Fellow ISSER, Daniel Armah-Attah – Programme Officer, Ghana Centre for Democratic Development, and Joseph Asunka – Programme Officer, Ghana Centre for Democratic Development.

83 Dr Emmanuel O. Akwetey – Executive Director, Institute for Democratic Governance Nana Oye Lithur – Chief Executive, Commonwealth Human Rights Initiative, Emmanuel Nkonu – coordinator – International campaign for Corruption Free Schools, Kwabena Yarko Otoo – Research Officer, Ghana Trades Union Congress, Afi Yakubu – Director, Foundation for Security and Development in Africa (FOSDA).

engagement. This provided alternative information that was fed into the preparation of the GNPA.⁸⁴ Dr Appiah made a somewhat similar statement in a speech to a conference in South Africa.⁸⁵

This passage on the face of it suggests a very intense level of civil society involvement, and close and amiable working relations between civil society and the Governing Council. What was the nature of this independent shadow APRM and how were its results fed into the national consultation engagement? However, Professor Adjepong, chairperson of the Ghana NAPRM-GC, said that he had not seen the report from IDEG or ASDR, but had heard about the IDEG shadow APRM review when he had been seeking funds from DANIDA in support of the APRM process.⁸⁶ During their work, CDD had also heard about a shadow APRM assessment by IDEG, but had failed to unearth the relevant document.⁸⁷

When asked about this, both the Institute for Democratic Governance IDEG and the African Security Dialogue and Research (ASDR) said that they had not undertaken a shadow APRM review. What IDEG had done, explained Dr Emmanuel Akwetey, its chief executive, was to establish, with help from DANIDA, a 'governance issues forum' (GIF) to act as a mechanism to promote public policy dialogue among a broader spectrum of non-state actors in civil society and the private sector than would otherwise normally be the case.⁸⁸ He did also say that he had explained this to the Governing Council at a meeting attended by a number of its members, and chaired by Professor Adjepong.⁸⁹ In addition, IDEG is involved with AfriMAP in an assessment of Ghana's governance performance in a range of areas, but this was not completed during the time of the APRM review. ASDR, for its part, was involved in the preparation of a set of comparative reports published by the Institute of Security Studies in South Africa under the aegis of the African Human Security Initiative, a one-year project by seven African NGOs to report on the performance of eight African governments (Ghana among them) in respect of human security issues, including respect for standards on human rights, democracy, good governance and other issues. The relevant reports are

84 Ghana – APRM Country Review Report, p. 136, Ghana NPoA.

85 Dr Francis Appiah, 'The APRM Process – The Experience of Ghana', paper delivered at the Third Conference of the African Evaluation Association 1-6 December (neither the title of the lecture, or the web site, give any indication of the year in which it was delivered), Cape Town South Africa, Ghana NAPRM-GC website <http://www.naprm-gc.org/home.php>. There Dr Appiah says: 'It may be added that some civil society organisations, including the African Security Dialogue and Research (ASDR) and Institute for Democratic Governance, on their own accord are undertaking a shadow review of the process. These organisations have received funds from donors to undertake their own autonomous review. Whilst this may appear running parallel to the official review and thus unnecessary, we have not condemned the shadow review. Our attitude is that if it is done in a constructive and responsible manner, it can complement the official review process. Moreover, some of the organisations are doing so on the basis of a comparison among a number of African countries. Such civil society initiatives could enrich the process in the long term if constructively undertaken.'

86 Author's interview with Professor Adjepong.

87 Author's interview with Daniel Armah Attah and Joseph Asunka of CDD.

88 Author's interview with Dr Emmanuel Akwetey, chief executive, IDEG.

89 Author's interview with Dr Akwetey.

in the public domain.⁹⁰ It would appear therefore that neither organisation consciously participated in a shadow APRM review. As things stand, therefore, the passage referred to above remains a mystery.

Failure to publish the country self-assessment report

There is a marked difference in the way the Ghana country self-assessment report (CSAR) and the Ghana country review report (CRR) have been treated. The former is the report produced by the country during the self-assessment process and is the principal document on which the latter, the report presented to the heads of state participating in the APRM, was based. The country review report was made public by the APRM panel six months after the panel presented it to the APRM Forum, and even before President Kufuor addressed the issues raised in it to his peers. On the other hand, only part of the country self-assessment report – the NPoA – has been made public, not by the secretariat of the National APRM Governing Council, and only because it was an integral part of the country review report. The bulk of the country self-assessment report remains out of the public domain. The author asked Dr Appiah of the Ghana APRM Secretariat, unsuccessfully, to have sight of this document. He was however able to see one page on which appeared the following text: ‘This is a confidential working document of the African Peer Review Mechanism and should not be quoted or published until the review process is complete and the country report is released in its final form.’⁹¹ There is however nothing in any of the APRM core documents that address themselves to if and when the CSAR should enter the public domain.⁹² Therefore the justification for this embargo is not clear. But even if there were sound justification for it, on the basis of the text that appears on the page seen by the author, its terms of embargo have lapsed, and the time for placing it in the public domain, come and gone.

Closing comments on the APRM in Ghana and Africa

The APRM represents a new departure in African governance. It is the first framework for African countries to assess their collective efforts towards common goals. As such, it presents new opportunities to foster the development of collective strategies, at regional and continental levels. It is thereby available for potential use to advance any collective project within the continent. To succeed in this it needs to mobilise a critical mass of the population into sustained effort conceptually, practically, strategically and operationally.

Greater engagement with civil society: One of the dangers however is that it will become bureaucratised and fail to mobilise critical sections of the

⁹⁰ For more information, see <http://www.africanreview.org/>.

⁹¹ Ghana Country Self-Assessment Report, section on corporate governance – p. 124.

⁹² This is true of the Base Document; Guidelines; The MoU on Technical Assessment and Country Review; Objectives, Standards and Criteria; Organisations and Process; the Questionnaire; Democracy and Political Governance Initiative; Conditions for Sustainable Development; Peace and Security Initiative; and indeed the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance.

population. The lessons of the Ghana APRM experience include the need to differentiate between at least three kinds of audience: the members of government and independent state institutions; members of civil society with both interest and expertise in the four thematic areas of the APRM; and the ordinary citizens who have an interest in the thematic areas, but may not have expert knowledge. One of the striking aspects of the country self-assessment is that, for example, the views of the informal business sector were largely overlooked. Yet this sector is by far the largest employer in the country. It may of course be possible to design effective strategies for a sub-sector without taking into account the views of its members. It is a moot point to what extent the corporate governance indicators will be meaningful and relevant to the members of this group. Civil society may be in a position to provide coherent information about areas not normally in the public domain.

Gaining a critical mass of participating countries: By May 2007, Ghana, Rwanda and Kenya had been peer reviewed. By July 2007 a further two, Algeria and South Africa, will have been reviewed.⁹³ A further eight countries had received country support missions by May 2007, indicating that other things being equal they will have completed the country self-assessment between January and May 2008 and perhaps be peer reviewed by July 2008 or January 2009. This will take the total number of countries that will have been through the process to 13, with another eight who have given indication of willingness to commence the journey.⁹⁴

The need for review of the APRM: Once a critical number of countries have undertaken the country self-assessment process there should be a review of the whole process, paying particular attention on how to (a) make the questionnaire more user-friendly, (b) encourage countries to engage with civil society as partners during the process, (c) share information and best practices more effectively, and (d) best structure the questionnaire so that it can be used to assess movement towards the objectives of the APRM process: political stability, growth, sustainable development and integration.

Greater access to information: The failure to publish the Ghana country self-assessment report and its supporting documentation (the results of opinion poll surveys etc), does not serve to strengthen the idea of transparency and a new partnership between government and citizenry. In this respect it might help if the APRM panel were to take some steps towards developing a framework of agreement for governments to publish the country self-assessments at the same time as the country review report is published.

Sharing experiences: As the number of countries that are members of the APRM increases, a wealth of experiences and information will be gathered. It seems important to provide regular opportunities at the regional and

93 See 'The African Peer Review Mechanism (APRM): Africa's Innovative Thinking on Governance', paper prepared by the APRM for the Eighth Gathering of the African Partnership Forum, Berlin, Germany, 22-23 May 2007.

94 Communique of the Continental conference on the African Peer Review Mechanism: "Africa's Bold March to Capture the 21st Century" held in Accra 8-10 May 2007

continental level for stakeholders from participating countries to inform one another of best, and worst, practice, driven by the continental APRM Secretariat.

Using the APRM to achieve development objectives: The objective of the APRM is to achieve political stability, growth, sustainable development, and integration in Africa. With time it will become necessary to have targets for each of these, and to use the questionnaire as a means to enable countries to inform themselves of their performance in this regard. Two questions were often asked about the APRM during the public awareness-raising fora. The first was about how different the APRM is from externally driven initiatives; and the second was whether the rich countries of the world will allow African countries to achieve the APRM objectives. It seems that these will be the critical tests by which people will judge the performance of the APRM. The questionnaire is the first line of defence, or perhaps attack, in pointing Africa in its chosen direction. The second is the ability of Africa to persuade, cajole, or even coerce its member countries to adhere to collectively agreed objectives. As things stand, there is evidence to suggest that there is considerable overlap between the indicators of the main strategies being used in Ghana's – and Africa's – various development strategies. Nevertheless, as governments make concerted efforts to harmonise the approaches of, for example, the poverty reduction strategies (PRS), the Millennium Development Goals (MDGs), and the APRM, they may be required to make hard choices. The PRS is a strategy, the Millennium Development Goals are just that – merely a set of development indicators, which in principle could be achieved by a number of different strategies. Nevertheless, indicators are not neutral, especially if they are comprehensive, specific and ranked. By adopting a particular set of indicators as targets to be striven for, preference is established for one development strategy over another. It may not therefore be possible to painlessly harmonise the various strategies. This is especially so when the different programmes give different weights, and hence rankings to different targets. Eventually Africa should be able to arrive at a core set of strategies, tailored to their chosen objectives, which will be adhered to by governments irrespective of their political stripes, so that there is greater coherence and continuity in the continent's choice of development strategy.

Sources for the Ghana study

APRM documents

- APRM Base Document – The APRM Base Document, [AHG/235(XXXVIII) Annex II] <http://sites.dbsa.org/aprm/index3.php>
- Guidelines for countries to prepare for and to participate in the African Peer Review Mechanism, 2003
- Memorandum of Understanding (MoU) on the APRM [NEPAD/HSGIC/03-2003/APRM/MoU]
- Declaration on Democracy, Political, Economic and Corporate Governance AHG/235(XXXVIII) Annex I]
- APRM Organisation and Processes [NEPAD/HSGIC/03.2003/APRM/Guideline/O&P]
- Objectives, Standards, Criteria and Indicators for the APRM [NEPAD/HSGIC/03-2003/APRM/Guideline/OSCI]
- Outline of the Memorandum of Understanding on Technical Assessments and the Country Review [NEPAD/HSGIC/03-2003/APRM/Guideline/Outline]
- The APRM Ghana Country Review Report – <http://sites.dbsa.org/aprm/index3.php>
- The APRM Questionnaire <http://sites.dbsa.org/aprm/index3.php>

Ghana National Governing Council/Secretariat documents

- APRM Report of Support Mission to Ghana – 24–29 May 2004
- APRM Ghana Annual Progress Report
- APRM 1st six-monthly Progress Report
- The APRM web site: <http://www.nepad.org/aprm/>

Unsuccessful requests were made to the Secretariat for the following information:

- A copy of the Ghana country self-assessment report – refused on the grounds that (a) there was only one copy available; (b) it could only be read by the author if Dr Appiah was in the Secretariat; (c) Dr Appiah would not be in the building from the time of the request until after the departure of the author and there was no electronic version of the document.
- A participants list of civil society groups that had attended the national stakeholder workshop during the country support mission visit from 27-29 May 2004, together with a report of the deliberations at the meeting – refused on the grounds that such information did not exist.

- A participants list of civil society groups that had attended the national validation meeting during the country review mission visit in April 2005, together with a report of the deliberations at the meeting – refused on the grounds that such information did not exist.
- A participants list of civil society groups that had attended the confirmatory/validation meeting with the chairperson of the APRM eminent persons panel on 8 June 2005 during her visit at the end of the process, together with a report on the deliberations of the meeting – refused on the grounds that such information did not exist.

The chairman of the Governing Council was notified by telephone and e-mail about the above developments.

Interviews

All interviews were carried out during May 2007

Members of the Ghana National African Peer Review Mechanism

Very Reverend Professor Samuel K. Adjepong – chairman Ghana NAPRM Governing Council

Professor S.K.B. Asante, member Ghana NAPRM-GC

Ambassador Abankwa – member, Ghana NAPRM Governing Council

Most Rev. Dr Bishop Paul Bemile – the Catholic Bishop of Wa and director of the Inter-region Dialogue, member Ghana NAPRM Governing Council

Dr Francis Appiah – executive director, Ghana NAPRM Secretariat

Samuel Cudjoe – senior programme officer APRM Secretariat

Members of TRIs

Daniel Armah-Attoh – programme officer, Ghana Centre for Democratic Development

Joseph Asunka – programme officer, Ghana Centre for Democratic Development

Samuel Cudjoe – contract services manager PEF, now programme officer APRM Secretariat.

Abena Oduro – senior lecturer, Department of Economics, University of Legon, Ghana

Dr Peter Quartey – research fellow, Institute of Statistical, Social and Economic Research, University of Ghana Legon

Cynthia Addoquaye Tagoe – senior research assistant, Institute of Statistical, Social and Economic Research, University of Ghana, Legon

Members of civil society

Dr Emmanuel O. Akwetey – executive director, Institute for Democratic Governance

Major General Coleman – African Security Dialogue and Research

Nana Oye Lithur – chief executive, Commonwealth Human Rights Initiative

Emmanuel Nkonu – coordinator – International campaign for Corruption Free Schools

Kwabena Yarko Otoo – research officer, Ghana Trades Union Congress

Afi Yakubu – director, Foundation for Security and development in Africa (FOSDA)

Newspaper research

Daily Graphic – from January 2004 to May 2007

KENYA

Summary

This is a critical review of the self-assessment process conducted in Kenya for the African Peer Review Mechanism (APRM) from February 2004 through March 2006. The review identifies strengths and weaknesses of the APRM self-assessment in Kenya and examines the engagement of civil society organisations with the process.

The review concludes that, while the APRM process in Kenya did yield a significant amount of quality data and a valid report, the process was not as empowering and inclusive as it should have been. The preparation of the APRM self-assessment report in Kenya did not foster a significant dialogue between Kenya's government and its people. In part, this failure can be blamed on the way in which the self-assessment was carried out. But it was also because the focus of the report was on the efficiency and effectiveness of government, failing to assess a more critical issue: the design of Kenya's state and governmental structures and the dynamics of the struggle to establish democratic decision-making mechanisms and safeguard human rights. For this reason, the process did not encourage Kenyan citizens to use their full potential to influence the ways their government is structured and operates.

The review outlines specific recommendations for more active civil society engagement in the implementation of the PoA prepared to address the challenges identified by the APRM process in Kenya, which was endorsed by the heads of state participating in the APRM in June 2006. Although there were tensions among the civil society organisations that participated in the self-assessment process, the refinement and implementation of the PoA presents opportunities to advocate for a 'new moral governance code' for Kenya and to strengthen the ability of Kenyans to engage themselves in an effort to improve governance in their country.

For this to happen, however, both government and civil society will have to intensify their engagement with the APRM process. They will have to broaden their approach to the PoA in order to make it something more than a rebranding of existing government reform programmes. The departure of the former Minister for Planning and National Development, Peter Anyang' Nyong'o, the APRM's principal advocate inside the government, might make this more difficult. The National Governing Council for the APRM in Kenya was also dissolved at the end of 2005, and replaced by a steering committee

dominated by government officials. Civil society organisations committed to democracy and human rights must organise to ensure that the opportunities presented by the APRM process and the PoA are not wasted.

Kenya and the APRM process

Kenya signed the memorandum of understanding committing it to a review by the APRM in March 2003, barely three months after elections ended over forty years of rule by the Kenya African National Union (KANU) and brought to power a new government led by the National Rainbow Coalition (NARC). In February 2004, when the APRM process was launched at a meeting of participating states, Kenya was one of the first four countries to be chosen to undertake a review.

The conduct of the APRM is a five-stage process, and results in two reports: a self-assessment report, completed in the country concerned through a participatory process led by the government; and a peer review report, compiled by members of the APRM 'panel of eminent persons', the APRM Secretariat and technical advisers. The bulk of the work for Kenya's self-assessment report on the four areas covered by the APRM – political governance and democracy, economic governance and management, corporate governance, and socio-economic development – was carried out during 2005, and the report was submitted to the APRM Secretariat in September 2005. In October 2005, the member of the APRM panel assigned to Kenya, Dr Graça Machel, visited Kenya on a country review mission to consider the findings of the self-assessment and complete the APRM eminent persons' country review report. On 30 June 2006, Dr Machel presented the country review report and the PoA agreed with the government to the APRM Forum, the committee of heads of state and government participating in the APRM, at the AU summit in Banjul, Gambia. The Forum debated and formally adopted the documents.

Of the self-assessments undertaken by the first four countries to engage in the APRM process (Kenya, Ghana, Mauritius and Rwanda) Kenya's has been rated as perhaps the most widely consultative. During the process, workshops were held throughout the country, and a wide range of opinions on the state of governance in Kenya were canvassed. Minister Nyong'o, the focal point for NEPAD and the APRM in Kenya, gave the process his full political and technical commitment, and his support was important in ensuring the success the self-assessment achieved. Also important was the establishment of a broadly representative National Governing Council (NGC) to guide the process and ensure a degree of independence from government control. The NGC in Kenya eventually had 30 members, though only 20 had the power to cast votes. Majority civil society participation in the NGC was achieved only after the intervention of Dr Machel. Although the NGC faced avoidable problems in practice, it proved to be a useful mechanism.

Methodological instruments

The four 'lead technical agencies' that were put in charge of data collection for the self-assessment developed instruments adapted to the Kenyan context and, for this purpose, modified the official APRM questionnaire developed by the South Africa-based APRM Secretariat.

These instruments consisted firstly of a *desk research instrument* designed to guide researchers to sources and help them focus on core issues of governance, both nationally and within the framework of the international codes and protocols to which Kenya is a signatory. Second, they developed an *expert panel instrument* to guide face-to-face interviews with experts and elicit responses that could be analysed quantitatively. Third, they organised a *national sample survey of households* and designed a questionnaire to register the perceptions of ordinary citizens on governance issues. Enumerators from the Central Bureau of Statistics, locally based and fluent in vernacular languages, conducted personal interviews with 1 850 heads of household across the country during August 2005. Fourth, during August 2005, they organised 128 *focus group* discussions across the country, each with an average of 15 participants. Civil society organisations involved in the APRM process in Kenya also conducted specific stakeholder forums between March and August 2005. During these forums, farmers, women's organisations, business people, managers, church leaders, youth, and schoolchildren gave their views on various aspects of governance as they experience it.

Contribution to debate on governance in Kenya

This process and the instruments devised for the APRM research mean that Kenya's self-assessment yielded, in some respects, the most comprehensive documentation to date of the political, social, cultural and economic situation in Kenya. The APRM process has helped give ordinary Kenyans some voice to their concerns, and the process, coupled with the much contested constitutional review which was under way during the same period, shows that Kenyans want more say in how their country is governed.

The APRM panel's country review report also provides a critical analysis of the problems facing Kenya at this point in its history, and did not shy away from calling for difficult decisions to be made and implemented. (At this stage, only the APRM eminent persons country review report is publicly available; the self-assessment report has not been published, though it can be obtained from the NEPAD Kenya Secretariat.) Paired with the panel's report is the PoA agreed with the government and adopted by the APRM Forum, which identifies actions for the government to undertake, and is perhaps the most important component of the process.

Despite these strengths, there are concerns about the Kenya APRM self-assessment process. First, questions arose concerning the autonomy of the NGC, particularly after Minister Nyong'o dismissed three council members, including its chairperson, without a satisfactory procedure. This episode,

combined with the difficulty of ensuring civil society involvement in the self-assessment process and failure of civil society organisations to engage effectively, shows that the state and its organs dominated Kenya's review process in a way that made it more of a data collection exercise than an effective appraisal intended to generate significant debate and follow-up.

Nonetheless, there are new possibilities in the APRM process. The process has supported the development of a culture of accountability, which is a core ingredient of human rights-centred democratic governance. This is an important shift in the tradition of the Organisation of African Unity, now the African Union, which was initially characterised by a policy of 'non-interference'. The APRM process provides an additional political forum for civil society to address its traditional messages of social justice. Building upon the report's foundation, civil society organisations should now articulate specific demands aimed at reforming state structures, targeting such areas as the constitutional review, transitional justice, and the accountability of legislators and members of the executive.

Implementing the APRM in Kenya

A benchmark for the new government

A National Steering Committee for NEPAD was established in Kenya in September 2002, during the last months of the KANU government led by President Daniel arap Moi.¹ After decades of arbitrary misrule and dramatic elections in December 2002, a new government of the National Rainbow Coalition (NARC) came into office, completing the first electoral transfer of power in the country's history. One of the early acts of the new government was to reconstitute the NEPAD Steering Committee, to be chaired by the Minister for Planning and National Development, Professor Peter Anyang' Nyong'o. In March 2003, the new government was among the first to sign the memorandum of understanding establishing the APRM review process. The APRM appeared to offer the NARC government a benchmark by which it could measure its success in leading Kenya out of the 'wilderness and malaise' in which the country found itself after KANU and President Moi were swept aside.²

The new NEPAD National Steering Committee included nine permanent secretaries of ministries,³ the vice chancellor of the University of Nairobi, a representative of a private university, two representatives of the private sector (the head of the Kenya Association of Manufacturers and a representative of the

1 NEPAD Kenya Secretariat, *Strategic Framework (revised)*, March 24, 2004, Nairobi, Kenya. The Committee was then chaired by the Head of Public Service and Secretary to the Cabinet: Ministry of Planning and National Development, 'Appointment of National NEPAD Steering Committee', Gazette Notice No. 9526.

2 H.E. Mwai Kibaki, President of Kenya, Inauguration Speech, 30 December 2002.

3 From the Ministries of Planning and National Development, Tourism and Information, Finance, Trade and Industry, Foreign Affairs and International Cooperation, Energy, Environment and Natural Resources, and Works and Public Works.

Kenya Association of Bankers), and two representatives of non-governmental organisations (NGOs).

In April 2003, the NEPAD Steering Committee established the national NEPAD Kenya Secretariat, with an allocation in the country's national budget. This secretariat comprised three people: a chief executive officer (CEO), recruited competitively from the private sector, a public relations/communications coordinator and a personal assistant seconded from the Ministry of Planning. Pete Ondeng was appointed as the first CEO. Later that year, the Eastern Africa NEPAD summit held in Nairobi on 28 October 2003 mandated Kenya to undertake the coordination function of NEPAD activities in Eastern Africa.⁴

The Ministry of Planning was at the same time involved in the development of the Economic Recovery Strategy for Wealth and Employment Creation (known as the ERS), which was launched by the government in June 2003. Minister Nyong'o stated that the government saw the ERS as realising some of the objectives of the NEPAD agenda and therefore linked with its commitment to NEPAD.⁵

The APRM process in Kenya also took place during the same period as a re-energised constitutional review, many of whose debates were relevant to the issues being considered by the self-assessment. In March 2004, the NARC government convened a National Constitutional Conference to consider the work of the Constitution of Kenya Review Commission appointed by the former KANU government in 2002. Following this conference, a number of new texts were produced by parliamentary and cabinet committees, culminating in a referendum held on 21 November 2005, in which 57 per cent of the electorate rejected the draft constitution proposed by the government.

The government's high-level task force

In February 2004, Minister Nyong'o informed the first meeting of the committee of participating heads of state and government in the APRM, known as the APRM Forum, that Kenya was ready to begin the formal review process. Kenya thus entered a relationship with the APRM Secretariat and the panel of seven 'eminent persons' responsible for overseeing the implementation of the APRM. The panel member assigned to follow the Kenya process was Dr Graça Machel.

In preparation for this process, the government published an 'African Peer Review Mechanism Implementation Strategy for Kenya', which confirmed the Ministry of Planning and National Development as the host ministry for the APRM process and announced the establishment of an APRM Task Force at national level.⁶ The key functions of the Task Force were to: propose 'a detailed

4 Report of the NEPAD Eastern Africa Region Ministerial meeting, 28 October 2003.

5 Interview with Professor Nyong'o, 17 September 2005.

6 Government of Kenya, *Africa Peer Review Mechanism Implementation Strategy for Kenya*, 14 February 2004.

timeline' for the process; develop the terms of reference and guidelines for the various structures of the APRM in Kenya, including the National Governing Council which was to oversee the process; set its overall direction; and ensure that the APRM process in Kenya was not solely government-driven. Chaired by the permanent secretary in the Ministry of Planning and National Development, David Nalo, the Task Force was initially made up of government officials from the Ministries of Justice and Constitutional Affairs, Finance, Foreign Affairs, Trade and Industry, and Agriculture and from the Office of the President and the Central Bureau of Statistics. After its first three meetings, held between February and March 2004, the Task Force decided to invite as members representatives from the private sector, civil society organisations (CSOs), universities and independent research institutes, and faith-based organisations. Some of the civil society organisations invited at this stage included the Kenya Human Rights Commission (KHRC), Transparency International, and the Federation of Women Lawyers (FIDA-Kenya).

Relations between the government and CSOs about the implementation of the APRM got off to a bad start. At a workshop on the APRM organised during April 2004 in Nairobi by the South African Institute of International Affairs (SAIIA), Minister Nyong'o confirmed that the review was going ahead and said that the government would select representatives from among the CSOs to take part in the Task Force. This was news to many of the CSOs at the workshop.⁷ The National Council of Non-Governmental Organisations (the NGO Council) – a statutory membership body that represents all registered NGOs in Kenya and has a mandate to enhance self-regulation of its members and their adherence to the law – immediately wrote to the minister, protesting that it was the right of CSOs independently to agree both on their representatives and on their mode of engagement with the government. Grace Akumu, director of Climate Network Africa, who had been elected by CSOs to be their 'focal point' in their dealings with NEPAD and the APRM, wrote separately to the minister, arguing that it was the NGO Council and the CSOs' NEPAD focal point, and not the government, that should have been mobilising and organising the participation of CSOs in the APRM process.⁸ On 8 May, Grace Akumu hosted a NEPAD CSO Stakeholders' Consultation Forum in order to start identifying CSO representatives who were interested in taking part in the review. By June 2004, she had received thirty-six nominations and submitted a list to the Ministry of Planning and National Development.⁹

The APRM Task Force that was inaugurated by the minister in June 2004, included all the members of the NEPAD National Steering Committee, plus prominent CSOs – the KHRC, Transparency International, FIDA-Kenya, the

7 This was reported by Grace Akumu during the CSO planning meeting on the APRM held at the Kenya Human Rights Commission on 23 June 2004.

8 Interview with Orié Rogo Manduli, 20 April 2006.

9 Climate Network Africa, *NEPAD Civil Society Engagement Workshop Report*, Nairobi Safari Club, 1 October 2004.

NGO Council, and the African Youth Parliament – as well as the government-funded Kenya National Commission for Human Rights.

CSOs developed a clear sense that they were, in the main, being excluded from the direction of the review. On 23 June, the KHRC announced it was seeking a mechanism for expanding the prominence of CSOs in the review process. It urged CSOs to prepare themselves for the national stakeholders' meeting, or APRM Consultative Forum, which the government was planning for mid-July.

In the meantime, the APRM Task Force had begun to hold discussions with leaders from the media, civil society and the private sector. It was the Task Force's responsibility to identify stakeholders for the July meeting, and send out invitations.

On 12 July, two days before the forum was due to begin, CSOs attended a preparatory meeting convened by Grace Akumu as the CSO focal point for NEPAD. Many CSO representatives said their organisations had not received invitations to the forum. Grace Akumu reported that she had been invited to the forum only three days earlier by Permanent Secretary Nalo – by telephone and not by a letter or other more appropriate written communication.¹⁰

The APRM Consultative Forum

The APRM Consultative Forum in July 2004 launched the APRM as a public process. In his opening address, on 14 July, Minister Nyong'o said one of its primary goals was to create a sense of national ownership of the review. The Forum was intended to introduce the APRM questionnaire, the various research instruments developed by the Task Force, and the four thematic review groups – political governance and democracy, economic governance and management, corporate governance, and socio-economic development – whose conveners had been pre-selected by the Task Force mainly on the advice of the Ministry of Planning.¹¹

At this initial stage, it would probably have been better for either the NEPAD Secretariat or the Task Force to convene the forum and for the government to attend as a stakeholder. Although the government did not seek deliberately to exclude CSOs, it had not taken the time to organise structured dialogue with, and inclusion of, the CSOs. In the opinion of Grace Akumu, leaving it to the government to choose whom to involve in the review would compromise collective action by the CSOs.¹² It is fair to say that consensus in support of the APRM process at this stage was weak.

10 Email from Grace Akumu to CSOs, 'Yesterday's APRM Stakeholder Meeting – 14 July 2004', 15 July 2004 (on file with the author).

11 *Draft Report: Inaugural African Peer Review Mechanism (APRM) Consultative Forum, Kenya Institute of Monetary Studies, 14 July 2004.*

12 Comments during the meeting between the Permanent Secretary Ministry of Planning and National Development and members of the NGO Council at the NGO Council offices, 9 August 2004 (notes on file with the author).

The problematic issues raised at this first stakeholder forum demanded rapid responses, and a second forum was convened within a week to ‘complete the domestication of the APRM questionnaire’, agree on who would be the conveners of the four thematic review groups, and nominate the National Governing Council.¹³ This was a heavy agenda for a one-day meeting; the reason for the rush was a forthcoming visit by the APRM country support team, which was scheduled to begin on July 26. The second forum took an important decision: that it would be the members of the thematic working groups, and not the minister or the Ministry of Planning, who would nominate the members of the National Governing Council. Nonetheless, NGOs were angry that they had received their invitations to the forum only the day before, and in fact only three were present at the forum.

After consultations, the NGOs decided that Grace Akumu, in her capacity as the CSO NEPAD focal point, should lead a protest walkout by CSOs. In her subsequent letter to Permanent Secretary Nalo, Akumu complained that, among other things, the NGOs had only received the text of the revised APRM questionnaire during the course of the forum. She alleged that the government was favouring ‘some groups within the Civil Society Organizations’ who had ‘been effectively empowered by adequate and timely information, which allowed them to participate effectively’, while others were being excluded.¹⁴

This walk-out and Grace Akumu’s letter had the effect of making it difficult for other NGOs to get involved in the review process for fear of being seen to contradict the CSO NEPAD focal point, particularly since Akumu announced in her letter to Nalo that ‘unless the Government reassures our constituency that it will treat all stakeholders equally...our group will remain outside the Kenya Review process as a matter of principle’.¹⁵ NGOs were reluctant to be seen contradicting her.¹⁶

The country support mission

The APRM country support mission began its work in Kenya on 26 July 2004. It was headed by Dr Graça Machel and included senior personnel from the African Development Bank, the United Nations Development Programme (UNDP), the United Nations Economic Commission for Africa (UNECA), and the NEPAD and APRM Secretariats in South Africa. In line with APRM procedures, the task of this mission was to assess Kenya’s readiness to undertake the review and offer technical assistance; if the support mission determined that preparations were in place, Dr Machel would sign a memorandum of understanding with the government of Kenya which would commit the government to producing its self-assessment report within the next nine months.

¹³ African Peer Review Mechanism (APRM) second consultative forum, Kenyatta International Conference Centre, Nairobi, 21 July 2004.

¹⁴ Letter from Grace Akumu to David Nalo, 21 July 2004 (on file with the author).

¹⁵ Ibid.

¹⁶ Interviews with representatives of the NGOs in the National Governing Council, March 2006.

The Ministry of Planning had produced a 'Task Force road map' for the review, which it proposed should begin on 5 August, with the announcement of a National Governing Council for Kenya's APRM process, and end on 25 February 2005, with the presentation of the self-assessment report to the APRM eminent persons panel. Dr Machel's team praised the road map as well as a number of the other actions taken to date, including the appointment of the Ministry of Planning and National Development as the national focal point for the APRM process; the establishment of the APRM Task Force pending the appointment of the National Governing Council; and the consultative forums of 14 and 21 July, which had 'culminated in the proposal of nominees to the National Governing Council'.¹⁷

On the morning of the second day of their mission, 27 July 2004, Dr Machel and the country support team met with CSOs. The official note of the meeting is diplomatic; it says 'The Africa Youth Parliament and the Kenya NGO Council expressed their views on the unfolding of the national process so far.'¹⁸ Some 300 CSOs attended; their views were put principally by Francis Ang'ila, chief executive of the NGO Council; Grace Akumu, in her capacity as the CSO NEPAD focal point; and Steve Ouma Akoth of the KHRC, as a member of the Task Force. The first point the CSOs made was that they were concerned that the review process was being rushed. They said that the country had not had enough time to consult and that, if the process was hurried, it would make a mockery of the exercise. They also insisted that the review should not be simply an urban affair; other regions had to be involved in the process. Grace Akumu gave an account of CSOs' relations with the NEPAD/APRM process up to that point and warned that the government had failed to involve CSOs effectively.¹⁹

Dr Machel then requested Permanent Secretary Nalo to organise a follow-up meeting with NGO Council members in order to devise the best possible mechanism for ensuring full participation by CSOs in the APRM process.²⁰ According to the communiqué of the support team visit, Dr Machel 'reiterated the importance of establishing a national commission that was inclusive of all stakeholders including religious organizations, women organisations, rural populations, urban poor and other key stakeholders'. The communiqué also recorded a decision of the Task Force and the country support team to delay the announcement of the National Governing Council from 5 August to 20 August. The memorandum of understanding was, however, signed.²¹ Kenya committed itself to deliver its self-assessment report by the end of March 2005.

17 *The African Peer Review Mechanism (APRM) Support Mission to Kenya, 26 to 27 July 2004, Communiqué signed by Dr Graça Machel and David S.O. Nalo, Nairobi, 27 July 2004, attached as Annex 3.*

18 *Ibid.*

19 Memorandum submitted to the Country Support Mission/CSO Consultations, Intercontinental Hotel, Nairobi, 27 July 2004 (on file with the author).

20 This meeting took place on 9 August 2004.

21 *The African Peer Review Mechanism (APRM) Support Mission to Kenya, 26 to 27 July 2004: Communiqué, 27 July 2004.*

Increasing CSO representation in the National Governing Council

The APRM National Governing Council was officially launched by Minister Nyong'o in October 2004 – though some members were only finalised in December 2004 – and the full body held its first meeting in January 2005. Why did the process take so long? There is no question that initially there had been no clear plan on the part of government to involve CSOs in the review in a structured way.²² Despite the instructions from the continental NEPAD and APRM Secretariats that the APRM self-assessment process should be participatory,²³ only intensive lobbying by CSOs and the intervention of Dr Machel during the APRM country support mission had brought them on board. In addition, there were challenges in relation to administrative capacity, as well as the distraction of ongoing disputes among politicians and civil society over the long-running constitutional review process. The resignation of Pete Ondeng as CEO of the NEPAD Kenya Secretariat in late 2004, followed by an interregnum of a few months under an acting director until the new CEO, Grace Ongile, was appointed in early 2005, may have contributed to these problems.

On 9 August 2004, two weeks after Dr Machel's visit, members of the NGO Council met with David Nalo and members of his APRM team from the Ministry of Planning. David Nalo presented an update on the structures and processes that had been established to that point to support the review, and emphasised that it was important for CSOs to participate. After he and his team had left the meeting, held at the NGO Council offices, it was decided that the best way to organise CSOs to participate was to select CSO conveners for the four thematic groups. In this way, NGOs and the community could be mobilised to participate in the APRM process. NGO Council members offered to be transitional conveners in order to make the process credible and transparent and enable wider participation by the NGO membership.

The four organisations that presented themselves as transitional conveners were:

- for democracy and political governance, the Kenya Human Rights Commission (KHRC);
- for economic governance and management, the Centre for Governance and Development (CGD);
- for corporate governance, Climate Network Africa (CNA); and
- for socio-economic development, the Family Support Institute (FASI).

²² Interview with Kennedy Masime, CEO, Centre for Governance and Democracy, 29 April 2006.

²³ AU-NEPAD, *Guidelines for Countries to Prepare for and Participate in the African Peer Review Mechanism (APRM)*, NEPAD/APRM/Panel3/guidelines/11-2003/Doc8. According to Principle 13 of the Guidelines, 'The APRM process is designed to be open and participatory. Through a participatory process, the APRM will engage key stakeholders to facilitate exchange of information and national dialogue on good governance and socio-economic development programmes, thereby increasing the transparency of the decision-making processes, and build trust in the pursuit of national development goals.' (Underlined in the original text.) The Guidelines were adopted at the 6th Summit of the Heads of State and Government Implementation Committee (HSGIC) of the NEPAD on 9 March 2003.

The major purpose of these conveners was to coordinate a participatory process of selecting CSOs to engage in the APRM process. The meeting also decided the procedure to choose the long-term conveners (who would also become non-voting members of the National Governing Council). All members of the NGO Council were to be emailed and asked to nominate a convener for the thematic group into which their activities naturally fell. The Family Support Institute was to coordinate nominations and organise the vote.

As a result of this process and of the nominations made at the two consultative forums that had taken place in July 2004, the National Governing Council for the APRM, when it was finally launched, did have a high degree of CSO participation. Moreover, the process of establishing it had become reasonably participatory and inclusive, under CSO pressure and through the intervention of Dr Machel.²⁴ In addition to sixteen civil society representatives on the NGC, the permanent secretaries of the five ministries directly involved in the review were voting members,²⁵ as was the solicitor-general and the chair of the Electoral Commission of Kenya. Representatives of the lead technical agencies directing research in the four thematic areas were non-voting members. The conveners of the four thematic groups were also on the council, but without votes. All members of the NGC were officially appointees of the Ministry of Planning and National Development.

The Kenya APRM National Governing Council held its first meeting on 26 January 2005, and Grace Akumu of Climate Network Africa, the CSO NEPAD focal point, was elected chair.

Appointment of the lead technical agencies

Quite early on in the Kenya process it was decided to appoint lead technical agencies to direct research, write the self-assessment report, and develop the PoA that would follow it. Nominations to take on these positions had been made at the two consultative forums in July 2004 and were approved by the Ministry of Planning and National Development and the APRM Kenya Secretariat. The organisations chosen were reputable independent research institutes:

- for democracy and political governance, the African Centre for Economic Growth (ACEG);
 - for economic governance and management, the Kenya Institute for Public Policy Research and Analysis (KIPPR);
 - for corporate governance, the Centre for Corporate Governance (CCG);
- and

²⁴ Full details of the names and organisations appointed to the National Governing Council can be found in Annex 1.

²⁵ Planning and National Development, Foreign Affairs, Governance and Ethics, Justice and Constitutional Affairs, and Finance.

- for socio-economic development, the Institute for Development Studies (IDS).

Stakeholder forums – taking the African Peer Review process to the citizens

In the months after the appointment of the National Governing Council, stakeholder forums were organised by the NGO thematic conveners and others, in conjunction with the NEPAD Kenya Secretariat.²⁶

Even though many of these meetings were well attended, they did not necessarily serve to enhance dialogue between the government and the governed. The meetings were designed to generate credible information; but too often they failed to provide an equally needed platform for ‘national dialogue on good governance and socio-economic development programmes’ of the government, as required in the APRM Guidelines. The key drivers of the APRM process must combine the scientific nature of the process and create an environment of dialogue. There should be a balance between the technical – the scientific rigour of the research tools and process; and the political – the ability of the process to create popular space for interaction between the governors and the governed. While most stakeholder forum meetings were well sampled to provide the required data through clear criteria, they failed to promote open dialogue because, during the meetings at the provincial level, most government officials resorted to defensive positions instead of constructively engaging participants’ concerns.

Nonetheless, consultation with a wide cross-section of Kenya’s citizens regarding their experience of governance and the development of research instruments to allow these consultations to take place in an effective, consistent, and scientifically verifiable form were key achievements of the APRM process in Kenya. Central to this was the ‘domestication’ of the questionnaire developed by the APRM Secretariat in South Africa.

Focus group discussions and the national householder survey: ‘domesticating’ the APRM

The decision to find ways to make the generic questionnaire developed by the APRM Secretariat to assist countries to undertake their self assessment relevant and comprehensible in the Kenyan context was taken during the two consultative forums in July 2004, after the idea had emerged within the APRM Task Force. As a result of intense activity by the lead technical agencies, the thematic groups and their conveners, four research instruments were developed. On the one hand, these instruments effectively captured a wide range of Kenyan public opinion and experience in relation to governance; and on the other, they allowed for scientific analysis of these opinions and the other material generated during the review.²⁷

²⁶ A sample of forums organised by the National Governing Council is attached as Annex 2.

²⁷ See generally, NEPAD *Kenya: Kenya country report on the APRM: challenges, solutions and lessons learned* (report prepared for the African Governance Forum, Kigali, Rwanda), April, 2006, p. 10.

The desk research instrument. The lead technical agencies set up a working group to develop a questionnaire that would guide researchers to focus on core issues of governance in the four thematic areas, and the desk research instrument was the result. The aim was to generate material that would enable the authors of the self-assessment report to describe trends and, where possible, back up their assertions with analytical tables. The structured nature of this questionnaire did contribute significantly to the gathering of data.

The expert panel instrument. This was developed to guide face-to-face interviews with a cross-section of experts in each of the four thematic areas. Questions were formulated to elicit answers that could be analysed quantitatively (yes/no; scoring on a scale of 1 to 5; and so forth), and to avoid inadequate responses. The experts were expected to answer all the questions, and the questionnaire was sent to them in advance. Guidelines were developed to help interviewers assure the reliability of the responses.

Experts were selected with due attention to age, gender, level of education, degree of involvement in public affairs and/or standing in society, regional representation, socio-economic group, religious affiliation, and so on.²⁸ They were agreed on by the lead technical agencies, the CSOs involved in the four thematic groups, and their conveners. Interviews were conducted by members of the lead technical agencies, staff of the Central Bureau of Statistics and, where possible, CSO members of the technical groups.

The national sample survey instrument. The development of a questionnaire for sampling public opinion and its deployment in interviews with nearly 2 000 households across the country were significant achievements. The household survey questionnaire was developed using NEPAD's guidelines for the APRM process; it was designed for the specific purpose of recording the perceptions of Kenyan citizens on governance issues. This demonstrated a significant commitment on the part of all stakeholders in the APRM process to have the review reflect the experiences and opinions of a representative cross-section of the public; as the APRM Secretariat has suggested, the household survey might very well serve as a blueprint for other countries embarking on the peer review process.

In order to reach a genuine cross-section of the Kenyan public, the Central Bureau of Statistics provided census and other information that enabled 1 850 households to be identified across the country. Central Bureau of Statistics enumerators – locally based, and speaking local languages – were to carry out the interviews. Heads of household were to be the respondents; this of course gave a gender bias to the replies, since heads of household are mostly men. After enumerators had been trained to translate key terms in the questionnaire into vernacular languages, and after the enumeration clerks from the Central Bureau of Statistics who were to process the questionnaires had received a week's training at the end of July 2005, the household survey went ahead

²⁸ Ibid., p. 11.

throughout the country (except in the province of Marsabit, where there had been clashes). Completed questionnaires were dispatched by courier to the survey office in Nairobi on a weekly basis and were subjected first to manual editing and the data were then digitised for analysis.

Focus group discussions. The conveners of the four thematic groups were responsible for executing country-wide focus group discussions and reporting their outcomes to the NGC. Core governance issues were identified by the thematic groups, together with the causes of the problem, magnitude of the problem, challenges faced, and suggested solutions.²⁹ The conveners developed guidelines for the focus group discussions in an attempt to ensure consistency and allow for comparison of information and data.³⁰ They also identified appropriate people to lead the discussions, particularly people who were fluent in local languages.³¹

These facilitators were trained in Nairobi at the beginning of August, and the discussions began on 7 August 2005. Most had taken place by 12 August, except those in Eastern Province and North Eastern Province, which faced unique logistical challenges because of the remoteness of the territory and lack of good infrastructure; they were completed by the end of the third week of August. Overall, in each of the eight regions of Kenya, thirty-two focus group discussions were held in school halls, community centres, church halls and local hotels.³² Each large group of participants was broken down into smaller groups: young women (14–25), young men, adult women (26–65), and adult men. Thus, 128 focus groups, each comprising an average 15 people, met and participants presented their views on economic, political, socio-economic and corporate governance as they experienced it.³³

APRM follow-up mission

From 13 July to 15 July 2005, Dr Machel paid a follow-up visit to Kenya. By this time, Kenya had missed both the original March 2005 deadline and a revised deadline of June for the presentation of its self-assessment report. Dr Machel expressed her disappointment at what appeared to be the stalling of Kenya's APRM process; she set another deadline – 31 August 2005.³⁴ With nearly 2 000 households due to be surveyed across the country during July, and an elaborate schedule of focus group discussions to be rolled out across eight provinces in August, this was a highly ambitious target.

29 Interview with Peter Kimani member of the NGC, February 2006.

30 Mongo Nelson, Wanyama Evalyne, *Focus group discussion checklist for APRM self-assessment survey – Kenya*.

31 Minutes of the 2nd LTA and convener convergence meeting, 29 February 2005, held at the NEPAD Kenya Secretariat, Liaison House (on file with the author).

32 NEPAD Kenya Secretariat, *Kenya country report on the APRM: challenges, solutions and lessons learned*, report prepared for the African Governance Forum, Kigali, Rwanda, April, 2006, p. 17.

33 Ibid.

34 Background information provided by Peter Kimani, member of the NGC, March 2006.

Tensions over the management of the Kenyan APRM process

Among the reasons for delays in the completion of the self-assessment report were tensions over the management of the National Governing Council that was supposed to guide the implementation of the peer review process.

On 20 July 2005, Minister Nyong'o announced that he was 'degazetting' (that is, dismissing) the chair of the NGC, Grace Akumu, and two other members, Ambassador Orié Rogo-Manduli, the chair of the NGO Council, and Professor Shanyisa Khasiani of FASI. The minister asserted that these three had made the work of the NGC almost impossible by constantly alleging that funds for the APRM process were being allocated unfairly and that the minister himself and his permanent secretary were involved in these 'irregular' budgetary allocations.³⁵

Press reports of these events immediately noted the apparent breakdown in the Kenya peer review process and raised concerns over possible interference by the minister in what was supposed to be an independent body. They reported that police had sealed off the NEPAD Kenya Secretariat office to prevent the three dismissed members from entering.³⁶

In a press release dated 22 July 2005 responding to these allegations, Dr Grace Ongile, the NEPAD Kenya Secretariat CEO, said: 'This office has read with dismay adverse reports in the local press attributed to one Ms Grace Akumu, former Chairperson of the National Governing Council. ...We wish to respond as follows: This office has not been closed or barricaded by any security agents at any one time either today, yesterday or the day before... It is incorrect and misleading to insinuate that the Hon. Minister for Planning ... or any other government official for that matter has attempted to micromanage, control or have undue influence on the APRM process or its funds... We hereby confirm that the operations of NEPAD Kenya Secretariat cannot be paralysed by the government's degazettement of just three council members out of a total thirty-three.'³⁷

A subsequent meeting of the NGC, on 27 July 2005, appeared to endorse the sackings. The minutes state, 'Members of the NGC were informed that on the basis of feedback the minister had received on the workings of the NGC, and some of the challenges the process was encountering, he had taken the decision to degazette the former Chair of the NGC and two other members of the NGC. The meeting was briefed that in so doing, the minister as the appointing authority had acted within the full range of powers delegated to him by the Head of State.'³⁸

The meeting's participants do not appear to have discussed in detail the reasons for and the circumstances surrounding the sacking of Akumu and her colleagues. However, they confirmed the appointment of a replacement

³⁵ *East African Standard*, 20 July 2005.

³⁶ 'Police Block NEPAD Members From Their Offices', *The Nation*, 22 July 2005; 'AU review body halts Kenyan operations over government interference', AFP, 22 July 2005.

³⁷ Press Statement, NEPAD Kenya Secretariat, 22 July 2005.

³⁸ Minutes of the APRM National Governing Council meeting, 27 July 2005 (on file with the author).

chair, the Reverend Jephthah Gathaka of the Ecumenical Centre for Justice and Peace. The minutes of the 16 August meeting reported a discussion on the replacement of the three dismissed members as follows: ‘Members decided to strike off from the agenda the issue related to replacement of NGC members... They felt that decisions on the composition of the NGC were beyond their mandate. They however indicated that should the minister require their advice on the replacement of the former NGC members they would be willing to advise him.’³⁹

Reverend Gathaka is a respected figure and also a legitimate representative of civil society, but the circumstances of his election dented the reputation of the National Governing Council and made it more difficult for CSOs to engage positively with the review process. According to members of the NGC, disciplining the first chair should have been the responsibility of the NGC itself. Some members of the NGC criticised what they called the ‘blatant spinelessness’ of their own body in its relations with the minister.⁴⁰

People within the ministry have argued that the minister acted within his powers, since the NGC was ‘gazetted’ (officially listed) as a committee under the direction and supervision of the Minister of Planning and National Development.⁴¹ But the minister’s action did not follow a proper process, and it confirmed the fear among many CSOs that the APRM process in Kenya was ‘state-centric’.

However, a review of the activities of the chair of the NGC since her election in January 2005 also suggests that her focus was less on the conduct of the review itself and more on the status of NGC members. Grace Akumu’s attempts to clarify the legal status of the NGC were followed by questions regarding sitting allowances, travel expenses, third-party and public liability insurance, and so on. She also demanded that CSO educational activity in support of NEPAD and the review process be funded from the dedicated ‘basket fund’ provided for the official APRM process. After several months of wrangling, at a meeting on 30 May 2005, she ruled as chair that all activities of the NGC – such as the stakeholder forums – would be halted, pending formal communication from the Attorney-General on the various issues she had raised. Individuals from both the government and civil society side have expressed the view that Ms Akumu’s contribution to the process had not been entirely constructive.⁴²

After their ‘degazetting’, Grace Akumu and Ambassador Orie Rogo-Manduli sued the minister for wrongful dismissal. In their suit, they claimed that the minister and the permanent secretary of the Ministry of Planning had failed to facilitate funding of the APRM NGC to enable it to fulfil its mandate and had excluded the NGC and civil society from the APRM process. This case was

39 Minutes of the APRM National Governing Council meeting held on 16 August 2005 at the NEPAD Kenya Secretariat, Liaison House (on file with the author).

40 Interviews with members of the NGC, March 2006.

41 Interviews with an official of the Ministry of Planning and National Development, March 2006.

42 Interviews with members of the NGC, April 2006.

dismissed by the High Court in October 2005,⁴³ a result that was well received by the government, the NEPAD Kenya Secretariat, and other members of the NGC.⁴⁴ However, the fall-out of this episode included the collapse of the NGO Council, whose chair had been Orie Rogo-Manduli.

Completion of the self-assessment report and the programme of action

By the third week of August 2005, most of an initial draft of the Kenya self-assessment report had been produced by the lead technical agencies. The NEPAD Kenya Secretariat and the Ministry of Planning had organised a team of independent experts to critique this first draft and write the final version. This team, mainly Kenyan, was led by Professor Michael Chege, who had been funded to work at the Ministry of Planning by UNDP and was in turn seconded to the APRM process to provide technical advice, especially during the writing of the report. The team comprised Professor Njuguna Ng'ethe, Professor Shem Odholla, Dr J.O. Oucho, Professor Willis Oluoch Kosura, Professor Peter Wanyande, Dr Job Kihumba, Professor L.P. Murithii, and Professor T. Ryan, who came together in what was billed as a 'report writing retreat' from 25 August to the middle of September. This retreat was interrupted by an unattributed claim in the *Standard* newspaper on 2 September that the group of experts had rejected the initial draft of the report.⁴⁵ They categorically rejected this claim.⁴⁶

In early September, delegates from every district attended a consultative forum to validate the self-assessment report. Many of the delegates had attended the provincial forums in July and had a clear understanding of the APRM process. They were given copies of the presentations summarising the findings of the report, but not the report itself, and were invited to comment. After this consultative forum had approved (what it had heard of) the Kenya self-assessment report,⁴⁷ it was delivered to the APRM Secretariat in South Africa.

Country review mission

Dr Graça Machel subsequently led a country review mission to Kenya to conduct interviews and do research that would test the findings of the self-assessment report. Between 3 and 17 October 2005, Dr Machel's team visited all eight provinces of Kenya. The information collected in this way, together with independent information compiled by the APRM Secretariat in South Africa, was intended to enable the APRM panel to submit its own country

43 Jillo Kadida, 'Anti-Nyong'o suit on NEPAD is thrown out', *Daily Nation* (Nairobi), 8 October 2005.

44 Interview with Peter Kariuki, member of the NGC, February 2006.

45 Ken Ramani, 'Experts Reject Kenya's NEPAD Report', *East African Standard*, 2 September 2005.

46 Interview with Prof. Michael Chege, economic adviser, Ministry of Planning and National Development, May 2006.

47 The self-assessment report has been available to a restricted audience but has never been posted on the NEPAD Kenya Secretariat or other website.

review report to the APRM Forum responsible for finalising each country's completion of the process.

In May 2006, *The Nation* newspaper reported that the APRM Secretariat in South Africa had 'demanded more information from the Kenyan team following the referendum that led to the rejection of the draft constitution and the exposing of the Anglo-Leasing scandal in which billions of shillings were paid for fictitious security deals'.⁴⁸ The paper quoted Evelynne Change of the APRM Secretariat in Kenya as saying that the secretariat needed 'to understand the context of the country's socio-economic governance' in light of these two developments.⁴⁹

Examination of Kenya's APRM report

On 30 June 2006, Dr Graça Machel presented the country review report finalised by the APRM panel of eminent persons to the APRM Forum, which was meeting in the margins of the African Union summit held in Banjul, Gambia. President Mwai Kibaki also presented Kenya's PoA⁵⁰ and response to the panel's report.

The APRM eminent persons' country review report described Kenya as a 'bastion of stability', though it noted that ethnic strife remained a real possibility given prevailing patterns of ethnic politics and regional inequalities.⁵¹ The report expressed particular concern over neglect of the North Eastern Province, a policy inherited from colonial times and observed by successive post-independence governments.⁵² While crediting the former KANU rule 'for keeping Kenya together as one entity when some of its neighbours in the region were facing internal fragmentation', the APRM report noted the deeply divisive governance of the KANU period and the consequent 'deep-seated disillusionment among the public, and hence a very high price tag in terms of expectations put on the new government'.⁵³ The report noted with great concern the lack of adequate measures to protect economic, social, and cultural rights, which resulted in over 56 per cent of the population living in poverty.⁵⁴ It stressed that poverty-reduction efforts continue to be frustrated by persistent corruption. It deplored the fact that efforts by the government to combat corruption had hardly gone beyond putting in place 'legal instruments, investigative and enforcement machinery'.⁵⁵ Kenya was, however, commended for accepting its shortcomings, in what was reported as a broadly positive

48 Jeff Otieno, 'Kenya First to Complete Peer Review', *The Nation*, 2 May 2006.

49 Ibid.

50 Available at <http://www.APRMkenya.org/downloads/KenyaNPA.pdf>

51 African Peer Review Mechanism, *Country Review Report of the Republic of Kenya*, May 2006 (available at <http://www.APRMkenya.org/downloads/Kenyareport.pdf>)

52 Ibid., p. 48.

53 Ibid., p. 53.

54 Ibid., p. 80.

55 Ibid., p. 48.

review, and the government stated that it was committed to addressing all the issues raised.⁵⁶

To date the self-assessment report has been circulated by the secretariat in electronic format (on CD) to a limited audience. The secretariat, however, decided that, so as not to cause confusion, it would only make the official country review report adopted by the APRM Forum in June 2006 available for wide circulation. There are also efforts supported by the German development agency GTZ to develop a popular version of this report.⁵⁷

Funding of the APRM process

The Ministry of Planning, the lead technical agencies and the APRM Secretariat developed a budget of KSh65 168 000 (about US\$896 000) for the implementation of the peer review process in Kenya.⁵⁸ On 11 November 2004, at a meeting of the Royal African Society in London, Minister Nyong'o said the APRM process would cost an estimated US\$1 million, of which UNDP had contributed US\$100 000. He said the NEPAD HSGIC had recommended that governments fund the process, to avoid the complications that might arise due to donor funding. But, he added, 'What option do we really have? I am keen to learn from our colleagues in Ghana, Rwanda and Mauritius about how they are handling the financial aspect of APRM. This issue should be subjected to greater debate and analysis than it has been so far, since good peer review does not come cheap.'⁵⁹ A report by the government to an APRM workshop in Algiers later in November 2004 said that, on 9 November, 'the Ministry of Planning and National Development (had) met with interested development partners in Nairobi to explore ways of co-sponsoring APRM'.⁶⁰

A 'basket fund' was established, into which all those wishing to contribute to the APRM process in Kenya would pay their funds. The government was said to have promised KSh10 000 000 (about US\$139 000), but it was unclear whether this sum was actually paid in to the basket fund. UNDP was asked to manage the fund; it agreed to do this through its business services centre. However, the bureaucratic financial procedures of UNDP led to a number of delays in releasing funds for APRM activities, which contributed to the successive failures to meet deadlines.⁶¹ The NEPAD Kenya secretariat had

56 'Issues raised by peers to be tackled, say ministers', *The Nation*, 10 July 2006; Fred Oluoch, 'Africa's peer review faults country over corruption, tribalism and governance', *The East African*, 11 July 2006.

57 Interview with Grace Ongile, chief executive, NEPAD Kenya Secretariat, August 2006.

58 NEPAD Kenya Secretariat, *Strategic Framework*, Revised March 24, 2004, Nairobi, Kenya and African Peer Review Mechanism: *Country Self-Assessment, Financial Progress report*, August 2005.

59 Speech by Professor Peter Anyang' Nyong'o to the Royal African Society at the School of Oriental and African Studies, London, 11 November 2004 (on file with the author).

60 Workshop on Sharing National Experiences on APRM Implementation Process, organised by the African Governance Forum of UNDP, Algiers, 20–21 November 2004.

61 According to the NEPAD Kenya Secretariat, however, 'the hosting of the basket fund by the United Nations Development Programme (UNDP) proved to be a useful and convenient measure to centrally and professionally manage resources provided to the APRM process': NEPAD Kenya: *Kenya country report on the APRM: challenges, solutions and lessons learned* (report prepared for the African Governance Forum, Kigali, Rwanda), April 2006, p. 9.

sometimes to use its own financial resources in order to enable activities to be executed when they were planned.⁶²

An APRM Basket Fund Steering Committee was established.⁶³ The British Department for International Development (DFID) and the Swedish International Development Agency (SIDA) were members and also contributed. This steering committee was tasked with reviewing monthly financial reports provided by UNDP and with providing substantive support for the implementation of the APRM process in Kenya. Grace Akumu and Abdullahi Abdi (of Northern Aid) represented the APRM National Governing Council and CSOs on the Basket Fund Steering Committee.

At the time of writing, a final accounting of how much money came into the basket fund was not available in spite of repeated queries made to the NEPAD secretariat.

Critical assessment of the APRM process and the Kenya report

Poor access to information and a lack of transparency

One of the much-touted features of the APRM process is its capacity to create greater participation in national debate. But this requires transparency and access to information. Transparency in government activities is a basic norm of a democratic state. Knowing what the government is doing is a paramount right for individuals in a free society. However, in spite of the new spirit abroad in the country with the election of the NARC government, researchers for the lead technical agencies compiling the self-assessment report experienced difficulty in accessing documents, both from government and from the private sector.

According to a member of the NGC, ignorance of the APRM process by officials in government and key private sector institutions, compounded with unwarranted suspicion and the secrecy encouraged by years of misrule, led, in some instances, to outright refusal of access to government and private sector documents.

In addition to difficulties in accessing information, the APRM process seems to have suffered from a lack of internal transparency that reinforced its 'state-centric' nature. The work product of the process seems to have been exclusively controlled by a group of state representatives in the governing institutions. According to an NGO representative, most of the members of the National Governing Council did not see the full country self-assessment report submitted to the APRM Secretariat. Nor had they seen the country issues paper, prepared by the Ministry of Planning at the start of the review process.⁶⁴

⁶² Interview with Prof. Michael Chege, April 2006.

⁶³ Comprising the Permanent Secretary of the Ministry of Planning, one representative from each of the donor organisations, two nominees from the Ministry of Planning, one nominee from UNDP, two representatives from the NEPAD Kenya secretariat, and two representatives of the National Governing Council.

⁶⁴ Interviews with several former members of the NGC and NEPAD Kenya Secretariat, March 2006.

Weak civil society engagement

Although there is a vibrant civil society network and nascent broader-based 'movement' of human rights and social justice in Kenya, the APRM process does not appear to have galvanised CSOs or brought them together effectively.

Beyond the 27 July 2004 meeting presided over by Dr Machel, there was no other constructive gathering where the CSOs agreed on how to utilise the APRM process as a tool to promote their agenda. Some of the reasons for this lie in the government's reluctance to relinquish control of the process to all stakeholders. Of the 15 members of the NEPAD National Steering Committee set up following the signing of the APRM memorandum of understanding, 10 represented government agencies, including nine permanent secretaries of ministries, and only two represented NGOs. The APRM Task Force, established in February 2004 to draft a detailed timeline for the review process and set up the structures of the process, was initially composed exclusively of officials from government ministries before it eventually invited representatives of civil society and the private sector to its activities. This resulted in an inadequate opportunity for participation by CSOs, and their lack of ownership of the process.

But CSOs have also been slow to understand the opportunities offered by the APRM, and their participation has remained by and large passive. Only two CSO organisations⁶⁵ have developed programmes aimed at promoting NEPAD and the APRM agenda. The others have maintained a sporadic and uncoordinated involvement, mainly consisting of attending meetings. Even the NGO Council has no history of having programmes and projects in this area.

Because of tight deadlines requested by the APRM Secretariat in South Africa, the review process was relatively rushed and there was not enough time for CSOs to develop projects and mobilise the kind of financial support they would have needed to campaign on APRM issues.⁶⁶ Most CSOs are dependent on donor funds and would need time to develop proposals and market them to potential donors. The slow disbursement of funds by UNDP did not help in this regard. Due to the bureaucratic hurdles between the Ministry of Planning and the UNDP, monies were not released to the NGC on time to commence the awareness campaign and mobilisation for the review. Greater public awareness and sensitisation before the process began would in turn have led to demands for CSOs to engage more effectively with the APRM, as has been the case around the use of public funds for development more generally.

The Kenyan media did a good job of putting the APRM on the agenda. It is however unfortunate that much of the coverage was sensational and of poor quality substantively speaking. The media could have done more to provide

65 The Ecumenical Centre for Justice and Peace and the Centre for Governance and Development.

66 Like Ghana and Rwanda, Kenya was unable to complete its country self-assessment report within the suggested six-to-nine-month timeframe.

informed coverage that highlighted the potentials of the APRM process; this would have helped both the public and CSOs to be more engaged. The NEPAD Kenya Secretariat in turn could have done better at briefing the media on what was being planned and undertaken.

But perhaps the most important lesson that emerged from the process is that the CSOs in Kenya must now become more proactive and self-driving. The Africa Youth Parliament demonstrated such ability by taking up the agenda of APRM and using it to organise and mobilise young people. In so doing, they were always a step ahead in the process and did not wait to be organised by the NGC as the other CSOs did.

A state-centric conceptual framework

The country self-assessment and the APRM review reports provide the most comprehensive documentation ever undertaken of the political, social, cultural and economic situation in Kenya. Both documents are organised based on the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance adopted at the 2002 AU summit in Durban and one of the founding documents for the APRM.⁶⁷ The documents address some of the major obstacles to good governance in Kenya and provide much-needed insights into the realities of life in Kenya, prepared in a 'one stop' review produced through a participatory process.

Despite these strengths, the report and the APRM process in general have several flaws. Some of these are related to limitations in the Declaration on Democracy, Political, Economic and Corporate Governance itself. There seems to be a fundamentally erroneous assumption that the African states that acceded to the APRM process support the paradigm and philosophy of open government, which assumes that the government is the agent and that members of the citizenry are the principals. It is assumed in the Declaration that the government and the state in question are well organised, well designed, and intent upon realising human and political rights and improving the welfare of the citizenry. From the experience of the Kenyan situation, this has not been always the case.

The other assumption within the Declaration is that what Africa requires is to negotiate faster integration to the neo-liberal system. This is a 'developmentalist' focus that does not define the obligations as accurately as is done in the human rights framework. It is because of this developmentalist orientation that the self-assessment report submitted by Kenya to the APRM country review team presented poverty, rather than rights and freedoms, as the problem for Kenya and Kenyans. By so doing, impoverished people like slum dwellers, squatters and street vendors are presented as the problems. Furthermore, neither the self-assessment nor the country review reports present information on the

67 The Declaration is organised into three themes: democracy and good political governance; economic and corporate governance; and socio-economic development. The APRM Questionnaire and the reports based on it split these into four themes: democracy and good political governance; economic governance and management; corporate governance; and socio-economic development.

various struggles that Kenyans have undertaken, both privately and publicly, to demand greater freedom. The popular movement that led to the ousting of President Moi and the Kenya Africa National Union (KANU) regime in 2002 demonstrated that Kenyans are not the mute and mindless multitude the report depicts. Absent from the self-assessment and the country review report, however, are images of Kenyans actively engaged in resistance to corporate impunity and a government that was neither accountable nor transparent.

The NEPAD economic programme in practice has also lacked a human rights agenda. For long-term sustainable development, this is not acceptable. The APRM self-assessment report presents, for instance, problems like land grabs, the forcible eviction of people, and their hounding as squatters as technical governance issues. They are not. These are issues of systematic exclusion and violation of human rights, and only when the diagnosis is framed in these terms will a proper remedy be generated.

Kenya's programme of action (PoA), developed from the self-assessment report and discussion with the APRM Secretariat team, prescribes a series of actions, including adoption of laws, policy changes, and new standards and practices. There have been efforts to harmonise these recommendations with already-existing broad-based reform initiatives, but the PoA designated government and state institutions to be the implementing agencies for most of these recommendations.⁶⁸ Only a handful of the recommendations for change outlined in the PoA require implementation by or through partnership with non-state actors. One of the weaknesses of the PoA, therefore, is that it assumes that the state is the single, dominant actor involved in bringing change and that change will come about through legal and policy reform, with only limited concerted advocacy or action on the part of civil society organisations to make duty bearers enact reforms.

Ironically, this weakness of the PoA is part of a pattern of 'exclusion of critical stakeholders and institutions' identified in the APRM country review report as one of major reasons for the poor record of implementation of policies and programmes in Kenya.⁶⁹ The report warned that 'the media as well as the political parties need to be carried along as stakeholders in examining achievements as well as impediments at the policy implementation level. Ignoring them, or treating them as foes, is most likely to be counterproductive. The citizenry/critical stakeholders should be further encouraged to demand more accountability from their government.'⁷⁰

In addition, the list of recommendations included in the PoA offers nothing significantly new. It is the same catalogue that has been presented in existing or planned governance reforms or programmes in Kenya, some of which the government referred to in its response to the recommendations contained in

68 The Kenyan Programme of Action, available at <http://www.APRMkenya.org/downloads/KenyaNPOA.pdf>

69 Africa Peer Review Mechanism, *Country Review Report of the Republic of Kenya*, May 2006, p. 242.

70 Ibid., p. 243.

the country review report.⁷¹ These include the Economic Recovery Strategy, the draft National Land Policy, the Economic Recovery Programme for North Eastern Province, the Police Oversight Board, the Public Service Reform Programme, the Local Authority Service Delivery Action Plan, the National Anti-Corruption Plan, etc.⁷²

Non-inclusive follow-up structures

The APRM National Governing Council was dissolved in December 2005 and at the same time Minister Nyong'o was relieved of his post as minister and became a back-bench MP. However, before leaving office he did appoint a new National Steering Committee for NEPAD. As part of its mandate, this committee assisted in preparations for the presentation of the Kenya self-assessment report to the APRM Forum and it is responsible for follow-up on the PoA. More specifically, the role of the NEPAD National Steering Committee includes coordination of priority projects identified in Kenya's poverty-reduction strategy paper; monitoring and evaluation of the Millennium Development Goals (MDGs); and monitoring and evaluation of the implementation of the APRM national PoA.⁷³

The existence of this committee is not well known, and, as was the case in the initial stages of the APRM process, it is dominated by government representatives and was appointed in a non-consultative manner. The committee is chaired by the Minister of Planning and National Development. This defies the principle that APRM should be more inclusive than other ongoing government development programmes.

The government needs to work with civil society to broaden the composition of the steering committee to include representatives of the private sector and NGOs. A more inclusive steering committee will be best equipped to carry out more effective monitoring and evaluation of the implementation of the PoA recommendations, including actions that are to be implemented by non-state actors.

Conclusion: The way forward for civil society organisations

The APRM self-assessment illustrates how complex the process of transition is in Kenya. Here we have a system of government which seeks a break with the past while it remains entangled in the 'calculus of power' that has ruled Kenya for decades. The Kenyan government seems to have seen the APRM as another part of its state-centric reform strategy, using the APRM PoA as a glue to hold together existing reform programmes, such as the MDGs, the ERS, and the Governance, Justice, Law and Order Sector (GJLOS) reform programme,

⁷¹ *APRM Country Report of the Republic of Kenya*, Government of Kenya Response, pp. 253–322, May 2006.

⁷² *Ibid.*

⁷³ Ministry of Planning and National Development, 'The New Partnership for Africa's Development (NEPAD) Appointment of National Steering Committee', Gazette Notice No. 9526. The steering committee's membership is listed in Annex 4.

rather than the blueprint based upon a national debate on governance that the APRM process was supposed to generate.⁷⁴

What is happening in Kenya is what could be called ‘transition in a closed society’. CSOs are key to making it less closed. It is critical that CSOs do not continue to miss the opportunities the APRM provides to make government and all other duty bearers accountable to the citizens. The disarray among CSOs must therefore be addressed, primarily by the CSOs themselves. The collapse of the NGO Council following the confrontation with the minister over the APRM National Governing Council needs to be urgently remedied. To achieve this goal, CSOs might:⁷⁵

- publicise the country self-assessment and give Kenyans a sense of their ownership of the process and the report;
- simplify and adapt the PoA for the benefit of local communities;
- hold local forums through CSO networks to keep the PoA on the agenda of the CSOs and the government;
- promote local ownership of the PoA and ensure that the government links PoA implementation to existing local initiatives in order to avoid duplication of efforts;
- lobby the government to commit adequate funds for implementation of the PoA;
- develop standardised tools for participatory monitoring and evaluation, e.g., citizens’ report cards and other social accountability mechanisms; and
- lobby to expand the use of APRM beyond the executive arm of government, for example, through pressure to involve the Kenyan parliament in implementation of the PoA.

It is critical for civil society to take the opportunities that will become available once the APRM country report is launched in order to ensure that those elements of the PoA which reflect civil society’s concerns are effectively implemented.

In broad terms, the APRM process will remain fundamentally hollow if it does not deal with the essential causes of bad governance and the misery that Africa’s men, women and children now suffer. The state cannot be allowed to hide behind the notion of ‘inadequacies of governance’ while the unjust and unequal manner in which the state is now constituted is ignored. This will in time relegate the APRM to the dustbin in which so many other ritualistic processes, enthusiastically adopted for Africa and then dropped, have already

74 Wafula Masai, ‘Kenya’s experience in preparing the Programme of Action,’ presented at the Experts’ Conference on Making the African Peer Review Mechanism Work, organised by the Hans Seidel Foundation, Nairobi, 25–27 April 2006.

75 Kennedy Masime, ‘Role of Civil Society in the African Peer Review Mechanism (APRM) Process’, presented at the Experts’ Conference on Making the African Peer Review Mechanism Work, organised by the Hans Seidel Foundation, Nairobi, 25–27 April 2006.

been abandoned. In any case, NEPAD's economic programmes are widely dependent on external donor funding. (The estimated US\$64 billion needed to fulfil its aspirations annually will, the NEPAD secretariat says, come from outside the continent.) This vitiates the concept of 'African renewal' which inspired NEPAD in the first place and makes it vulnerable to policy fads and political manoeuvring.

Nevertheless, for CSOs the APRM process does provide a platform within which the traditional concerns of civil society can be addressed. CSOs can organise themselves to receive the country report when it is released officially. The report can also be used as a starting point to demand participation in the impending constitutional review process, transitional justice mechanisms, and institutionalising the rights of the Kenyan men and women to participate in the governance of their public affairs.

Annexes for the Kenya study

Annex 1: APRM National Governing Council

The APRM National Governing Council in Kenya had 33 members, divided into six categories.⁷⁶

1. Eight members nominated by the NGO Council, to represent CSOs and NGOs

Rev. Jephthah Gathaka, Ecumenical Centre for Justice and Peace (Economic Governance); Mr Peter Orawo, Climate Network Africa (Corporate Governance); Mr Muhib Noorani, Kenya Paraplegic Organization; International Commission of Jurists (Political Governance).⁷⁷

2. Eight proposed by the consultative forums held in July 2004

Mr Geoffrey Omedo, National Youth Parliament and Mr Abdullahi Abdi, Northern Aid (Political Governance and Democracy); Ms Fatma Ibrahim, Kenyan National Commission on Human Rights and Mr Osendo Omore, Transparency International Kenya (Economic Management and Governance); Ms Rose Ogega, Institute of Certified Public Accountants and Ms Winnie Kinyua, KEPSA (Corporate Governance); Ms Juliet Makokha, National Council of Women of Kenya and Mr Nduati Kariuki, Kenya National Federation of Agricultural Producers (Socio-economic Development).

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

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

4. Four lead technical agencies (also non-voting)

Prof. Wafula Masai, African Centre for Economic Growth (Political Governance and Democracy); Dr Hezron Nyangito, KIPRA (Economic Management and Governance); Mr Karugor Gatamah, Centre for Corporate Governance (Corporate Governance); Prof. Mohammed Jama, Institute of Development Studies – University of Nairobi (Socio-economic Development).

5. Seven representing line ministries and key public institutions, ex officio

Permanent Secretary, Ministry of Foreign Affairs; Permanent Secretary, Governance and Ethics; Permanent Secretary, Ministry of Justice and Constitutional Affairs; Permanent Secretary, Ministry of Finance; Dr

⁷⁶ APRM Kenya website, www.APRMkenya.org/NGCmembers.php 'NGC Members'.

⁷⁷ Philip Kichana 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. They were also not replaced.

Jeremiah Ng'eno, Permanent secretary, Ministry of Planning and National Development; Solicitor General, Office of the Attorney General; Chairman, Electoral Commission of Kenya.

6. 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'.

Mr Bernard Aende Ogada.⁷⁸

Annex 2: Stakeholder forums from March to July 2005

On 2 March 2005, the African Youth Parliament organised a forum for around 50 high school students in Nairobi through its partner, the National Students Council for Peace. The students expressed the wish to be afforded more space for their concerns in the governance of their schools.

- On 14 April, a media breakfast, aimed at demystifying the APRM and gathering the support of the press for the process, was organised at the Grand Regency Hotel in Nairobi.
- On 25 April, around a hundred farmers and civil servants from agricultural ministries taking part in a workshop in the Sirikwa Hotel in Eldoret in the Rift Valley were invited by the convener of the APRM socio-economic group (FASI) to express their views. The farmers raised a huge number of concerns, including lack of access to credit, difficulties with marketing, the high cost of farm inputs, and the closing-down of the agricultural extension service, which they said should be re-established.
- On 27 and 28 April, around a hundred farmers and civil servants at a workshop in Kakamega, Western Province, expressed similar concerns and requested technical assistance to diversify their production, so they could escape the poverty caused by low sugar prices.
- On 5 May, all 29 Catholic bishops, meeting under the aegis of the Kenya Episcopal Conference, pledged their support to the APRM process and expressed the hope it would give new momentum to the quest for good governance in Kenya.
- During May, June and July, the FASI convened meetings with young people in 23 wards of the city of Nairobi. An average of 50 young people attended each of these meetings. Their demands were, amongst others, for young people to be represented equitably in decision-making bodies, including Constituency Development Fund committees (responsible for overseeing expenditure of funds allocated to members of parliament), and for young people to be encouraged to put themselves forward for civic seats and leadership positions in churches and schools.

⁷⁸ The other person appointed by the minister resigned and was not replaced.

- Between 11 and 15 July, stakeholder forums were held in all the provinces.
- On 29 July, a forum of Maendeleo Ya Wawanake, the national women's organisation, was held at the Comfort Inn in Nairobi; women from all districts attended.
- On 11 August, a forum targeting members of the Marketing Society of Kenya was held at the Milimani Hotel in Nairobi. Participants expressed the hope that the APRM would act as a vehicle for boosting fair trade practices from all players in the market. Should the review, and the programme of action, achieve their purposes, they said, marketing Kenya would be much easier, and socio-economic development would be accelerated.
- Also during August, a forum was held for members of the Kenya Institute of Management.
- On 20 August, pastoralists from all the main pastoral districts converged on Nairobi for a forum on the APRM. They decried the marginalisation of their community, and expressed the hope the APRM would prove a watershed in correcting this injustice and according them rightful recognition.

Annex 3: Communiqué of the APRM support Mission to Kenya 26–27 July 2004

On 26 to 27 July 2004 Dr Graça Machel, eminent member of the APRM panel, led an APRM Support Mission to Kenya. The team was comprised of the following: Dr Michael Mah'moud, Senior Financial Sector Adviser, NEPAD Support Unit, African Development Bank; Mr Paul Andre de la Porte, UNDP Regional Coordinator (Kenya Country Office); Dr Okey Onyejekwe, Regional Adviser on Governance, United Nations Economic Commission for Africa (UNECA); Dr Shamika Sirimanne, Senior Economist, Economic and Social Policy Division, UNECA; Mr Gaston Bushayija, Manager, Technical Support Facility, NEPAD Secretariat; and Ms Evelynne Change, Coordinator for Corporate Governance, APRM Secretariat.

Ambassador Bethuel Kiplagat, the Vice Chairman of the APRM panel, who is based in Kenya, also participated in the mission.

The purpose of the Support Mission was to assess the processes and mechanisms put in place by Kenya to undertake its self-assessment and subsequently draft its programme of action. The support mission was also to conclude negotiations and sign the Memorandum of Understanding on the Technical Assessment Missions and the Country Review Visit.

The team noted the following progress made by Kenya in implementing the APRM:

- Pioneering in appointing a Focal Point for the APRM, the Ministry of Planning and National Development. This was an appropriate choice owing to the focus of the APRM on socio-economic development. It

was noted that the Minister for Planning and National Development was very active in steering the national APRM process.

- Establishing an APRM Task Force comprised of stakeholders from both government and non-government actors to conduct the national process pending the appointment of the National Governing Council.
- Organising various consultative sessions on the APRM process and tools, in particular those of 14 and 21 July 2004. These fora culminated in the proposal of nominees to the National Governing Council. Stakeholders also elected convenors for the four thematic areas and technical lead institutions.
- Proposing to the Secretariat a road map for the implementation of the APRM at national level.

Briefing session at the Ministry of Planning and National Development

On Monday 26 July 2004, the team had a briefing session with the focal point and members of the APRM Task Force. Honourable Prof. Peter Anyang' Nyong'o provided an update on the APRM process at national level.

Dr Machel emphasised the issues of national ownership and broad-based participation in the implementation of the APRM. She reiterated the importance of establishing a national commission that was inclusive of all stakeholders including religious organisations, women organisations, rural populations, urban poor and other key stakeholders.

Open stakeholders forum

An open stakeholders forum bringing together about three hundred participants from, amongst others, senior government officials, civil society participants, the private sector, media, academia and members of the diplomatic corps, was held on the morning of 26 July 2004.

The formal address for this meeting was delivered by Hon. Moody Awori, the Vice President of the Republic of Kenya. He reiterated the commitment of the government of the Republic of Kenya to the successful implementation of the APRM. Ambassador Bethuel Kiplagat, eminent member of the panel, was present during the opening session. Also in attendance were Hon. Peter Anyang' Nyong'o, Minister of Planning and National Development, and Hon. Amos Kimunya, Minister for Lands and Housing, who chaired the meeting.

Dr Machel provided an overview of the progress made in the APRM at continental level. She noted that this was the fourth mission of its kind, support missions having already been sent to Ghana, Rwanda and Mauritius. She reiterated the concepts of national ownership and broad-based participation for the successful implementation of the APRM.

Stakeholders provided feedback and sought clarification with regard to the modalities for their participation including:

- institutions and structures to manage the process at national level; the national governing council; the convenors and the technical lead institutions;
- how to address country-specific issues in the questionnaire; and
- information dissemination and reaching grass-roots populations.

Working session with the technical review teams

The support mission also met with the convenors and technical lead institutions, which made presentations on the four thematic areas: corporate governance, democracy and good political governance; economic governance and management; and socio-economic development.

The Support Mission Team expressed its appreciation for the work undertaken by these institutions in such a short time. They commended the ownership and leadership demonstrated by stakeholders in the process. Deliberations were held on the way forward, including appropriate processes, methodologies and participation and representation of stakeholders.

Meeting with stakeholders

On Tuesday 27 July 2014, interactions were organised with various stakeholder groups, including: the Africa Youth Parliament; the Kenya NGO Council; business community and media owners; and parliamentarians.

The Africa Youth Parliament and the Kenya NGO Council expressed their views on the unfolding of the national process so far and their involvement and participation. They also highlighted key issues that needed to be addressed in the review process, for example, youth, gender, employment, rural and marginalised communities, disabilities, poverty and national debt.

The business community and media owners emphasised the importance of improved governance for economic growth and development, in particular with regard to attracting investment flows. They also underscored the importance of more positive reporting on issues.

Hon. Francis Ole Kaparo, the Speaker of the National Assembly, delivered an opening statement in the session with parliamentarians. He provided reassurance on the commitment of parliamentarians to the successful implementation of the APRM. Hon. Bonaya Godana, on behalf of the official leader of the opposition, underscored the importance of improved governance, in particular respect for rule of law. Hon. Oloo Aringo, Chairman of the Parliamentary Service Commission, emphasised the importance of democratising the budgeting process.

Dr Machel called on all these stakeholders to take ownership and shape the implementation of the APRM in the country. She urged them to involve their constituencies, particularly at the grass-roots level.

Courtesy call on the President

On the afternoon of 27 July 2004, the support mission paid a courtesy call on His Excellency the President of the Republic of Kenya, Hon. Mwai Kibaki. The President welcomed the team and reiterated his country's commitment to the effective implementation of the APRM. Dr Machel commended the President for acceding to the APRM and noted that Kenya had volunteered as one of the first four countries to be reviewed. She noted that the team had interacted with a broad range of stakeholders and in particular had been particularly invigorated by the interaction with the Kenyan youth, which could be shared as best practice.

Signature of MoU

The Memorandum of Understanding (MoU) on the Technical Assessment Mission and the Country Review Visit was signed on 27 July 2004 between Dr Graça Machel, eminent member of the APRM panel on behalf of the APRM Forum, and Hon. Prof. Peter Anyang' Nyong'o, Minister of Planning and National Development on behalf of the government of the Republic of Kenya.

Closure

A wrap-up session between the support team and the members of the national APRM Task Force was held at the national NEPAD Secretariat offices. The meeting was chaired by Mr David S.O. Nalo, Permanent Secretary Ministry of Planning and National Development. Also in attendance was Mr. Pete Ondeng, Chief Executive, NEPAD Kenya Secretariat. The meeting reviewed the outcome of the support mission. It was indicated that the National Governing Council would be formally announced on 20 August 2004. It was agreed that the timeline of activities be adjusted to allow the review visit in the first quarter of 2005.

Appreciation

The Government of Kenya expressed its gratitude to the Support Mission Team for its contribution to the launching of the national APRM process. Dr Machel, on behalf of the Support Mission, expressed her profound appreciation to the government of Kenya for the warm hospitality and the enthusiasm with which Kenya has embraced the APRM process. She also noted the hard work done by the support mission team members and the country level stakeholders.

Signed at Nairobi this 27th day of July 2004

Dr Graça Machel, eminent member of the APRM panel, David S.O. Nalo, for national APRM focal point.

Annex 4: NEPAD National Steering Committee appointed in December 2005

- 1) The Minister for Planning and National Development (Chair)
- 2) The Assistant Minister for Planning and National Development

- 3) The Permanent Secretary, Ministry of Planning and National Development
- 4) The Chief Executive Officer, NEPAD Kenya Secretariat (Secretary)
- 5) The Permanent Secretary, Ministry of Education, Science and Technology
- 6) The Permanent Secretary, Ministry of Environment and Natural Resources
- 7) The Permanent Secretary, Ministry of Agriculture
- 8) The Permanent Secretary, Ministry of Transport
- 9) The Permanent Secretary, Ministry of Information and Communications
- 10) The Permanent Secretary, Ministry of East Africa and Regional Cooperation
- 11) The Permanent Secretary, Ministry of Roads and Public Works
- 12) Chris Kirubi
- 13) Atieno Amadi Ndede (Prof.)
- 14) Deborah Ongewe
- 15) Yusuf Murigu
- 16) Chrispus M. Kiamba (Prof.)
- 17) Moses Mwangi
- 18) Mahmud A. Visram
- 19) John Oucho (Prof.)
- 20) Karanja Kabage
- 21) Mohamed Elmi
- 22) Beatrice Sabana
- 23) Mohamed Ali Jama

Annex 5: List of persons interviewed for this report

Abdullahi Abdi, Northern Aid
 Esther Bertoli, Bertoli and Associates, member of the NGC
 Evelynne Change, APRM Secretariat, South Africa
 Michael Chege, economic adviser, Ministry of Planning and National Development
 Peter Kariuki, member of the NGC
 Joseph Kimani, African Youth Parliament
 Alfred Kombudo, NEPAD Kenya Secretariat
 Amb. Orié Rogo Manduli, former member, APRM National Governing Council
 Kennedy Masime, director, Centre for Governance and Development
 Peter Anyang' Nyong'o, former Minister of Planning and National Development
 Jerry Okungu, NEPAD Kenya Secretariat
 Grace Ongile, NEPAD Kenya Secretariat

MAURITIUS

Introduction

Mauritius was among the first countries to sign up for the African Peer Review Mechanism (APRM) and among the first four to be selected for review. The national self-assessment process was launched in early 2004, and a preliminary draft of the self-assessment report prepared by March 2005. The process then stalled, due in large part to ineffective leadership and management of the process, 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. The new government, in power since mid-2005, has indicated its willingness to re-launch the process in Mauritius. A private consultancy firm selected by the government to carry out the process recently indicated that the re-launch of the process would start in early June 2007. This will provide an opportunity to rectify previous errors and prepare a high-quality national report and programme of action. However, to do so, there are some challenges that will have to be met, the most significant being to ensure broad and meaningful civil society participation; and for the two ministries largely responsible for implementation of the APRM process – the Ministry of Foreign Affairs and the Ministry of Finance – to agree upon the pertinence of the review for Mauritius and demonstrate the political will for its implementation. Conviction that the review is a valuable instrument towards the deepening of democracy in Mauritius is essential for its success; obtaining this remains elusive.

This paper sets out the different stages of the APRM process that has taken place in Mauritius from the signing of the memorandum of understanding establishing the APRM in July 2003, to the country visit of a team from the APRM secretariat in April 2006 to re-start the process. The paper then presents an evaluation of the process and the problems it has faced. These factors include the lack of political leadership and a common vision amongst the main actors responsible for implementation of the process; poor understanding and appreciation of the underlying objectives and *raison d'être* of the APRM; a highly state-centric approach; weak participation of civil society; the absence of any prior assessment of the financial costs of the exercise, and confusion regarding sources of funding; the lack of an effective communications strategy;

the lack of technical capacity to conduct the review; and failure to comply with the essential guiding principles of the exercise.

The paper concludes by making a number of recommendations. These include revisiting the choice of the focal point, indigenising the questionnaire, appointing expert technical teams and ensuring that the review is research-based. None of these recommendations will be meaningful without the necessary political commitment and the full understanding of the APRM philosophy.

The fact that Mauritius has not been able to deliver on the exercise has been, according to a number of stakeholders, a serious source of embarrassment for the government. Yet if it is merely 'the politics of embarrassment' that will push Mauritius to move forward with the APRM, the government would have failed to comprehend the underlying philosophy of the APRM, and will end up once again with a report that does not reflect the voices of the people.

The relaunch of the Mauritius APRM process in June 2007 is welcome. It is hoped that this report can make a contribution towards its success.

Country background

Mauritius, lying off the east coast of Madagascar in the southwestern part of the Indian Ocean, has often been referred to as a success story on account of its remarkable economic achievements in the 1980s and 1990s, and its level of democratic governance. It is one of the few African countries to hold elections every five years, with peaceful transitions of government. Mauritius has an independent judiciary, a free vibrant press and a large number of independent associations that constitute its civil society. Multi-ethnic Mauritius has often been held up as a model of peace and social harmony.

Upon gaining independence in 1968, the new government inherited a very poor economy. In less than two decades, Mauritius transformed itself into a middle-income country with a per capita income of approximately US\$5 000 per annum.¹ Amongst the factors driving its economic growth were a successful population control policy; refusal by the government to succumb to IMF/World Bank pressure to abolish free education and free health provision as part of structural adjustment programmes; strong economic diplomacy negotiation skills; the existence of a middle-class; and a substantial amount of local capital.

However, Mauritius is facing new, serious challenges. Cheap labour, the country's only major comparative advantage, is rapidly eroding in the face of competition from countries including China, Bangladesh and Sri Lanka; the dismantling of the international multi-fibre arrangement with its accompanying loss of protected markets and guaranteed prices has affected the important textile industry; and a new European Union sugar regime has led to a major cut in prices paid for Mauritian sugar. These difficulties have

¹ Kearney, R., 'Mauritius and the NIC Model Redux or how many cases make a model?' *Journal of Developing Area*, Vol. 24 No 2, 1990, pp. 195–216.

caused ballooning budget deficits as well as a rising level of unemployment that has now reached double-digit figures, with ensuing greater levels of poverty. With the closure of firms in the export-processing zone, many women in particular have lost their jobs, leading to a growing feminisation of poverty.² Most macro-economic indicators are in the red and growth rates have reduced substantially. Compounding this situation is a perceived rise in the level of corruption in the country.³

The current economic decline does not augur well for Mauritian social cohesion, especially in the context of Mauritius' complex ethnic dynamics. Mauritius is an ethnically diverse country as a result of several waves of migration through its history. Today, Indo-Mauritians account for 68 per cent of the population, Creoles 27 per cent, Sino-Mauritians 3 per cent, and Franco-Mauritians 2 per cent. Indo-Mauritians are split between Muslims and Hindus; the Hindu majority constitutes some 50 per cent of the population while the Muslims represent around 18 per cent. Reduced economic opportunities and a growing asymmetry in the distribution of entitlements have given rise to new forms of identity-based politics and pose important challenges for governance. Riots that occurred in February 1999 are largely attributed to the growing frustration and alienation of some segments of the Afro-Mauritian community.⁴

The 2002 Sachs Report on Constitutional and Electoral Reform⁵ noted that the Mauritian political system suffers from two major problems: the gross underrepresentation of women in politics; and the electoral system, inherited from its colonial past. Mauritius has a first-past-the-post/block vote system, whereby voters vote for three candidates in each constituency. This is combined with a 'best loser' adjustment according to which eight seats are set aside for each of the different ethnic groups so as to ensure adequate minority representation.⁶ The general tendency is for people usually to vote for three candidates from the same party, and occasionally two from one party and one from another. Though some believe that this system contributes to Mauritius' political stability, it also results in considerable disproportionality between the percentage of votes gained by each party and the number of seats gained in Parliament. Thus, in 1982 and in 1995 the country was left without an opposition, aside from a handful of candidates who entered Parliament through the 'best loser' adjustment.

2 Bunwaree, S., 2004, "Export oriented employment and social policy in Mauritius", Razavi, S., Pearson, R. and Danloy, C. (ed), *Globalization, Export-Oriented Employment and Social Policy: Gendered Connections*, United Kingdom.

3 De Navacelle, J. and Lapierre, J., *For a Quick and Transparent Outcome to Investigations*, Transparency Mauritius Press Release, 8 July 2004.

4 Bunwaree, S., *ibid.*

5 Sachs, A., Tandon, B. and Ahnee, R., 2002 Report of the Commission on Constitutional and Electoral Reform, Port Louis, Prime Minister's Office at <http://www.gov.mu>.

6 S. Bunwaree and M. Yoon, 2006 'Women's Legislative Representation in Mauritius: A Grave Democratic Deficit,' *Journal of Contemporary African Studies*, Vol.24, no.2, pp. 229–243.

The 2005 elections were contested by around thirty-four political parties, but competition rested largely between two major blocks: the *Mouvement Militant Mauricien* (MMM), *Mouvement Socialiste Mauricien* (MSM), and *Parti Mauricien Social Démocrate* (PMSD); and the *Alliance Sociale* composed of the Labour Party, *Mouvement Militant Socialiste Mauricien* (MMSM), *Mouvement Républicain* (MR), *Parti Mauricien Xavier Duval* (PMXD) and *Les Verts Fraternelles*. The *Alliance Sociale*, led by Navin Ramgoolam of the Labour Party, won the elections and obtained 38 out of 70 seats, with 49 per cent of the votes. The Labour Party has always had a strong socialist orientation, but the reforms being proposed by the current government under the banner of fiscal responsibility are provoking major resentment amongst large segments of the population.⁷

The APRM process in Mauritius

Mauritius signed the memorandum of understanding (MoU) establishing the APRM at the 8th Summit of the NEPAD Heads of State and Government Implementation Committee (HSGIC) in Maputo, Mozambique, on 9 July 2003, becoming the sixteenth country to do so since it was first adopted at a summit in Abuja, Nigeria, in March 2003.⁸

The National Economic and Social Council (APRM focal point)

In October 2003, the government announced that the APRM process in Mauritius would be managed by the National Economic and Social Council (NESC), a statutory body composed of representatives of government, business, labour and civil society. The role of the NESC was to act as the focal point for the APRM process in Mauritius, liaising between national stakeholders and the APRM Secretariat, and to be responsible in the first instance for preparing the APRM self-assessment report and a preliminary national programme of action (PoA).

The NESC Act of 2001 states that the NESC provides a platform to foster consensus building through dialogue on economic and social issues facing the nation. The NESC consists of 23 councillors from the four sectors, around half

7 Etienne, P., 'Opposition and unions rave against Sithanen's budget', *Express Outlook*, 29 August 2006, Port Louis, Mauritius.

8 The African Peer Review Mechanism (APRM): The Rules And Procedures of the APRM Panel and the APRM Secretariat, NEPAD/APRM FORUM1/02-2004/Rules/Doc2a, February 2004, Paragraph 3.

of them government-appointed.⁹ The chairperson and vice-chairperson are elected from the councillors, by the councillors themselves. However, although 'elected' by the councillors, chairpersons of various bodies and organisations are generally chosen by the government and are seen as political nominees. The Council has three 'commissions', set up in accordance with the provision of the NESC Act: on economic affairs; infrastructure, physical resources, environment and sustainable development; and on social affairs and human resource development.¹⁰ Each commission consists of 8 to 12 members, and is chaired by a commissioner, again chosen by the councillors themselves.

There is also an Executive Committee (EC) of the Council, composed of the chairperson, the vice-chairperson, the three commissioners, and the secretary-general of the NESC. The EC administers the affairs of the NESC and monitors implementation of the commission's work programmes. It prepares budget proposals and accounts for approval by the NESC and appoints working groups on the recommendation of the commissions.

The underlying principle is that each organisation or institution in Mauritius falls under one or more of the existing stakeholder groups that are part of the NESC, including civil society groups, academia, political parties, workers' organisations, business organisations, and government ministries and departments. Given that the NESC operated along a 'holistic and ownership-based philosophy,' the government thought it appropriate to appoint the NESC as the APRM focal point since it was in line with the APRM principle of engaging stakeholders from the bottom up in an inclusive manner.¹¹ The NESC acting as focal point would provide a common platform for equal representation of all stakeholders.¹²

9 The precise composition of the NESC councillors is as follows:

- (1) Five from workers' organisations, of whom one is nominated by the Minister of Labour and four by the four largest federations of trade unions;
- (2) Five from business organisations, of whom one is nominated by the Minister of Finance and Economic Development and five by the Joint Economic Council;
- (3) Eight from civil society, of whom one is nominated by the Mauritius Council of Social Services (MACOSS) from among its member organisations, one by the National Women's Council from among its member organisations; one, a person above the age of 60, by the Senior Citizens Council; one by the National Youth Council from youth organisations; four by the Minister of Finance and Economic Development, to ensure contribution from academia and other specialists in various fields, in light of the different issues at stake at the time of their appointment;
- (4) Five councillors from government ministries, namely:
 - The head of the civil service;
 - The director-general, Ministry of Finance and Economic Development;
 - The permanent secretary, Ministry of Social Security, National Solidarity, Senior Citizens, Welfare and Reform Institutions;
 - The permanent secretary of the Ministry of Labour and Industrial Relations;
 - The island chief executive of the Rodrigues Regional Assembly or his/her representative.
 See NESC Annual Report, 2003–2004, p. 2. More on the NESC can be found at <http://www.nesc-mauritius.org>.

10 <http://www.nesc-mauritius.org/commission.asp> (23 October 2006).

11 Interview with Jayeraj Ramjada, executive secretary of the NESC, Moorgate House, Port Louis, Mauritius, 22 March 2006.

12 This notion was outlined in a conference in Algeria 27–29 November 2005, organised by the Union des Conseils Economiques et Sociaux d'Afrique (UCESA), entitled 'Quel rôle pour les Conseils Economiques et Sociaux dans l'atteinte des objectifs du NEPAD, notamment dans la perspective de la mise en oeuvre du Mécanisme africain d'évaluation par les pairs (MAEP)'.

The National Coordinating Structure

A few weeks after being established as the APRM focal point, the NESC appointed a National Coordinating Structure (NCS). In effect, the NCS is a steering committee composed of representatives of various ministries, the private sector, the media, labour organisations, political parties, parliamentarians, professional associations, non-governmental organisations (NGOs) and others.¹³ Among the members of the NCS is the Mauritius Council of Social Services (MACOSS), an umbrella organisation grouping over 200 NGOs and established by an act of parliament.

All members of the NESC automatically became members of the NCS. Other members were invited by letter, either sent to organisations and departments asking them to nominate individuals, or to specific individuals. Given the relatively small network of organisations and individuals in Mauritius, a lot of 'structured informality' and personal contacts informed the issuing of invitations. The membership of the NCS as of March 2005 is provided in Annex 1.

The NCS was set up with the objective of promoting national dialogue around the self-assessment, according to the APRM requirement that performance should be evaluated on the basis of views and 'realities' expressed by all stakeholders.¹⁴ The NCS was also given responsibility for validating the self-assessment report and helping to draft the national programme of action (PoA). In addition, it was expected that members of the NCS would respond to the APRM questionnaire.

The NCS met officially on three occasions between May 2004 and March 2005. Most members of the NCS also attended the sensitisation workshop held in June 2004, during the APRM Secretariat's country support mission.¹⁵

Meetings of the National Coordinating Structure

| | |
|------------------|--|
| 31 May 2004 | Opening meeting at the conference room of the National Economic and Social Council, Sir W. Newton Street |
| 29 June 2004 | Sensitisation workshop held by the country support mission, at the Domain Les Pailles |
| 9 September 2004 | Meeting at Sir Hareelall Vagjee Hall |
| 31 March 2005 | First validation workshop for the first draft of the APRM self-assessment report, held in the conference room of the National Productivity and Competitiveness Council, St James Court, Denis Street, Port-Louis |

¹³ Interview with Riad Sultan, research officer at the NESC, Port Louis, 22 March 2006.

¹⁴ Interview with Ram Nookady, executive secretary of the Mauritius Council of Social Services, at MACOSS, Astor Court, Port Louis, 23 March 2005. The issue of 'realities expressed by all stakeholders' was also evoked at the sensitisation workshop on 29 July 2004 in which the author of this report participated.

¹⁵ Interview with Jayaraj Ramjada, executive secretary of NESC, Moorgate House, Port Louis, Mauritius, 22 March 2006.

Advance support mission

In January 2004, the APRM Secretariat in South Africa sent the NESC a draft memorandum of understanding for the technical assessment mission together with the draft guidelines for countries to prepare for and participate in the APRM. In February, a small advance mission of the APRM visited Mauritius. There is very little information available about this trip, in part because records at the NESC started two months later, in March 2004.¹⁶ A few meetings were apparently held with the Ministry of Foreign Affairs and the Executive Committee of the NESC to establish the readiness of the country to embark on the APRM process. It was also agreed that the NESC would be responsible for practical management of the self-assessment, but that more strategic issues would be dealt with at the level of the National Coordinating Structure.¹⁷

At the first meeting of the APRM Forum in February 2004, made up of representatives of the heads of state or government of all states participating in the APRM, it was officially announced that Mauritius was one of the first four countries to be selected for review (along with Ghana, Kenya and Rwanda). The meeting was attended on behalf of Mauritius by Ambassador S. Servansing, personal representative of the then prime minister. The APRM questionnaire and rules of procedure guiding the APRM reviews were also presented, and the meeting instructed the APRM Secretariat to forward them to the countries selected for review.¹⁸ In April 2004, the APRM Secretariat forwarded to the NESC the questionnaire to be used in the self-assessment exercise.

First meeting of the National Coordinating Structure

At its first formal meeting in May 2004, the NCS examined the questions set in the APRM questionnaire and agreed on the methodology to proceed with the APRM. A crucial decision taken by the NCS was that whilst government ministries would coordinate the collection of responses from their departments for submission to the NESC (as focal point), private sector bodies, representatives of workers' organisations and civil society groups would send their responses directly to the NESC. The questionnaires were sent to different ministries as well as to MACOSS and other members of the NCS. The NESC advised the ministries to respond to questions and issues relevant to their ministries. The second decision was that the self-assessment report to be prepared by the NESC should be prepared and validated by all members of the NCS.

The country support mission

In June 2004, the APRM country support mission visited Mauritius, led by Mourad Medelci, a member of the APRM panel of eminent persons. The delegation was composed of Keralla Yansane and Evelynne Change from the

¹⁶ Interview with a NESC official, 7 September 2006.

¹⁷ Interviews at the Ministry of Foreign Affairs, Port Louis, 23 March 2006.

¹⁸ Communiqué issued at the end of the first summit of the committee of participating Heads of State and Government in the African Peer Review mechanism (APRM Forum) Kigali, Rwanda, 13 February 2004.

APRM Secretariat, Michael Mahmoud from the Africa Development Bank, José Dieudonne, Shamika Sirimanne and Guy Ranaivomanana from the United Nations Economic Commission for Africa (UNECA).

A full-day sensitisation workshop was held with all members of the NCS on 29 June 2004, attended by a broad range of stakeholders, including heads of government ministries and departments, representatives of the private sector, trade unions, academia, political parties and civil society organisations. The delegation emphasised the significance of the APRM process and the importance of stakeholders' full participation in the process. The delegation as well as the chairperson of the NESC stressed that the APRM process should be as inclusive as possible, and the NCS was urged to open its membership to wider participation and to publicise the questionnaire more effectively.

On 30 June, a memorandum of understanding was signed by Mourad Medelci on behalf of the APRM panel, and Jayen Cuttaree, then Minister of Foreign Affairs, International Trade and Regional Cooperation, on behalf of the government of the Republic of Mauritius.¹⁹

Responding to the pressure for wider participation from the APRM delegation, the NESC published a notice in the press on 15 July, inviting interested parties to participate in the APRM self-assessment exercise and complete all or any part of the APRM questionnaire they deemed relevant to them. A copy of the questionnaire was posted on the NESC website to ensure its wide dissemination. The press notice read as follows:

General Notice, 15 July 2004

The National Economic and Social Council is undertaking an exercise which involves the participation of relevant stakeholders in making a self-assessment of the performance of our country with respect to all aspects of its economic, political and social life.

This exercise termed the African Peer Review Mechanism (APRM) fits with an initiative of the African Union and is being replicated in a number of African countries, which have voluntarily chosen to participate in it. Institutions, which are involved in social and economic activities, can join the list of institutions the NESC has identified for carrying out the APRM.

Participation will imply the filling out of a questionnaire which because of its length has been inserted into the website of the NESC at www.nesc.mauritius.org. Any institutions willing to participate must make its intention known before Friday 23 July 2004 to the secretariat of the NESC at: 7th floor, Moorgate House, Sir William Street, Port Louis.

Tel 213 0772 Fax 213 0765
Email: secretariat@nesc.intnet.mu

The NCS was expanded in August 2004. Letters were sent out to several organisations inviting them to be part of the NCS. The new, enlarged NCS was constituted and a meeting took place in September 2004. Given that there were some additional new members coming from different quarters of Mauritian civil society, the aim and process of the exercise were once more

¹⁹ The exact title of the document is 'Memorandum of understanding on the technical assessment and country review visit'.

presented and discussed so as to familiarise all those present with the different steps involved. The importance of a validation workshop was also discussed and a provisional calendar established for the submission of replies, the drafting of the self-assessment report and the PoA.²⁰

Producing the first draft of the self-assessment report

Following the meetings of the NCS and the visit of the APRM country support mission, the NESC began gathering responses to the APRM questionnaire from all stakeholders. The NESC expected MACOSS to play a key role in eliciting civil society views in the APRM process. MACOSS convened a few meetings with its members and outsiders with relevant expertise on the different thematic areas of the questionnaire, but very few people turned up for these meetings. By the end of November 2004, the NESC had received a number of responses, mostly from government ministries, and a few from individuals representing different organisations in the private sector and trade unions.

The stakeholders who responded to the APRM process were as follows:

- Audit Department
- Bank of Mauritius
- Ministry of Civil Service Affairs
- Ministry of Education
- Ministry of Environment
- Ministry of Finance & Economic Development
- Ministry of Foreign Affairs
- Ministry of Health
- Ministry of Housing
- Ministry of Industry
- Ministry of Labour
- Ministry of Local Government
- Ministry of Public Infrastructure
- Ministry of Public Utilities
- Ministry of Social Security
- Ministry of Training, Skills Development
- Ministry of Women's Rights
- Police Department
- Prime Minister's Office
- State Law Office
- Central Statistics Office
- Financial Intelligence Unit (FIU)
- Independent Commission Against Corruption (ICAC)
- Institute of Corporate Governance
- Joint Economic Council
- Mauritius Council of Social Services (MACOSS)

²⁰ Telephone interviews with officials from MACOSS and the FPU trade union, 17–24 May 2006.

- Management Audit Bureau
- Mauritius Industrial Development Authority
- Mauritius Labour Congress
- Metrological Services
- National Archives
- National Library
- National Transport Authority
- Prison Department
- Registrar General
- Registrar of Civil Status
- Registrar Of Companies
- Senior Citizens Council
- Union Mauricienne

The NESC did not have the in-house capacity to draft the self-assessment report on the basis of submissions received, and decided to hire a consultant from the University of Mauritius for this purpose. The NESC has maintained that it ensured the consultant took all submissions into consideration, and that whilst information was summarised, the main ideas contained in the different submissions were reported without any bias, and were all included in the self-assessment report.²¹ The consultant classified the submissions according to the thematic areas of the APRM, and produced a report with four corresponding chapters: democracy and political governance, economic governance and management, corporate governance, and socio-economic development.

By March 2005, a first draft of the self assessment report was complete. On 31 March 2005, the NCS was convened for the first validation workshop at St James' Court in Port Louis. At the meeting, the NESC presented the draft report, and informed stakeholders that as it stood the report could not be submitted to the APRM Secretariat, since important information gaps remained. The NESC reported that more thorough information was needed and appealed for a wider set of submissions in order to be able to develop a relevant PoA.

The low level and poor quality of civil society inputs led members of the NCS to propose that civil society groups should be contacted once more to consolidate the draft self-assessment report. The NESC then called a meeting on 15 April with MACOSS, as well as other NGOs who are not members of MACOSS, a few trade union officials and a few representatives of the business community. The pertinence of the APRM exercise as well as the significance and importance of civil society participation in the exercise was re-emphasised and an appeal made to the different stakeholders to submit their responses to the NESC.

By the end of April 2005, the NESC sent the draft report to the APRM Secretariat. The NESC stressed that the report was a work in progress, a draft which still needed to be consolidated, and that as soon as this was done the report would be officially submitted to the APRM Secretariat. Nevertheless,

²¹ Interview with consultant Dr Sobhee at the University of Mauritius, 24 May 2006.

the submission resulted in confusion, and was reported in some media as being a validated report to the APRM panel of eminent persons.²²

Regional organisations' involvement in the process

The South African Institute for International Affairs (SAIIA), a non-governmental organisation based in Johannesburg, had been conducting research on NEPAD and governance issues in several African countries, including Malawi, Ghana and Rwanda. Building on their experience in those countries, SAIIA decided to conduct a study in Mauritius on governance issues.²³ SAIIA identified Straconsult, a Mauritian consultancy firm as their local counterpart, and commissioned Amédée Darga, the director of Straconsult and a former parliamentarian, to write a paper. Darga was also a consultant on the UNECA research programme on governance in Mauritius. At the same time, SAIIA researchers undertook many interviews with a broad range of national stakeholders. These interviews and Darga's paper were integrated into a report entitled *Mauritius: The Big Issues*.

On 27 July 2005, SAIIA organised a workshop entitled 'Assessing Governance in Mauritius: Finding Consensus on the Big Issues' at the Labourdonnais hotel in Port Louis. The meeting was intended to provide a platform for further civil society engagement with their draft report. Representatives from approximately 40 civil society organisations from various spheres of activity – government, academia, private sector and civil society – attended the workshop. Some members of the NESC also attended but did not in any way comment on the report presented by Darga and the SAIIA researchers. The issues discussed were based on the four focus areas of the APRM and inputs from participants were gathered to feed into the draft.²⁴

The workshop highlighted to MACOSS the broad extent of civil society participation in the SAIIA report, while MACOSS had faced difficulties in galvanising civil society around the APRM self-assessment exercise. In this context, MACOSS made a request to SAIIA that the SAIIA report be officially submitted as the Mauritius civil society input to the APRM process. To this end, SAIIA conducted a two-day workshop in collaboration with MACOSS for a number of NGOs and trade union representatives at Pearl Beach Hotel in Mauritius on 25–26 October 2005. The participants agreed to back the SAIIA report as their joint submission to the NESC. But until today, no one seems to know exactly what happened to the report.²⁵

Interestingly, Darga, SAIIA's initial local counterpart, did not participate in the workshop. However, he was involved with another workshop, 'Civil Society Engagement in the African Peer Review Mechanism: Prospects and Challenges', organised a fortnight earlier on 14 October 2005 at Domaines Les

22 Interview with NESC officials, 22 March 2006.

23 Although this was after Mauritius had signed up for the APRM, it was not directly related to the APRM process in Mauritius.

24 Interview with Steven Gruzd, research manager, SAIIA, 13 September 2006, Muldersdrift, South Africa.

25 Ibid.

Pailles, by the Southern African Integration Network (SAINET) in collaboration with Straconsult. SAINET is a regional network working on good governance, housed at the Electoral Institute of Southern Africa (EISA) in Johannesburg. The main objective of the workshop was presented as facilitating civil society interaction with the APRM process. The opening speech was made by Minister of Foreign Affairs Madun Dalloo.²⁶ In his opening speech at the conference, the minister reaffirmed the commitment of the government of Mauritius to the APRM and concluded by saying that the 'APRM is quite an avant-garde process which is yet to be tested on the African continent. APRM is a process to which we must live up for we have a shared responsibility in ensuring its success.'²⁷

Status of the process today

The APRM process in Mauritius was effectively on hold for more than a year after the 31 March 2005 validation workshop. Amongst the reasons for this is that Mauritius held elections in July 2005, leading to a change of government. The new government took some time to familiarise themselves with the APRM process and to appoint new officials responsible for its implementation. In May 2006, an APRM delegation consisting of Sudhir Chukun, a Mauritian based at the APRM Secretariat, and Moise Nembot, visited Mauritius with the hope of reviving the APRM in Mauritius. The issue was described as being 'somewhat politically sensitive' and needing to be handled diplomatically.²⁸ It was not until June 2006 that a new chairperson of the NESC was chosen, signalling a revival of the process.²⁹ The eminent person assigned to Mauritius, Mourad Medelci, had meanwhile joined the government in his country (Algeria), and was replaced by fellow Algerian Mohammed Babès, who also had to familiarise himself with the process.

At the sixth Africa Governance Forum held in Kigali during 9–11 May 2006, Mauritius found itself in the embarrassing situation of having not yet submitted its APRM report. A press article entitled 'Mauritius on the stand in Kigali' which appeared in *Le Mauricien*, one of the main newspapers in Mauritius, noted that Mauritius was referred to several times during the meeting, forcing the Mauritian delegation to defend itself. Ambassador Cure, head of the Mauritian delegation at Kigali, had to redouble his efforts to reassure other state representatives present that Mauritius had not withdrawn from the APRM and would submit its report within a reasonable period.³⁰

26 Phone interview with Gilles Joomun, research officer at Straconsult, 22 May 2006; interview with Grant Masterson, researcher at EISA, 13 September 2006, at Muldersdrift.

27 Cited in 'Report on SAINET workshop on civil society engagement in the APRM process in Mauritius on 14 October 2005', Straconsult, Port Louis, Mauritius.

28 Interview with officials of the APRM Secretariat, 22 September 2006.

29 Interview with Government officials, Beau Bassin, 25 August 2006.

30 'Maurice sur la sellette à Kigali', *Le Mauricien*, 11 May 2006: 'L'Ambassadeur Cure qui dirige la délégation mauricienne à Kigali s'est vu forcé de multiplier les efforts pour rassurer les responsables des pays présents que Maurice ne s'est pas exclu du mécanisme d'évaluation et soumettra son rapport dans un délai raisonnable.'

Another press article reported on rumours that the Mauritian report had been rejected by the APRM central bodies, but quoted Bernard Kouassi, executive director of the APRM Secretariat, refuting these allegations: ‘The Mauritian report has never been rejected by the [APRM] panel or forum. The process of revising the report in Mauritius is still under way, and an extension was granted to Mauritius after the recent general elections in the country.’³¹

According to Mauritian officials, by mid-2006, the government was willing to move ahead with the process, and resources had been earmarked in recent budget discussions at the level of the NESC’s new Executive Committee, suggesting a desire and willingness to move forward. Mohamad Vayid, the new chairman of the NESC, is believed to have the necessary drive and capacity to ensure implementation of the process. Communication regarding the APRM in Mauritius has been taking place between the Ministry of Foreign Affairs and the NESC. The former asked the NESC to prepare the terms of reference for a tender inviting consultancy firms to bid. A selection process was set in motion by the NESC, which resulted in the selection in early February 2007 of a private consulting firm, Ernst and Young Mauritius, to carry out the exercise.³²

On Monday 14 May 2007, NESC Chair Mohamad Vayid held a press conference to explain the objectives and importance of the APRM process in Mauritius. On 23 May, a roundtable discussion on the APRM was broadcast on national television with the participation of Marcello Yeung, team leader at Ernst and Young; Mohamad Vayid, NESC chair; Jane Ragoo, a trade unionist; and Victor Glover, former Chief Justice of Mauritius. The programme was meant to inform the Mauritian population about the aims and objectives of the APRM exercise. The NESC chairperson insisted on the importance of the study and emphasised that Mauritians will be given a chance to participate in the assessment of the country’s performance on different aspects of governance. During the programme, it was announced that the relaunch of the APRM in Mauritius would take place on 6 June 2007 and that the exercise would last approximately six months.

Although no allusion was made to the first attempt to carry out the APRM self-assessment, a lot of emphasis was placed on the importance of engaging civil society, adapting the questionnaire to the local context, ensuring objectivity and so on. This gives the impression that there is considerable knowledge regarding the problems encountered during the first attempt to carry out the study – even if there has been no formal acknowledgement of the problems encountered so far. Both during the press conference and the TV programme speakers emphasised the importance of the self assessment report and the

31 ‘African Peer Review Mechanism – Gouvernance: Dossier Mauricien Rejeté’, *L’Express* 20 May 2006: ‘Le rapport mauricien n’a jamais été rejeté par le panel ou le forum. Le processus de révision de Maurice est toujours en cours. Une remise à jour a été reçue par Maurice après les récentes élections générales dans ce pays’ citing *Kenya Daily Nation* of 19 May 2006.

32 Le National Economic and Social Council relance l’exercice à Maurice », *Le Mauricien*, 5 February 2007, <http://lemauricien.com/mauricien/070426/EC.HTM#1> (last visit, 29 May 2007).

high expectations of bodies like the European Union and the United Nations Development Programme (UNDP). Some comments were also made to the effect that the Mauritius study, despite its problems, may serve as a model to the rest of the continent.

The questions that are still raised during informal discussions with other stakeholders are whether the communication strategy adopted so far by the NESC is good enough; to what extent is civil society really going to be involved in the second phase of the process; whether the exercise will not be an elitist one; and whether different personalities involved in the process will be able to work together and have a common vision³³. To avoid these potential obstacles, a thorough evaluation of the process in its first failed phase is needed in order to draw important lessons and propose practical recommendations for the second phase of the APRM assessment in Mauritius.

APRM timeline in Mauritius

| | |
|-----------------|---|
| October 2003 | Appointment of the National Economic and Social Council as the APRM focal point |
| January 2004 | Receipt of the Draft Memorandum of Understanding on the Technical Assessment Mission and the Country Review Visit Receipt of the draft guidelines for countries to prepare for and to participate in the APRM |
| February 2004 | Visit of Advanced Support Mission |
| April 2004 | Receipt of questionnaire from the APRM Secretariat |
| May 2004 | National Coordinating Structure (NCS) set up by the NESC |
| 31 May 2004 | First meeting of the NCS |
| 27–30 June 2004 | Visit of the Country Support Mission (CSM) Briefing session with the NESC on the APRM process Working sessions with the NESC and all major stakeholders Sensitisation workshop with stakeholders Consultation with major stakeholders Signing of the memorandum of understanding |
| July 2004 | Publication of press notice to invite wider participation; posting of the APRM questionnaire and other documents on NESC website |
| August 2004 | Structure and composition of the NCS finalised Participatory process finalised Programme of activities for the implementation of the APRM in Mauritius finalised |
| September 2004 | Second meeting of the National Coordinating Structure |
| November 2004 | Submission of responses to the questionnaire by members of the NCS to the NESC |
| February 2005 | Drafting of self-assessment report |
| March 2005 | First validation workshop of self-assessment report with members of the National Coordinating Structure |
| April 2005 | Meeting with civil society groups: submission of responses to the APRM questionnaire re-opened |
| 27 June 2005 | SAIIA workshop |
| 15 October 2005 | SAINET workshop |

33 Interviews, May 2007.

| | |
|--------------------|--|
| 25–26 October 2005 | Second SAIIA workshop |
| May 2006 | Visit by APRM Secretariat delegation |
| February 2007 | Ernst and Young selected to lead new self-assessment review |
| 14 May 2007 | NESC holds press conference to explain importance of APRM to Mauritius |
| 6 June 2007 | Relaunch of the APRM in Mauritius |

Evaluation of the APRM process to date

There are several reasons for the slow progress of the APRM process in Mauritius, among them a lack of political leadership, a failure to mobilise resources, weaknesses of the NESC as a focal point, poor participation of civil society, difficulties in accessing information, failure to popularize the questionnaire (including by translating it into Creole), and a weak communications strategy.

Lack of political leadership

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. As a consequence, stakeholders did not have a unified vision of the APRM, and were left with different views and perspectives. Most of those involved took a functional approach rather than perceiving the self-assessment as a tool for the consolidation of democratic governance. As one government official said, ‘When we went into the exercise, we were attracted by the idea that we may be able to use it to highlight our democratic state of affairs and perhaps attract donors, but we did not realise the extent of resources required to make the exercise meaningful.’³⁴

Another factor which may have hampered the process was its timing, commencing in the year prior to general elections, when the attention of key political players was focused on campaigning. Given the client relations between the state and some segments of society, individuals were hesitant to express their real views.

Failure to assess financial costs and mobilise resources

Perhaps the most visible indication of lack of sufficient political interest in the APRM process was the failure of the government and the NESC to conduct a technically sound assessment of the financial costs of the process and to mobilise the resources needed to implement the assessment. No prior assessment of the costs of the review took place, reflecting a serious lack of planning. The United Nation Development Programme (UNDP) provided a grant of US\$20 000 to the NESC for the APRM process in the first quarter of 2004. That was the only financial backing given to the NESC for implementation of the initial stages of the review. In comparison to the budgets of other countries under review

³⁴ Interview with a high-ranking government official, 23 March 2006. This argument emerged practically from most interviews although they were captured differently by different people.

(Ghana: US\$800 000 and Rwanda: US\$500 000), the Mauritian government did not make the financial commitment required. It was expected that the government would provide additional funds to close the shortfall, but this did not happen.

The NESC embarked upon the review faced with this serious financial constraint.³⁵ In addition, it faced other critical capacity problems. An official of the Ministry of Foreign Affairs noted: ‘NESC does not have the capacity. When we signed the MoU, NESC had only started with some seed money. But I do not only mean that they lack only financial resources: they lack all forms of capacity – administrative, technical and academic; there are numerous deficits.’³⁶

Whilst stakeholders in other countries undergoing review have displayed a *savoir faire* in mobilising resources from donors, Mauritius has not demonstrated any capacity in this regard. Arguably, because Mauritius is classified as a middle-income country and seen as having a relatively good developmental trajectory, accessing donor funds and support is more difficult.³⁷ The minister of foreign affairs describes Mauritius as a ‘victim of its own success’.³⁸ However, this should not have prevented the NESC and MACOSS from being more proactive in raising funds for the APRM. Their legitimacy and credibility as independent and autonomous institutions would have been enhanced.

Problems with the NESC as focal point

The choice of the NESC as the APRM focal point was inappropriate. Although supposed to be an independent forum, it is widely regarded as a sinecure, lacking the institutional capacity to coordinate and lead the APRM process. In particular, the NESC did not have the will or capacity to galvanise broad participation in the process.³⁹ The NESC failed to understand that engaging broad participation in the review was as important as the final report, instead ‘focusing too much on the product rather than the process’.⁴⁰

The lack of technical capacity within the NESC resulted in a number of methodological flaws. The NESC did not have a specific strategy to ensure that the review was broadly participatory, taking the form of a national dialogue. The NESC failed to complement the APRM questionnaire with other appropriate methods and instruments of information gathering and analyses, such as surveys, focus group discussions or informal meetings. In effect, the process

35 Interviews at the NESC secretariat, 22 March 2006.

36 Interview, Ministry of Foreign Affairs, 23 March 2006.

37 According to an NGO activist, ‘There seems to be a lack of transparency around this exercise, NESC is like a big white elephant; the protégées of the state. They only absorb resources but they have not tried to help in securing resources from elsewhere.’ Interview with an NGO activist who wanted to remain anonymous, 25 August 2006.

38 Interview, Ministry of Foreign Affairs, Government House, Port Louis, 23 March 2006.

39 Darga, A., ‘Resolving the APRM Challenge: the Tools’, paper presented at seminar on ‘NEPAD Five Years Later, Critical Institutional and Civil Society Perspectives’, organised by the International Peace Academy in collaboration with Centre for Policy Studies, Nairobi, Kenya 27–29 April 2006.

40 Interview, UNDP office, Port Louis, 19 May 2006.

consisted of convening a few workshops and requesting different ministries as well as some civil society representatives to fill in parts of the questionnaire that they deemed relevant to them.

The NESC did not provide any guidance on research methodology: respondents were given the questionnaire without any technical guidelines on administering it. Although it was argued that the questionnaire was long, tedious, and in certain parts irrelevant, the NESC did not make any attempt to adapt it to the national context. A UNDP official noted, 'Whilst the exercise was adopted and implemented, it was not sufficiently grounded at the grassroots, and very few people knew about it... The response has been really poor. And more importantly, people need to be able to relate to things, in this case it seems that there were questions which were not adapted to Mauritian reality at all.'⁴¹

NESC's institutional weakness was such that it did not even comply with basic guidelines set out by the APRM Secretariat. At a recent workshop that SAIIA organised in Johannesburg,⁴² Michael Mahmoud, senior financial adviser with the African Development Bank (ADB), highlighted the important role played in the review process by the national technical expertise teams. These teams were set up in the three other countries first undergoing review, but no teams of technical expertise have yet been set up in Mauritius. As a result, the APRM in Mauritius was not sufficiently research-oriented, in part explaining the poor quality of the report. Amédée Darga of Straconsult asserts that the Mauritius report was described by the APRM Secretariat as 'perfunctory and lacking substance'.⁴³

Poor participation of civil society

The self-assessment process was further weakened by the lack of quality participation from civil society organisations, in part due to their own internal weaknesses, and in part due to poor mobilisation by the NESC and NCS.

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.⁴⁴ Although the NCS was eventually enlarged to include civil society organisations willing to participate in the exercise, most of the responses submitted to the APRM questionnaire were from government ministries and departments. Only a few civil society groups responded, including MACOSS, the Mauritius Labour Congress, the Senior Citizens Council and the Union Mauricienne party.

Seventy-two political parties registered for the July 2005 general elections, amongst which the largest and most powerful were the Mouvement Militant

41 Interview with Roland Alcindor, responsible for APRM at UNDP and with Magda Verdickt at UNDP office, Port Louis, 19 May 2006.

42 SAIIA workshop 'APRM Lessons Learned: A Workshop for Civil Society, Practitioners and Researchers', Johannesburg, 12–13 September 2006.

43 Darga, A., 'APRM – The Mauritius Experience' paper presented at the above-mentioned workshop.

44 *Mauritius Competitiveness Report*, National Productivity Council, Port Louis.

Mauricien (MMM), the Labour Party (LP) and the Mouvement Socialiste Mauricien (MSM), none of which made a submission to the APRM self-assessment.⁴⁵ Also absent was the Mauritius Employers' Federation and trade union federations such as the Confédération Mauricienne des Travailleurs, Fédération des Travailleurs Unis and the Federation of Civil Service Unions.

The poor representation and general weakness of civil society has been underscored by a number of observers and participants to the process. At a seminar on NEPAD held in Nairobi, in April 2006, organised by the International Peace Academy and Centre for Policy Studies based in Johannesburg, Amédée Darga argued: 'In a way, the inability to deliver is a demonstration of the inability of the representatives of civil society to assume their responsibility. This puts into question the legitimacy of these representatives and relates to the overall weakness of civil society.'⁴⁶

The NESC did not strategise on how to galvanise civil society and engender debate on governance issues, but relied heavily on MACOSS for this purpose. However, MACOSS has its own internal governance issues and remains weak in its role as an umbrella organisation of NGOs in Mauritius. One of MACOSS's objectives is to organise workshops, seminars, conferences and training courses for NGOs, and hence, logically, it could have been expected to be well positioned for playing a coordinating role for civil society groups in the APRM process. However, according to observers, very few of MACOSS's members are professionals with the capacity to engage in the APRM exercise.⁴⁷ MACOSS itself largely depends on the state for its funding, a factor which affects its independence. It does not have a culture of debate and barely engages in advocacy work.⁴⁸ As one NGO activist said, 'This is supposed to be an exercise based on a wide series of consultations with the people, but the consultations we have had leave a lot to be desired. We see the same leaders of the different interest groups in consultative meetings but these leaders do not necessarily connect with the people.'

At the 31 March 2005 validation workshop, the author of this report attended the meeting as a member of civil society and emphasised the importance of publishing the self-assessment report in its entirety in the national media: 'In a true spirit of inclusiveness and to give credence to the spirit of the APRM exercise, it is important that the wider public, i.e. civil society at large, gets an opportunity to respond and interact with some of the issues captured here. This will enlarge the space for some kind of consultations.'⁴⁹ The NESC resisted the idea, and the full self-assessment has never been publicly published.

45 Bunwaree, S. and Kasenally, R., 'Political Parties and Democracy in Mauritius', *EISA Research Report 19*, Electoral Institute of Southern Africa, 2006.

46 Darga, A., 'Resolving the APRM Challenge: the Tools', paper presented at seminar on 'NEPAD Five Years Later, Critical Institutional and Civil Society Perspectives', organised by the International Peace Academy in collaboration with Centre for Policy Studies, Nairobi, Kenya, 27–29 April 2006.

47 Interview with Roukoya Kasenally and Sanjeev Sobhee at the University of Mauritius, 24 May 2006.

48 Interview with Ram Nookady, secretary of MACOSS, 22 May 2006, Astor Court, Port Louis.

49 Oral intervention by Sheila Bunwaree at the validation workshop.

Problems in administering the questionnaire

The draft self-assessment report contains chapters on 'Evaluation of Responses of Stakeholders' and on a 'Proposed Framework for the Programme of Action'. These chapters were prepared by the consultant commissioned by the NESC, based on the responses received – in effect, predominantly inputs from government ministries and departments, since there was such a low level of response from civil society.

Civil society groups, workers' organisations and business organisations required to participate in the review, in addition to their usual activities, faced difficulties in administering the questionnaire. The complexities and length of the APRM questionnaire meant that many participants who had agreed to be a member of the NCS did not then actively participate in the process. There was a lack of commitment, and also of expertise and resources. Those civil society organisations that did participate in the exercise provided very weak and incomplete responses. It was expected that responses would be backed as far as possible with objective facts and analyses, which could eventually lead to a programme of action. However, in many cases, organisations put forward criticisms based on value judgements and opinions alone.⁵⁰

Even the responses received by the different government ministries were not always complete or accurate. It was taken for granted that the ministries would be able to supply accurate information and data regarding relevant parts of the questionnaire. However, in reality, responses were often disorganised, repetitive and needed more detailed information. The inputs often did not reflect deep analyses of the issues but tended to describe plans, strategies and other work of government ministries and departments. Moreover, given the complexities of the questionnaire, many sections were left unanswered or answered with irrelevant information and no objective evidence.

With these problems, it is not surprising that some participants at the 31 March 2005 validation workshop felt that the draft report was biased in favour of government, merely extolling the accomplishments of certain ministries. Yet whilst government through the NESC relied heavily on departments within the different ministries to respond to the self-questionnaire, the state itself was perceived as detached and indifferent to the APRM process taking place in the country.⁵¹

Poor access to information

Difficulties in accessing government-held information caused further problems for civil society groups attempting to respond to parts of the questionnaire. Legislation regulating freedom of information has been repeatedly promised by various political parties when they are in opposition. The current government

⁵⁰ Interview with Sobhee at the University of Mauritius.

⁵¹ Telephone Interview with a member of an opposition political party, 25 August 2006; Interview with Radakrishna Sadien, president of the government civil servants association, at Unity House, Beau Basin, 25 August 2006.

included a pledge for legislation in this area in its manifesto during the 2005 electoral campaign. However, Mauritius still does not have legislation providing a right to government information, leading to a lack of transparency and accountability. Frequently, reports produced by the different ministries or state agencies are not circulated openly, and when requested by researchers, are usually said to be ‘confidential’. Although Mauritius has a relatively well-organised Central Statistics Office, some data remain confidential and inaccessible. Moreover, a lot of the statistics are not disaggregated, rendering accurate analyses difficult. According to officials within the Central Statistics Office, much data collected is not effectively used or disclosed when deemed ‘too sensitive’ or if ‘disclosure may cause instability in the country’.⁵²

Absence of an effective communications strategy

The NESC did not develop a communication strategy around the APRM. Interviews with community development workers, social workers, local government councillors and academics for this report confirmed that whilst generally well informed regarding current affairs, many of them did not know much at all about the APRM. One trade union official said: ‘All I know about the APRM is that it is to do with NEPAD, but there is hardly any information which has come through from the press.’⁵³ An academic at the University of Mauritius noted: ‘I have heard of it but I am not sure what it stands for exactly and what the idea behind it is.’⁵⁴

Communication with the media was very poor, with no concerted effort to deploy the media as part of the process. On the other hand, some argue that the media was contacted, but was indifferent. It is not clear whether this is because the media itself was not sufficiently interested in the APRM or because the NESC was not proactive enough with the media. Aside from a communiqué inviting public participation in the APRM process that was sent to the media on 15 July 2004, there was very little, if any, interaction between the NESC and the media.

Language barrier

Creole is the language spoken by the majority of Mauritians, whilst the languages of the colonisers, English and French, are spoken by the elite. However, the questionnaire was not translated into Creole, and hence large segments of the population were automatically excluded from participation, and the process was by definition, elitist.⁵⁵

52 Interview with experts at the Central Statistics Office, Port Louis, 18 May 2006.

53 Interview with Jane Ragoo, trade union official, at Federation of Progressive Unions offices, Rose-Hill, 23 May 2006.

54 Interviews with Jennifer Ah-Kion, Uma Bhowon and Roubina Juwaheer, University of Mauritius, Reduit, 24 May 2006.

55 Telephone interview with Ram Seegobin, 25 August 2006.

Conclusions and recommendations

The revival of the APRM process in Mauritius is welcome, but if this is motivated solely by the need to save face on international and regional platforms, then the essence of the exercise would once more have escaped the Mauritian government. Deepening democracy and engaging with the broader population goes beyond such politics. A major re-think amongst the key players responsible for implementation of the APRM is necessary, in particular towards opening up the process to broad participation. It is crucial to prove wrong the concern expressed by many that Mauritius may once more fail to organise wide consultation, and compile the report through a handful of consultants with no broader participation.

From interviews carried out for this report, it is clear that there is wide belief that the NESC lacks the necessary competence, autonomy, credibility and legitimacy to lead the process. A successful revival and implementation of the process will therefore require substantial efforts to make the NESC more credible and legitimate.

Given the plethora of problems encountered, it is evident that Mauritius was not prepared for the APRM. This raises the question of why Mauritius volunteered to undergo peer review. Is it because government believes the country has done so well that it genuinely has some 'best practices' to offer to other countries on the continent? Or is it because it thinks that by engaging in such an exercise, it will be able to improve its standing with donors and attract aid and other forms of investment or preferential agreements at a time when the economy is experiencing painful decline.

At a meeting in Nairobi in April 2006, Ambassador Bethuel Kiplagat said that it was not necessarily the case that all heads of state who had signed up for the APRM knew exactly what was entailed.⁵⁶ In light of the process that took place, Mauritius may well have been one of the countries. It seems that key players viewed the exercise from a 'functional' perspective rather than as 'a tool to deepen democracy'.⁵⁷ Deepening democracy through the APRM implies giving a 'voice' to citizens, allowing for a bottom-up approach and ensuring that citizens' concerns and views are taken on board in shaping and formulating policies that will affect their lives and livelihoods. Citing Ravi Kanbur, Mutume notes: 'A major test for success will be civil society participation. The process would benefit from a vibrant civil society dialogue and a wide range of reviews conducted by various sectors of society.'

Although the relaunch of the APRM self-assessment in Mauritius has been announced, certain key questions still remain unanswered. Who will define

⁵⁶ Kiplagat, B., Intervention during floor discussions at seminar on 'NEPAD Five Years Later, Critical Institutional and Civil Society Perspectives', organised by the International Peace Academy in collaboration with Centre for Policy Studies, Windsor Golf and Country Club, Nairobi, Kenya 27–29 April 2006.

⁵⁷ Darga, A., 'Resolving the APRM Challenge: the Tools', paper presented at seminar on 'NEPAD Five Years Later, Critical Institutional and Civil Society Perspectives', organised by the International Peace Academy in collaboration with Centre for Policy Studies, Windsor Golf and Country Club, Nairobi, Kenya 27–29 April 2006.

the methodologies to be used? How will consultation with stakeholders be organised? Are the financial resources to ensure the exercise is a thorough one now available? Who will work on the programme of action for Mauritius, and how will this be approved?

Broadening the view of democracy

In a 2004 article entitled ‘The African Peer Review Mechanism: An assessment of concept and design,’ Kanbur notes that ‘while the APRM is a welcome addition to an African institutional structure, its design will have to be improved for it to be truly successful’. He suggests three criteria required for success: competence, independence and competition.⁵⁸ To these Kajee adds ownership and communication.⁵⁹ In analysing the APRM process in Mauritius, it becomes clear that all of these criteria have been missing. In addition to these, it is critical to have broad participation in the process.

In an interview in the Financial Times, Prime Minister Navin Ramgoolam said that Mauritius was paying the price of its success: ‘Here is a paradox. We are saying, Europe is saying and other countries are saying, that we have to write off the debt of poor indebted countries and we have to promote democracy, you have to promote good governance and all of this. You don’t have to promote democracy in Mauritius: it already exists. We have good governance, we have institutions... we have not gone with a begging bowl all over the place. We have used the advantages that we have... and now we are going to be – I don’t know whether I can use the word “punished” – but punished for our success.’⁶⁰

To advocate that there is no need to promote democracy in Mauritius implies a very restrictive view of democracy. Whilst it is true that Mauritius has a number of achievements to its record, democratic deficits still persist. Unless there is a change in thinking, towards understanding that democracy also involves citizen participation and empowerment, the APRM is unlikely to succeed in Mauritius.

To ensure participation and empowerment of citizens, the nature of civil society in Mauritius also needs to be examined. Civil society in Mauritius is not a homogenous bloc and there is an urgent need for research in this area. New NGOs are mushrooming daily but it is unclear to what extent they are truly making a difference on the ground. If we are to strengthen and consolidate civil society, it is imperative that a thorough research of the sector is first conducted.

The pride of some key stakeholders has been hurt by the fact that Mauritius has not been able to successfully complete the APRM and submit a report. It is becoming increasingly seen as important to move the process forward in order to avoid further losing face. In interviews for this paper, both the

58 Kanbur, R. (2004), *The African Peer Review Mechanism: An Assessment of Concept and Design*, at www.people.cornell.edu/pages/sk145

59 Kajee, A. (2004), NEPAD’s APRM: A progress Report – Practical limitations and challenges, *SA Yearbook of International Affairs 2003/2004*, SAIIA, Johannesburg, South Africa.

60 David White and John Reed, ‘Interview: Arguing the case for some special treatment’, *FT.com*, 13 March 2006.

minister of foreign affairs and the new chairman of the NESC indicated that it was important to move the process forward and that every effort will be made in that direction. But whether these good intentions will actually be translated into reality is a question that still surfaces. Moving the process forward demands an interplay of several factors and a general political will.

Some specific recommendations

1. Reconstitute the National Coordinating Structure, with wider representation and participation from civil society groups.
2. Appoint expert technical teams early on in process, and ensure that the review is research-based.
3. Develop a comprehensive communications strategy and seek to gain consensus around the process.
4. Use print and broadcasting media in both Mauritius and Rodrigues to inform people of the exercise as well as its pertinence.
5. Provide training through intensive short courses to parliamentarians on governance issues.
6. Adapt the questionnaire to the national context by translating it into Creole so that it becomes accessible to each and all.
7. Undertake a planning exercise to estimate costs of revamping the APRM exercise in Mauritius and raise funds accordingly.
8. Identify relevant structures such as social welfare centres, youth and community centres where meetings could be held to facilitate the decentralising of the exercise. There is a need to take the APRM to the people rather than the people to the APRM.

Once the recommendations made above are in place, the pool of technical experts should devise an appropriate methodology, and using the strong institutional base that the country possesses to engage different segments of Mauritian society in national dialogue. However, without political commitment, it will be impossible to address the present stalemate.

Annexes for the Mauritius study

Annex 1: The National Coordinating Structure

Government/ministries

- Prime Minister's Office
- Ministry of Finance & Economic Development
- Ministry of Foreign Affairs
- Ministry of Industry
- Civil Service Affairs
- Ministry of Education
- Ministry of Social Security
- Ministry of Housing
- Ministry of Tourism
- Ministry of Health
- Ministry of Labour
- Ministry of Environment
- Ministry of Public Infrastructure
- Ministry of Local Government
- Ministry of Public Utilities
- Ministry of Training, Skills & Development
- Ministry of Women's Rights
- Central Statistics Office
- Management Audit Bureau
- Meteorological Services
- National Archives
- National Library
- National Transport Authority
- Prisons Department
- Registrar General Office
- Registrar of Civil Status
- Registrar of Companies
- Island Chief Executive – Rodrigues
- State Law Office
- Police Department
- Bank of Mauritius
- Audit Department
- Electoral Commissioner's Office
- Financial Services Commission
- Financial Intelligence Unit (FIU)
- National Productivity and Competitiveness Council
- Board of Investment
- Independent Commission Against Corruption (ICAC)
- Mauritius Industrial Development Authority

Private sector bodies

- Association Des Hoteliers et Restaurateurs – Ile Maurice (AHRIM)
- Association of Mauritian Manufacturers
- Bar Council
- Corporate Governance – Rogers
- Export Processing Zones Development Authority
- Joint Economic Council
- Mauritius Bankers' Association
- Mauritius Chamber of Agriculture
- Mauritius Chamber of Commerce & Industry
- Mauritius Employers' Federation
- Mauritius Export Processing Zone Associations
- Mauritius Sugar Producers' Association
- Medical Association
- Notaries Association

Trade unions

- Confederation Mauricienne des Travailleurs
- Federation des Travailleurs Unis
- Federation of Civil Service Union
- Federations des Syndicats des Corps Constituees
- Free Democratic Union Federation
- Mauritius Labour Congress
- National Federation of Young Farmers
- National Trade Union Confederation
- General Workers Federation
- State Employees Federation
- Mauritius Labour Federation
- Sugar Industry Staff Employees Association

Civil society organisations

- Mauritius Council of Social Services (MACOSS)
- Transparency Mauritius
- Senior Citizens Council
- National Youth Council
- National Women's Council
- SOS Children's Village
- Soroptimist IPSAE
- Trust Fund for the Social Integration of Vulnerable Groups
- Presbyterian Church of Mauritius
- CEDREFI
- MEDIA Trust
- University of Mauritius
- Centre for Applied Social Research

- Consultancy firms (Straconsult & DCDM)

Parliament and politicians

- National Assembly
- Public Accounts Committee
- Political parties (10)
- Parliamentarians

Source: National Economic and Social Council

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Annex 3: List of persons interviewed

1. Ambassador Patrice E. Cure, official of the Ministry of Foreign Affairs
2. Yousouf M. Ramjanally, official of the Ministry of Foreign Affairs
3. Ram Nookadee, official of MACOSS
4. Madun Dulloo, Minister of Foreign Affairs
5. Brigemohn, official of NESC
6. Jayaraj Ramjadah, official of NESC
7. Loga Virahsawmy, Media Watch representative
8. Yusuf Sooklall, trade union representative
9. Deepak Benydin, trade union representative
10. Aisha Timol, CEO of Mauritius Bankers' Association
11. Riad Sultan, official of NESC
12. Rosa Fanny, research officer at MACOSS
13. Roland Alcindor, UNDP, Port Louis
14. A. Darga, Straconsult, Mauritius
15. Sanjeev Sobhee, University of Mauritius, consultant who was hired to compile the self-assessment report
16. Roukoya Kasenally, University of Mauritius, Communications Unit, Faculty of Social Studies
17. Uma Bhowon, Department of Psychology, University of Mauritius
18. Jennifer Ah-Kion, Department of Psychology, University of Mauritius
19. Roubina Juwaheer, Faculty of Law and Management, University of Mauritius
20. Cassam Uteem, former president of Mauritius
21. Indira Seebun, Minister of Women's Rights
22. Nando Bodha, leader of the opposition
23. Riaz Chuttoo, trade union official
24. Magda Verdict, UNDP
25. Jean Claude Bibi, President of Justice
26. Gilles Joomun, research officer, Straconsult
27. Grant Masterson, researcher at EISA, Johannesburg
28. Steven Gruzd, research manager at SAIIA, Johannesburg
29. Claude Ricaud, former chairperson of the NESC

NIGERIA

Summary

This report seeks to identify the challenges – the problems and opportunities – which Nigeria’s implementation of the African Peer Review Mechanism (APRM) has opened up for the country’s governance. How well have the Nigerian government, the country’s political leadership and the political class generally kept faith with the core principles of the APRM? How aware of the APRM are the various stakeholders in the country, and what has been their understanding of their role in the APRM process? Has the country’s accession to the APRM made any difference to the character of governance in the country?

The report concludes that the APRM self-assessment process provided Nigerians with a rare and welcome opportunity to express their opinions about the way the country is governed and its challenges faced. However, the process also suffered from too much executive dominance, and greater efforts should have been made to mobilise both independent civil society and other branches of government beyond the federal executive. Moving forward, the implementation of the APRM report’s recommendations will require stronger and more independent institutional structures and an effective monitoring system.

Nigeria’s accession to the APRM represents a reaffirmation of the country’s faith in the pan-African ideal and in the reinvigoration of that ideal seen in recent years. As part of the new commitment to continental progress, the APRM was designed as the institutional conduit to assess the collective responsibility of African governments and peoples, and their civil society in helping to advance democracy, peace, human security and sustainable development. Nigeria under President Olusegun Obasanjo played a leading role in establishing the APRM – indeed its core documents were adopted in Abuja – and in March 2003 was among the first countries to sign the memorandum of understanding (MoU) that commits governments to undertake the process.

However, Nigeria’s implementation of the APRM in practice has been slow. After a long preparation period in 2004 and 2005, research for the completion of the country self-assessment only got under way in 2006. The process then seemed to falter once again, as the incumbent administration led by President Obasanjo appeared to wish to amend the constitution to allow for a third term in office during the lead up to elections in April 2007. The country self-assessment report was finally completed only in late 2007.

The coordinating structure put in place to drive the APRM process in Nigeria posed challenges to maintaining the independence of the process. The national institutions established for the APRM are highly dependent on the federal executive, leaving room for doubt, especially during the political crisis created by the third term debate and the 'high' politics leading to the 2007 elections, that the review process might fall short of being 'credible and free from political manipulation', as required by the APRM country guidelines. In particular, the selection of the members of the APRM National Working Group (NWG), the supervisory body for the process, was not transparent. In part this may have been due to ambiguity in the APRM country guidelines on this process. The NWG also did not have its own independent secretariat; instead it depended on a secretariat attached to the APRM national focal point located in the Office of the President and run by senior civil servants appointed by the president.

Although changes were made in the composition of the NWG following the installation of a new administration in May 2007, the federal executive dominance of the national APRM structures remains.

There was also concern about a lack of transparency in the selection, through what appeared to be a form of selective tendering, of the initial 'technical research institutions' (TRIs) that were to carry out the survey and other research for the country self-assessment report. These TRIs were later summarily dismissed from the project. Finally, after public advertisements were placed inviting new applications to carry out the research, new lead research organisations (LROs) were appointed.

Suspicion of the executive control of the process and the methods by which the TRIs were chosen led several civil society organisations to consider carrying out their own parallel review.

Another weakness in the APRM has been its focus on the federal level of government and the lack of involvement of state and local government structures in the NWG. At all levels, the process has not been very successful in engaging with either the legislative or judicial branches of government, even though they should be critical in the implementation of the national APRM plan of action (NPoA).

Funding of the peer review process in Nigeria has been marked by an opacity not compatible with the very transparency and accountability the APRM is meant to promote. Both the level of funds made available to the APRM process in Nigeria and the budgeting procedures put in place remain unknown to the public. The APRM was funded from the budget of the Presidency, while international development partners, including the United Nations Development Program (UNDP), have supported specific activities, including outreach to Nigeria's citizens. But no information about the total budget of the APRM process as planned or implemented was made available to the public.

Ensuring that the APRM process is popularised and participatory has been a major challenge in Nigeria. As stressed in the national focal point's

own report to the 2006 African Governance Forum, APRM governing bodies struggled for months to put in place a strategy to include the broadest range of citizens in the process, particularly rural populations and the urban poor.

In spite of its shortcomings, the APRM process has the potential to have a considerable impact on Nigeria's governance processes and structures. The insertion of the APRM process into the governance framework of the country has drawn on a history of robust critical public debate on the nature of politics and governance in the country. Although the full country self-assessment report is not available, the executive summary that was circulated did address many important issues – despite some deficiencies, such as a failure to examine critically the role of local government in Nigeria's federal structure.

A mission from the continental APRM Secretariat and led by the panel of eminent persons visited Nigeria in February 2008 to review the self-assessment report and prepare their independent opinion. In July 2008, the country review report on Nigeria adopted by the eminent persons and the national plan of action to address the problems identified, as agreed with the government, will be presented to the meeting of all heads of state that have signed up for APRM review.

Once the APRM process has been finalised, the challenge will be to ensure the effective implementation of the NPoA. To this end, Nigeria should adopt specific legislation, which gives more autonomy to the APRM-NWG, in the form of enhanced functional and operational powers and financial resources.

The political context

Nigeria's former President Obasanjo was – alongside Presidents Abdelaziz Bouteflika of Algeria, Abdoulaye Wade of Senegal, and Thabo Mbeki of South Africa – a founding father of the New Partnership for Africa's Development (NEPAD) and of the APRM that was designed as part of the NEPAD process.

Nigeria signed the APRM memorandum of understanding (MoU), the founding agreement that establishes the mechanism, on 9 March 2003, and was among the first group of countries to do so. The MoU was itself adopted in Abuja, reflecting Nigeria's leading role. President Obasanjo was also elected as the first chairman of the APRM Forum, the meeting of heads of state and government that have acceded to the APRM process.

This commitment to the APRM should be viewed as an expression of a new political will to come to terms with the country's post-independence constitutional and political history, characterised by yawning deficits in ethics, accountability and transparency in public life and politics, and, until civilian rule was re-established in May 1999, by long periods of military rule.

The progress of the APRM process in Nigeria must also be set in the context of national elections in April 2003 and April 2007 and the politics of presidential succession: Nigeria signed the APRM MoU just before the elections, which resulted in the re-election of President Obasanjo for a second

and final term in office; the process was reinvigorated following the installation of President Umaru Musa Yar'Adua in May 2007.

The federal and state elections were flawed and controversial in both April 2003 and April 2007, with their contentious outcomes being challenged in court. Nonetheless, the April 2007 presidential elections in particular represented a milestone in the country's constitutional and political history, marking the first transfer of power from one elected civilian head of state and government to another elected civilian head of state and government. Just a few months earlier, President Obasanjo's Peoples' Democratic Party (PDP) had put forward proposals that the constitution's two-term limit for the presidency be set aside, to enable President Obasanjo to prolong his tenure.

During the lead up to the April 2007 elections and the politicking over the succession to President Obasanjo, from mid-2006 to April 2007, the APRM process appeared to stall. Civil society groups involved in the APRM believed that the administration was unwilling to proceed aggressively with a report that might expose a manipulated political process of self-succession that violated the core principles of the APRM. In May 2007, however, the Yar'Adua administration took immediate action to revive the APRM in Nigeria, as part of a wider confidence-building process, which included setting in motion the machinery for electoral reform in the country.

Nigeria's APRM national coordinating structures

The principal coordinating structures put in place to drive the APRM process in Nigeria are:

- the APRM national focal point, national coordinator and national focal point secretariat; and
- the APRM National Working Group and Steering Committee.

The APRM national focal point (NFP)

The APRM guidelines require that:

each participating country must establish a focal point for the APRM process, which should be at a Ministerial level, or a person that reports directly to the Head of State or Government, with the necessary technical committees supporting it. The APRM focal point can be established as an integral part of existing structures or as new ones.¹

The focal point should direct the national APRM process, and ensure that it is guided by the core principles of the APRM and integrated into the national domestic and foreign policy processes. It is also the contact point with the continental APRM Secretariat and international partners.

¹ African Union/NEPAD [2003], Guidelines for Countries to Prepare for and to Participate in the African Peer Review Mechanism (APRM), NEPAD/APRM/Panel3/guidelines/11-2003/Doc 8, para.30.

How the focal point is appointed, who fills the position, how the office is structured and empowered with human and financial resources are, therefore, critical to the success of the national APRM process.

Shortly after the country's accession to the APRM on 9 March 2003, President Obasanjo appointed the Secretary to the Government of the Federation (SGF) as the APRM national focal point in Nigeria, with additional coordinating and reporting responsibility to the president for NEPAD implementation in Nigeria. President Yar'Adua kept this designation, though with a different person in the post, when he took office in May 2007. The SGF is a senior executive branch political functionary outside of, though closely integrated into, the federal civil service. With direct and daily access to the president, whose personal appointee s/he is, the SGF possesses strategic leverage and significance in the country's public political life.

The two people appointed as SGF since May 1999 (Chief Ufot J. Ekaette, 1999–2007, under President Obasanjo; Ambassador Babagana Kingibe, since May 2007, appointed by President Yar'Adua) previously served with distinction in the federal civil service, and have extensive networks of contacts at the highest levels in the country's public and private sectors, and with the diplomatic world. Both also have strong political roots and influence in their geopolitical regions of origin in the country.

The designation of the SGF as the APRM national focal point, and the consequent location of the national APRM Secretariat in the SGF's office thus indicated the importance which the Nigerian government attaches to the APRM. Making the SGF the focal point is, from this political and public policy strategic vantage point, in line with the country guidelines.

The functions of the national focal point are to:

- facilitate the establishment and official take-off of the APRM in the country;
- oversee and coordinate the operations of the in-country APRM structures and processes;
- help to mobilise resources for the APRM country self-assessment process, including the national plan of action (NPoA);
- brief the president on the APRM process in the country; and
- liaise with the APRM panel, the continental APRM Secretariat, and international (development) partners on matters related to the APRM process in the country.²

The APRM national coordinator/APRM national focal point secretariat

In discharging these functions, the SGF is assisted by the APRM national focal point secretariat. The secretariat is headed by another presidential political

² Gabriel A. Gundu [2007], Overview of the APRM & Role of the APRM-NWG, paper presented at the 1st Meeting of the Expanded APRM Working Group, Abuja, Nigeria, 15–16 November 2007, p. 4.

appointee, the APRM national coordinator, and staffed by mainly public servants from the presidency and the federal civil service.

Although s/he also has direct access to the president in her/his capacity as a presidential adviser or senior special assistant, the APRM national coordinator advises, reports, and is answerable to the national focal point on APRM matters. The coordinator should ensure that the APRM national focal point/secretariat is empowered with adequate human, fiscal, and infrastructure resource base, especially for its outreach and related networking and sensitisation/dissemination activities among state and non-state stakeholders.

The first APRM national coordinator (from 2003–2007) was Ambassador Isaac I. Aluko-Olokun, whose official title was Senior Special Assistant to the President (NEPAD-external). Ambassador Aluko-Olokun once served as a cabinet member on the interim national government in 1993 and as Nigeria's ambassador to Spain. Simultaneously, Chief (Mrs) Chinyere Asika held the position of Senior Special Assistant on NEPAD, in relation to domestic implementation of NEPAD, excluding the APRM – a situation that created some confusion about overlapping responsibilities between the two positions.

Following the handover of power from President Obasanjo to President Yar'Adua in May 2007, Ambassador Tunji Olagunju was appointed Special Adviser (NEPAD) to the President, with responsibility, among other responsibilities, for the Nigeria country APRM process. Ambassador Olagunju previously held the positions of Federal Minister for Special Duties, Special Adviser to the President, and Federal Minister of Internal Affairs, at various times between 1985 and 1993, under President Ibrahim Babangida; and as Nigeria's high commissioner to South Africa between 1999 and 2005, under President Obasanjo. As High Commissioner in Pretoria, Ambassador Olagunju also attended various NEPAD and APRM-related meetings and activities in South Africa, the location of the continental NEPAD and APRM Secretariats.

The designation of Ambassador Tunji Olagunju as Special Adviser on NEPAD/APRM to the president, as opposed to that of Ambassador Aluko as Senior Special Assistant on NEPAD-External, is, perhaps, indicative of the growing importance attached to the APRM by the Yar'Adua Administration. In addition, the new appointment merged the two offices into one, ending the division between NEPAD-External (APRM) and NEPAD-Nigeria, which tended to aggravate bureaucratic conflict between the two offices and their official heads during the administration of President Obasanjo. Prior to the merger, the Office of the Senior Special Assistant to the President (NEPAD Nigeria) was responsible for popularising and coordinating NEPAD objectives, programmes and activities within Nigeria, while the Senior Special Assistant (APRM) was overseeing the APRM process within Nigeria, as National Coordinator. Each office had its own staff.

In practical terms, 'with the transfer of African Peer Review Mechanism (APRM) to NEPAD, NEPAD-Nigeria is now structured into four functional departments, namely, Programmes Development and Implementation (PDI),

Planning, Monitoring and Evaluation (PME), Administration and Finance (A&F), and APRM'.³

The APRM National Working Group and National Steering Committee

In February 2004, President Obasanjo appointed a 50-member APRM National Working Group (APRM-NWG), chaired by Rear Admiral Murtala Nyako (rtd), a former chief of naval staff, Nigeria, and currently governor of Adamawa State in north-east Nigeria.

The APRM-NWG was designed as the functional equivalent of the body known as the National APRM Governing Council or National APRM Commission in other countries, aimed at bringing the input of a broad range of stakeholders to the national APRM process. The NWG was made up of representatives of the Presidency, the private sector, academia, the media, labour, civil society organisations (CSOs), and non-governmental organisations (NGOs). As established in 2004, the breakdown of the different sectors represented in the NWG was 20 per cent government; 8 per cent National Assembly/political parties; 18 per cent private sector organisations; 10 per cent media, and the remainder other civil society representatives (including 28 per cent NGOs/CSOs, 10 per cent professionals and organised labour, and 6 per cent youth organisations).⁴

The APRM-NWG, in addition to serving as an APRM policy forum to bring together the intersecting state and non-state stakeholders, has the following functions:

- Providing guidance, direction and oversight, through the APRM national focal point, of the national APRM review process, to ensure the credibility of the process, and that it is professionally and competently carried out. This is a broad function, which includes:
 - ensuring the active participation of stakeholders in the process, including the organisation of nation-wide sensitisation/dissemination activities to popularise the APRM in the country, to achieve broad-based understanding, acceptance and ownership of the of the process by Nigerians; and
 - recommending and engaging the national research institutions to conduct the country technical assessment of the four APRM thematic areas.
- Liaising with the continental APRM Secretariat in South Africa, through the national focal point, on the country APRM process.
- Preparing the country for and facilitating the visit, including the in country work of the country review mission (CRM) from the continental APRM Secretariat.⁵

³ E.I. Olugbile (Director, Programmes Development and Implementation, NEPAD-Nigeria) [2007], NEPAD Concept, Principles & Strategy, paper presented at the 1st Meeting of the APRM National Working Group (NWG), 15 November 2007, p. 7.

⁴ Nigeria APRM National Focal Point Secretariat [n.d.], Country Self-Assessment Report (CSAR): Background Information on the APRM and its Implementation in Nigeria, pp. 6–7.

⁵ Nigeria APRM National Focal Point Secretariat [2006], Nigeria Country Report on the African Peer Review Mechanism (APRM) for the 6th Africa Governance Forum (AGF V1), Kigali, Rwanda, 9–11 May 2006, p. 16.

A 14-member National Steering Committee (NSC) of the APRM-NWG was also established, after due consultation with some members of the APRM-NWG, with the APRM national focal point as chairperson. The steering committee was intended to act ‘as an executive organ...to pilot the affairs of the NWG’ by:

- regularly reviewing the APRM process in the country;
- receiving and assessing report from the NWG, as well as stakeholders about the country’s APRM process;
- serving as a final clearinghouse for APRM policy matters;
- liaising with the continental APRM Secretariat, through the national focal point; and
- reporting to the president on the progress of the APRM process in the country.⁶

The APRM-NWG also set up four sub-committees to ‘exercise oversight’ of the review process, in each of the four APRM thematic areas: democracy and political governance; economic governance and management; corporate governance; and socio-economic development.⁷

In November 2007, President Yar’Adua reconstituted the NWG, and expanded its membership to 250, ‘with a view to fostering popular participation, national ownership and sustainability.’⁸ Among the new members invited by the national coordinator to serve on the reconstituted APRM-NWG were the secretaries to the state governments (SSGs) of the 36 states of the Nigerian federation. In addition, specific spaces on the new NWG were given to women, ‘people with disabilities’ and faith-based organisations. Chief (Mrs) Chinyere Asika, former senior special assistant (NEPAD) to President Obasanjo, was elected as chairperson.

Table 1 shows the distribution of the members of the reconstituted APRM-NWC by stakeholder group. State stakeholders (with 81 members) constituted approximately 37.5 per cent of the membership, and non-state stakeholders (with 135 members), approximately 62.5 per cent.

The new national focal point, Ambassador Baba Gana Kingibe, justified the expanded APRM-NWG as follows:

You will recall the existing APRM-NWG comprised 50 members. It is now clear to us that this number does not meet the requirement of the broad-based representation and inclusiveness contemplated in the APRM Country Guidelines. Additionally, the coming into office of a new Administration has changed the composition of the APRM stakeholders in both the legislative and executive arms

6 Nigeria APRM National Focal Point Secretariat [2006], Country Report, p. 16.

7 Gundu [2007], Overview of the APRM, p. 6.

8 Gundu [2007], Overview of the APRM, p. 4.

of government. This is why the composition of the NWG has been reviewed and expanded to conform to the APRM Country Guidelines, which aim to ensure popular participation, national ownership and sustainability of the APRM in Nigeria.⁹

The National Steering Committee (NSC) was also reconstituted into a 42-member body shortly after the inauguration of the reconstituted APRM-NWG. Chief (Mrs) Chinyere Asika became the chairperson of the steering committee, as well as of the new National Working Group. Designed and described as the executive organ of the APRM-NWG, the new NSC is made up of 38 members of the APRM-NWG, who were chosen by other members of the APRM-NWG; two members representing the government (the permanent secretary-political in the office of the SGF, and the permanent secretary in the office of the head of the civil service of the federation); and two co-opted members.

Table 1: Distribution of stakeholder groups: APRM-NWG

| Stakeholder group | Number of members | % (Approx) |
|---|-------------------|------------|
| A. State actors | | |
| (a) Executive (federal/state) | 74 | 34.2 |
| (b) National Assembly | 6 | 2.7 |
| (c) Judiciary (federal) | 1 | 0.5 |
| B. Non-state actors: Non-CSO | | |
| (a) Organised private sector | 10 | 4.6 |
| (b) Mass media | 7 | 3.2 |
| (c) Political parties | 6 | 2.7 |
| (d) Academia | 15 | 6.9 |
| C. Non-state actors: CSOs/NGOs | | |
| (a) Women NGOs | 12 | 5.5 |
| (b) Labour/unions | 9 | 4.1 |
| (c) Professional associations (including doctors and lawyers) | 5 | 2.3 |
| (d) Youth/childrens' NGOs | 11 | 5.1 |
| (e) Physically challenged NGOs | 6 | 2.7 |
| (f) Senior citizens' NGOs | 3 | 1.3 |
| (g) Other NGOs/CSOs | 16 | 7.4 |
| D. Non-state actors: Others | | |
| (a) Traditional rulers | 6 | 2.7 |
| (b) Ethnic/cultural associations | 5 | 2.3 |
| (c) Religious/faith groups | 3 | 1.3 |
| (d) Nigeria diaspora groups | 3 | 1.3 |
| (e) Others – individual recognition | 18 | 8.3 |
| TOTAL | 216 | 100 |

Source: The Presidency, NEPAD Nigeria, Members of the African Peer Review Mechanism: National Working Group (APRM-NWG), Abuja, 14 November 2007

9 Nigeria APRM National Focal Point Secretariat [2007], Address by the APRM National Focal Point and Secretary to the Government of the Federation, Ambassador Baba Gana Kingibe, at the Inauguration of the Expanded APRM National Working Group (APRM-NWG), held at Abuja, 9 November 2007, p. 1.

Other elements of the APRM national coordinating structure

Subordinate elements of the APRM national structures include the following:

- Technical research institutes (TRIs) – later replaced by lead research organisations (LROs) – to undertake the country self-assessment survey.
- APRM coordinators for:
 - democracy and political governance/socio-economic development;
 - economic governance and management/corporate governance; and
 - statistics, to advise on the country self-assessment process.
- An APRM monitoring and evaluation team, made up of a core team at the national level, and zonal teams, comprising non-state stakeholders, in each of the country's six geopolitical zones. The monitoring and evaluation team has yet to be formally established.
- APRM advocacy and sensitisation task team, made up of stakeholders from the print and electronic media, and mandated to widely disseminate the APRM to the Nigerian public and to mobilise support for it.¹⁰

Federalising the APRM national coordinating structure

Although there was, from the beginning, awareness of the need to establish APRM coordinating structures at the state and local government levels, concrete measures were not taken to create them until November 2007, when the National Working Group was reconstituted.

Following the general elections of April 2007, which brought new administrations to most states, state governors were among those who considered a memo on the APRM and the structure of the process in the country, from the APRM national focal point, during the 14 October 2007 meeting of Nigeria's Council of States, an advisory body in which they are represented.¹¹

The national focal point secretariat then sent briefing letters on the APRM to all secretaries to state governments (SSGs) on 15 October 2007. He subsequently held a retreat with all the SSGs in Cross River State, in November 2007, to brief them on the APRM and their role in the country's APRM process.

¹⁰ Nigeria APRM National Focal Point Secretariat [2006], Country Report, pp. 17–19.

¹¹ The Council of States is an advisory federal body, established by Section 153 of the Constitution of the Federal Republic of Nigeria 1999, and comprising the following: the president, as chair; the vice-president, as deputy chair; all former presidents of the federation and all heads of the government of the federation; all former chief justices of Nigeria; the president of the Senate; the speaker of the House of Representatives; all the governors of the states of the federation, and the federal attorney-general and the minister of justice.

The SSGs were thus designated to serve as the APRM focal point in each state, with parallel structures to the national/federal ones to be put in place at the state and local government levels.

Implementation of the APRM in Nigeria: Process and methodology

In March 2005, the visit of the APRM country support mission signalled the formal start of the APRM process in Nigeria, following the establishment of the national APRM structures and a period of preparation.

Nigeria did not complete the drafting of its country self-assessment report (CSAR) and draft national plan of action (NPoA), however, until late 2007. In July 2007, following the installation of the new government, the APRM Secretariat sent a follow-up mission to review progress so far and establish a new timetable. An extensive in-country validation process was conducted from 18 November 2007 to 7 December 2007. The validated CSAR and NPoA were then approved by the Federal Executive Council, presided over by the president, and submitted to the continental APRM Secretariat in January 2008.

A month-long country review mission from the continental APRM Secretariat followed, from 3 February 2008 to 2 March 2008.

Pre-test and domestication of the APRM master questionnaire

The APRM master questionnaire on the four thematic areas (democracy and political governance; economic governance and management; corporate governance; and socio-economic development) is central to the methodology of the APRM process. The questionnaire is designed as a consistent framework for use in all the review processes, but there is also a realisation of the need to adapt or 'domesticate' it to take account of national specificities.

In July 2004, as a first step towards domesticating the master questionnaire in Nigeria, the national focal point conducted an in-country pre-test of the questionnaire. This consisted of distributing the pre-test questionnaire to a sample of respondents, drawn from state and non-state stakeholders, who were invited to complete the questionnaire.

In December 2004, the national focal point convened a consultative workshop on the APRM in Abuja to discuss the outcome of the pre-test and other matters related to the domestication of the master questionnaire, and the APRM process generally in Nigeria. Invited to the workshop were some of the organisations later appointed as 'technical research institutions' (TRIs) to complete the CSAR, as well as members of the federal cabinet, heads of key federal institutions, members of the National Assembly, members of the APRM-NWG, and consultants and experts on NEPAD.

Addressing the workshop, APRM national coordinator, Ambassador Isaac Aluko-Olokun, observed that only about 30 per cent of the people who had been given the questionnaire during the pre-test had completed it, with most responses being sketchy. At the same workshop, one of the respondents to the pre-test exercise, Federal Minister of Information and National Orientation

Chief Chukwuemeka Chikelu observed that, ‘completing the questionnaire was not an easy task, because of [its] detailed nature’. Ambassador Aluko-Olokun pointed out that ‘the questionnaire did not have a feel of homegrown peculiarities...[and was] too in-depth for people’. It needed not only to address the country’s peculiar social structure, like the role of traditional rulers, but also to be simplified to facilitate understanding by the common people.¹²

APRM timeline in Nigeria

| Activity | Dates |
|--|-------------------------|
| Appointment of national focal point, national coordinator and NWG | February 2004 |
| Advocacy, sensitisation and dissemination/popularisation activities | From February 2004 |
| Pre-test and domestication of the APRM master questionnaire | July–December 2004 |
| Country Support Mission from the APRM Secretariat | March 2005 |
| Organisation and conduct of the country self-assessment process | June–December 2006 |
| Follow-up mission from the APRM Secretariat | July 2007 |
| Completion of the draft country self-assessment report (CSAR) and draft national plan of action (NPoA) | August–October 2008 |
| Nationwide validation of the draft CSAR and draft preliminary NPoA | November–December 2007 |
| Adoption of validated CSAR and NPoA by APRM-NWG and Federal Executive Council, and | December 2008 |
| Submission of the validated CSAR and NPoA to the continental APRM Secretariat | January 2008 |
| Country review mission from the APRM Secretariat | 3 February–2 March 2008 |
| Planned consideration of Nigeria’s APRM report by the APRM Forum in the margins of the AU summit | July 2008 |

The workshop decided that a critical first step to get the survey phase of the process going was for the TRIs to ‘unbundle’ and simplify the master questionnaire. The TRIs were told to ensure that the questionnaire related to previous and on-going multi-sector (economic, political and social) reforms in the country, with 1960 as a baseline. The questionnaire should also mainstream gender as a crosscutting issue in the four thematic areas. The TRIs were to determine a common methodology to be used for the survey in the four thematic areas, taking into consideration the lessons and experiences from other countries which had undergone peer review. It was agreed that the domesticated questionnaire would include, as an introduction, summaries of the objectives of the four thematic areas in the questionnaire.

It was also agreed that the management and administration of the questionnaire would require not only the identification of specific target

¹² Nigeria APRM National Focal Point Secretariat [2004], Report of the Consultative Workshop on the African Peer Review Mechanism (APRM), held at the SGF’s Conference Hall, Federal Secretariat Complex, Maitama-Abuja, 2–3 December 2004, pp. 3–5.

audiences among the relevant stakeholder groups in the country (including foreigners), but also the sensitisation of Nigerians generally, and the assistance of professional associations, such as the Nigerian Economic Association, the Nigerian Political Science Association, and the Nigerian Medical Association.

Appointment of the technical research institutions (TRIs)

In early 2005, the national focal point, presumably on the basis of selective tendering, invited the organisations listed in Table 3, most of which had participated in the December 2004 meeting, to be the technical research institutions (TRIs) that would conduct research for and prepare the draft country self-assessment report (CSAR). The organisations had established national and international standing, were distributed around the country to reflect the geo-political and socio-cultural diversity ('the federal character') of the country, and were split between state and non-state organisations.

However, the national focal point made this selection without consultation with the National Working Group (NWG) and without broader advertisement of the positions. This lack of transparency in the selection process and concerns over the independence of the research were much criticised by other NGOs.

APRM country support mission, 21–24 March 2005

The country support mission, led by Ambassador Bethuel Kiplagat of Kenya, a member of the APRM panel of eminent persons, visited the country from 21 to 24 March 2005 to assess Nigeria's progress so far and to sign a memorandum of understanding on the further implementation of the APRM and the role of the continental secretariat. The mission met with the APRM national focal point, Chief Ufot Ekaette, and held a working session with the ten TRIs, as well as meeting with various state and civil society stakeholders, including an 'open forum' of around 200 participants at which the APRM process was presented.

At the end of the visit, Ambassador Kiplagat and Chief Ekaette signed a document spelling out in detail the various stages for the implementation of the APRM in Nigeria.

Among other critical inputs, the support mission recommended that the NWG be expanded to include more civil society groups and that the chair of the group should not come from government.¹³

13 Communiqué of the African Peer Review Mechanism (APRM) Support Mission to Nigeria, 21–24 March 2005.

Table 3: The technical research institutions (TRIs) and their thematic and zonal assignments

| Technical research institute | | Thematic area assignment | Zonal assignment |
|------------------------------|--|------------------------------------|---|
| 1. | Africa Leadership Forum (ALF), Ota [Non-state] | Democracy and Political Governance | South-east and south-west |
| 2. | Centre for Advanced Social Science (CASS), Port Harcourt [Non-state] | Socio-Economic Development | South-east and south-south |
| 3. | Centre for Democratic Research and Training (CDRT), Kano [Non-state] | Democracy and Political Governance | North-east and north-west |
| 4. | Centre for Public-Private Cooperation (CPPC), [Non-state], Ibadan | Corporate Governance | North-central, north-east, north-west, south-east, south-south and south-west |
| 5. | Centre for Social and Economic Research (CSER), Ahmadu Bello University, Zaria (to collaborate with Nigerian Institute for Social Research (NISER), Ibadan [State]) | Economic Governance and Management | North-central, northeast, northwest, southeast, south-south and south-west. |
| 6. | Institute for Governance and Social Research, (IGSR), Jos [Non-state] | Democracy and Political Governance | North-central and south-south |
| 7. | Nigerian Economic Summit Group Ltd/ GTE (NESG), Lagos (to collaborate with Centre for Public-Private Cooperation (CPPC), Ibadan [Non-state]) | Corporate Governance | North-central, north-east, north-west, south-east, south-south and south-west |
| 8. | Nigerian Institute of International Affairs (NIIA), Lagos [State] | Socio-Economic Development | North-central and south-west |
| 9. | Nigerian Institute for Social and Economic Research (NISER), Ibadan (to collaborate with Centre for Social and Economic Research (CSER), Ahmadu Bello University, Zaria) [State] | Economic Governance and Management | North-central, north-east, north-west, south-east, south-south and south-west |
| 10. | Shehu Shagari World Institute (SSWI), Sokoto [Non-state] | Socio-Economic Development | North-east and north-west |

Source: National Focal Point Secretariat, Abuja, February 2005

Building a consensus about national implementation

Initial sensitisation and awareness-raising activities

Working in collaboration with such non-state stakeholders as the Africa Leadership Forum (ALF) – a non-governmental organisation established by President Obasanjo, and the Centre for Democracy and Development (CDD), with support from the United Nations Development Programme (UNDP) and the British Department for International Development (DFID), among others – the NFP organised a series of sensitisation and awareness-raising workshops and seminars on the APRM in 2004 and 2005. The objective of the meetings was to deepen understanding of the APRM process among various groups of stakeholders.

National Africa Governance Forum consultative workshop, September 2005

In mid-September 2005, a two-day workshop was held at the ALF headquarters in Ota, Ogun State, to discuss and make inputs to the draft framework for the Nigeria country report on its APRM implementation, which was to be presented at the 6th Africa Governance Forum (AGF) to be held in Kigali, Rwanda, in March 2006. The AGF, organised by UNDP, had as its theme ‘Implementing the African Peer Review Mechanism: Challenges and Opportunities’, and was a major continental review of national experiences of the APRM process so far.¹⁴

Technical workshops, September to December 2005

With support from the UNDP, and in collaboration with the NFP, the ALF scheduled a series of 10 national technical workshops on the implementation of the APRM process in Nigeria between September and December 2005 at Ota. The primary objective of the workshops was to facilitate monitoring of the implementation of the APRM process in the country. Each two-day workshop was attended by a different sector: media, federal legislators, speakers and deputy speakers of all Nigeria’s legislatures, trade union leaders, civil service, federal and state judiciary, and the private sector.

The workshops consisted of in-depth presentations and discussion of the problems of governance in Africa and Nigeria; the concept, principles and structures of the APRM, the country self-assessment report and the national plan of action; and the challenges of monitoring and evaluating the APRM in Nigeria and the implementation of the NPoA after the report was completed.

Table 4: APRM workshops for stakeholder groups

| Type of workshop | Venue and date |
|--|---|
| National Workshop on APRM | Abuja, 2–3 February 2004 |
| National Consultative Workshop on APRM | Abuja, 2–3 December 2004 |
| Zonal APRM Workshop for CSOs | South-West Zone: Ota, Ogun State, 4–5 March 2005 North-Central Zone: Abuja, FCT, 18–19 March 2005 South-East/South-South Zones: Port Harcourt, Rivers State, 8–9 April, 2005 North-East/North-West Zones: Kaduna, Kaduna State, 4–5 May 2005 |

Source: National Focal Point Secretariat, Abuja; and Africa Leadership Forum, Ota

Establishing the self-assessment methodology

The NFP also held a series of meetings between February and November 2005 with the TRIs to finalise the structure and form of the questionnaire and the survey methodology.

¹⁴ See the website of the AGF: http://www.undp.org/africa/agf/full_agf6_archive.html.

Meeting of national focal point secretariat and TRIs, 17–18 February 2005

The national focal point held ‘technical discussions’ with the TRIs from 17–18 February 2005 to discuss the administration of the APRM questionnaire, the survey methodology, and the terms of engagement of the TRIs in the process. This meeting was to facilitate discussion of the Nigeria process with the country support mission from the continental APRM Secretariat, expected in the country in March 2005.

TRI methodology retreat, 9–10 March 2005

The February 2005 meeting was followed by a TRI methodology retreat from 9–10 March 2005 to further discuss and agree on:

- the domestication of the master questionnaire, including the mainstreaming of gender, youth, the physically challenged, and other marginal groups in the four thematic areas;
- the methodology of the survey;
- the sampling frame;
- techniques of fieldwork, including the appropriate modalities for engaging the three tiers of government, at federal, state, and local government levels, in the country self-assessment process; and
- a work plan for the social survey or country self-assessment phase of this stage of the process.

It was agreed that the proposed methodology would be anchored on a descriptive research design, using the survey method. This would be augmented by literature review and secondary data. A combination of purposive and multi-stage sampling methods, with the local government area (LGA), as the basic sampling unit, based on proportional representation, would be adopted. Twenty per cent of the LGAs in each state would be sampled, at 50 questionnaires per LGA, taking into consideration the population density of each state.

It was noted, however, that further work was required to finalise:

- the methodology and methodological framework, including the checklist for the primary data collection of the survey;
- the local government areas in which the survey would be carried out;
- the domestication of the master questionnaire; and
- the TRI work plan.¹⁵

The TRI retreat on the country self-assessment process, 9 November 2005

Final agreement was reached on the domestication of the master questionnaire and on the methodology and sample frame of the survey only at the 4th TRI

¹⁵ Nigeria APRM National Focal Point Secretariat [2005], Summary of Conclusions of TRI Methodology Retreat, March 2005.

retreat on 9 November 2005 in Abuja. The methodology finally agreed upon incorporated five complementary research methods:

- Desk research: Focus on relevant literature on APRM-related governance issues in Nigeria since 1960.
- Self-administration of the APRM questionnaire by randomly sampled/selected respondents.
- Elite/decision-maker interviews: To capture elite/decision-makers' perceptions of governance issues in the country.
- Focus group discussions: To capture the views of non-elite and local opinion leaders through issues-based discussion on governance issues.
- Mass household survey: To capture mass households' perceptions of governance issues in the APRM master questionnaire.

It was also agreed that the samples for the self-completion questionnaire administration, elite/decision-maker interview, mass household survey, and the focus group discussion would be drawn from one local government area from each of two of the three senatorial districts in each state. One of the LGAs selected would be in the senatorial district in which the state capital is located, while the second LGA would be selected on the basis of either its being farthest from the LGA chosen from the state capital, or on the basis of other relevant demographic or geophysical differences or communal ones. In each selected LGA, two communities would be selected for sampling, selected in such manner as to reflect cultural, population, and rural/urban diversities, among others. The sampling or working universe would be selected, on the basis of stratified random sampling, from the adult (18+years) population in each LGA.¹⁶

There was controversy, however, surrounding the last-minute decision of the national focal point (NFP), without consultations with the APRM-NWG and the TRIs, to employ the services of the National Bureau of Statistics (NBS) for the mass household survey. The NBS had not been part of the almost one-year long discussion between the NFP and the TRIs on domesticating the master questionnaire, and the appropriate methodology to be used for the survey phase of the country self-assessment. Some of the TRIs had suggested that the offices of the NBS and of the Independent National Electoral Commission (INEC) at the local government council level could provide field support for the TRIs, but not that these institutions would be leading the research. The national focal point secretariat argued that the NBS would have to play a more central role in the survey phase of the process, based on the role which its sister body had played in the Kenya APRM process.

¹⁶ I.A. Aluko-Olokun [2005], Briefing Note on the Criteria for Selection of LGAs & Sampling Universe for the Nigeria APRM Country Self-Assessment Process, in mimeo, 9 November 2005, pp. 1–3.

The retreat thus reached a stalemate, as some of the TRIs expressed principled reservations and misgivings about the appropriateness of the NBS involvement. In addition, there was disagreement over the professional fees to be paid to the TRIs for their engagement.

5th NFP-TRI retreat, 5–6 December 2005

Another NFP-TRI retreat, chaired by Ambassador Bethuel Kiplagat, member of the APRM panel of eminent persons, was held on 5–6 December 2005 to resolve outstanding matters relating to the TRIs' fees for their services, and the methodology and assignment of survey responsibilities among the TRIs, including the National Bureau of Statistics. The retreat agreed that the TRIs should focus on only three of the self-assessment research tasks: the desk research, elite interviews, and focus group discussions, while the National Bureau of Statistics would conduct the mass household survey.

The issue of the survey fieldwork budget, and the fees for the TRIs, which remained unresolved, was deferred till another meeting between the NFP and the TRIs on 20 December 2005. The TRIs were expected to re-submit activity-based budgets, implementation plan, domesticated thematic questionnaires and list of survey LGAs, not later than 13 December 2005.

However, shortly before the 20 December 2005 meeting, the NFP terminated further discussion with the TRIs, without financial compensation for the time and work they had expended on the process. The APRM national coordinator sent an email arguing that this step was necessary 'if Nigeria's self-assessment must stay on course',¹⁷ citing the failure by most of the TRIs to submit activity-based budgets and work plans by the 13 December deadline as the reason for the termination.

Table 5: Lead research organisations (LROs)

| Name of LRO | Thematic assignment |
|--|------------------------------------|
| 1. Centre for Democracy and Development (CDD), Abuja | Democracy and Political Governance |
| 2. African Institute for Applied Economics (AIAE), Enugu | Economic Governance and Management |
| 3. Research International Market Trends (RIMT), Lagos | Corporate Governance |
| 4. Research Marketing Services (RMS), Lagos | Socio-Economic Development |
| 5. National Bureau of Statistics (NBS) | Mass household survey |

Source: National Focal Point Secretariat, Abuja

¹⁷ APRM National Coordinator [2005], E-Mail addressed to all TRIs on The APRM Country Self-Assessment Report in Nigeria, 19 December 2005.

Engagement of new lead research organisations and coordinators

In early 2006, the NFP placed an advertisement in a number of national daily newspapers, requesting proposals from interested institutions to undertake the country's APRM country self-assessment survey. None of the disengaged TRIs submitted proposals in response to the advertisement. On the basis of responses to the advertisement, five new lead research organisations (LROs) were contracted in March 2006 to conduct the survey – one for each APRM theme, and the NBS to conduct the household survey – out of 60 that submitted proposals (see Table 5).

In addition to these five LROs, the NFP appointed three consultants/experts as thematic coordinators for the APRM process: Professor Alex Gboyega of the Department of Political Science, University of Ibadan; Professor F.O.N. Roberts, political scientist from the Nigerian Institute of Social and Economic Research (NISER), Ibadan; and Mr Benson Ekujimi of the National Bureau of Statistics. The role of these thematic coordinators, appointed with the help of German Technical Cooperation (GTZ), was to provide general coordination for the survey by the LROs, harmonise their report into a composite CSAR, produce the NPoA, and 'advise and enhance the capacity of the APRM national focal point secretariat in the prosecution of Nigeria's governance self-assessment process'.¹⁸

Each of two thematic coordinators had responsibility for a group of two thematic areas only, while the third coordinator had responsibility for statistics, cross-cutting the four thematic areas, as follows:

- democracy and political governance/socio-economic development: Professor Alex Gboyega;
- economic governance and management/corporate governance: Professor F.O.N. Roberts; and
- statistics (cross-cutting the four thematic areas): Mr Benson Ekujimi.

The thematic coordinators were to ensure the diligence and competence of the LROs in carrying out the desk research, the field survey and in their analysis of the data. They also had the responsibility of putting the CSAR together as a composite, integrated report.

Completion of the country self-assessment research and report

The LROs conducted the survey work and other research for the country self-assessment report between June and December 2006. While the methodology used by the LROs remained the same as previously agreed with the erstwhile TRIs, the scope, including the sampling frame of the survey, was revised as shown in Table 6.

¹⁸ Nigeria APRM National Focal Point Secretariat [2006], Country Report, p. 18.

Using this material each LRO completed by April 2007 a section of the draft country self-assessment report¹⁹ and of the draft national plan of action for the theme that they were assigned. The drafts were then merged into a single report by the three thematic coordinators, and the final draft was submitted to the national focal point June 2007. The draft NPoA was costed by an inter-ministerial committee.

While the draft CSAR ‘chronicles the challenges, institutional weaknesses and best practices on governance as seen by Nigerians’, the draft NPoA ‘is designed to incorporate the present Administration’s Seven-Point Agenda and NEEDS-2 [National Economic Empowerment Development Strategy]’.²⁰

Four new research organisations or think tanks were thereafter contracted by the National Focal Point Secretariat to peer-review the draft CSAR, to ensure that it had been professionally and competently done, as envisaged by the APRM guidelines. Each research organisation was contracted to peer review the thematic area in which it was most expert. Each peer-reviewed section of the draft CSAR was thereafter submitted to the national focal point by the end of October 2007.

Table 6: Survey methodology and sample frame of self-assessment process

| Methodology/Survey Instrument | Sampling Frame |
|------------------------------------|--|
| 1. Elite/decision-maker interviews | Average national sample size of 120 respondents for each of 3 LROs in two states in each of the country's six geopolitical zones and the Federal Capital Territory (FCT), Abuja, with a fourth LRO, the CDD, sampling 200 respondents. |
| 2. Focus group discussions (FGDs) | Average sample size was two FGDs in two states in each of the country's six geopolitical zones and the FCT. |
| 3. Mass household survey | National sample size used was 22 200 Household Units in 1 110 enumeration areas across 111 local government areas in 108 senatorial districts in the country. |

Source: Abstracted from NEPAD Nigeria [2007], APRM Country Self-Assessment Report (CSAR): Executive Summary, pp. 1–2.

APRM follow-up mission

Following the April 2007 elections, Ambassador Babagana Kingibe, the new secretary to the government of the federation and APRM national focal point, hosted an APRM follow-up mission to Nigeria from the continental APRM Secretariat. The July 2007 follow-up mission was to review progress on the APRM process in the country, and to agree with the NFP on a roadmap leading to the visit of the country review mission to Nigeria. Following this mission and a further meeting in September in Pretoria, South Africa, between the continental APRM Secretariat and the Nigeria national focal point secretariat, there was agreement on a revised APRM timeline for completion of the

¹⁹ NEPAD Nigeria [2007], APRM Country Self-Assessment Report (CSAR): Executive Summary.

²⁰ Gundu [2007], Overview of the APRM, p. 8; Nigeria National Focal Point, address by the APRM National Focal Point, p. 6.

APRM process in Nigeria. The major activities in the revised roadmap are summarised in Table 7, and these deadlines were largely met.²¹

Table 7: Revised Nigeria APRM timetable

| Activity | Timeline |
|--|----------------------------------|
| Memo on implementation of APRM in Nigeria to be sent to National Economic Council | 14 October 2007 |
| Brief on the APRM to secretaries to state governments from NFP | 15–19 October 2007 |
| Thematic consultants to submit updated draft CSAR and NPoA issues to NFP | 25 October 2007 |
| Review and submission of peer review of updated draft CSAR and NPoA by the 4 research institutions contracted to do so | 26 October 2007–15 November 2007 |
| Translation of the executive summary of the updated draft CSAR into Hausa, Igbo and Yoruba | 26 October–15 November 2007 |
| Submission of updated and peer-reviewed CSAR and NPoA to the continental APRM Secretariat | 15–20 November 2007 |
| Production of the translated executive summary of the CSAR and NPoA, and full text of the CSAR and NPoA | 15–23 November 2007 |
| Inaugural meeting of the expanded APRM-NWG | 29 November 2007 |
| APRM media advocacy and outreach: serialisation of English version and Hausa, Igbo and Yoruba versions of the executive summary of the CSAR in national dailies; posting of executive summary of CSAR on the APRM and NEPAD websites | 30 November 2007–January 30 2008 |
| Nationwide validation of the CSAR and NPoA, through workshops with state and non-state stakeholders | 19–30 November 2007 |
| Production of the validated CSAR and NPoA | December 2007 |
| Adoption of validated CSAR and NPoA by the APRM-NWG and the Federal Executive Council | January 2008 |
| Submission of the adopted CSAR and NPoA to the continental APRM Secretariat | 1st week of January 2008 |

Nationwide dissemination and validation of the draft CSAR and preliminary NPoA

One of the first acts of the APRM national focal point and the Special Adviser (NEPAD) to the president was to issue and widely disseminate to the public the executive summary of the CSAR as part of the nationwide validation exercise of the report. The national coordinator promised to print and distribute 40 million copies of the CSAR, made up of 10 million copies each in English, Hausa, Igbo and Yoruba, Nigeria's 'constitutional languages'. Although it was not clear the exact number of copies eventually printed, copies were distributed to the 36 states and the Federal Capital Territory between November 2007 and January 2008 by members of the APRM-NWG. The executive summary of the CSAR was also serialised in select national dailies and weeklies at various

21 Abstracted from, Gundu [2007], Overview of the APRM, p. 9, and Nigeria National Focal Point [2007], Revised APRM Nigeria Roadmap at a Preparatory Meeting for the Country Review Mission (CRM) to Nigeria, Pretoria, South Africa, 30 September 2007, pp. 1–3, 15 October 2007.

times between November 2007 and December 2007. The full draft CSAR was not, however, released to the general public, in line with the guidelines from the continental APRM Secretariat.

Following the inauguration of the expanded NWG by President Yar'Adua in November 2007, the NFP constituted four teams, each comprising about 50 members of the NWG, to undertake a nationwide validation exercise of the draft CSAR and preliminary NPoA, based on the circulated CSAR executive summary.

The 'overarching objective' of this process was to formally present the draft CSAR and the preliminary NPoA to the Nigerian public, through selected state and non-state stakeholders, and to determine and assess the extent to which the draft CSAR and preliminary NPoA reflected the opinions and perceptions of the average Nigerian. Through this validation, it was hoped that there would emerge suggestions on the way forward towards meeting the APRM objectives.²²

The four teams held an intensive schedule of meetings from 18 November to 1 December 2007 in 14 of the 36 states of Nigeria. Representatives of the other 22 states were invited to attend their nearest meeting place by geographical cluster.²³

The validation exercise in each of the group of states visited lasted two days, with a pre-meeting courtesy visit to the governor of the state hosting the exercise. The meetings had a standard format: during the first day, the draft CSAR was presented to representatives of the state ministries, legislature and judiciary; during the second day, the report was presented to non-state stakeholders, including media, academics, professional organisations, NGOs, traditional leaders and political parties. A media event was also usually held on both evenings.²⁴

The nationwide validation exercise concluded with a series of validation sessions in Abuja, the Federal Capital Territory, for state and non-state stakeholder groups from 3–4 December 2007. These workshops were conducted following the same programmatic format as the nationwide exercise, but with more specialised focus on relevant state stakeholder groups in respect of the thematic breakout sessions. These meetings were followed by validation sessions with the judiciary.

On 11 December 2007, President Yar'Adua chaired a 'National APRM Dialogue' in the Banquet Hall, State House, Abuja, with the participation of several state governors, heads of diplomatic missions in Nigeria, members of the Federal Executive Council (Cabinet), federal permanent secretaries and

²² See, Prof. F.O.N. Roberts [2007], CSAR Validation Workshops, 18 November to 7 December 2007, Pre-Validation Orientation: Guidelines for Chairpersons, Resource Persons, and Rapporteurs, 17 November 2007, p. 1.

²³ Nigeria APRM National Focal Point Secretariat [2007], Programme of Events for the CSAR Validation Workshops, 18 November to 7 December 2007, pp. 1–6.

²⁴ Nigeria APRM National Focal Point Secretariat [2007] Programme of Events for CSAR Validation Workshops, pp. 1–2.

heads of federal ministries, departments and agencies (MDAs), traditional rulers, and members of the APRM-NWG.

With the conclusion of the in-country validation of the draft CSAR and the preliminary NPoA in December 2007, the APRM-NWG organised zonal sensitisation workshops in the country's six geopolitical zones from 17–31 January 2008, to prepare the country for the impending Country Review Mission (CRM) from the continental APRM Secretariat. The workshops were organised by the National Steering Committee in collaboration with the NFP, who had appointed and inaugurated an organising committee for the mission. Dr A.R. Mohammed, permanent secretary of political affairs in the SGF's office, chaired the organising committee with Chief (Mrs) Chinyere Asika, chair of the APRM-NWG Steering Committee, and eight other members of the steering committee as members. The APRM-NWG also appointed centre coordinators to work with other NWG members to ensure the smooth deployment of the CRM in 16 clusters of states.

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25 See, Prof. F.O.N. Roberts [2007], CSAR Validation Workshops, 18 November to 7 December 2007, Pre-Validation Orientation: Guidelines for Chairpersons, Resource Persons, and Rapporteurs, 17 November 2007, p. 1.

26 Nigeria APRM National Focal Point Secretariat [2007], Programme of Events for the CSAR Validation Workshops, 18 November to 7 December 2007, pp. 1–6.

27 Nigeria APRM National Focal Point Secretariat [2007] Programme of Events for CSAR Validation Workshops, pp. 1–2.

but with more specialised focus on relevant state stakeholder groups in respect of the thematic breakout sessions. These meetings were followed by validation sessions with the judiciary.

On 11 December 2007, President Yar'Adua chaired a 'National APRM Dialogue' in the Banquet Hall, State House, Abuja, with the participation of several state governors, heads of diplomatic missions in Nigeria, members of the Federal Executive Council (Cabinet), federal permanent secretaries and heads of federal ministries, departments and agencies (MDAs), traditional rulers, and members of the APRM-NWG.

With the conclusion of the in-country validation of the draft CSAR and the preliminary NPoA in December 2007, the APRM-NWG organised zonal sensitisation workshops in the country's six geopolitical zones from 17–31 January 2008, to prepare the country for the impending country review mission (CRM) from the continental APRM Secretariat. The workshops were organised by the National Steering Committee in collaboration with the NFP, who had appointed and inaugurated an organising committee for the mission. Dr A.R. Mohammed, permanent secretary of political affairs in the SGF's office, chaired the organising committee with Chief (Mrs) Chinyere Asika, chair of the APRM-NWG Steering Committee, and eight other members of the steering committee as members. The APRM-NWG also appointed centre coordinators to work with other NWG members to ensure the smooth deployment of the CRM in 16 clusters of states.

Table 8: State stakeholder groups at Abuja validation workshop 3–7 December 2007

| Thematic area break-out session | Sample list of state stakeholder groups participating |
|------------------------------------|---|
| Democracy and Political Governance | National Human Rights Commission Economic and Financial Crimes Commission Independent Corrupt Practices Commission National Boundary Commission National Centre for Women Development |
| Economic Governance and Management | Central Bank of Nigeria Debt Management Office Nigerian National Petroleum Corporation Senate and House of Representatives Appropriations Committees, and Accounts Committees Office of Auditor-General for the Federation |
| Corporate Governance | Securities and Exchange Commission Bureau of Public Enterprises Corporate Affairs Commission Federal Mortgage Bank National Insurance Commission |
| Socio-Economic Development | National Planning Commission Millennium Development Goals Office Ministries of Education, Health, Women's Affairs and Youth National Action Committee on AIDS National Agency for Food and Drug Administration |

Source: Abstracted from, National Focal Point, Programme of Activities for CSAR Validation Workshops, pp. 7–9

The APRM country review mission (CRM) to Nigeria

The APRM country review mission visited Nigeria for one month, from 3 February to 2 March 2008. The President of Nigeria, Alhaji Umaru Shehu Yar'Adua formally launched the CRM in Nigeria on 5 February 2008, with Senate President David Mark, Speaker of the House of Representatives Dimeji Bankole, Chief Justice Idris Kutigi, several state governors, and ministers of the federal government, in attendance.

The leader of the CRM was Ambassador Bethuel A. Kiplagat (Kenya), a member of the APRM panel of eminent persons. Dr Graca Machel (Mozambique), another member of the APRM panel who was initially designated as the co-leader of the CRM, was unable to join the team on the visit to Nigeria, because of her role in mediating the Kenyan election crisis. The team also included Mr Alhaj Ahmad Tejan Kabbah, former president of Sierra Leone; 14 experts from different African countries, covering the four thematic areas; eight members representing strategic partners of the APRM Secretariat (the African Development Bank and UN Economic Commission for Africa); and four staff members from the continental APRM Secretariat, including the executive director, Dr Bernard Kouassi.

The mission embarked on an intensive round of stakeholder consultations throughout the country. For the purposes of these countrywide visits, the CRM was divided into two teams. Each team visited eight centres, with each centre comprising a cluster of states, including the Federal Capital Territory of Abuja. In addition to calling on the host state governor, the teams met separately with state and non-state stakeholder groups. The CRM also held special meetings with two former presidents of Nigeria: President Shehu Shagari, in Sokoto, and President Olusegun Obasanjo, in Abeokuta and Ota.

In addition to these countrywide meetings with stakeholders at the state level in the 16 centres, the CRM also held sector-specific meetings in Abuja in early February. An 'open forum', including parallel discussions of the four APRM themes, was held with non-state stakeholder groups on 6 February. On 7 February, one CRM team met with the Senate of Nigeria and the other with the House of Representatives. On 8 February the CRM met representatives of Nigeria's development partners and leaders of the diplomatic community; and on the same day with members of Nigeria's judiciary.

The CRM held a wrap-up session with the NFP, the special adviser to the president on NEPAD, and the APRM-NWG on 29 February 2008. On the same day, a debriefing session was to have been held with President Yar'Adua. Since he was away on a state visit to the People's Republic of China, the Rt Honourable Dimeji Bankole, speaker of the House of Representatives, represented him. Also present at the debriefing session was former president Shehu Shagari, as well as a number of deputy governors, the NFP, several ministers of the federal government, and members of the APRM-NWG.

At the request of a member of the CRM, Professor Shadrack Gutto, some members of the CRM, including Ambassador Bethuel Kiplagat, met with a

select group of 12 Nigerian intellectuals in Abuja on 1 March 2008. Two people from universities and research institutes in each of the six geopolitical zones (north-central, north-east, north-west, south-east, south-south and south-west) were selected to participate in the meeting, with the special adviser (NEPAD) to the president also attending. The meeting discussed the renewed interest in the African Renaissance, its implications for pan-Africanism, the reform of the African Union, and the core principles of the APRM. The meeting resolved to sustain its purpose through the creation of a three-member committee, selected from among those present at the meeting and charged with the responsibility of mapping the way forward.

Preliminary observations by the CRM on Nigeria's APRM process

The CRM used the opportunity provided by a number of public appearances and media interviews to make observations on Nigeria's APRM process. From the reports of these comments it is clear that the CRM found the CSAR credible, and a mirror of the character of the governance process in Nigeria. In the view of the CRM, it is a self-critical report, which highlights what is good and what is problematic about Nigeria's performance in the four APRM thematic areas. Compared with CSARs of other countries, which have been peer-reviewed, the CRM considered Nigeria's CSAR to be one of the best among them. The CRM found its countrywide consultations tiring but exciting, providing members of the CRM with a rare opportunity to appreciate the diversity of Nigeria and the immensely rich human and resource endowment and potential of the country.

Comments by Ambassador Kiplagat and other spokespeople during the final meetings in the country indicated that the CRM had found that the APRM-NWG had done a good job of sensitising the various stakeholders and communities of the importance of the APRM process. The validation and interactive sessions were well attended, especially the breakout sessions on democracy and political governance, and were characterised by frank, vibrant, and open discussions, with no holds barred. In the view of the CRM, the discussions underscored the high expectations of the participations and their commitment to the APRM process, and generally to democracy and the rule of law. The CRM also found a refreshing and encouraging sense among the participants of the importance of Nigeria for Africa, and particularly of the expectations of the rest of Africa about Nigeria's continental leadership role.²⁸

The way forward: What next?

During the wrap-up session with the APRM-NWG, the CRM outlined the timelines and way forward towards meeting the next stages of the country's APRM process.

²⁸ Notes taken by the author during the debriefing sessions of the CRM with the president of the federal republic, and during the CRM wrap-up meeting with the APRM-NWG. Similar comments were made at the media event at the Sheraton Hotel, Abuja on 29 February 2007.

The CRM said that it would send its own independent report, the APRM country review report, together with the modified NPoA, to Nigeria by end of March 2008. Nigeria would be expected to react to the country review report and modified NPoA by the end of April 2008, in time for the continental APRM Secretariat to forward them to member-states of the APRM Forum by the third week of May.

The country review report, with Nigeria's comments annexed, and the finalised NPoA agreed between the Nigerian government and APRM Secretariat would then be considered by heads of state and government of participating states during the APRM Forum held in the margins of the AU summit scheduled for Egypt 1–3 July 2008.

Once the NPoA has undergone peer review, Nigeria would be expected to present a progress report on its implementation to the continental APRM Secretariat every six months. The CRM advised that, following the presentation of the Nigeria country review report at the APRM Forum, it would be desirable for Nigeria to organise national and sub-national workshops to sensitise those who would be charged with implementing the recommendations of the country review report and the NPoA. To this end, it might be helpful to issue simplified or popular versions of the report.

Funding the APRM coordinating structure and process

The federal government funds the activities and programmes of the various bodies in the country's APRM coordinating structure from the annual budget of the Presidency. While this is an indication of the government's support of the APRM process, it can sometimes be problematic because of inter-ministerial bargaining over the quantum of money to be allocated to the APRM process. There is also the problem of delay in releasing funds, owing to bureaucratic politics and red tape in the budget release, accounting and auditing processes within the federal civil service.

Nigeria's report on the APRM process to the 2006 6th Africa Governance Forum observed that 'a preliminary budgetary estimate of the process in Nigeria by the national focal point (NFP) Secretariat reveals that the country will need to spend several millions of US dollars to faithfully and diligently prosecute the APRM process successfully'.²⁹ According to information supplied by the APRM national focal point secretariat in May 2008, the total spending by the federal government alone on the APRM process in Nigeria from January 2004 to March 2008 was N1 615 128 868 (roughly US\$14 million), with the great majority of that money spent in 2007–2008, on the validation exercises and country review mission. This information has not, however, been published.

The United Nations Development Program (UNDP) and other international development partners have supported some of the activities and programmes of the national focal point, including sponsoring radio jingles for raising public

²⁹ Nigeria Country Report on the APRM for the 6th Africa Governance Forum, at Kigali, Rwanda, May 9-11 2006, p. 14.

awareness of the country APRM process, and provided grants for APRM workshops for stakeholders, and the preparation of the Nigerian country report on the APRM for the 6th Africa Governance Forum. The UNDP also partnered with the Economic Community of West African States (ECOWAS) secretariat and the Addis Ababa-based UN Economic Commission for Africa (UNECA) in offering technical advice in the selection of the TRIs/LROs, and in designing the country's APRM process monitoring and evaluation mechanism. Germany's state-funded aid agency, GTZ, provided support for other segments of Nigeria's APRM process.

During 2006, the national focal point, in partnership with the UNDP, explored the possibility of establishing a multi-donor APRM Nigeria trust fund, which would be made up of financial contributions from federal, state and local governments in the country, from the private sector, civil society, and international development partners.³⁰ This was done in line with the guidelines in the APRM base document on not compromising the national ownership of the country APRM process.³¹ The exploration resulted in the integrated project implementation plan (PIP), which was considered at a donor roundtable on an APRM Nigeria trust fund in March 2006. Arising from these exploratory discussions, the national focal point designed a financing framework in early 2006, with an activity-based budget, and a financial management framework, to be worked out eventually, in order to enable donors to determine which activities and programmes to support.³²

At the debriefing session held at the end of the country review mission on 29 February 2008, a policy statement made on behalf of the president of Nigeria indicated that an inter-governmental implementation committee, with representatives from federal, state, and local governments and the corporate world, would be established to determine the formula for sharing the cost of the NPoA among the three levels of government.

An overview of the country self-assessment report and national programme of action

The draft country self-assessment report (CSAR)

The full draft CSAR was not circulated for public discussion during the nationwide validation exercise. What was presented and circulated for discussion was the executive summary of the main findings and recommendations of the CSAR. Listed below are some of these recommendations, by thematic area:

³⁰ Nigeria APRM National Focal Point Secretariat [2006], Country Report, p. 21.

³¹ According to APRM documents, '[i]t is essential...that the APRM does not rely on external partners for funding, although such partnerships could be welcomed if they are managed in a way that clearly respects African ownership of the APRM and all its processes', see: NEPAD/HGSIC-3-2003/APRM/Guideline/O&P, 9 March 2003.

³² Nigeria APRM National Focal Point Secretariat [2006], Country Report, p. 21.

The preliminary national plan of action (NPoA)

The preliminary NPoA, which had been subjected to initial validation between March and April 2007, was updated on the basis of comments and recommendations during the nationwide validation exercise in November–December 2007. Covering the period 2009/2012, and incorporating the Yar'Adua administration's 'seven-point agenda' and the National Economic Empowerment and Development Strategy-2 (NEEDS-2), the NPoA is designed to map out policy measures to address the governance challenges and shortcomings which the CSAR identified.

The projected annual cost of the NPoA, representing about 12.4 per cent of the country's GDP of US\$161 billion, is US\$20 billion, which is to be sourced from:

- National and state budgets;
- Contributions from the private sector; and
- Support from international development partners.

The projection is also based on the assumption that the country's projected annual GDP growth rate is 10.5 per cent, with its annual average budget implementation rate at 60 per cent. While the APRM-NWG will be responsible for governance and oversight issues of the implementation of the NPoA, a joint monitoring and evaluation team made up of state and non-state stakeholders will be established, with implementation activities across the four thematic areas 'grouped for action by designated clusters of cognate implementing agencies.'

The NPoA prioritises the APRM governance thematic issues in the following descending order of importance:

- Socio-economic development;
- Democracy and political governance;
- Economic governance and management; and
- Corporate governance. This prioritisation is reflected in the projected ('costed') annual budget of US\$20 billion for the NPoA, with the projected breakdown for each of the four thematic areas as shown in Table 10.

Table 9: Major recommendations of the CSAR

| Thematic area | Major recommendations |
|------------------------------------|---|
| Democracy and Political Governance | Constitutional review Capacity-building of legislature and judiciary to strengthen checks and balances Empowerment of CSOs Affirmative action for women Enhanced autonomy for anti-corruption agencies |
| Economic Governance and Management | Economic reform programme to be faithfully implemented Capacity-building to deepen new budget orientation to institutionalise monitoring and evaluation by CSOs Capacity-building of public servants to operate the new Public Procurement Law Passage and operation of the Fiscal Responsibility Bill |
| Corporate Governance | Wider jurisdiction and strengthening of the Investments and Securities Tribunal Regulatory and enforcement agencies to insist on corporate social responsibility as a corporate obligation rather than philanthropy Corporate integrity measures to apply to private sector also Corporations in the oil and gas industry should be signatory to the Nigerian Extractive Industries Transparency Initiative (NEITI) |
| Socio-Economic Development | Enhanced institutional capacity for effective implementation of National Economic Empowerment and Development Strategy (NEEDS), State Economic Empowerment and Development Strategy (SEEDS), and Local Government Economic Empowerment and Development Strategy (LEEDS) Better coordination of development planning at all tiers of government Poverty reduction programmes to be better funded Massive infrastructural development to reduce costs to business and promote private sector growth Sustained and more vigorous implementation of the MDG programmes Increased access to credit for small and medium enterprises Vigorous promotion of girl-child education |

Source: Abstracted from, NEPAD Nigeria [2007], APRM CSAR Executive Summary

Public responses to the CSAR executive summary

Issues that participants at the nationwide validation workshops for the APRM country self-assessment underscored for pressing attention included:

- inadequate knowledge of the Nigerian constitution, requiring more public enlightenment and civic education to enable the ordinary Nigerian to know not only his/her rights but also his/her obligations and civic responsibility;
- the imperative of physical and social infrastructure development, and of human and institutional capacity-building, especially in science and technology, as an investment in the country's economic growth and social development;
- reduction, if not suspension, of the country's international peacekeeping commitments, in order to save resources for a refocused attention on internal security enhancement and internal conflict resolution and management for sustainable peace and development in the country; and
- effective containment and management of the inflationary spiral.

Table 11 provides a sample (objectives 1 and 2 in each thematic area) of reactions to the CSAR executive summary by the representatives of various stakeholder groups and other participants during the nationwide validation exercise of the two documents, in four validation centres (Awka, Owerri, Uyo, and Yenagoa), in the country's south-east and south-south zones, comprising the Federal Capital Territory and nine of the 36 states of the federation: Abia, Akwa Ibom, Anambra, Cross River, Bayelsa, Ebonyi, Enugu, Imo, and Rivers States.

Table 10: Thematic distribution of costing of Nigeria's NPoA

| Thematic area | Projected cost (US\$) | Project cost as % of annual NPoA budget |
|------------------------------------|-----------------------|---|
| Socio-Economic Development | 8 billion | 40 |
| Democracy and Political Governance | 5 billion | 25 |
| Economic Governance and Management | 4 billion | 20 |
| Corporate Governance | 3 billion | 15 |
| Total | 20 billion | 100 |

Source: Abstracted from, NEPAD Nigeria [2007], APRM CSAR Executive Summary

The costing was arrived at through the following weighted parameters: (a) Capacity-building (human and institutional): 60 per cent; (b) Monitoring and Evaluation (M&E) (for quality assurance): 25 per cent; and (c) Sensitisation (for sustaining popular participation and national ownership): 15 per cent. Source: Nigeria National Focal Point Secretariat, APRM Nigeria's National Programme of Action (NPoA), 2009–2012, Abuja, 2007, p. 373; also Dr Gabriel Gundu, Overview of the Updated and Costed NPoA, 2009–2012, presentation at 2nd Meeting of the APRM-NWG, 28 December 2007, p. 6.

Table 11: Stakeholders' reactions to the CSAR and NPoA in the South East

| Thematic area | Validation stakeholders' reactions to CSAR |
|------------------------------------|--|
| Democracy and Political Governance | <p>Standards and Codes (S&Cs):</p> <ul style="list-style-type: none"> • Executive to expeditiously implement domesticated S&Cs • Wider consultations with people and CSOs before signing, ratifying and domesticating S&Cs <p>Objective 1:</p> <ul style="list-style-type: none"> • Strengthening and building capacity of traditional institutions, CSOs and FBOs to help prevent communal conflicts <p>Objective 2:</p> <ul style="list-style-type: none"> • Granting financial autonomy to local government councils • Constitutional provision for traditional rulers |
| Economic Governance and Management | <p>Objective 1:</p> <ul style="list-style-type: none"> • The federal government should implement Land Reform to free latent capital in land and drive wealth creation • Economic diversification to transcend agriculture and industry to include tourism and other selected sectors <p>Objective 2:</p> <ul style="list-style-type: none"> • National Assembly should be Approving Authority for annual budgets of the Central Bank of Nigeria and the Nigerian National Petroleum Company. Oversight functions of the National Assembly and the State Houses of Assembly should be strengthened through capacity-building |

| | |
|----------------------------|--|
| Corporate Governance | <p>Objective 1:</p> <ul style="list-style-type: none"> • Establishment of rating agencies for risk analysis of institutions • Company registration should be made easier and cheaper, particularly to encourage youths and young entrepreneurs • Corporate Affairs Commission should decentralise registration to state level in all states of the Federation <p>Objective 2:</p> <ul style="list-style-type: none"> • Community leaders, CSOs in all tiers of government should ensure full implementation of corporate social responsibility • Implementation of MoUs entered into between companies and communities |
| Socio-Economic Development | <p>Objective 1</p> <ul style="list-style-type: none"> • Enthronement of mechanism to enhance multi-stakeholders' monitoring and evaluation of programmes and projects • Establishment of community-based economic empowerment and development strategy (CEEDS), as counterpart of SEEDS and LEEDS to spread development to the local grassroots level <p>Objective 2:</p> <ul style="list-style-type: none"> • State governments should construct storage facilities for agricultural produce • States should demonstrate their commitment to the Universal Basis Education (UBE) Scheme by paying their counterpart funding timeously |

Source: Source: Abstracted from Chief (Mrs) Chinyere Asika [2007], Report of the Country Self-Assessment (CSAR) Validation Workshops in the South East Geopolitical Zone, APRM/CSAR/Workshop/Team 2 Report, 3rd December.

Critical evaluation of the APRM process in Nigeria: Trends, challenges and opportunities

APRM national coordinating structures

The 'country guidelines' issued by the APRM continental structure state that the critical objective in establishing national APRM institutions is to ensure that the review process is 'credible and free from political manipulation', both by the government in power and by other stakeholder groups.

Nigeria's APRM coordinating structure has matured over the past five years, since the country's accession to the APRM in March 2003. What continues to be its strength in one respect is also, in another respect, its weakness: the role of the secretary to the government of the federation as the national focal point, and the location of the NFP/APRM Secretariat within the presidency. Perhaps as a consequence, the National Working Group is relatively powerless, and needs to be strengthened.

National focal point (NFP), national coordinator and National APRM Secretariat

The designation of the secretary to the government of the federation as the national focal point is consistent with the recommendation in the guidelines that the NFP should either be at the 'ministerial level', or 'in the office of the presidency', reporting directly to the head of state or government. Owing to the heavy schedule of the SGF, his APRM workload has been delegated with the appointment initially of the APRM national coordinator, and later in June 2007 of the Special Adviser (NEPAD) to the President, who reports both to the SGF and President on NEPAD/APRM matters, oversees and coordinates

the work of the other organs of the national coordinating structure, liaising between them, the government, and the Continental APRM Secretariat.

According to the 'country guidelines', the national APRM Secretariat should 'provide administrative and technical support to the national commission [in Nigeria's case, the APRM-NWG], ideally established outside government and with adequate budget'. The location and deployment of staff of the national APRM Secretariat substantially from within the federal civil service seems, at face value, to be at variance with the country guidelines' recommendation that it should be 'outside government'.

While locating the national APRM Secretariat within the Presidency has created access at the highest political level and to the federal bureaucracy, it has also led to a bureaucratisation of the APRM process and fed the suspicion that the process is government-controlled. The national secretariat is not accountable to the APRM-NWG, and reports directly to the NFP, through the Special Adviser (NEPAD) to the President. Except for the external consultants and the TRIs/LROs, staff of the secretariat are drawn from the federal civil service, and are deployed to serve in the secretariat, either in the SGF/NFP's office, or in the office of the Special Adviser (NEPAD) to the President. This fact raises critical issues of the accountability and loyalty of the national APRM Secretariat, and of where the authority to control, reward and discipline lies.

The present arrangement has weakened the oversight powers of the APRM-NWG over the national focal point and the Special Adviser (NEPAD) to the President, giving them a lot of discretionary power and control over the country's APRM process. This situation has been facilitated by the fact that the APRM-NWG meets irregularly, and sometimes at the pleasure of the NFP/APRM Country Secretariat.

The National Working Group (APRM-NWG)

The APRM country guidelines provide for an autonomous national commission or national governing council, made up of a diverse ensemble of stakeholder groups, representing 'a wide range of interest', and 'responsible for overseeing the national process'.³³ In Nigeria, the APRM National Working Group plays this role. The 'country guidelines' leave the details and manner of its composition to the discretion of the national government. However, in the spirit of the core values and principles of the APRM it is expected that the composition would be based on extensive consultations not only between the government and the various stakeholder groups, but also within each stakeholder group, depending on the nature and operation of its mechanisms for internal democracy.

The problem is also how to determine not only who or what is a stakeholder group, but also, since the membership cannot be infinite, which are the critical stakeholder groups to be provided with APRM-NWG membership. Another problem arises from the fact that both within government and the stakeholder

33 See African Peer Review Mechanism: Annual Report 2006, APRM Secretariat, 2007.

groups, the APRM-NWG might be seen as just another type of government patronage.

The initial approach of the NFP to this challenge was to constitute a 50-member APRM-NWG, consisting of a majority of civil society representation.³⁴ However, the selection of groups did not, for example, include specially designated organisations representing women or other marginalised groups as specific categories separate from NGOs/CSOs category. The government category was also limited to the federal level. This 50-member APRM-NWG was also criticised by the APRM country support mission in March 2005 as being overly dominated by the executive, and not sufficiently representative of civil society.

It was not until November 2007 that the NWG was expanded. The new working group, inaugurated in November 2007, is made up of more than 60 per cent non-state stakeholders (see Table 1) and specifically includes women, representatives of people with disabilities, and faith-based organisations as non-state stakeholder groups. It also adds secretaries to state governments as a state-actor stakeholder group, though local government councils as a specific state-actor stakeholder group remain unrepresented.

What remains unclear was the combination of criteria and process for nominating or inviting stakeholder groups' representatives to serve on the APRM-NWG. This is an important issue that goes to the heart of accountability and transparency of the process. The general tendency in constituting the APRM-NWG seems to have been for the NFP either to request for nomination from each identified stakeholder group or to issue direct invitations to specific nationally distinguished individuals to represent specific stakeholder groups on the APRM-NWG. The selection of the new chair and the selection of the membership of the APRM National Steering Committee were also carried out in circumstances that appeared less than transparent to some members of the APRM-NWG. Moreover, the chair of the body, although no longer holding a political appointment, did previously serve under former President Obasanjo as a senior special assistant on NEPAD, and is still perceived by some members of the APRM-NWG as a government appointee. But she is popular with the generality of the APRM-NWG, most of whom appreciated her knowledge of the APRM, and contributions during the various meetings the body held in November–December 2007.

Related to its problematic composition is the relative powerlessness of the APRM-NWG. Its powers and functions are not clear, it lacks a functional secretariat and its own budget, and it is virtually under the direction of the NFP/APRM Secretariat.

Nonetheless, the reconstitution of the APRM-NWG in late 2007 was significant in that it came after a long lull, when some stakeholders were worried that the process had ground to a halt. Other changes also seem to indicate

³⁴ Nigeria APRM National Focal Point Secretariat [n.d.], Country Self-Assessment Report (CSAR): Background Information on the APRM and its Implementation in Nigeria, pp. 6–7.

a trend towards giving the APRM-NWG a more active role in the country's APRM process. These include the merger of NEPAD/APRM in one agency, instead of two separate agencies (NEPAD-Nigeria and APRM), thereby giving the national APRM Secretariat more technical and professional empowerment for the more efficient and effective implementation of its activities. In addition, there are informal indications from officials involved that, once the peer-review is concluded, attention will be directed to improving the structure of the NWG, based on best practices in some of the other countries which have undergone peer review.

It is hoped that the new NWG to emerge thereafter will be detached from the bureaucratic apron strings of the NFP and the federal bureaucracy, and will be given independence through legislation, with its own budget and the powers to appoint its own executive secretary and recruit its own staff. Models for such a structure include the national stakeholders' working group (NSWG) of the Nigerian Extractive Industries Transparency Initiative (NEITI), as well as the national APRM commission established in Ghana.

Decentralisation of the APRM structures

Involving state and local governments more actively in the APRM process remains a great challenge. The federal structure of the country makes it constitutionally and politically unfeasible for the federal government to impose a structure on lower levels of government. A related problem is that under the country's federal constitution, external affairs, under which the APRM process falls, is an item on the exclusive federal legislative list over which lower levels of government have no authority.

What is clear from the initial approach of the NFP to defining and categorising stakeholder groups is the exclusion of state governments and local government councils as distinct stakeholder groups in their own right; rather than dissolving their identities in the categories of 'National Council of State', and 'Governors' Forum'. Only at the end of 2007 was action taken to redefine the APRM stakeholder groups to include representation for state governments in the APRM-NWG.

The problematic import of the country's federal structure for the APRM process was illustrated by the cautionary observations of Chief (Mrs) Chinyere Asika, chairperson of the APRM-NWG, during her introductory remarks at the wrap-up meeting at the end of the country review mission with the NFP, APRM-NWG, and special adviser (NEPAD) on 29 February 2008. She remarked that her impressions, arising from her participation in the nationwide validation sessions with stakeholders, were that state governments not only wanted to know how they were to be integrated into in the APRM process, but also, more importantly, requested reassurances on the benefits of the process to their states.³⁵

³⁵ Notes taken by author, relating to comments by Chief (Mrs) Chinyere Asika, at the Wrap-Up Session Meeting between the CRM, the APRM-NWG, and Special Adviser (NEPAD), 29 February 2008.

These challenges relate more generally to the nature, if any, of the intra-governmental (federal/state) consultations preceding the federal government's decision to sign international treaties such as the APRM MoU; and the mechanisms for ensuring that state governments implement them without compromising or alienating their legislative powers and autonomy. In this regard, an important issue raised by state government functionaries at a number of meetings was that they were neither consulted before the country acceded to the APRM MoU, nor appropriately briefed after the accession, about its implications for their own constitutional powers, functions, and responsibilities.

Federalising the APRM coordinating structure in the country and devolving more responsibilities for implementation of the NPoA to the states will thus require hard political bargaining, relating particularly to cost sharing, given the imbalance in favour of the federal government in the financial revenue base and fiscal strength of the federal, state and local governments. In an address given on behalf of the president by the speaker of the House of Representatives at the debriefing session on 29 February 2008, he indicated that an inter-governmental panel would be established to work out a sharing formula for the implementation of the NPoA, and other follow-up activities for the APRM in the country.

Non-state actors' participation and involvement in the APRM process in Nigeria

The APRM country guidelines enjoin participating countries 'to organise a participatory and transparent national process' which will:

- define, in collaboration with key stakeholders, a roadmap on participation in the APRM, which should be widely publicised and provide information about national structures, the stages of the APRM, and the roles and responsibilities of stakeholders from government, non-government organisations, private sector and international development partners;
- establish and publicise feedback mechanism between different levels of government and with non-governmental stakeholders; and
- ensure participation by relevant stakeholders in the implementation of the programme of action.³⁶

In organising the APRM process in the country, therefore, the NFP is expected to ensure the integration and active participation of non-state-actors, 'key stakeholders' in the country's APRM coordinating structure and activities. This is a critical dimension of ensuring the ownership of the process by Nigerians, as well as providing for 'local accountability'.³⁷

³⁶ African Union/NEPAD [2003], Guidelines for Countries, pp. 11–12.

³⁷ African Union/NEPAD [2003], Guidelines for Countries, p. 13.

Defining the APRM stakeholder groups

But who or what are the ‘key stakeholders’? Are they categories of individuals, institutions, communities, and organisations? Who determines who or what they are, and by means of which criteria and through what processes?

In his address to the National Workshop on the APRM in March 2005, the NFP Chief Ufot Ekaette asserted that ‘participation’ in the APRM process ‘is open to all stakeholders including parliaments, business, labour, academia and civil society’ and not only government.³⁸ At the same workshop, Ambassador Aluko-Olokun, the APRM national coordinator, referred to ‘state actors and non-state actors’ as stakeholders in the country’s APRM process.³⁹ Ambassador Aluko-Olokun indicated what the government understood to be the ‘APRM target audience’ among the country’s public and private sectors. From the state sector, he identified the National Council of State, the Governors’ Forum, the Federal Executive Council, the National Assembly, the judiciary, and government officials in general. From the non-state sector, he listed private business, civil society organisations (including faith-based organisations as well as registered NGOs and other civil society groupings more generally), traditional rulers, labour unions, academia, and the media.⁴⁰

The Nigeria report on its APRM implementation to the 6th Africa Governance Forum made reference to ‘a partnership framework for the APRM between the public sector, private sector, civil society organisations, community-based organisations and the international donor community’.⁴¹ The challenge of defining and categorising APRM process stakeholder groups for the NFP/APRM Secretariat was primarily that of determining and designing ‘the scope, extent, and representativeness of stakeholder participation in the process’, in such a way ‘as to extend beyond the federal to the other tiers of state and local government’, while also giving consideration to the plural ethno-communal and religious structure of the country’, and the western educated/uneducated (literacy/illiteracy) gap in the country.⁴²

Yet, from the outset, the selection of non-state actors to participate in the APRM structures – and in particular the National Working Group – was problematic. Although a fairly wide range of organisations were eventually included in the NWG in late 2007, most of the APRM self-assessment process has taken place under the nominal guidance of a group of organisations selected by the executive. Even for the reconstituted NWG there were no clear

38 Chief Ufot J. Ekaette, [2005], Opening Address by Chief Ufot J. Ekaette, CFR, Secretary to the Government of the Federation at the National Workshop on the African Peer Review Mechanism (APRM), Ota, Ogun State, 4 March 2005, p. 3.

39 Ambassador I.A. Aluko-Olokun [2005], Introductory Remarks at the National Workshop on the African Peer Review Mechanism (APRM), 4–5 March 2005, Ota, Ogun State, p. 4.

40 Ambassador Isaac Aluko-Olokun [2005], The African Peer Review Mechanism: Objectives, Process and Current Continental Status, paper presented at the National Workshop on the African Peer Review Mechanism, Ota, Ogun State, 4 March 2005, p. 2.

41 Nigeria’s APRM National Focal Point Secretariat [2006], Country Report, p. 6.

42 Nigeria’s APRM National Focal Point Secretariat [2006], Country Report, p. 11.

and transparent criteria for inclusion in the working group. This remains a serious weakness of the Nigeria APRM structure.

Civil society's lack of confidence in the autonomy of the process was made clear from the suggestion during the preliminary phases of the country self-assessment by some CSOs that they would undertake a parallel or 'shadow' assessment.⁴³ The APRM Secretariat increased the suspicion by the manner in which the initial TRIs were summarily removed from the process and replaced by the LROs without reference to, or approval of, the APRM-NWG; and by a lack of transparency over the budget for the country self-assessment exercise, about which the APRM-NWG was equally unaware.

Civil society gained the perception that the NFP was not enthusiastic about a technically competent and professional conduct of the country self-assessment, especially against the broader background of the controversy over political and constitutional reform and the debates over removing the constitutional two-term limits for presidential and gubernatorial elections.

Advocacy, dissemination, sensitisation and mass participation in the APRM process

Popularising the APRM process, in order to facilitate inclusiveness and local ownership, continues to be one of the major challenges facing the national focal point and the APRM-NWG. The character of this major challenge is captured in the observations in Nigeria's country report on the APRM presented to the 6th AGF in Kigali, Rwanda in May 2006 about the need:

- to touch base with the rural population and the urban underclass by establishing linkages with them, for example through a multipronged multimedia strategy, which disaggregates the media, based on their applicability and relevance to different strata of society and the different tiers of government;
- to build bridges to narrow or eliminate the gap between the state at various levels of government and the citizenry, to ensure their participation in, and ownership of, the APRM process;
- for a strong civil society conscious of its social responsibility to act as partner in engendering a critical mass of actors to push forward the APRM process; and
- for more consultative and confidence-building measures by government at all levels to diminish the impact of perception that the APRM process is state-driven and, for that reason, unless the consultations and participation elements of the process are broadened and meaningfully inclusive, its expected results may not materialise.⁴⁴

43 See, for example, Abimbola Akosile, *Beyond a Civil Society Shadow Report, This Day* (Lagos), 1 March 2005.

44 Nigeria APRM National Focal Point Secretariat [2006], *Country Report*, p. 11.

In facing this challenge, the NFP, in close collaboration with the APRM-NWG and a number of non-state stakeholders and international development partners and donor agencies, embarked on a series of intersecting dissemination activities, including establishing a website and media task force, and conducting sensitisation seminars and training workshops.

The NFP set up a media advocacy task force to devise advocacy and dissemination strategies to popularise the APRM process and to sensitise the general Nigerian public about the significance of the APRM process to good governance and development in the country. To this end, the NFP also developed materials such as an APRM information digest, an APRM handbook, flyers, stickers, handbills, posters and billboards for distribution and display throughout the country, and also jingles to be aired in the broadcast media (radio and television) on various aspects of the APRM process.

Participants at the nationwide validation workshops also suggested the wider circulation of the CSAR executive summary, in the form of popular versions and translations into Nigerian languages.

Although it neither featured in the CSAR, especially the methodology section, nor during the stakeholders' validation of the draft CSAR and the country review mission meetings, it is not unlikely that access to, and reliability of, information and data must have been a major problem for the preparation of the country self-assessment report. Researchers seeking to track oil revenues and expenditure, for example, have found it very difficult to gain access to budget and other financial information.⁴⁵ A Freedom of Information Bill has been debated for several years in the National Assembly, and in fact adopted before the 2007 elections, but not signed into law by President Obasanjo. A new version of the bill was voted down in the House of Representatives in April 2008. It would have been fruitful to know how the LROs overcame or coped with this problem.

Moving forward, for the APRM process and other reforms to be credible, it will be important for the government to improve both access to, and the reliability of, information and data on public affairs for the general public.

Delays in the process

From mid-2006 to mid-2007, the APRM process in Nigeria fell victim to the acrimonious politics of succession in the country. There were fears that the outcome of the data gathering and field activities of the self-assessment process by the LROs and the National Bureau of Statistics might be kept confidential. Some of the LROs even considered publishing their own findings and reports, independent of government, if the draft CSAR was either unduly delayed or not released by government; one of them threatened court action to enforce its contractual entitlements. On the other hand, it appears from discussions with the NFP Secretariat that, except for the section on democracy

⁴⁵ See, for example, L. Adele Jinadu et al., *Democracy, Oil and Politics in the Niger Delta: Linking Citizens' Perceptions and Policy Reform*, p. 20, Port Harcourt: Centre for Advanced Social Science, 2007.

and political governance, which was competently and professionally done by the contracted LRO, the other sections of the draft CSAR, especially the one on socio-economic development, did not meet up to expectations. Extra work had to be done on the three sections by the thematic coordinators, to make them ‘technically competent, [and] credible...’ as required by the APRM country guidelines.

By June 2007, it had taken the country an embarrassing two-and-a-quarter years since the conclusion of the country support mission in March 2005 signalled the formal commencement of the self-assessment process. The APRM follow-up mission of July 2007 reenergised the process, as did the appointment of Ambassador Tunji Olagunju as Special Adviser (NEPAD) to the President by President Yar’Adua in June 2007 in place of Ambassador Isaac Aluko-Olokun, who had been expected to continue in the position. The Special Adviser (NEPAD) to the President’s release of the executive summary of the country self-assessment report, and initiation of the process of national validation of the CSAR, was also an indication of renewed commitment to the process.

As of April 2008, Nigeria appeared to be on track for the country review report prepared by the APRM Secretariat to be presented and defended by President Yar’Adua at the APRM Forum to be held in the margins of the African Union summit in Egypt, July 2008.

The national CSAR and NPoA validation exercise

The nationwide validation exercise of the CSAR and the NPoA based on the circulated CSAR executive summary was generally well attended. It was given wide coverage in the national and local print and electronic media, and was generally marked by differing levels of enthusiastic participation by the various stakeholder groups.

Assuming the form and character of a town-hall meeting, the validation process generally provided participants with a rare and welcomed opportunity for the expression of their perceptions and feelings about federal, state, and local governance issues in the country: what was wrong, what was commendable, where the country was coming from, lessons to learn, and what now needed to be done to strengthen what was commendable, and to redress and correct what was bad. In a number of cases, special sessions in local languages were organised for participants who demanded them, so that they could better understand the issues at stake.

The reactions of the participants showed an acute awareness of the issues raised in the executive summary of the CSAR. As the executive summary of the CSAR itself noted: ‘There is very low awareness of the New Partnership for Africa’s Development (NEPAD) and the APRM and its processes among Nigerians, but very high level of awareness of the relevant governance issues assessed under the four thematic areas.’⁴⁶

⁴⁶ NEPAD Nigeria [2007], APRM CSAR: Executive Summary, p. 2.

However, participants also showed a sceptical attitude towards the exercise, in respect of whether their observations would be faithfully relayed to government and, if relayed, whether they would be attended to, and thereby make any positive difference to the country's governance processes and their lives.

Among the weaknesses of the validation process was the pronounced absence of representatives of the legislature and judiciary at most of the validation exercises at both federal and state level. Their presence should be critical, given the constitutional role of the two branches of government: the judiciary's central position in ensuring the rule of law and accountability of the executive, and the powers of the legislature to ensure law reform and vote public funds to implement the NPoA.

At the federal level, concerns about separation of powers raised questions about institutional hierarchies, and the appropriateness of the executive branch initiating the validation exercises with the legislature and judiciary. There were also concerns about the form the validation should take. After the concerns were resolved, the validation assumed a less public form than was originally planned, especially with the judiciary, which preferred to be out of the public eye. The problem here was that the leadership of these two branches of government viewed the coordinating structure and the APRM process generally as essentially executive branch initiatives, which might infringe their independence.

The organised private sector, including those in the most important sectors, such as the banking and the oil and gas industries, also had little presence at the validation workshops despite receiving invitations. It is also unclear how much input they had generally into the CSAR, through the questionnaire for interviews of key decision makers. This seems to reflect the fact that the banking industry and the oil and gas industry had no representation on the reconstituted APRM-NWG, being only indirectly represented by the national president of the National Union of Banks, Insurance and Financial Institutions Employees (NUBIFE), and the chairman of the Nigeria Extractive Industries Transparency Initiative (NEITI).

Finally, the uniformed services – the police, military and others – were hardly represented in the process. Given the culpability of the security agencies in human rights abuse in the country catalogued in the officially unpublished 2002 'Report of the Human Rights Violation Investigation Commission' (known as the Oputa Report, after the chair of the commission), this is also an important omission.

*CSAR research methodology and content***Sampling technique**

Although the CSAR executive summary refers to the sample size and distribution of the population utilised for the mass household survey (MHS) and elite/decision maker interviews (EDMI), it made no reference either to whether and how the respondents were randomly selected, nor did it indicate the response rate to the questionnaire administered to both groups (MHS and EDM). It was also unclear how the questionnaire in both cases was administered, especially in the case of MHS, where respondents who are non-literate in English were concerned. These matters may be explained in the full report, but the lack of information means that it is difficult to know what validity to accord the results reported.

There is also little evidence from the CSAR executive summary about the disaggregation of respondents and their responses along stratified sample size in either the MHS or the EDM. Nor was there evidence of cross-comparison of the responses of MHS and EDM respondents to specific questionnaire thematic objectives. This may be owing to a problem arising out of the fact that, while one LRO, the National Bureau of Statistics, administered the MHS across the four thematic areas, the other LROs administered the EDM and conducted the focus group discussions in their respective areas of thematic assignment, and had to integrate data from the MHS for analysis in their respective thematic assignments.

Neglected or inadequately addressed crosscutting issues

State level analysis: It was realised at the point of domesticating the APRM master questionnaire that Nigeria's federal political system would create a peculiar level-of-analysis problem for the country self-assessment: would the focus be on federal government policies only, or it would also be on the state and local governments? What level of government would 'government' or 'national' policy refer to? Does national refer to federal policy alone, or to an aggregation or synthesis of federal, state and local government policies? Are respondents sure which level 'government' refers to in answering the questionnaire? It is not clear from the CSAR executive summary how this problem was approached and, if at all, resolved. For it seems from the executive summary that the primary, if not the only, focus was on federal government policies.

Nigeria's rating on Human Development Index: The CSAR executive summary seems not to have explicitly addressed the consequences of Nigeria's rating on the human development index in the annual UNDP Human Development Reports, and its progress towards the millennium development goals (MDGs), in areas like poverty reduction, inflation, unemployment, and human security generally. This is an area where government at all levels has fallen far short of the expectations raised by Nigeria's own constitutional 'Fundamental Objectives and Directive Principles of State Policy', and accession

to related international conventions, codes and standards on economic, social and cultural rights.

It is in this context, too, that the executive summary fails to identify the Niger Delta Crisis as a microcosm of the wider problem of Nigeria's persistent low human development index, and its slow progress towards the MDGs.

Regional disparity in development:

The CSAR executive summary fails to address the issue of the political asymmetry between the states/zones of the federation. It consequently also does not address how the asymmetry has impacted on state and/or zonal disparity and its consequences for inter-governmental relations in the federation, and for economic and political governance, and for socio-economic development in the country.

Capacity-building/retention and the crisis in higher education, and knowledge creation generally: A central cross-cutting issue in the four APRM thematic areas is the twin issues of capacity-building and capacity retention. The CSAR executive summary has not specifically addressed this issue, despite the crisis in higher education and the general crisis of knowledge creation, including the promotion and utilisation of indigenous knowledge systems. To this must be added the lack of reference in the executive summary to the virtual absence of a national policy on research and development, national social science policy, and a coherent science and technology policy, all linked to the broader issue of state capacity, development and human security in the country.

The ambiguous role and neglect of local government: The CSAR executive summary hardly addresses the ambiguous role and neglect of the local government council in the political and economic governance as a major deficit in the country's practice of constitutional democracy.

Conclusion

Nigeria's accession and commitment to the APRM process must be viewed through the lens of the country's historically deep-rooted commitment to pan-African ideals in both domestic politics and foreign policy. This commitment is reflected in the adoption in Nigeria of many key documents on African Unity, including the 1990 Lagos Plan of Action for the Economic Development of Africa, the 1991 Abuja Treaty establishing the African Economic Community, and the APRM core documents themselves. The limits and possibilities of the APRM process in Nigeria must also be set in the broader context of the long drawn out struggle for democratic governance and for ethics, transparency and accountability in the country's political and public life.

The generally enthusiastic reception accorded the nationwide CSAR and NPoA validation exercise underscored the significance of the APRM process for good democratic governance and sustainable development in the country. The APRM process is designed to impel good governance in the country towards capacity development. Its primary objectives include confronting the

opportunities and problems posed by globalisation, and taking the requisite policy action to meet the MDGs.

To this end, the APRM process focuses on institutional reform, investment in capacity development in the private and public sectors, the rule of law, a competitive electoral process, a transparent policy environment, the protection of human rights; as well as guaranteed provision of physical infrastructure (electricity, railways, roads, and water, among others) and public service delivery to all (in education, electricity, health, housing, and water)

Nigeria's country report presented to the 2006 Africa Governance Forum identified the challenges of the APRM process as follows:⁴⁷

- Linking the process to all levels of government and all strata of the Nigerian society, thereby engendering feedback mechanisms between government and the citizenry.
- National cultural reorientation to reflect the core APRM principles in the country's institutions and political practice and behaviour.
- Focusing on youths as tomorrow's leaders and thereby preparing them for leadership roles.
- Paying more critical attention to reforming institutions and processes, for political elite recruitment and reproduction.
- Entrenching accountability in the country's institutions, particularly through the work of M&E (Monitoring and Evaluation) Team.
- Learning from the country's own experience and that of other countries in the APRM.

Confronting these challenges and opportunities proactively, however, would require that the APRM-NWG show greater efforts than so far to mobilise both non-state and state stakeholders, including the judicial and legislative branches of government at the federal and state levels, as well as the security, military, police and other uniformed agencies, to participate in, and commit themselves to, the process.

What this requires is a new national APRM coordinating structure empowered by specific legislation which vests more autonomy in the APRM-NWG, in the form of enhanced functional and operational powers and greater financial resources. It also requires federalising the structure at state, and ideally local, government level in order to ensure the implementation and sustainability of the APRM NPoA as a cooperative national (federal/state/local government) development project.

The future of the process is, therefore, bound up with the institutionalisation of an intra-governmental monitoring and evaluation mechanism and with participation by the private sector and civil society, to oversee and keep on track the country's compliance with the core principles of the APRM and the faithful implementation of the NPoA.

⁴⁷ Nigeria APRM National Focal Point Secretariat [2006], Country Report, p. 24.

These problems highlight the critical issue of the political will, not only among the political class but also within the federal bureaucracy, to move the APRM process forward, under a new legislative framework, in partnership with the private sector, the CSOs and other non-state stakeholders, on the basis of mutuality, recognition and reciprocity.

The APRM still offers the country the opportunity of using the process, alongside other pro-democracy initiatives, within and outside the country, to reform its politics and economy, in ways that will strengthen democracy, accountability, and transparency in public life.

Sources for the Nigeria study

This report is based on a combination of desk research and participant observation in a number of APRM-NWG activities and programmes, supplemented with informal, unstructured discussions on the APRM and the APRM process in the country with various stakeholders, notably:

Mr Ayo Aderinwale, Executive Director, Africa Leadership Forum, Ota
Dr Anthonia Adindu, University of Calabar, Calabar
Dr Olumide Ajayi, Africa Leadership Forum, Ota
H.E. Ambassador Isaac A. Aluko-Olokun, Former APRM National Coordinator
Professor Ademola Ariyo, University of Ibadan, Ibadan
Chief (Mrs) Chinyere Asika, Chairperson, APRM-NWG
Mr Benson Ekujimi, APRM Consultant
Professor Alex Gboyega, APRM Thematic Consultant
Dr Gabriel Gundu, Director (APRM), NEPAD Nigeria
Dr Jibrin Ibrahim, Executive Director, Centre for Democracy and Development,
Abuja
Professor Okechukwu Ibeanu, University of Nigeria, Nsukka
Professor Attahiru Jega, Bayero University, Kano
Dr Abubakar Momoh, Lagos State University, Ojo, Lagos
H.E. Ambassador Tunji Olagunju, APRM National Coordinator
Dr Dan Omoweh, Nigerian Institute of International Affairs, Lagos
Professor F.O.N. Roberts, APRM Thematic Consultant

RWANDA

Introduction: The APRM, a NEPAD programme

On 9 March 2003, Rwanda was among the first countries to sign the Memorandum of Understanding on the African Peer Review Mechanism (APRM), thus agreeing to submit to a peer review of its performance in relation to good governance in the following four thematic areas: democracy and political governance; economic governance and management; corporate governance; and socio-economic development. On 13 July 2006, at the Hotel des Mille Collines in Kigali, a report was published identifying the challenges Rwanda faces in these areas, as evaluated by an external review team, together with a programme of action (PoA) to address the problems identified.

Between those two dates, Rwanda undertook for the first time in its history a comprehensive self-assessment of its political, economic and social governance. All government departments, all public administration sectors and a good part of the private and non-governmental sectors took part in this review, to varying extents.

The self-assessment process thus undertaken constituted Rwanda's implementation of the APRM, which is one of the programmes of NEPAD, the New Partnership for Africa's Development.

The implementation of the APRM in Rwanda

Chronology of the APRM process in Rwanda

Rwanda signed the memorandum of understanding establishing the APRM on 9 March 2003, the day it was adopted, thereby committing itself to peer review and becoming a member of the committee of participating heads of state and government (known as the APRM Forum).¹ In August 2003, the Government set up a National NEPAD Steering Committee in charge of coordinating the participation of Rwanda in NEPAD and guiding the APRM process. The Steering Committee was composed of 17 members and chaired by the Secretary General of the Ministry of Finance and Economic Planning, who was also the special representative of the President of the Republic to NEPAD. With the exception of a representative of civil society, a representative of the private sector and a representative of the United Nations Development Program (UNDP), the 14 other members of the committee were civil servants

¹ Doc NEPAD/HSGIC/03-2003/APRM/MOU.

from governmental and parastatal institutions. They were appointed by the government on the basis of their responsibilities in institutions directly involved in the NEPAD programmes, including APRM.

In February 2004, in Kigali, Rwanda hosted the first meeting of the APRM Forum, during which it submitted its candidacy to be one of the first four countries to undergo a peer review. This event marked the beginning of the APRM implementation process in Rwanda, which was marked by the following milestones:

- In March 2004, a National NEPAD Secretariat was created within the Office of the President of the Republic, led by an executive secretary, to serve as a focal point for NEPAD and the APRM in Rwanda.²
- From 24 to 26 March 2004, the National NEPAD Secretariat, with the support of the National NEPAD Steering Committee, organised a national information conference on the APRM, attended by over 200 participants representing all of the important interest groups in the country, in order to inform them of the commitment made by the government of Rwanda to submit to the APRM process and to seek their active contribution to its success. The conference established a group of 21 members, chiefly government officials, to form a technical team in charge of the initial processing of the questionnaire and its translation into Kinyarwanda. This group, which formed four technical review teams corresponding to the four APRM governance areas, was also in charge of preparing the initial responses to the questionnaire questions.³
- From 8 to 12 April 2004, the four technical review teams held a retreat in Kinigi (in the former province of Ruhengeri), in order to review the progress of the self-assessment, enhance their respective self-assessment reports and establish a consolidated preliminary report.
- In April 2004, an APRM coordination office was created within the National NEPAD Secretariat and a coordinator appointed, who was also the APRM focal point in Rwanda. However, for budgetary reasons, the APRM coordination office was unable to obtain any other human resources until November 2004, so that, during its first seven months of operation, the only staff member of the coordination office was the coordinator/APRM focal point in Rwanda.
- On 3 May 2004, the technical review teams submitted a progress report and a preliminary report on the self-assessment to a meeting of APRM participants. The meeting formulated recommendations and additions to the preliminary report.

2 Following the creation of the National NEPAD Secretariat, the NEPAD Steering Committee reverted to a symbolic role, although it theoretically supervises the activities of the National NEPAD Secretariat.

3 Rwanda NEPAD Secretariat, *Annual Report 2004*, p. 8.

- From 21 to 24 June 2004, an APRM support mission, led by Mme Marie-Angélique Savané of the panel of eminent persons, visited Rwanda. The mission reviewed the preliminary self-assessment report, led several discussions with various partners from the government, civil society and the private sector and approved the national plan for the completion of the initial self-assessment report. The mission also strongly recommended the formation of an APRM National Commission that would be more independent from the government to supervise the APRM process activities. The commission, whose much larger membership included representatives of government, the legislature, judiciary, civil society and the private sector,⁴ was immediately created at a second APRM national conference and its inauguration took place on 24 June 2004. It took over responsibility for leading the APRM from the National Steering Committee.
- From 24 to 26 July 2004, the APRM National Commission held its first meeting in the former province of Umutara (Akagera game lodge) during which it drafted its strategy and review plan.
- On 28 September 2004, the National NEPAD Secretariat organised a one-day training workshop for civil society, with a view to raising awareness for greater participation in the national self-assessment process. The training was facilitated by the South African Institute of International Affairs (SAIIA).
- On 27 November 2004, the APRM National Commission met and decided to submit the self-assessment report to another national conference for validation.
- On 17 December 2004, the APRM National Commission organised a conference in Kigali to validate the self-assessment report. It was attended by 83 people, including members of the National Commission and other representatives of the government, civil society, the private sector, the church, and international organisations. A 400-page summary of the draft self-assessment report was presented by the National NEPAD Secretariat's executive secretary and the APRM coordinator based in the secretariat. Criticisms were formulated, though no major challenges were put forward as the report had not been distributed beforehand to allow more in-depth study, and the recommendations were recorded.
- In January 2005, the observations of the validation conference were integrated into the report by the technical review team. The report was then submitted for a technical review by the Africa Institute for Political Analysis and Economic Integration (AIPA), an independent interdisciplinary research institute based in Cape Town, South Africa. The AIPA formulated proposals on the Rwanda self-assessment report, which were integrated into the report during a drafting and editorial

⁴ A list of the APRM National Commission is attached as Annex 1.

supervision session led by the Rwandan branch of the Organisation for Social Science Research in Eastern and Southern Africa, OSSREA. The report was then submitted to the continental APRM Secretariat in South Africa in March 2005.

- From 18 to 30 April 2005, an APRM country review mission led by Ms Dorothy Njeuma, a member of the APRM panel of eminent persons, visited Rwanda in order to carry out the country review mission on governance in Rwanda. At the conclusion of their stay, during which the external experts met repeatedly with members of the government, public officials, the APRM National Commission, members of civil society, etc., they formulated comments on the Rwanda self-assessment report and submitted their own independently prepared report to the government of Rwanda.
- From 3 to 11 June 2005, the Rwandan party analysed the report of the panel of eminent persons and responded to the comments of the APRM country review mission; this response has been acted and appended to the published official APRM report on Rwanda.
- On 19 June 2005, the draft of the Rwanda country review report and PoA for corrective measures for the failings identified were submitted to the third summit of the APRM Forum in Abuja, Nigeria, and given a preliminary discussion. The report was returned to the APRM panel and the Rwandan government to finalise the PoA.
- On 30 June 2006, the final Rwanda APRM country review report prepared by the panel of eminent persons and the APRM Secretariat, together with the national plan of action (NPoA) agreed to by the government, was submitted for review by the fifth summit of the APRM Forum and the African Union, held in Banjul, The Gambia, where it was formally adopted. It was subsequently published in Kigali on 13 July 2006.

National APRM structures

The APRM review process in Rwanda was led by the following four bodies: the National NEPAD Secretariat, the APRM National Commission and its thematic subcommittees, and the four technical teams that led the research. In addition to these permanent structures, APRM meetings and conferences were convened sporadically for the participants in the process. Two of these meetings, in March and June 2004 took important decisions on the leadership of the process. The implementation of the APRM process was coordinated throughout by the APRM coordination office in the National NEPAD Secretariat. The NEPAD Steering Committee was responsible for overall supervision of the APRM process until June 2004, when it was replaced in that role by the APRM National Commission.

The National NEPAD Secretariat

The National NEPAD Secretariat is headed by an executive secretary, who is also the special adviser of the president on NEPAD matters and his representative on the NEPAD Steering Committee. The role of the National NEPAD Secretariat is⁵:

- to coordinate Rwanda's participation in NEPAD and to supervise all NEPAD activities in Rwanda, including the APRM process;
- to provide technical support for the government in all matters relating to NEPAD;
- to coordinate the dissemination of information on experiences with good practices, through regular organisation of briefing meetings and development of tools for the dissemination of information on the programmes adopted in the framework of NEPAD;
- to maintain an information network with the national secretariats of other member states and with other NEPAD stakeholders;
- to be responsible for the organisation and coordination of NEPAD meetings and forums⁶;
- to reinforce and disseminate advocacy for NEPAD/APRM at the national level and to promote broader involvement of the various actors with a view to increasing popularisation of information on NEPAD programmes including APRM among the population to facilitate the activities of the review process;
- to maintain an up-to-date database of information on political and economic developments in Rwanda;
- to draft background documents for APRM missions visiting Rwanda, to propose performance indicators for Rwanda, to monitor performance and provide feedback to the different actors involved in the process;
- to identify and present current national laws, codes and regulations, practices and procedures and explain their correlation with the promotion of good governance.
- to draft and submit to the continental secretariat of the APRM, an annual progress report on the implementation of the PoA produced by the peer review process;
- to report regularly to the National NEPAD Steering Committee on progress in the implementation of NEPAD programmes.

The National NEPAD Secretariat played the central role in the organisation of the entire review process, including managing the logistics of all meetings relating to the self-assessment, such as those held by the technical review teams

⁵ *Rwanda NEPAD Magazine*, Issue No. 001, May–July 2004, p. 17–18.

⁶ For example, the National NEPAD Secretariat was responsible for organising the 1st APRM Forum and 9th Summit of the NEPAD Heads of State and Government Implementation Committee (HSGIC), held in Kigali on 13–14 February 2004.

and the APRM National Commission and its subcommittees. The National NEPAD Secretariat also liaised with the continental APRM Secretariat to organise the APRM technical support mission in June 2004 and the country review mission in April 2005, manage the logistics for the missions during their stays in Rwanda, receive their comments and ensure that they were taken into account in the subsequent phases of the process. Finally, the National NEPAD Secretariat liaised with the international partners who supported the process financially, including UNDP, the UN development funds for children and for women (UNICEF and UNIFEM) and the UN Economic Commission for Africa (UNECA).

The APRM national conferences

The National NEPAD Secretariat organised the APRM national conferences in March and June 2004, each attended by 200 participants invited by the National NEPAD Secretariat with an eye to including all of the different socio-economic strata of the country (government institutions, parliament, parastatal commissions, civil society, private sector, churches, universities, etc.). The Secretariat also organised the December 2004 meeting held to validate the self-assessment report.

The March 2004 APRM national conference selected the technical teams which carried out the first self-assessment consultations for the APRM framework from March to June 2004. The June APRM national conference created the APRM National Commission and four thematic subcommittees.

The Steering Committee and the APRM National Commission

From March to June 2004, APRM activities were coordinated by the National NEPAD Secretariat and supervised by the NEPAD Steering Committee. Of the 17 members appointed by the government to form the steering committee, 14 were high-level government officials, accompanied by one civil society representative, a representative of the private sector and a UNDP representative.

During the 21–24 June 2004 visit to Rwanda by the APRM technical support mission led by Mme Marie-Angélique Savané, she remarked that the leadership of the process ought to be placed in the hands of a more representative structure. An inclusive APRM national conference was immediately convened and chose 50 members to form the APRM National Commission. While the representation of state agents remained preponderant, the commission was more representative of a range of national interest groups than was the original NEPAD Steering Committee.⁷

The APRM National Commission was initially chaired by the Minister of Finance and Economic Planning and subsequently by the general manager

⁷ The composition of the Commission is set out in Annex 1.

of the Société nouvelle d'assurance au Rwanda (SONARWA), a state-run insurance company. She reports to the president of the Republic⁸.

The principal responsibilities of the commission are⁹:

- to represent all stakeholders in Rwandan society;
- to formulate guidelines throughout the review process;
- to supervise the operation of the process in order to ensure that it includes all the 'driving forces' of the nation;
- to identify key sectors and ensure that they are included in the review programme;
- to contribute to the drafting of a national PoA aimed at correcting the failings identified by the review;
- to ensure that the national plans of action are consistent with the local plans of action;
- to provide information on the grass-roots situation and ensure that it is taken into account in the commitments of the national PoA; and
- to be available for consultation during visits to Rwanda by country review missions in the framework of APRM.

Throughout the self-assessment process, the national commission met regularly to receive the reports of the reviews conducted by the thematic subcommittees.¹⁰ The members debated the different points until consensus positions were arrived at, added further information where necessary and formulated guidelines for the next stage.

The thematic subcommittees

The conference which agreed the appointment of the APRM National Commission also created four thematic subcommittees within the commission, based on the four areas of governance that are the focus of the APRM review (democracy and political governance, economic governance and management, corporate governance, and socio-economic development). The thematic subcommittees worked in close collaboration with the respective technical teams that served as their executives, to enhance the report of the members of the subcommittees. The APRM subcommittees were led as follows:

- the democracy and political governance subcommittee was chaired by a member of the Senate;
- the economic governance and management subcommittee was chaired by the managing director of the mixed-capital insurance company SONARWA;

⁸ *Rwanda NEPAD Magazine*, Issue No. 002, November 2004, p. 20.

⁹ 'Rwanda APRM National Commission,' briefing paper available on line at http://nepad.gov.rw/pages.php?s_ubaaction=showfull&id=1129150827&archive (17 March 2006).

¹⁰ The Commission met four times between June and November 2004. The principal meetings of the Commission are listed in *Rwanda NEPAD Magazine*, Issue No. 003, June 2005, p. 16.

- the corporate governance subcommittee was led by the vice president of the *Fédération rwandaise du secteur privé* (FRSP), the Rwandan chamber of commerce; and
- the socio-economic development subcommittee was led by the executive secretary of PROFEMME, a collective of women's development organisations.

While the technical review teams (which had been active since March 2004) continued to carry out consultations and prepare reports, they now enjoyed the support of the corresponding thematic subcommittees of the APRM National Commission. These subcommittees gave critical reviews of the various mid-term reports, and formulated new guidance to the technical teams based on meetings held at the level of the subcommittees first, and then of the National Commission. The thematic subcommittees proceeded by consulting public documents; organising sectoral meetings (during which the questionnaires were distributed and explained); and then opening a debate on each question and noting the responses gathered, which were then submitted to the National Commission for discussion, before recording them in the self-assessment report.¹¹

The technical review teams

The review work was prepared by the technical teams formed within the 21-member group appointed by the first APRM national conference held from 24 to 26 March 2004. Composed of unpaid volunteers chosen for their technical expertise in the four APRM governance areas, these teams were made up mainly of government officials. Their mandate was to carry out the preliminary processing of the questionnaire supplied by the continental APRM Secretariat, and especially to translate the questions into Kinyarwanda and adapt certain of them to the Rwandan context, as well as to do the initial work of processing the responses to the questionnaire to prepare a preliminary report.¹²

The 3 May 2004 meeting extended the mandate of the technical review teams to include technical auditing of the APRM process under the coordination of the National NEPAD Secretariat and the supervision of the NEPAD Steering Committee, and later the APRM National Commission and its thematic subcommittees.

Financing the APRM

The implementation of the APRM process depends chiefly on government support. Indeed, the cost of the internal national APRM process is covered

¹¹ See 'NEPAD is set to steer Rwanda's Progress', interview with Claver Gatete, personal representative of the President on the NEPAD Steering Committee, in *Rwanda NEPAD Magazine*, Issue No. 002, November 2004, p. 6.

¹² Rwanda NEPAD Secretariat, *Annual Report 2004*, p. 10.

by the country itself.¹³ It is the government that takes the initiative to submit to the process, which begins with an internal self-assessment exercise. The resources required to implement the self-assessment are mobilised either internally or from donors.

In the case of Rwanda, a NEPAD trust fund was set in place in August 2004 by the Africa Bureau of UNDP in order to receive African and outside contributions towards the funding of the APRM. A NEPAD programme implementation support project (*Projet d'appui à la mise en œuvre des programmes du NEPAD*) was created at the UNDP office in Rwanda.¹⁴ It provided support for the APRM process in Rwanda as one of the activities of NEPAD/Rwanda. The budget for the 2005–2007 period was US\$2 426 050. According to APRM officials, only 50 per cent of the total was actually raised (the government of Rwanda contributed US\$100 000, the UNDP contributed US\$500 000, DFID contributed US\$540 000, UNICEF gave US\$60 000 and UNIFEM provided US\$21 000).¹⁵

Managed by UNDP, the NEPAD trust fund directly finances the activities submitted to it by the National NEPAD Secretariat, including activities linked to the APRM process. The LDGL has not been able to gain access to the figures of the trust fund in order to determine the portion of the fund that was in practice allotted to the APRM process.

Thus, external support for the self-assessment does not seem to have materialised to any great extent, so that the Rwandans involved¹⁶ and also the members of the panel of eminent persons¹⁷ have complained of the volunteer nature of the work of the members of the APRM National Commission and its thematic subcommittees and above all of the technical review teams, in light of all the work they accomplished in terms of data gathering and processing. Indeed, this situation has been an obstacle to their level of commitment and the proper conduct of their work.

Methodology applied in the conduct of the APRM process

The questionnaire provided by NEPAD was the foundation document for the research carried out for the APRM self-assessment process in Rwanda. However, in the context of Rwanda, where the vast majority of the labour force is illiterate, a questionnaire of this kind needed to be combined with a combination of various other methods of data collection according to the sector and target population, such as direct interviews, or answering questions in open workshops.

13 AU/NEPAD, Guidelines for countries to prepare for and participate in the African Peer Review Mechanism (APRM), NEPAD/APRM/Panel3/Guidelines/11-2003/DOC8.

14 Rwanda NEPAD Secretariat, *Annual Report 2004*, p. 38. See also the UNDP website in Rwanda: http://www.unrwanda.org/undp/Poverty_Project3.html

15 Interviews with Mr Aimable Kabanda, APRM Coordinator, NEPAD-Rwanda Secretariat, Kigali, March 2006.

16 Members of civil society and the APRM focal point.

17 Draft report of the APRM panel on the country review of the Republic of Rwanda, p. 15.

The methodology used consisted of organising meetings with groups of stakeholders representing various social and professional sectors, to whom the contents of the questionnaire were explained; they were then asked to answer the questions on the spot. The members of the technical review teams then processed the various viewpoints collected to obtain the responses to the questionnaire. The responses to the questionnaire, as formulated by the technical review teams were then submitted to the corresponding subcommittees of the APRM National Commission, which formulated criticisms, corrections and recommendations to be taken into account by the technical teams.

The questionnaires processed in this manner were compiled by the technical teams into a single self-assessment report, which was submitted to the plenary meeting of the APRM National Commission, for further quality control. The report adopted by the National Commission was then submitted to the national conference of participants for a final validation in December 2004, before being sent to AIPA for an external, expert review. The suggestions made by AIPA were integrated into the report by OSSREA, which produced the final edit before the report was sent to the continental APRM Secretariat. The APRM Secretariat then appointed a team led by Ms Dorothy Njeuma, a member of the APRM panel of eminent persons, to conduct the country review mission. The mission first analysed the report before travelling to Rwanda where it conducted meetings to verify its contents.

Distribution of the questionnaire provided by NEPAD

According to Mme Marie-Angélique Savané, chair of the panel of eminent persons, 'the aim of the questionnaire is to promote national dialogue on development issues and facilitate the country reviews based on the realities expressed by all of the social stakeholders. It is therefore important to have a much broader representation within the national structure coordinating the APRM process, as well as a broader dissemination of the questionnaire and the active participation of all of the stakeholders in drafting responses to the questions.'¹⁸ To achieve this objective, the questionnaire needs to be popularised to the greatest extent possible; but, in light of the low level of awareness of APRM among the grass-roots population both in Kigali and in the provinces, this does not seem to have been the case in Rwanda.

In June 2004, the questionnaire was effectively distributed only to the representatives of various sectors within the APRM National Commission. Subsequently, a few large commercial companies such as the Bralirwa brewery and the MTN/Rwandacel telephone company were targeted and received the questionnaire directly in order to put forward their opinions on the questions

¹⁸ Mme Marie-Angélique Savané, 'Syllabus de formation de la société civile et les ONG', Kigali, 28 September 2004.

asked in the socio-economic governance section, as the National Commission had noticed that the private sector contribution was still not sufficient.¹⁹

Consultation meetings regarding the questionnaire

Several consultation meetings were held both in Kigali and in the provinces. Participation in the provinces was variable. For example, according to lists of participants we were able to consult, 25 participants attended a meeting organised in the province of Butare and 29 attended a meeting in Umutara, while only 10 participants attended a meeting organised in the province of Gikongoro. The consultation meetings were organised by members of the technical teams and thematic subcommittees of the APRM National Commission.

Usefulness of the questionnaire in the Rwandan context

The self-assessment report underwent a long review and validation process that made it possible to answer all of the questions on the questionnaire provided by the continental APRM Secretariat. Certain answers in the self-assessment report, however, were very succinct and could have been more detailed. One such example is the response that was made to a question on access to justice for all: the report is very laconic and makes no mention of a very important reform to create new lower-level tribunals, that was under way at the time and whose purpose was to bring the judicial system closer to the people. Some of those interviewed also noted that certain questions were not necessarily suited to the specific context of Rwanda.²⁰ The technical teams were obliged to reformulate or break down the questions, and adapt them to the Rwandan context, particularly since the questionnaire needed to be translated into Kinyarwanda in order to make it accessible to a wider audience. That is how, for example, the APRM National Commission came to add an additional subquestion on the Gacaca process, used to try lesser genocide suspects, as the initial questionnaire did not address this important aspect of Rwandan justice.

Drafting and quality control of the report

The Rwanda self-assessment report was written by the members of the technical teams, after reviews by the thematic subcommittees of the APRM National Commission and the plenary meeting of the Commission under the coordination of the National NEPAD Secretariat.

For quality control purposes, the draft report was submitted to AIPA for review in February 2005. According to the coordinator of the APRM bureau within the National NEPAD Secretariat, who is also the APRM focal point in Rwanda, AIPA made a real contribution and formulated policy proposals,

¹⁹ In *Rwanda NEPAD Magazine*, No. 002, November 2004.

²⁰ Interviews conducted by the LDGL, March 2006.

particularly in the PoA accompanying the report.²¹ The report was then submitted to the OSSREA research centre for editorial supervision and finalisation.

The official Rwandan self-assessment report was submitted by the government to the APRM continental secretariat in March 2005.

The APRM country review mission and report

After reading the Rwandan national review report, an APRM Secretariat review team led by Prof. Dorothy Njeuma, a member of the panel of eminent persons and vice chancellor of the University of Buea in Cameroon, visited Rwanda from 18 to 30 April 2005 and organised interviews with various government, private sector and civil society stakeholders, in Kigali and the provinces. At the end of the exercise, the APRM review team presented the findings of its own country review report to the National NEPAD Secretariat, which responded to certain points of the draft country review report that did not coincide with the viewpoints of the national self-assessment report. The comments of the Rwandan party were appended to the APRM country review report, which was then submitted to the continental APRM Secretariat in South Africa. In addition, the government and country review team developed a PoA to correct the failings identified. The final country review and the PoA were then debated by the APRM Forum of heads of state and government, in a preliminary discussion at the June 2005 meeting of the forum, and then again in June 2006, where they were formally adopted.

Non-governmental sector participation in the APRM process

The participation of civil society in the APRM process can be observed on two levels. At the level of the Rwandan institutions conducting the process, civil society was represented on the APRM National Commission, the central body directing and conducting the process, and was also consulted in the meetings organised by the technical subcommittees. At the level of the continental bodies, civil society was also consulted by the APRM external review missions, including the country review mission to enrich and validate the APRM panel's own report, which visited Rwanda from 18 to 30 April 2005. The final country review report prepared by the APRM panel includes certain civil society viewpoints that do not necessarily coincide with those of the government, particularly in relation to the assessment of democracy and political governance.²² Representatives of Rwandan civil society within the APRM National Commission interviewed in the context of the review commented that they appreciated the open and participatory nature of the

²¹ Interview with the APRM focal point in Rwanda, March 2006.

²² See draft report of the APRM review panel on democracy and political governance, particularly on the points relating to the rights of the Batwa minority, freedom of expression, the role of Gacaca, etc.

process.²³ Nonetheless, civil society participation was, overall, both belated and insufficient.

Belated participation

The discussions held in the framework of the APRM meetings were relatively free and participatory. However, civil society representatives were not given enough time to sufficiently prepare their contributions through prior discussions and research within their organisations during the self-assessment phase. Following the comments of the APRM technical support mission in June 2004, the Rwandan NEPAD Secretariat became aware of the need for more significant civil society involvement in the process. Until that time, self-assessment had consisted of answering the questionnaire essentially according to the viewpoints of the government.²⁴ That is why civil society training/awareness only began six months after the process was launched.

Indeed, although the APRM process was launched in March 2004, except for a few members of the National Commission, civil society was not really involved in the process until late September, when the South African Institute of International Affairs (SAIIA), invited by the National NEPAD Secretariat, facilitated a civil society training/information workshop on the APRM. This was just two months prior to the validation of the final self-assessment report on 17 December 2004. The training focused on (i) an explanation of the APRM process; (ii) a guide to the assessment questionnaire; and (iii) the 'self-assessment' aspect of the process. The aim of the training was to attract civil society interest in participating in the process. During the workshop, explanations of the APRM process, its standards, its questionnaire and the role of civil society throughout the process were covered in an hour and three quarters, followed by 40 minutes of questions and discussion. The afternoon was devoted to the organisation of group work aimed at developing a PoA for the drafting of a coordinated civil society strategy to be submitted to the government and the APRM secretariat.

While the initiative was positive, a workshop lasting less than three hours was far from sufficient, in light of the scope of the material to be covered and the in-depth reflection that should have taken place. A single day of training in the context of the workshop was not sufficient preparation for civil society to participate effectively in the APRM process. Although this workshop was a first step in raising the awareness of civil society, it did not give rise to any new strategies for the coordination of its action, outside of the existing platforms that were represented within the APRM National Commission. Before launching consultations in the framework of the APRM, especially outside of Kigali, the civil society organisations expected the government to extend

²³ Interviews conducted in Kigali, March 2006.

²⁴ Draft rapport of the APRM technical support mission: *Report of the APRM Panel on the Country Review of the Republic of Rwanda*.

awareness activities to the provinces and districts in order to reach the grass-roots organisations.

Low level of representation

Civil society participation in APRM bodies and meetings was not broadly representative. In Kigali for instance, civil society collectives such as CLADHO, CCOAIB, PROFEMME, IBUKA, CESTRAR and CAURWA were chosen to participate in the different meetings of the country self-assessment process, including the meetings organised for the APRM technical support mission and the country review mission.²⁵ They also participated in the technical consultations organised by the four thematic subcommittees (democracy and political governance, economic governance and management, corporate governance, and socio-economic development).

The self-assessment process was essentially conducted by the technical teams, under the coordination of the National NEPAD Secretariat and the supervision of the NEPAD Steering Committee and later the APRM National Commission. The APRM National Commission was formed in June 2004, upon recommendation by the APRM technical support mission to Rwanda, to take responsibility for the APRM process and ensure that the process did not depend on the Steering Committee, which was perceived to be a government organ.²⁶ This does not seem to have entirely resolved the problem, since the National Commission has some fifty members, of which 60 per cent represent governmental and parastatal institutions, while civil society and the private sector are respectively represented by only 20 per cent and 13 per cent of the members.²⁷ And yet external viewpoints should have priority in order to avoid giving the impression that the government is assessing itself.

The peer review mechanism constitutes a very important framework for dialogue on the main national issues. 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. The participation of civil society in the National Commission should not be restricted to representatives of collectives, but should also include representatives of individual organisations that are more technical.

Civil society was very poorly represented in the consultations carried out in the countryside by the APRM review panel from 18 to 30 April 2005. A dozen meetings were organised in the provinces (one meeting per province). For example:

25 CLADHO: Collectif des Ligues et Associations des Droits de l'Homme (Collective of Human Rights Leagues and Associations); CCOAIB: Collectif de Concertation des Organisations d'Appui des Initiatives de la Base (Collective for Consensus-Building among Organisations Supporting Grass-roots Initiatives); PROFEMME is a collective of women's advancement organisations; IBUKA is a collective of organisations of genocide survivors; CESTRAR is a collective of trade union organisations and CAURWA is a collective of Batwa native associations.

26 Draft Report of the APRM Panel on the Country Review of the Republic of Rwanda.

27 See table in Annex 1.

- In the former province of Butare, of 25 participants attending an APRM consultation meeting, only four were representatives of civil society organisations (PROFEMME, DUHOZANYE, GIRIMPUHWE, APIDERBU and the Adventist Church), one represented an international non-governmental organisation (CARE), two represented the private sector, and the rest were provincial and district civil servants.
- In the province of Gikongoro, of 10 participants attending the meeting, there were no representatives of civil society and only one of the private sector.
- In the province of Umutara, 29 participants attended the consultation meeting, of whom 11 were farmers, seven represented cattle breeders, one an NGO (World Relief Umutara) and four businessmen.
- In the province of Byumba, 20 participants attended the consultation meeting, including two church representatives (Episcopalian Church of Rwanda) and three private sector representatives, while the rest were civil servants.
- In the province of Gitarama, 14 participants attended the meeting, including one representative of a civil society organisation (CEPAF), two NGOs (UCF-YWCA and UDEE) and two private-sector representatives (FRSP).
- In the province of Cyangugu, 17 participants attended the meeting, including two church representatives (Rwandan Episcopalian Church and Assembly of Pentecostal Churches of Rwanda), three individuals representing two NGOs (Doctors Without Borders Belgium and CORDAID), while the rest were civil servants.
- In the province of Kibungo, 22 participants attended the consultation meeting, including nine representatives of religious confessions (Rwandan Episcopalian Church, Presbyterian Church of Rwanda, AMURT-Islam, *Eglise Bon Berger*, Evangelical Restoration Church, *Eglise Evangélique de la Bonne Nouvelle au Rwanda*, *Eglise Evangélique de la Bonne Volonté au Rwanda*, Free Methodist Church and Assembly of Pentecostal Churches of Rwanda), one person representing an NGO (UDEE), a journalist, a representative of a popular bank and 10 civil servants.²⁸

Furthermore, the civil society representatives attending the meetings held in 2004 in the provinces to distribute the questionnaire and gather information affirmed that they only attended a single meeting, during which they were expected to read the questions and answer them directly; others barely remembered. Those who remembered were all unanimous in saying that they would have liked to be more familiar with NEPAD in general and APRM in

28 Drawn from the lists of participants in the assessment meetings in the provinces.

particular. They also regretted that they had heard no more about it and asked us what had happened since.²⁹

The foregoing demonstrates that the time allotted to the consultations organised by the APRM review team in the countryside was insufficient and the level of civil society participation very low. Civil society needs to organise to intensify consultations with the population beforehand but also to effectively occupy the space for dialogue opened up by the APRM process. The question resides in the quality/quantity/diversity of the contribution of civil society, not only in Kigali but also and especially in the backcountry. According to Marie-Angélique Savané, chair of the panel of eminent persons, 'the contribution of Rwandan civil society was real but limited'.³⁰ Furthermore, the midterm report of the panel of eminent persons indicated: 'It was noted for example that the Rwanda APRM Technical Team had already answered the APRM questionnaire incorporating predominantly government opinions and figures, without the crucial input of other stakeholders capable of guaranteeing overall national ownership.'³¹

Certain civil society positions that were not included in the self-assessment reports were reflected in the country review report of the panel of eminent persons, based on opinions expressed during the April 2005 two-week country review mission. These include, for instance, positions on the Gacaca process, democracy and political pluralism, the separation of powers, minority rights, agrarian conflicts, etc.³² The fact that these opinions were not included in the original self-assessment report was due to the initial lack of civil society representatives in the technical review teams in charge of gathering data and recording answers, and also to the low level of representation within the APRM National Commission.

General assessment of the APRM process in Rwanda

A government-dominated process

The APRM was conducted by a coordination office housed within the National NEPAD Secretariat. The resulting limited administrative and management autonomy had a negative impact on the conduct of the APRM process. It was unable to attract skilled and motivated human resources other than the volunteer staff made available to it by government NEPAD structures. The independence of the APRM National Commission was affected by the overrepresentation of government members, although this composition did ensure easy access to official state data and documentation. On the other hand, this dependency on official sources meant that in the eventual PoA

29 Interviews conducted in the provinces in March 2006, with the participants of the meetings organised in 2004 throughout the country in the framework of APRM.

30 *DIALOGUE*, the quarterly bulletin of Partnership Africa Canada, No. 4, April/June 2005

31 Draft report of the APRM technical support mission, 'Report of the APRM panel on the country review of the Republic of Rwanda'.

32 See draft report of the panel of eminent persons on democracy and political governance.

there were relatively few departures from the programmes already established by the government.

The self-assessment liberally quotes positions and statistics drawn from official documents, suggesting that the public archives were used as the major source of answers to the questionnaire. This observation was also made by the panel of eminent persons in their report.³³ Non-governmental stakeholders (including civil society organisations and the private sector) were consulted, but do not seem to have had much impact on the answers made to the questions by the civil servants forming the technical teams established several months earlier. Indeed, the answers to the questions required references to legislative texts, administrative decisions, statistics and research work, and the government databases were the principal source of information.

One of the reasons for the preponderance of government positions stems from the fact that, during the processing of the questionnaire, the cart seems to have been put before the horse. When the APRM questionnaire was distributed with the involvement of the National Commission in June 2004, it had already undergone initial processing by the technical teams – made up of civil servants for the most part – formed during the first national APRM conference three months before. In April, the four technical review teams had already met at a retreat in Kinigi to review and enhance their preliminary responses for the self-assessment report; this could introduce a certain bias into the work of those who were to examine it subsequently. Furthermore, the questionnaire was not distributed sufficiently in advance,³⁴ nor was it distributed beyond a small circle of individuals to whom it was given directly, plus a few people in their immediate entourage. Thus the information about the APRM process was not necessarily passed on to grass-roots organisations and opinions on the answers to the questions were not obtained from ordinary people. It was pointed out that not enough time was allotted to the respondents to answer such a complex questionnaire, which often required elaborate research.³⁵

The purpose of the civil society training workshop held in October 2004, two months before the validation of the self-assessment report, was to raise civil society awareness to participate actively in the process. However, civil society organisations note that they did not receive the questionnaire in enough time beforehand to familiarise themselves with it and the process in order to give a meaningful response on behalf of their respective constituencies.³⁶

Strengths and weaknesses of the APRM National Commission

The strength of the APRM National Commission lay in the total support it enjoyed from the government, which is reflected in the fact that it included numerous important figures, hence its strong mobilisation capacity. Indeed,

33 Draft Report of the APRM Panel on the Country Review of the Republic of Rwanda, p. 15.

34 All of the participants in the process interviewed told the LDGL that they had become aware of the existence of the APRM at the same time they were expected to answer the questionnaire.

35 Interviews in Butare and Gitarama with two questionnaire respondents, March 2006.

36 This was pointed out by several individuals interviewed by the LDGL in March 2006.

there is cause to salute the impressive quantity of information that the Commission was able to include in its initial self-assessment report. The principal source of this information was the government. In the specific case of Rwanda, had this task been given to non-governmental stakeholders, at least where the initial assessment was concerned, they would have experienced difficulties in mobilising competent human resources in sufficient number, especially on a volunteer basis. With few exceptions, most Rwandan civil society organisations are still emerging, and their internal resource mobilisation capacity is virtually nil. Under such conditions, failing external aid, they would have been unable to line up the necessary human resources to accomplish such an appraisal.

The weakness of the APRM National Commission lay in the imbalance between the preponderance of representatives of governmental or parastatal institutions within the body and the low level of representation of non-governmental stakeholders, especially civil society and the private sector. The same situation was also reflected in the executives of the ad hoc technical subcommittees, in which civil servants were also preponderant.

On the one hand, the majority governmental representation within the Commission was inevitable from certain standpoints. For such intensive work to be carried out on a volunteer basis, it was necessary to appoint technical civil servants as members of the technical teams that served as the executives of the subcommittees. Only government employees could be temporarily seconded to the APRM process, and only they could more easily obtain access to the databases of the various government institutions. On the other hand, however, the imbalance between participants from governmental structures and representatives of the non-governmental sector seemed to be much more pronounced than required for the purposes of access to government sources. For example, all four members of the technical team supporting the subcommittee on democracy and political governance were civil servants (the APRM coordinator, an official from the Ministry of Local Administration, a senator and an official from the Ministry of Foreign Affairs). The same applies to the technical team supporting the subcommittee on socio-economic development, which was made up of five civil servants (the executive secretary of the National NEPAD Secretariat, three officials from the Ministry of Finance and a member of parliament).³⁷ Greater civil society presence in the technical teams of the technical subcommittees would surely not have prevented access to government data.

As the goal of the APRM was to assess to what extent the rules and standards of good governance were adhered to by essentially governmental institutions, there is cause to question the limits of the objectivity of the review of state institutions by subcommittees whose members were, in majority, employees of the state. An external perspective would be more suitable for detecting failings

37 Interviews with the APRM coordinator, Kigali, March 2006.

and defects.³⁸ However, it is generally agreed that no government interference was observed during the conduct of the self-assessment process, other than the strong state presence in its organisation.³⁹

Lack of identification of national priorities and recommendations for action

According to the APRM focal point in Rwanda, the recommendations produced by the APRM process have already been taken into consideration and policies adapted or adopted, as the case may be. In this context, he cited the example of an administrative reform that reduced the number of provinces from 12 to four; the number of districts from 106 to 30 and the number of sectors from 1 545 to 500, in order to give them real power in the realisation of the decentralisation policy. However, overall, the self-assessment report repeats the priorities, recommendations and strategies of the government as they are quoted in the various official documents prepared outside of the APRM framework.⁴⁰

Indeed, the APRM process took place in Rwanda at a time when numerous new reforms, in almost every area, had just been put in practice or were about to be implemented.⁴¹ In these circumstances, in most cases, it is still too soon to judge the value of these programmes.

Difficulties due to the questionnaire

An assessment using a written questionnaire is an effective method if the aim is to be systematic. However, its use should be adapted, particularly in certain highly sensitive sectors such as human rights and freedoms. In light of the culture and the recent history of Rwanda, it is reasonable to assume that certain respondents would be more comfortable providing oral answers rather than written ones. The process suffered from lack of time to process the questionnaire and the ambiguity of certain questions or their inappropriateness in the Rwandan context.⁴² A member of the National Commission also pointed out that the overly complicated or even equivocal nature of certain questions made them difficult to understand for a sizeable element of the Rwandan population.⁴³ For instance,

38 Draft report of the APRM panel on the country review of the Republic of Rwanda, June 2005.

39 Interviews conducted in the provinces in March 2006.

40 For example, in the section on democracy and political governance, references were made, inter alia, to the following documents: the *PRSP Implementation progress reports* of June 2003 and October 2004; *The evaluation of the decentralisation process in Rwanda, September 2003*, VNG International; the 2001 and 2002 annual reports of the Human Rights Commissions; the reports of the annual conferences of 2001, 2002 and 2003 of the unity and reconciliation commission. In the section on economic and managerial governance, references were essentially made to the information and statistics provided by the Ministry of Finance and Economic Planning (MINECOFIN) and the Central Bank (BNR).

41 The new constitution of 2001, the new strategic development plan (Vision 2020) and the new poverty reduction plan (PRSP) launched in 2001, at the end of the political transition and the setting in place of institutions created by the elections of 2003, in-depth reforms of the judicial system (2003–2004), the administrative system (launched in 2001), and the education system, rampant privatisation and near-total withdrawal of the Government from the business sector, experimentation with Gacaca popular courts, etc.

42 Rwanda NEPAD Secretariat, *Annual Report 2004*, p. 10.

43 Rwanda NEPAD Secretariat, *Annual Report 2004*, p. 44.

in the section on 'Democracy and Political Governance', question 4 reads: *How has decentralisation contributed to improving the quality of governance?* and subquestion (i) says: *Provide **proof** that decentralisation has led to an **improvement** in broader participation by the grass-roots population.* This formulation may lend to confusion, as it may be understood as requiring an answer that is necessarily positive. As they were translated into the local language, such questions were more or less clarified by the technical subcommittees. For example, the abovementioned subquestion was reformulated as follows in the translation: *Provide **examples** of the **impact** of decentralisation on the participation of the grass-roots population.*

Opportunity for dialogue between civil society and the government

There is no doubt that the APRM process opens a very important chapter in terms of dialogue between the state and non-state stakeholders including civil society. As noted by Mme Marie-Angélique Savané, chair of the panel of eminent persons, who led the June 2004 APRM technical support mission, 'one objective that is rarely mentioned is that the mechanism should enable the countries to learn to dialogue. ... We stress the need for such dialogue and for a consultation framework between the three stakeholders. That is why the review mechanism also promotes consultation, so that people debate, negotiate and agree on minimum platforms.'⁴⁴

The initial trend in the conduct of the APRM process in Rwanda was to carry out the self-assessment without necessarily seeking out the contribution of civil society; but the latter had to be included at some point. The weaknesses identified during this initial evaluation of the APRM in Rwanda were due to two main factors: inexperience and shortness of time. Inexperience first and foremost because the APRM is a new mechanism and Rwanda has been one of the first African countries to experience it. Thus, there were no precedents to refer to. Hopefully, the lessons learned from this initial exercise will be used to improve the structures and practices, taking account of the opinions and points of view of all parties. Secondly, it was generally agreed that the consultations with non-governmental stakeholders were carried out at high speed and on a tight schedule. It should be recommended in future to give non-governmental stakeholders sufficient time to better prepare their contributions.

Finally, the space for dialogue opened up by the APRM process is a valuable opportunity to establish a sustainable culture of dialogue between civil society and the government. This opening should not be wasted by Rwandan civil society, which should reflect on the ways and means of capitalising on the opportunity. Civil society should be proactive and not reactive and should prepare its contributions so that it is not just an onlooker but a major partner in the process. One worry that was widely shared was the tendency of the strong interest in civil society raised by the APRM process at the outset to

44 *DIALOGUE*, the quarterly bulletin of Partnership Africa Canada, No. 4, April/June 2005.

progressively fade.⁴⁵ The representatives of civil society institutions and groups who were involved in the assessment process two years ago had had no information on the progress of the review as it went forward nor on the other NEPAD programmes in Rwanda. It is vital to organise a campaign to provide information and popularise the goals of NEPAD and the APRM, in order to heighten interest and increase involvement on the part of civil society. In light of this need, the LDGL and CLADHO organised information seminars in February 2004 on NEPAD and on the economic partnership agreements with the European Union (EU) under the Cotonou Agreement between the EU and developing countries. However, these seminars were restricted to Kigali and there was no follow-up enabling the organisations to become involved in the self-assessment process. There should be more activities of this kind, but above all they should be increasingly extended to the provinces. Perhaps a focal point should be appointed by civil society to closely monitor and remain in permanent contact with the governmental structure in charge of monitoring NEPAD, so as to develop permanent constructive relationships around civil society involvement in the process.

Lack of national expertise

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. The situation was recognised and deplored by the National NEPAD Secretariat itself.⁴⁶ In this same context, a foreign institution (SAIIA) was brought in to organise a one-day training workshop for civil society. This recourse to foreign expertise may also be explained by another weak link in the process, which was the fact that such an important undertaking was placed in the hands of volunteers. To be more effective, a core technical structure should be set up that is both competent and representative, that would in future be placed in charge not only of the entire phase of data collection and analysis and drafting of reports during the self-assessment process, but also of monitoring the implementation of the PoA on the strategies identified in the APRM context, so that foreign expertise would only be used on a one-off and very limited basis.

The lack of expertise also affected civil society, which was unable to capitalise on the space for dialogue provided by the APRM process. To avoid the risk of being superficial and general in its analyses and recommendations, civil society should deploy experienced human resources to monitor the different areas of governance that are the focus of the APRM, so that they have solid, well-documented and regularly updated databanks at their disposal.

⁴⁵ Interviews conducted in the provinces in March 2006 (see list of interviewees in Annex 2).

⁴⁶ Rwanda NEPAD Secretariat, *Annual Report 2004*, p. 10.

Conclusion and recommendations

The adoption of the APRM is an important milestone, to the extent that African heads of state agreed to submit to a mechanism that regularly questions and criticises their respect for standards of good governance. Rwanda should be applauded for having agreed to be among the very first African countries to submit to the peer review process. While imperfections have been noted here and there, the APRM process has launched a dynamic of dialogue and consultation between government institutions and non-state stakeholders including civil society. We must now maintain and strengthen this nascent spirit of confidence and partnership.

Rwandan civil society must be more proactive and equip itself to participate effectively in the process, in order to take part in making the rules rather than simply following them. During the next APRM review process, civil society should organise internal consultations beforehand, so as to render its contribution more effective. Development partners, particularly the EU and UNDP, should provide financial support for a sustainable capacity-building and institutional-support programme for Rwandan civil society, to equip it with the expertise it needs to fulfil its expected role as a partner in development.

The participation of civil society in the APRM National Commission should not be restricted to representatives of civil society coalitions only, but should include representatives of more technical individual organisations.

Analytical documents should be distributed early enough to give civil society delegates sufficient time to consult each other and harmonise their views on their participation in the current stage of the process.

Now that Rwanda's APRM report and national programme of action (PoA) has been debated and approved by the APRM Forum, the government, in collaboration with civil society, should organise a national awareness and popularisation campaign on NEPAD and APRM, and galvanise public opinion on the implementation of the PoA.

Civil society should also set up structures to monitor the implementation of the national PoA and adherence to the norms and standards of the APRM. An APRM focal point within civil society would be useful in this respect. The focal point would coordinate civil society activities involving the APRM and interface with the government, and APRM national bodies and continental structures.

Annexes for the Rwanda study

Annex 1: Composition of the APRM National Commission

| No | NAME | TITLE | INSTITUTION REPRESENTED |
|---|---------------------------|---|---|
| A. CENTRAL GOVERNMENT | | | |
| 1. | Donald Kaberuka | Minister of Finance | Chair of the Commission |
| 2. | Solina NYIRAHABIMANA | Minister in the Office of the President | Office of the President of the Republic |
| 3. | Jeanne d'Arc MUJAWAMARIYA | Secretary of State | Ministry of Education |
| 4. | Protais MUSONI | Minister | Ministry of Local Administration |
| 5. | Marie-Christine NYATANYI | Secretary of State | Ministry of Local Administration |
| 6. | Augustine SEBUDANGA | Secretary General | Office of the Prime Minister |
| 7. | Célestin KAYITARE | Secretary General | Ministry of Commerce |
| 8. | Anne GAHONGAYIRE | Secretary General | Ministry of Gender and the Family |
| 9. | Johnson BUSINGYE | Secretary General | Ministry of Justice |
| 10. | Emmanuel BIZIMANA | Secretary General | Ministry of Infrastructure |
| 11. | Grégoire KARAMBIZI | Secretary General | Ministry of Foreign Affairs and Regional Cooperation |
| 12. | Jean Claude MUNYABIKARI | Secretary General | Ministry of Land, Habitat and Protection of the Environment |
| 13. | Désiré NDUSHABANDI | Secretary General | Ministry of Health |
| B. LOCAL GOVERNMENTS | | | |
| 14. | Augustin KAMPAYANA | Chair | Association of local governments of Rwanda (RALGA) |
| 15. | Ramathan BANGAYABO | Mayor | District of Cyanzarwe |
| C. LEGISLATURE | | | |
| 16. | Dr Augustin IYAMUREMYE | Senator | Senate |
| 17. | Stanley SAFARI | Senator | Senate |
| 18. | Emmanuel NDAHIMANA | Parliamentarian | Chamber of Deputies |
| 19. | Bernadette KAYEZU | Parliamentarian | Chamber of Deputies |
| D. NATIONAL COMMISSIONS AND SUPERVISORY INSTITUTIONS | | | |
| 20. | Jean Baptiste HABYARIMANA | Chair | National Commission for Unity and Reconciliation |
| 21. | Damien HABUMUREMYI | Executive Secretary | National Electoral Commission |
| 22. | Zainabu KAYITESI | Chair | National Human Rights Commission |
| 23. | Janvier KANYAMASHULI | Executive Secretary | National Tender Board |
| 24. | Gervais NTAGANDA | Auditor General | Office of the Auditor General |
| 25. | François KANIMBA | Governor | National Bank of Rwanda |
| 26. | Bernardin NDAYISHIMYE | Deputy Ombudsman | Office of the Ombudsman |
| 27. | Jamal NDUNGUTSE | Executive Secretary | National Youth Council |

| E. JUDICIARY | | | |
|---------------------------------------|--------------------------|-------------------------------------|---|
| 28. | Julien HAVUGIYAREMYE | Judge | Supreme Court |
| 29. | Alberto BASOMINGERA | Proxy Holder | Supreme Court |
| F. CIVIL SOCIETY ORGANISATIONS | | | |
| 30. | Jacqueline RUSIRIBYA | Chair | PROFEMME |
| 31. | Théogène GASANA | Chair | Council for consensus building among organisations supporting grass-roots initiatives (CCOAIIB) |
| 32. | Silas SINYIGAYA | Executive Secretary | Collective of human rights associations (CLADHO) |
| 33. | Eric MANZI | Executive Secretary | Association of labour unions of Rwanda (CESTRAR) |
| 34. | Francis Xavier NGARAMBE | Chair | Association of Genocide Survivors (IBUKA) |
| 35. | Jean pierre SAFARI | Student Representative | Kigali Institute of Science Technology and Management (KIST) |
| 36. | Mgr Emmanuel Colin | Bishop | CNLS and religious organisations |
| 37. | Francis MUTEMBEREZI | Former Governor of the Central Bank | Civil society |
| 38. | Dr Uzziel NDAGIJIMANA | Rector | School of Finance and Banking (SFB) |
| 39. | Zéphyrin KARIMBA | Chair | Association for the promotion of the Batwa |
| G. PRIVATE SECTOR | | | |
| 40. | Marie Claire MUKASINE | Chair | Association of insurance companies |
| 41. | Etienne GAKWAYA | General Manager | Amazi ya HUYE |
| 42. | Amandin RUGIRA | Chair | Association of commercial banks |
| 43. | Francis Xavier UDAHEMUKA | Chair | Association of local growers |
| 44. | Aimable KARYABWITE | Chair | ICT |
| 45. | Marco NSENGIMANA | Chair | Professional Association |
| H. OTHER | | | |
| 46. | Aimable KABANDA | APRM Coordinator | NEPAD – Rwanda |
| 47. | Abbas MUKAMA | Member of Parliament | Forum of political parties |

NB: The above list of members of the commission is not set in stone; it is merely an indicative of the proportionate representation of the various sectors.

Annex 2: List of interviewees

| | Name | Organisation/Function |
|------|----------------------------|--|
| 1. | KABANDA Aimable | APRM Rwanda focal point |
| 2. | SINYIGAYA Silas | Civil society (Executive Secretary – CLADHO) |
| 3. | MUPENZI Georges | Civil society (Chair of Plate-forme société civile Rwanda) |
| 4. | RUSIRIBYA Jacqueline | Civil society (Executive Secretary – PROFEMME) |
| 5. | MUJAWAMARIYA Prisca | Civil society (Executive Secretary – CCOAIB) |
| 6. | NDAHUMBA Jean Baptiste | Private sector (Butare) |
| 7. | GATWAKAZI Titiane | Civil society (PROFEMME – Butare) |
| 8. | NTIRISHUMWAMABOKO Concorde | Civil society (APIDERBU – Butare) |
| 9. | MARENGO Jeanine | Former Province of Gikongoro (Director) |
| 10. | KALISA Alphonse | Civil society (Gikongoro) |
| 11. | NKUSI John | Private sector (Chair Small Cattle Trade Cooperative –Mutara) |
| 12. | NTAKIRUTINKA Fred | World Relief (INGO – Umutara) |
| 13. | UWIZEYE Velens | Lawyer-Umutara |
| 14. | NZAMWITA Déo | Private sector (Director Small Cattle Breeding Cooperative) – Byumba |
| 15. | NGABONZIZA Prime | Civil society (UDEE – Byumba) |
| 16. | Mgr NZABAMWITA Sévérien | Catholic Church – Byumba |
| 17. | MUKASHEMA Adeleine | Civil society (YWCA – Gitarama) |
| 18. | KABARINDA Jacqueline | Civil society (CEPAF – Gitarama) |
| 18g. | SERUCACA Joël | Private sector – Gitarama (UGCD) |
| 20. | MUSANGAMFURA Médard | Private sector – Gitarama (Regional Coordinator ARDI) |
| 21. | MUTEZINKA Joséphine | MSF – Cyangugu (INGO) |
| 22. | Mgr RWUBUSISI Geophrey | Anglican Church – Cyangugu |
| 23. | RWAMUDANGA Eliezer | Private sector – Kibungo (UNATEK) |
| 24. | KAYIJAMAHE Jean | Regional Pastor of the ADPR Church – Kibungo |
| 25. | ABIYINGOMA François | GTZ – Kibungo |
| 26. | KARIMBA Zéphyrin | Civil society – Chair of CAURWA |

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SOUTH AFRICA

Summary

This report reviews the process of implementing the African Peer Review Mechanism (APRM) in South Africa. It focuses in particular on the national process leading to the adoption of a country self-assessment report for submission to the continental secretariat, and on the roles of the various stakeholders in preparing that report. It also examines the extent to which the APRM has informed official policy in the areas of governance and human rights following the initial peer review. Its conclusion is that while the South African APRM process had many strengths, it was also flawed by too great a level of government control, an overly ambitious timetable, and a consequent lack of meaningful civil society input into the self-assessment report. Ultimately, it appears that the South African government's commitment to the idea of the APRM may have been more symbolic than real.

South Africa was one of the founding members of the group of states that established the New Partnership for Africa's Development (NEPAD) and the APRM, part of a recommitment of African states to good governance also evidenced by the transformation of the Organisation of African Unity (OAU) into the African Union (AU). South Africa was accordingly one of the original group of states to sign the memorandum of understanding establishing the APRM process when it was first adopted in March 2003.

The APRM is a process aimed at strengthening governance systems and human rights promotion and protection in African states. It involves two main phases: first, the preparation of a country self-assessment report (CSAR) by the state that is subject to review; and secondly, an independent review led by a member of the APRM panel of eminent persons responsible for oversight of the process at African level, culminating in the debate and approval of the country review report by a meeting of the other heads of state and government that have signed up for the APRM process (known as the APRM Forum). The following principles guide the APRM process: (1) broad stakeholder consultation; (2) nationwide ownership of the self-assessment process; and (3) the credibility and integrity of the findings. This report reviews the South African APRM process with a focus on its adherence to these principles. It draws on reports from the national APRM secretariat, the continental APRM secretariat, and conferences; and also on information gained from interviews with those who were engaged in the process.

The self-assessment exercise in South Africa, which took place over less than one year, from its launch in September 2005 to the finalisation of the programme of action (PoA) in September 2006, brought together a range of participants from all sectors in the country. In his opening speech at the first national consultative conference for the South African APRM process in September 2005, President Thabo Mbeki asserted that it was South Africa's responsibility to invite popular participation in the process. In his state of the nation address in February 2006, he repeated his commitment to the completion of a successful APRM review process.

The focal point (the key figure chosen to supervise the country's APRM mechanisms, who in South Africa was Minister of Public Service and Administration Geraldine Fraser-Moleketi), the National APRM Secretariat and the National Governing Council (NGC), formed the institutional framework responsible for guiding and leading the process. Among their preparatory activities, these bodies introduced innovative methods of broadening participation in the self-assessment and responding to the local environment. The most notable were the decentralisation of the national structures to the provincial level, and the simplification and translation into indigenous languages of the APRM questionnaire.

Data-collection and the compilation of the report were the most important aspects of the exercise; yet, as this report shows, they were given the least attention. Insufficient time was allotted to establishing a common research methodology and to processing the submissions for the country self-assessment report. Four research institutes, the Institute for Democracy in South Africa (IDASA), the South African Institute of International Affairs (SAIIA), the African Institute of Corporate Citizenship (AICC) and the Institute for Economic Research on Innovation (IERI), were appointed to record and analyse the inputs received and compile reports that would form the basis for the country CSAR. However, their efforts were severely hampered by logistical and linguistic constraints.

A notable challenge confronting the process in South Africa was the dominant role played by the government, which, having undertaken its own ten-year review of developments since the country's first democratic elections in 1994, seemed to regard the self-assessment as a similar undertaking that was in effect a report-card for the African National Congress (ANC) administration. Accordingly the government took charge of the process, appointing a senior cabinet minister as focal point; setting up APRM structures that were heavily loaded with public officials; providing funding that was to be disbursed by a government department; dictating which civil society organisations (CSOs) were to participate; setting the terms of civil society engagement throughout; and substantively editing the final CSAR after the final consultative conference had discussed the summary reports prepared by the four research institutes. This compromised the independence of the country's APRM mechanism, which, according to the founding principles, should entail the participation of all

stakeholders on an equal basis. It also undermined the broader context within which the internal review was supposed to consider issues of governance and rights beyond the ambit of the government of the time.

The perception that the government was bent on interfering with and controlling every aspect of the process exacerbated the mistrustful relationship that has developed between the administration and many CSOs, even outside the APRM process. The focal point nominated a limited number of representatives of chosen non-government organisations (NGOs) to the NGC, and set the terms of engagement with civil society throughout. Public participation was also limited by logistical shortcomings: delegates attending the two national conferences were not given the documentation in advance, and so were prevented from engaging meaningfully in the debates. Concerns were constantly raised at the apparent lack of consultation, for example in the finalisation of the CSAR. A compensatory factor might have been the collated answers to the questionnaires circulated throughout the provinces by specially trained community development workers (CDWs), who obtained the views of people living in remote areas as well as those in more advantaged circumstances. However, many of their reports were sent in too late to be included in the research agencies' submissions, or arrived in time but could not be translated before the deadline elapsed.

In many respects, the salient weakness of the self-assessment exercise was the government's gross underestimation of the time, work and research involved in completing the CSAR, especially in processing the reports of the provinces and the CDWs.

However, there was also a shortfall in the approach of civil society. CSOs were poorly prepared for the APRM process, and few had a complete understanding of what it entailed. They tended to react to the government's initiatives and actions rather than attempt to suggest any of their own. Also, most of civil society's responses were confined to criticising the government, whether for poor policy implementation or its lack of transparency over the APRM structures and their functions. This meant that the private sector was adopting the 'report card' approach rather than looking at the broader landscape of democracy in the country as a whole. This narrowness of vision is also seen in the failure of civil society to appropriate a stronger role in advising, monitoring and assisting the government, and to seeing the continuing APRM process as a means to help bring this about.

The continental APRM bodies could also be criticised on the grounds of their rather perfunctory involvement. Both the support and review missions made very short visits to South Africa, during which they tended to concentrate on urban centres and consultations with townspeople, ignoring the country's huge rural population. Their conclusions were therefore based on a rather partial and superficial sample of South Africa's nationals.

In large measure, the CSAR covered a number of familiar issues: a lack of service delivery; corruption in the public sector; crime and its impact on

vulnerable groups such as women and children; and xenophobia. The country review report (CRR) prepared independently by the APRM country review mission endorsed many of these concerns, but also placed a stronger emphasis on certain critical issues, especially the question of crime and of xenophobia. At the presentation of the to the APRM forum at the end of the process, former President Thabo Mbeki rebutted some of the issues raised by the CRR as cause for concern.

Following the peer review of South Africa in July 2007, the enthusiasm (such as it was) and focus on the APRM has dissipated. The structures responsible for monitoring the implementation of the programme of action (PoA) had yet to be established at the time of writing, and as of late 2009, the NGC had not met since the submission in February 2009 of the progress report on what has been done to carry out the PoA, becoming apparently moribund. The policy statements made by most of the new government's ministers following the April 2009 general elections did not mention the APRM, which seems to have been relegated to an experience in the distant past.

In sum, South Africa introduced a number of innovations that might have made the self-assessment exercise a resounding success. However, a number of aspects of the process itself and in particular the pervasive presence of government throughout raised concerns over the extent of popular participation and consultation. Also, and crucially, the government and civil society may not have had a common understanding of the purpose and nature of the APRM process. In spite of these weaknesses, the self-assessment exercise provided the government and civil society with an opportunity to debate and reflect on governance issues. Furthermore, though South Africa played a central role in the creation of the APRM as a programme of the AU, one could question whether South Africa's engagement with the process was genuine, and whether government and civil society were prepared to take the review by African institutions seriously. Ultimately, the sustainability of the process rests on South Africa's seeing the APRM as a valuable and relevant initiative.

Fifteen years into its nascent democracy, South Africa continues to experience difficulty in fulfilling some of the requirements of democracy and good governance outlined in the founding documents of the APRM. These challenges, which were raised by participants during the country's preparation of its CSAR in 2006, include accelerating the delivery of services such as health care and education, particularly to the poor; addressing corruption and crime; and improving access to justice for all. During the APRM process, civil society in particular raised xenophobia as a critical area of concern. Although the final version of the CSAR underplayed this issue, its relevance was dramatically demonstrated by the violence that erupted in South Africa against nationals of other African countries in April 2008. The fact that the APRM review correctly identified an issue that plunged the nation into crisis just one year after the completion of the process highlights the potential importance of the review process.

The implementation of the APRM process in South Africa

South Africa's implementation of the APRM must be seen in context of the central role the country played in the adoption of NEPAD and the APRM policies by the African Union itself. Since the transition to democracy in South Africa in 1994, its presidents, mindful of the destabilising role South Africa previously played, have sought to play a positive role on the continent, and to rebuild and consolidate African institutions. Former President Thabo Mbeki, in particular, in office from 1999 to 2007, stated that his aim was to promote an emphasis on development and good governance, and support the 'African Agenda' across the continent.¹ The resurgence of the 'African Renaissance', as articulated and propagated by President Mbeki, became the foundation for the part South Africa played in helping to found the AU. Mbeki played a central role in the adoption of NEPAD in 2001 by the Organisation of African Unity, and the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance, which first committed states to implementing the African Peer Review Mechanism, was adopted at the inaugural AU Summit in Durban, South Africa, in 2002.

To show its commitment to NEPAD, South Africa offered to house its institutional headquarters and the APRM Secretariat, in Midrand, Gauteng. The South African government seconded one of its economic affairs advisers, Professor Wiseman Nkuhlu, to be the first head of the NEPAD secretariat. Chris Stals, who had formerly served as head of South Africa's central bank, was elected as a member of the APRM's panel of eminent persons to represent Southern Africa.

On 9 March 2003 South Africa, represented by President Mbeki, became one of the first countries to sign the inter-governmental memorandum of understanding (MoU) that formally established the APRM process. A year later, South Africa signed another agreement with the APRM continental body, undertaking to start its own self-assessment and review exercise in 2005.

South Africa's application of the review mechanism followed a series of steps over a period of less than a year (from the launch of the process in September 2005 to the submission of the revised PoA in September 2006). These started with the designation of the focal point and the establishment of structures to oversee the process; entailed a wide range of efforts to publicise the self-assessment process and call for submissions; research and information-gathering preparatory to submitting reports based on interpretation of the views expressed; and the compilation of the CSAR and PoA. This was followed by the country review report (CRR) and the amendments to the draft CSAR and PoA made by South Africa in response; their presentation to the APRM Secretariat and review by the APRM forum; and the country's first report on its implementation of the PoA.

¹ State of the Nation Address of President of South Africa, Thabo Mbeki, 6 February 2008.

The institutional framework

The leader of the South African APRM process was Minister Geraldine Fraser-Moleketi, appointed by President Thabo Mbeki as the APRM focal point, the apex of the institutional pyramid. She was supported by the national APRM secretariat and the National Governing Council, a 29-member body established to provide guidance on the implementation of the APRM. Similar structures were replicated at provincial level, with the premiers (in most cases) acting as provincial focal points, instructing provincial governing councils (PGCs).

The focal point and National APRM Secretariat

In 2004, President Thabo Mbeki appointed Minister of Public Service and Administration Geraldine Fraser-Moleketi, as the APRM focal point, in accordance with the guidelines established by the continental APRM Secretariat. The National APRM Secretariat was also established within the Department of Public Service and Administration. Together, the focal point and secretariat were to be responsible for coordinating the review process, playing a much stronger role than in some other countries, or than recommended by the APRM Secretariat's guidelines.

The Secretariat comprised two officials from the office of the director-general of the department of Public Service and Administration; five officials from the Ministry of Public Service and Administration; four researchers on contract; and two members seconded from the South African Chapter of the Economic, Social and Cultural Council (ECOSOCC, an advisory organ of the AU representing civil society).

Within the national secretariat there was a research unit. Its main functions were to receive submissions and forward them to the technical support agencies (TSAs), the term used in South Africa for the research institutes designated to carry out and document the main body of research for the self-assessment report, and to organise workshops at which the opinions of experts could be consulted. The research unit was also responsible for simplifying the APRM questionnaire (which was in English) and ensuring that it was translated into the remaining 10 of South Africa's official languages. It also assisted in the training of community development workers (CDWs) who were to be involved in the collection and collation of the data elicited through the questionnaire. Other activities of the secretariat included coordinating consultations with representatives of civil society; organising awareness-raising activities; and preparing and disseminating promotional material on the APRM process. It also provided technical and administrative support to the NGC, and liaison with the continental APRM Secretariat.

Ahead of the formal launching of the APRM process in South Africa, and most notably prior to the establishment of the NGC the government held two preparatory workshops for senior civil servants. These took place

between December 2004 and April 2005.² Also, the government requested its departments to complete sections of the questionnaire in advance of the starting-date.

The National Governing Council

The 15-member NGC, which was announced at the first national consultative conference on 29 September 2005, comprised five senior members of government and 10 civil society representatives.³ Later, on the advice of the APRM country support mission (CSM), which made its first visit to South Africa in November 2005,⁴ the NGC was expanded to a 29-member body. While enlarging the Council presented an opportunity to involve other sectors not already included, and therefore allow wider representation, this did not happen. In the event the additional 14 members were alternate representatives for each of the original NGC members (excluding the chairperson). The APRM focal point, Minister Fraser-Moleketi, was the chairperson of the NGC, though the process by which she took this post is not clear. One view is that, as no election process took place within the council, the focal point was made chair before the NGC was convened.⁵

The NGC was divided into sub-committees. Four of these followed the thematic areas established by the APRM self-assessment questionnaire (democracy and political governance; economic governance and management; corporate governance; and socio-economic development). Others focused on research and on mobilisation of popular participation. Each of these sub-committees comprised representatives of both civil society and government. The NGC met at least once a month during 2006, when the APRM process was in its initial phase. From 2007, the meetings became infrequent, although one was held in July, soon after the peer review took place. No meetings were held in 2008, and none were recorded in 2009 following the presentation of the report on implementation of the PoA in February.

The concentration of the mechanisms co-ordinating the APRM process in what was essentially one government agency (which was also in principle

2 Herbert, R. and Grudz, S. *The African Peer Review Mechanism: Lessons from the Pioneers*, South African Institute of International Affairs, 2008, p. 257.

3 Essop Pahad, Minister in the Presidency; Trevor Manuel, Minister of Finance; Mandisi Mphahla, the Minister of Trade and Industry; Bridgette Mabandla, Minister of Justice and Constitutional Development; and Geraldine Fraser-Moleketi (replaced by Masenyana R Baloyi in October 2008), the Minister of Public Service and Administration as chairperson. The 10 representatives of civil society, who were named later, were: Bheki Sibiyi, Business Unity South Africa (subsequently replaced by Jerry Vilakazi); Lukes Matoto, Disabled People South Africa; Zanele Twala, SANGOCO; Dr Nomonde Mqhayi, South African Youth Council; Thabisile Msezane, South African Council of Churches (SACC); Randall Howard, South African Transport and Allied Workers' Union (representing the Congress of SA Trade Unions—COSATU); Mongane Wally Serote, Arts and Culture sector representative; Master Mahlobogwane, South African National Civics Organisation; Laura Kganyago of the National Women's Coalition (NWC); and Moemedi Kepadisa of the National Council of Trade Unions (NACTU) (see www.dpsa.gov.za).

4 APRM, Country Report No 5, Republic of South Africa, p 41.

5 Email communication with Zanele Twala, member of the National Governing Council (NGC), 4 August 2009.

under review by the self-assessment process) raises questions as to whether the process was independent of political interference.

Another issue concerns whether there was adequate consultation over the selection of civil society representatives to serve on the NGC. A day before the first national consultative conference began, the South African branch of ECOSOCC called a meeting of civil society groupings, including the South African Council of Churches and the South African NGO Coalition, where representatives were elected.⁶ The list was forwarded to the focal point before the conference.

The NGC was responsible for setting guidelines on the process; supervising every aspect of its stages, from the research to the compilation of the CSAR; and implementing the PoA. In essence, its task was to implement the continental APRM guidelines. However, in practice, this was interpreted differently. The national APRM Secretariat maintained that it was accountable to the NGC, which determined the process and took decisions.⁷ Yet the reports of the NGC suggest that its role was to assist the focal point, who was the leader of the APRM process.⁸ This lack of clarity on which of the two structures was in charge of the self-assessment, and the dominant role of the focal point in the NGC was noted by the CSM during its first visit to South Africa in November 2005. The mission proposed that a clear distinction be made between the oversight and executive functions of the NGC, and the supportive role the national secretariat should play in relation to the council.⁹

Provincial structures

Following the example presented by the NGC, the provinces initiated smaller-scale versions of the national structures. Provincial premiers and in other instances members of the provincial executive committee led the process as focal points. The PGCs were established between December 2005 and January 2006. For example, the Mpumalanga Provincial Governing Council was launched on 24 November 2005; the Limpopo Provincial Council on 5 December; and the Eastern Cape Provincial Governing Council was installed the following day. All of these councils coordinated the self-assessment process at their own level, with the aim of soliciting and preparing submissions that would later be forwarded to the NGC.

The funding of the APRM process

The South African government made funds from its own resources available for the process, rather than apply for financing from external sources. The NGC compiled a budget of about R20.5 million (approximately US\$3 million at 2005 exchange rates) to cover the estimated expenditure. In practice,

6 Interview with Zanele Twala, 13 May 2009.

7 Interview with Dugan Fraser, consultant at the national APRM Secretariat, 7 May 2009.

8 See also Herbert and Gruzdz, *op. cit.*

9 Report of the APRM Country Support Mission to South Africa, 9–11 November 2005, Find at <http://www.aprm.org.za>.

according to the Implementation Progress Report issued by the national APRM Secretariat in June 2006, approximately R16 million was made available by the government, to be administered by the Department of Public Service and Administration. This sum was intended to cover the activities of the national APRM Secretariat and the NGC, as well as national processes such as the consultative workshops. It excluded the assessment-related activities of the provinces, which were to be supported by provincial budgets. The United Nations Development Programme (UNDP) contributed R2 million for an awareness-raising campaign on the South African APRM process. Of this amount, R500,000 was dedicated to the APRM song. While some NGC members argued that additional funds were needed to support other aspects of the process, particularly in the research area, others maintained that external financial support from other countries would compromise the ownership by South Africans of the national self-assessment exercise.¹⁰

APRM timeline in South African

| | |
|----------------------|---|
| 9 March 2003 | South Africa signs the continental MoU establishing the APRM and committing the country to undergoing the APRM process. |
| November 2004 | The South African government nominates the focal point. |
| 28–29 September 2005 | The first national consultative conference is held and the National Governing Council (NGC) is launched. |
| 9–11 November 2005 | The APRM Secretariat country support mission (CSM) pays its first visit. |
| 11 November 2005 | South Africa signs an MoU with the APRM Secretariat on the procedures for undertaking the review at national level. |
| 4–7 December 2005 | The CSM visits a second time. |
| 16 February 2006 | Four research institutes are selected by the NGC. |
| 31 March 2006 | The draft technical reports — first draft CSAR and draft Programme of Action (PoA) — are completed. |
| 4–7 April 2006 | Workshops are held to review the draft technical reports and PoA. |
| 4–5 May 2006 | The second national consultative conference is convened to validate the draft CSAR and PoA. |
| 9 June 2006 | The draft CSAR is adopted by South Africa's cabinet. |
| 30 June 2006 | The focal point submits the CSAR and draft PoA to the continental APRM Secretariat. |
| 11–25 July 2006 | The APRM Secretariat country review mission (CRM) visits South Africa. |
| August 2006 | The PoA is finalised. |
| December 2006 | The APRM eminent persons submit the country review report (CRR) for South Africa to the APRM Forum. |
| 1 July 2007 | The South African CRR is reviewed by the APRM Forum in Accra, Ghana. |
| 4 February 2009 | The first implementation report of the PoA is presented to the APRM Forum in Addis Ababa. |

¹⁰ Interview with Zanele Twala, member of the NGC, 13 May 2009.

The country self-assessment process

After the formal inauguration of the South African APRM exercise, the country's self-assessment programme involved raising public awareness of the process throughout the country; calling for submissions; instituting a wide range of consultation; carrying out research; receiving reports on submissions; compiling the first draft of the CSAR; and submitting it for the approval both of the public and the cabinet. These steps took place over a five-month period, from November/December 2005 to May 2006. During this time-span, the APRM CSM conducted preliminary visits to observe and guide the preparations of the South African government, and the South African parliament conducted its own parallel assessment exercise. The sections below describe the different components of the self-assessment, ending with an account of the research contributions of organisations outside the government.

First national consultative conference

On 13 September 2005, the focal point formally announced the participation of South Africa in the APRM process, and described how it would unfold. The official launch of the process took place on 28–29 September 2005 at the first national consultative conference, attended by some 350 participants, at which the NGC was installed. Some of those present had been invited by the government, while others had applied to attend. The conference adopted four principles in its approach to the process: establishing benchmarks for the review process; strengthening national mechanisms for assessing the performance both of the government and other stakeholders; ownership of the process; and supporting the building of Africa-based knowledge systems.

In his opening speech at the conference, President Mbeki asserted that it was South Africa's responsibility to involve popular participation in the process. Nonetheless, members of civil society groups raised concerns over the domination of the process by the government; the scant time-frame that had been allowed between the implementation of the process and the completion date; and the short notice and lack of adequate information given before the conference.¹¹ These had created a perception that the government wanted to exclude popular participation. Some delegates expressed concern that the lead agency was located in the government, and that the placement of both the focal point and the secretariat within the Ministry of Public Service and Administration diminished the inclusivity of the process.

The first national consultative conference was followed by similar conferences in the provinces in November 2005 to launch the APRM process. The attendance levels across the nine provinces ranged from 100 to 1 100 delegates.

¹¹ Email communication with Moloko Malakalaka, formerly at the Centre for the Study of Violence and Reconciliation, which participated in the first national consultative conference, 29 June 2009.

Awareness-raising activities

Television, radio and print media were used between November 2005 and May 2006 to raise public awareness of the APRM process. Promotional material was used to reach the widest possible audience and to encourage citizens to participate. For example, advertisements and talk-shows were aired on radio and television, and the NGC's specially commissioned song was broadcast on several local radio stations. The national APRM Secretariat distributed 800 000 pamphlets explaining the process countrywide.

Activities to inform the public and invite participation were also undertaken in the provinces. The Mpumalanga PGC took a weekly slot on a local community radio station to discuss various aspects of the APRM process. District-level consultative conferences in Mpumalanga took place in December 2005 and January 2006, and similar events were arranged in the Western Cape in November 2005 and February and March 2006.

Adaptation of the questionnaire

The national APRM Secretariat simplified and abridged the 88-page master questionnaire supplied by the continental APRM Secretariat to guide the self-assessment into a much shorter six-page document, which was translated from the original in English into South Africa's 10 other official languages. Potentially, this would allow the wide range of people for whom English was not a first language to engage with the process. Both the simplified and master versions of the questionnaire were made available on the South African APRM website.

Observers of the self-assessment process noted that in some instances the simplified version failed to capture the essence of the long-version questionnaire, while others believed that the technical aspects made it difficult for the CDWs to administer.¹² However, given the complexity of the master questionnaire, the adaptation process was a useful effort to try to make the self-assessment process more accessible to ordinary people. Below are comparative examples of questions on economic governance and management and corporate governance, with the original questions given first, and the simplified versions in bold.

According to documentation supplied by the national secretariat, over a million versions of the simplified questionnaires were disseminated throughout the country at provincial and local government level, in particular through the municipalities.

¹² Herbert and Gruzd, op. cit., p. 282.

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|--|
| <p>Adaptation of the master questionnaire for distribution to the public:</p> <p>What is the prevalence of corruption in public administration and what measures have been taken in this regard?</p> <p>What is the prevalence of money-laundering and what has been done in this regard? (long version)</p> <p>Are you affected in any way by corruption in government? (short version)</p> |
| <p>What measures have been put in place to promote and protect rights?</p> <p>What steps have been taken to facilitate equal access to justice for all?</p> <p>Are these rights being protected and promoted:</p> <ul style="list-style-type: none"> • Human rights • Socio-economic rights • Cultural rights? |
| <p>What are the main categories of commercial enterprise and their role in the economy?</p> <p>What is the regulatory framework for economic activities and to what extent does it facilitate economic enterprise in the country?</p> <p>What are the external and internal factors that impact on business activity?</p> <p>How easy is it to start up and do business in South Africa?</p> |

The community development workers' reports

The national APRM Secretariat had trained some 150 community development workers, who were largely recruited from the public services at local or provincial level but included some representation from civil society. Their task was to assist in the collection of data on the APRM process through interviewing individuals and seeking their responses to the short version of the questionnaire, across the country, between September and December 2005. Some 3 000 participants, largely CDWs who had not been involved in the APRM training and members of CSOs, attended workshops held by the original trainees in all the country's provinces. On average these workshops, intended to extend the number of people trained to administer the questionnaire and collate the answers, took place over two days.

The CDWs organised workshops, conducted interviews, convened public meetings and administered the simplified questionnaire. They also visited rural areas that were distant from the urban centres, and engaged with communities in the applicable indigenous language. The data collected were summarised in a report written by the CDW, sent to the provincial authority, and incorporated into the provincial submission to the national secretariat, which was responsible for forwarding them to the research agencies. Most of the CDW reports were written in indigenous languages other than English.

In addition, provincial consultative conferences convened by the CDWs took place across the country between 10 and 20 June 2006. However, most of the information elicited by these meetings was not included in the final provincial reports, since the deadline set by the NGC for submissions to the process had passed three months previously.

Owing to the large number of CDW reports completed (some 6 200) and the fact that most were not received in time to be translated and taken into consideration in preparation of the CSAR, a separate synthesised report was

compiled by a four-member team contracted by the focal point, and published in August 2006.¹³

Some of the institutes appointed as technical support agencies (TSAs) expressed concern over the methodology used in collecting information, and the poor quality of the surveys submitted.¹⁴ IDASA, the TSA that compiled the report on democracy and good political governance, admitted that because of 'time constraints and linguistic capabilities', it had been unable to process some 2 700 submissions from CDWs, largely in indigenous languages.¹⁵ For example, 85 per cent of the simplified questionnaires completed in Free State Province were not in English.¹⁶

Soliciting views from all levels of society was a positive and important step towards widening participation in the APRM process. However, more thought and planning should have been invested in data collection and translation, so that these views could be incorporated in the CSAR.

Submissions

A general call for public submissions was publicised on the national APRM website from December 2005. Broadly, these were to be made in three ways: through written submissions; the completion of the questionnaire by the CDWs who had been dispatched across the provinces; and reports from the PGCs, which were to include the fruits of their consultations, the material gleaned from the CDWs' completed questionnaires, and input on the central themes seen from the provincial perspective.

Some of the submissions sent in covered all four themes, while others limited their focus to one or two. The majority of the written reports sent in by CSOs responded to the thematic areas related to socio-economic issues and to democracy and political governance. Few written submissions were forthcoming from members of the business sector, academic institutions, statutory bodies, political parties or faith-based organisations, although some were received from the judiciary.

The initial deadline decided by the NGC was 10 March 2006. However, when it became apparent to the council that most submissions would not be ready in time, the due date was extended to 17 March. Most of the submissions were received in February/March, and posted on the national APRM website. Although some of the provinces produced their reports within the allotted time, others had difficulty meeting the deadline. KwaZulu-Natal's submission was two months late.

¹³ The four consultants were: Prof Zubey Saloojee; Prof Mathole Motshekga; Prof Susan Booysen, and Rasigan Maharaj. See 'Report on Community Development Workers' APRM Consultations', August 2006.

¹⁴ Herbert and Grudz, *op. cit.*, p. 283.

¹⁵ APRM Technical Report, 'Democracy and Good Political Governance', 4 April 2006, p. 18.

¹⁶ APRM Technical Report, 'Economic Governance and Management', 7 April 2006, p. 19.

The APRM country support mission

The APRM country support mission (CSM), which visited South Africa for the first time from 9 to 11 November 2005, was led by Professor Adebayo Adedeji of the panel of eminent persons. The rest of the team comprised members of the continental APRM Secretariat; independent technical consultants; representatives of the APRM's partner institutions such as the UN Development Programme (UNDP) or Economic Commission for Africa (UNECA); politicians; businesspeople; and academics. The aim of the CSM was to assess the structures that had been made ready to undertake the country self-assessment process and to prepare the national PoA.¹⁷ In their interactions with various stakeholders, the members of the CSM also considered the effectiveness of the initiatives aimed at raising awareness of the process in the country.

Over the three days it spent in South Africa, the CSM held meetings with government officials, the NGC, some members of the PGCs, business organisations and civil society groups. On 11 November 2005, President Mbeki, representing the South African government, and Professor Adedeji, on behalf of the APRM Forum and panel of eminent persons, signed the MOU that marked South Africa's formal agreement to undergo the review.

The mission conducted a follow-up visit to two provinces, Limpopo and the Eastern Cape, from 4 to 7 December 2005, to assess their preparedness.

The role of parliament

Soon after the first national consultative conference in October 2005, parliament formed a joint ad hoc committee and sub-committees on the APRM to discuss the four thematic areas. The purpose of this initiative was to provide a shadow APRM assessment report for submission to the continental secretariat. This was an innovation in the normal conduct of a national self-assessment; another was the inclusive nature of the sub-committees, which comprised representatives of all the country's political parties, unlike the official APRM structures. Parliament conducted hearings at which members of the public, including representatives of NGOs and government departments, presented submissions and engaged in debate with members of the parliamentary committee.

Notwithstanding the enthusiasm aroused by the parliamentary exercise, it also gave rise to a number of criticisms. In some respects the hearings seemed to duplicate and confuse the national process. Given the likelihood that the parties making submissions to parliament would also be engaging in the provincial consultations and sending written comments to the secretariat, many observers questioned the additional value of parliament's role.¹⁸ Bearing

¹⁷ The country support mission comprised: Professor Adedeji (member of the panel of eminent persons); Dr Bernard Kouassi (Executive Director, APRM secretariat); Professor Atsain Achi (African Development Bank); Ms Zemenay Lakew (UNDP); Mr Patrick Bugembe (UNECA); Ms Evelynne Change (APRM secretariat staff); Ms Nana Boateng (APRM secretariat staff); and Mr Dalmar Jama (APRM secretariat staff).

¹⁸ The Black Sash, the Congress of South African Trade Unions (COSATU) and the Public Service Commission are some of the institutions that made submissions to the parliamentary committee.

in mind the potential overlaps between parliament's and the national process, the CSM proposed that the outcomes of the hearings be incorporated into the national report.¹⁹ Accordingly, the joint parliamentary committee compiled a parliamentary submission, which was put forward to the national APRM secretariat.

However, the more inclusive process organised by parliament gave a glimpse of a possible method of conducting the self-assessment debate in future, as South Africa enters the next phase of the APRM process.

Research capacity and the technical support agencies

Following its first visit in November 2005, the CSM recommended that experienced research institutions should be involved in the preparation of the CSAR. In response, the NGC both established an internal seven-member research sub-committee comprising three representatives of government and four of civil society to review the submissions received and coordinate the compilation of the CSAR, and also obtained help from outside agencies.

Firstly, the NGC invited academic institutions and research and advocacy organisations to submit applications for accreditation as 'research partners' in the process. The NGC's research sub-committee selected 15 research partners in February 2006. These partners, who participated on a voluntary basis, were required to make submissions on themes chosen from the questionnaire, and to participate in the NGC-convened research seminars, four of which were held in March 2006.

In addition, the NGC invited applications from research organisations to become 'technical support agencies', a paid position. Their function would be supplementary to that of the research sub-committee and research partners, and involved contributing to research and the writing of the CSAR. In order to be considered, each applicant had to make a submission on the APRM. According to the chairperson of the research sub-committee, which helped select the four TSAs, an important criterion was that they should be independent institutions that had expertise in their chosen thematic areas.

Four TSAs were chosen in February 2006, a third of the way into the process, to cover the four main thematic areas: for democracy and political governance, the Institute for Democracy in South Africa (IDASA); for economic governance and management, the South African Institute of International Affairs (SAIIA); for corporate governance, the African Institute of Corporate Citizenship (AICC); and for social and economic development, the Institute for Economic Research on Innovation (IERI). The responsibilities of each TSA were to:

- produce a draft technical report reflecting all the submissions received for the relevant thematic area across the country;
- analyse the written submissions;

¹⁹ APRM, *Country Review Report No. 5*, p. 42.

- co-host a seminar of experts with the NGC to test the report's findings and amend it;
- participate in the second national consultative conference, the aim of which was to validate the report;
- produce a final draft technical report and preliminary PoA.

Although the TSAs were responsible for producing technical reports that would form the basis of the country's CSAR and draft PoA, the writing of the final draft CSAR report was to be the responsibility of the NGC's research sub-committee.

The relationship between the TSAs and the NGC had its difficulties. The fact that these agencies had already been asked to make submissions to the APRM process, and therefore had a vested interest in the process, inevitably led to disagreements on the content of the technical reports. The focal point expressed concern that the TSAs' reports appeared to promote their own agendas rather than respecting the content of the submissions.²⁰ The TSAs meanwhile, had different approaches, but several felt that their expertise should be allowed to enhance the report in each of their thematic areas, especially where no submissions had been received on an issue which was nonetheless felt to be important.

Preparation of the draft country self-assessment report

The TSAs were given five weeks, between 17 February and 24 March 2006, within which to produce their respective reports on the designated themes. All four thematic technical reports were completed by 30 March 2006. Two of the agencies, AICC and IERI, had been unable to consider and include all the submissions owing to time constraints.²¹

The technical reports varied in approach and length. The socio-economic development report covers 771 pages, while the democracy and good political governance report is 134 pages long. Only some of them specified the methodology used, and explained the limitations that had affected their compilation. Others, like IDASA, did not. It is clear that time was a major constraint. Also, while some reports (for instance the socio-economic development technical report), referred to the submissions and even included them in an annexure, others followed different methods. In some cases, the reports summarised the contents of the submissions received and also included additional research.

These differences in the presentation of reports seem to indicate a lack, either of a common understanding of how the report should be compiled, or of a clear format for the reports. Because the TSAs had not been involved in designing the research methodology, they were unsure how data had been

20 Institute for Global Dialogue, 'Interview with Minister Geraldine Fraser-Moleketi', Global Dialogue, September 2006, p. 18.

21 Herbert and Gruzd, op. cit., p. 285.

collected, particularly for the submissions from the provincial processes and the CDWs.²² These doubts, insufficient capacity at some of these institutions, the poor quality of some of the inputs, and the short time allowed them to complete the reports made it extremely difficult for the TSAs to process all the submissions.²³

The NGC appointed the Human Sciences Research Council and the Office of the Auditor-General, both statutory bodies, to assess not only the quality of the reports produced by the TSAs but the degree to which they reflected the matters raised in the submissions. The Human Sciences Research Council was responsible for overseeing the work of IERI and IDASA, while the Auditor-General reviewed that of the other two research institutes. The quality assurance agencies worked closely with the TSAs to ensure that the submissions received were fairly and accurately represented in their reports.²⁴

Expert workshops

The national APRM Secretariat, together with the TSAs, organised workshops held from 4 to 7 April 2006, at which experts on each of the four thematic areas could discuss the technical reports. A press statement published on the national APRM website publicised these workshops. The TSAs nominated the experts (drawn from universities, businesses, parliament and government) who were invited to participate. The workshops took place over four days, with one day allocated to each theme. According to SAIIA, copies of the draft technical report and a summary prepared by the TSA concerned were circulated only on the day that theme was to be discussed. This meant the delegates had insufficient time to study the reports, or to engage meaningfully with the substantive issues raised.²⁵

Revising the draft country self-assessment report

The national APRM Secretariat compiled the draft CSAR, which was, in essence, a consolidated and edited version of the technical reports. This was tabled at the second national consultative conference, held in May 2006. Because the purpose of the conference was to consult stakeholders on the CSAR and validate it, the secretariat printed some 3 000 copies of the 300-page draft for distribution to the participants. However, two days before the conference, the focal point called an urgent meeting of the NGC to discuss this draft in view of various criticisms that had been aired by members of the NGC. Some raised the concern that the executive summaries of each of the four main themes did not adequately reflect the contents of the technical reports, the discussions at the workshops held in April, and submissions received.

22 Interview with Claude Kabemba, formerly at the Human Sciences Research Council, 18 June 2009.

23 Ibid.

24 APRM Technical Report, 'Economic Governance and Management', op. cit., p. 9.

25 Herbert and Gruzd, op. cit., p. 296.

On the other hand, others were of the opinion that the report was biased, and expressed the views of the TSAs rather than the gist of the submissions.²⁶ Also, the NGC complained about its length.²⁷ The research staff of the TSAs worked with members of the national APRM Secretariat and the NGC throughout the night of 2 May to edit the report, so that the revised version could be printed and used at the conference.

Second national consultative conference

This conference, which took place over 4–5 May 2006 in Kliptown, Soweto, was attended by some 1 700 participants. Many delegates had been invited by the PGCs, TSAs and the NGC, and others had requested permission to attend. On the first day of the conference, every participant received a file containing the 150-page draft CSAR with an annex containing the government of South Africa's submission in full, and a list of all the other submissions received for each of the four themes. The TSAs gave presentations on each of their focus areas in plenary sessions, which were followed by a more focused discussion of matters arising from the summarised themes by the attendees, who had been split up into working groups. Although the technical research agencies had prepared draft PoAs for each of their themes, these were not included in the conference material. As a result, 'the discussions were vague and superficial, and did not produce a strong and implementable programme of action'.²⁸ Observers noted that the time allowed for each member of the public to speak was scant, and that consequently the extent to which the CSAR could be affected by any of the views expressed is questionable.²⁹

Further revisions to the country self-assessment report

After the conference, a further revision was made to the draft country CSAR by a multi-disciplinary task team led by Professor Anver Saloojee, the NGC member representing the presidency. The team comprised four civil society representatives and government officials, mainly from the presidency and the NGC, but did not include members of the TSAs. Therefore, while the initial report-writing was coordinated from the national APRM secretariat, responsibility for the draft CSAR was taken over by the presidency's nominee. The NGC met on 2 June to finalise and adopt the CSAR, but could not do the same for the draft PoA, which was not yet ready. The cabinet adopted the final CSAR report on 9 June.

Representatives of the TSAs observed that there was a discrepancy between the two versions of the report. This raised questions concerning the degree to which the consultations, particularly with members of civil society, had been

26 Institute for Global Dialogue, 'Interview with Minister Geraldine Fraser-Moleketi', Global Dialogue, p. 18.

27 Herbert and Gruzd, op. cit, p. 297.

28 Ibid.

29 Sokomani, A. *Assessing the African Peer Review Mechanism: [the] second South African consultative Conference*, Institute for Security Studies, 12 May 2006. http://www.iss.co.za/index.php?link_id=21&slink_id=2502&link_type=12&slink_type=12&tmpl_id=3. Viewed on 27 April 2009.

taken into account in the final CSAR. If they had not, the so-called validation given at the Kliptown meeting in May 2006 would have been nullified.³⁰ In sum, the extent to which the CSAR was a true reflection of the views of all participants in the process could be queried.

The focal point submitted the final CSAR and draft PoA to the continental APRM Secretariat on 30 June 2006. The text was not made available on the national APRM website until excerpts had been published by a local newspaper.³¹

The adoption of the draft national programme of action

According to the APRM panel of eminent experts, the national PoA should:

- be designed by all stakeholders in the country;
- cover major gaps and deficiencies identified in the APRM process;
- set parameters for costing and time-frames;
- allocate monitoring and implementation responsibilities;
- represent firm commitment from stakeholders;
- have the full endorsement of the government.

On 20 June 2006, the national APRM Secretariat held a workshop on the draft PoA, at which the thematic PoAs prepared by the four TSAs formed the basis for discussion. The consolidated draft was debated further by the NGC on 26 June 2006, finalised on 29 June, and submitted to the continental APRM Secretariat for consideration by the country review mission. Following comments made by the mission, the national Secretariat made further revisions to the PoA, producing one dated 28 August and another dated 15 September 2006. The latter was submitted to the APRM panel of eminent persons, which requested yet more amendments. The South African government had not completed the final PoA in time for the peer review scheduled to take place in Addis Ababa, Ethiopia, in January 2007. The APRM Forum, the meeting of heads of state and government participating in the APRM, therefore postponed the review of South Africa's CSAR and PoA until its subsequent meeting in Accra, Ghana, six months later.

There are a number of reasons to suggest that the process of drawing up and adopting the PoA was not inclusive. In the first instance, the draft PoA that had been formulated by the TSAs was not distributed for debate at the second national consultative conference. In the second, the editing of the PoA would appear to have been directed by a member of the NGC's research sub-committee seconded from the presidency. Third, an effort seems to have been made to align the PoA with the government's own programme of action, which had already been allocated a budget.

³⁰ Interviews with Steven Gruzd, SAIIA, on 12 June 2009, and with Paul Graham, IDASA, on 31 July 2009. Both SAIIA and IDASA were technical support agencies.

³¹ The weekly *Sunday Times* published excerpts from the self-assessment report on 16 July 2006.

Overview of the country self-assessment report

The two main versions of the CSAR report that are available are the executive summary distributed at the second consultative conference in May 2006 and the revised text sent to the continental APRM Secretariat on 6 June. A point of interest is that the executive summary distributed at Kliptown for the second consultative conference covered approximately 160 pages, the same length as the full text of the final CSAR. A further difference is that the May draft contains information on the submissions received, whereas the June text does not make specific mention of any submissions save those from government agencies. The approach in the final text seems to focus on the government's efforts to address the challenges it considers most pressing.

May 2006 version

Of the four main themes of the self-assessment process, three (those on democracy and good governance; socio-economic development; and economic governance and management) received the highest number of inputs from the public. Among the issues raised in the draft report, corruption in the public sector is a common thread in most of the submissions on these themes. The draft report noted disagreements between stakeholders on whether or not the high-profile corruption trials in progress at the time should be included in the report, and concerns raised over the inadequate protection offered to whistle-blowers.

Each of the thematic reports drafted by the TSAs recorded not only the issues addressed in the submissions, but noted others that had not been adequately covered. The technical report on corporate governance, for example, examined the key concerns raised, identified areas of consensus and disagreement, and pointed out gaps. A list of all submissions received on that theme was included in each report. That on economic governance and management provided a brief explanation of the methodology used in processing inputs, and included in its list of submissions those that had been received after the cut-off date and therefore had not been considered in the report. (Among the latter were some from the CDWs.) A bibliography of supplementary material was added.

The only submission included as an annex to the executive summary in the participants' conference files was the government's. The motive for including that submission and no others was unexplained.

June 2006 (final) version

The 160-page CSAR sent to the continental APRM Secretariat answered most of the questions posed in the self-assessment questionnaire, but did not identify the institutions that had participated in the national process. A few submissions were mentioned in the introduction, together with the names of the government agencies that had contributed, but the extensive list of submissions given in the May draft was excluded. References to studies and reports were restricted to those originating from government or statutory bodies.

The CSAR suggests that despite the existence in South Africa of policies aimed at protecting rights, their implementation is hindered by various constraints. A summary of key concerns follows under each of the four main theme headings.

Democracy and good political governance

- Competition for limited resources between citizens and non-nationals seeking political and economic stability in South Africa is a potential source of conflict.
- Violence against, and in particular the trafficking of, women and children is a source of concern.
- The ability of the public sector to deliver services is constrained by a lack of both skills and capacity.
- Many people, particularly those living in rural communities and children from other countries (for example refugees), have poor access to justice, education and health care.
- Parliament lacks the capacity to exercise its oversight role, particularly in considering proposed legislation concerning finance.
- Corruption affects public access to services, and the protection provided to whistle-blowers is inadequate.
- The number of children in detention is increasing.
- There is active discrimination against vulnerable groups including non-nationals. The latter raises concerns about xenophobia.
- The processing of asylum applications remains highly problematic.
- Government should play a greater role in promoting social cohesion and integration.
- Women are economically impoverished and deprived of or denied access to their rights, particularly in the rural areas.

Social and economic development

- The government's policy on HIV and AIDS should be clearer; accurate information on the prevalence of HIV and AIDS should be provided; and the connection between good nutrition and the treatment of HIV and AIDS should be better understood. Responsibility for the wider dissemination of information on anti-retroviral treatment should be shared between government and civil society.
- There should be greater communication between government and civil society on the delivery of social services.
- The wide disparities between socio-economic groups are particularly marked in the quality of education and access to schooling available, particularly to vulnerable groups.
- Civil society has a critical role to play in helping to shape development programmes and monitoring service delivery by the government,

particularly in view of the shortfall in skills and funding in the public sector.

- The relationship between government and civil society ought to be strengthened, particularly in cases where engagement with communities can assist the formulation of more effective policies.
- The provision of basic services such as sanitation, education, health care and electricity is poor in certain areas.
- The unemployment level, particularly among women, should be reduced, as should the number of people living in informal dwellings.
- Implementation of the land reform programme has been slow.
- For many of the country's citizens, poverty, unemployment and under-development act as a stumbling-block to their enjoyment of socio-economic rights.

Corporate governance

- There is a need to review the laws that regulate companies.
- Moves should be made to foster much wider participation in the economy.
- The right to form unions in the workplace should be upheld.
- Corporate governance in the business and not-for-profit sectors should be strengthened.
- Shareholders should play a more active role in company decision-making.
- There should be greater gender parity in business practice.

Economic governance and management

- Economic growth is not benefiting the poor.
- Attention should be paid to measuring the national levels of poverty and unemployment.
- Economic policy-making should be more inclusive of all sectors of the population; the government should not consult only the 'urban elite'.
- There are significant skills shortages, backlogs in infrastructure development, and a lack of capacity in the public service, particularly at local government level, where the budget allocations for service delivery decided at provincial level are implemented.
- Small business owners experience difficulties in gaining access to finance.
- Parliament's capacity to consider legislation relating to the economy needs to be strengthened.
- There is poor communication between the three spheres of government, and inadequate monitoring and implementation of service delivery policy at the provincial and local government levels, to the detriment of the citizenry.

- Clarity is required on economic regional integration in the Southern African Development Community.
- The monitoring of anti money-laundering measures is inadequate.
- Corruption in government is a continuing concern.

It is worth repeating that while the final CSAR made reference to the submissions of specific government agencies, in particular Statistics South Africa and the National Treasury, the civil society groupings that had sent in reports were not referred to by name. The CSAR could therefore be characterised as a government progress report rather than an overview of the state of democracy, human rights and governance in the country as a whole.

There are some differences of substance and emphasis between the initial draft CSAR and the version submitted to the continental APRM Secretariat. For example, floor-crossing (which allows elected parliamentarians to change parties without losing their seats) was mentioned as an area of concern in the May draft, but omitted from the final CSAR. It resurfaced in the CRR (see below). Again, while the first draft spoke of 'countering high levels of xenophobia', the final version appeared to gloss over this concern, instead suggesting that, according to submissions, refugees and asylum seekers 'sometimes face discrimination ... and xenophobic attitudes'. The CRR subsequently acknowledged xenophobia as a problem in South Africa that needed to be addressed.

Country review mission and report

After having received the CSAR, the continental APRM structures sent a country review mission (CRM) to South Africa to conduct an independent screening process of the findings of the CSAR. Afterwards the CRM produced a report, the country review report, which was sent to both the continental and the country's secretariats. In the light of the CRM's recommendations, South Africa made further changes to its PoA.

Country review mission

The continental APRM's CRM was headed by Professor Adebayo Adedeji, a member of the panel of eminent persons who had also led the CSM to South Africa. The CRM, which was much larger than the CSM, comprised members of the APRM Secretariat and partner institutions, and thematic experts.³² The team's visits took place over 11–25 July and again during 26–28 July 2006, after which the mission compiled its own independent review report that took

³² The country review mission consisted of Professor Adebayo Adedeji; members of the APRM secretariat: Dr Bernard Kouassi, Evelynne Change, Ferdinand Katendeko, Dr Afeikhen Jerome, Rachel Mukamunana, Eunice Kamwendo, Dalmar Jama and Nana Boateng; thematic experts Professor Amos Sawyer, Professor Peter Anyang' Nyong'o, Professor Roland Ubogu, Dr Babacar Ndiaye, Professor Adebayo Ogunlesi, Dr Francis Chigunta, Professor Mbaya Kankwenda and Professor Julia Duany; and delegated from partner institutions: Charles Muthuthi, Professor Ahmed Mohiddin, Professor Emmanuel Nnadozie, Dr Batholomew Armah and Dr Kojo Busia.

into account both information submitted in the CSAR and information the team separately collected during its consultations in South Africa.

During its visit, the CRM held meetings with representatives of the NGC, the TSAs, the quality assurance institutions and government representatives at national level. Members of the NGC outlined the CSAR to the CRM, while representatives of the TSAs made brief presentations. The CRM also visited Gauteng, Free State, Western Cape, KwaZulu-Natal, North West and Mpumalanga, where they met the PGCs, the provincial legislatures and (separately) community members in impoverished districts such as Khayelitsha in Cape Town. The length of these visits was limited to one-day consultations in the capital cities of the seven provinces.

Limpopo and Eastern Cape were not visited, as according to the CRM the CSM had done so during its second visit (from 4 to 7 December 2005). However, it should be noted that the nature and purpose of the support missions are different from those of the review missions. While the former was intended to measure the preparedness of South Africa to undertake the APRM process, the goal of the CRM was to evaluate the CSAR in the light of its independent findings.

The mission also interviewed representatives from various civil society groupings, including faith-based organisations, the elderly, the young, traditional leaders, women's rights movements and small businesses; and also members of opposition political parties. In addition, the CRM visited the Lindela Repatriation Centre west of Johannesburg, which holds immigrants thought to have entered South Africa illegally. While the mission attempted to consult people across the widest possible range of society, the brief time they spent in the country was arguably insufficient to make a thorough investigation possible. Further, the bias shown by the mission in favour of visiting urban centres prevented large numbers of the rural population from contributing their views to the CRM.

Some of the key issues raised during the consultations are the following:³³

- International instruments ratified by the South African government have not been implemented.
- While good laws have been passed, there are difficulties in translating them into action.
- The high levels of crime, and in particular violence against women and children, are a serious concern.
- There is a need to reform the criminal justice system.
- Poverty and unemployment are unacceptably high.
- At local government level there is a shortage of skills, which results in poor provision of services.
- Land reform is occurring at a slow pace.

³³ APRM, *Country Review Team Visit report, 11–25 July 2006 (Additional Consultations 26–28 July 2006)*.

- The existence of two economies, formal and informal, needs to be acknowledged.
- The national parliament and the provincial legislatures do not exercise their oversight roles with sufficient care.
- Those with HIV and AIDS have poor access to treatment and educational/economic opportunities.
- There is a general lack of access to housing and services, particularly in the rural areas.
- The country's PoA does not correspond sufficiently with issues raised in the CSAR. Further, there has been no debate over what the best structure to guide the implementation of the PoA should be.
- Civil society can undertake the important role of monitoring government policy and service delivery and improving access to rights only if it is allowed to participate in policy-making.
- The participation of the country's citizens in the APRM process was inadequate.
- The inability of the TSAs to verify the data submitted, particularly by the provinces and CDWs, and the scant time allotted to compiling the CSAR were weaknesses in the process.
- The PoA failed to take into account key concerns in the area of corporate governance.
- The PoA did not raise issues concerning social inequality.
- The government's response to the draft country review mission report

The CRM's draft report was submitted to the focal point in August 2006 for comment. It was not clear whether the responsibility for responding to it rested with the government or the NGC, especially as the report included suggestions for amendments to the country's PoA. The NGC met on 24 August 2006 to discuss the draft CRR and to revise the PoA, although apparently it was the government that responded formally to the report. It would seem that the panel of eminent persons requested a revision of the PoA in December 2006.³⁴ However, the final revision of the PoA had not been completed in time and so the country review was postponed for six months.

Overview of the country review report

The final CRR makes some 180 recommendations to South Africa that range across the four main themes and raise several areas of concern requiring attention. These include the following:

- sensitive race relations;
- insufficient protection of minority rights;
- the need to broaden black economic empowerment to benefit a wider group;

³⁴ Interview with Zanele Twala, member of the NGC, 13 May 2009.

- the failure of the education system to provide school leavers with skills appropriate to becoming economically active;
- criminality and ill-discipline in schools and high drop-out rates at tertiary level;
- a lack of awareness of their rights in the broader public;
- social and economic inequalities, particularly as regards the high levels of unemployment and poverty;
- a skills shortage, and poor implementation of training programmes at local government level;
- under-representation of women in the private sector;
- high levels of violent crime;
- gender-based crime and violence against children;
- the prevalence of xenophobic tendencies, especially against foreigners from other African countries;
- the reluctance of some beneficiaries of the apartheid policy to contribute to reconstruction and development.

The report, broadly, did not differ much from the CSAR, although it reinstated some of the issues that had been omitted or toned down during the final editing of the CSAR (see above). The difference lies in the emphasis, particularly on the areas of crime and xenophobia. Former president Thabo Mbeki disputed the singling out of both during the CRR presentation and peer review of South Africa at the meeting of the APRM Forum in July 2007 (see below).

In relation to xenophobia, it is worthy of remark that two of the recommendations made in the CRR were that South Africa should (1) strengthen anti-xenophobic institutions and (2) find better-informed measures, such as programmes of civic education, for combating the growing problem of xenophobia. However, the implementation report on the PoA, which spans November 2007 to December 2008, does not respond to these (see below).

After the peer review had taken place on 1 July 2007, the continental APRM Secretariat incorporated the comments and inputs made by the states that attended the review into the CRR, which was then published.

The programme of action

Following changes suggested in part by the continental APRM structures, the national APRM Secretariat had to amend its June 2006 draft PoA, which was a document that contained little detail, and prepare a more substantive version to accompany the CRR that was presented to the APRM Forum in July 2007. According to an interview with an NGC member, it would appear that the underlying reason for the postponement of the original date for submission of South Africa's report to the continental body (January 2007) was a delay in incorporating the suggested changes to the PoA.

Objectives for Programme of Action

| Theme | June 2006 version submitted to CRM | September 2006 amended version | Final July 2007 version (objectives additional to those in September 2006 version) |
|-------------------------------------|---|---|---|
| Democratic and Political Governance | <ul style="list-style-type: none"> Human rights culture is strengthened nationally Access to justice is increased and improved Forums and mechanisms for social dialogue and participation in the delivery and monitoring of public services are built and strengthened | <ul style="list-style-type: none"> Human rights culture is strengthened nationally Access to justice is increased and improved Forums and mechanisms for social dialogue and participating in the delivery and monitoring of public services are built and strengthened | <ul style="list-style-type: none"> Racism is successfully combated, leading to the emergence of a truly non-racial society Perceptible reductions are seen in levels of crime and violence, in particular those that victimise women and children Levels of corruption decrease, and national values and integrity are fostered in all spheres of government and all sectors of society |
| Economic Governance and Management | <ul style="list-style-type: none"> A participatory public service monitoring and evaluation system is established The capacity, status and output of the legislature is strengthened The National Anti-corruption Forum is given greater support and an extended programme, particularly for monitoring and evaluation | <ul style="list-style-type: none"> Processes for public participation in policy formulation and implementation are improved Greater efficiency and effectiveness is achieved in public expenditure management and monitoring Service delivery is improved Unemployment is halved by 2014 | <ul style="list-style-type: none"> Economic policies are harmonised and trade between member states improves |
| Corporate Governance | <ul style="list-style-type: none"> A new Companies Act is adopted, and public participation in the process is enhanced The capacity of institutions and systems to participate in improving corporate governance and promoting the work they do is strengthened Consumer and shareholder activist movements are encouraged | <ul style="list-style-type: none"> New companies legislation is adopted The capacity of institutions and systems to participate in improving corporate governance is improved Consumer and shareholder activist movements are strengthened Corporate governance, accountability, and transparency gain ground in the non-governmental sector | <ul style="list-style-type: none"> The planning and conduct of companies in the private sector is informed by national development imperatives |
| Socio-Economic Development | <ul style="list-style-type: none"> A national conversation on poverty is started A programme to address basic socio-economic needs is launched Funding for civil society organisations is improved and built up | <ul style="list-style-type: none"> Definitions and measurement of poverty are agreed upon and applied Strategies and programmes to improve children's nutrition and ensure their healthy development are successfully implemented Multi-sectoral, collaborative partnerships are formed, and strategies and programmes to reduce the prevalence of HIV and the impact of AIDS are implemented Universal access to constitutionally mandated basic rights and services is provided | <ul style="list-style-type: none"> Land reform contributes to the ability of rural people to earn livelihoods The education system improves its effectiveness and efficiency at all levels An integrated and holistic approach to combating HIV and AIDS, as well as other communicable diseases such as TB and malaria, is adopted and acted on Social capital is built at all levels, particularly in vulnerable and marginalised communities, and participation of civil society organisations in socio-economic development processes is improved |

An overview of the key objectives of the two versions, with a note on the amendments in the 2007 CRR, is provided on page 24. The concerns relating to crime, corruption and land reform that were raised by stakeholders at the second consultative conference and during the CRM's visit are reflected in the final PoA. The total estimated budget for the implementation of the PoA is R130.915 billion (approximately US\$18.7 billion, at July 2007 rates). It is unclear the extent to which this budget represents new commitments or simply a rebranding of existing government programmes.

Review by the APRM Forum

South Africa was 'peer reviewed' by the APRM Forum on 1 July 2007 on the margins of the AU Summit in Accra, Ghana, by 18 heads of state and government. Professor Adedeji of the panel of eminent persons presented the CRR, and South Africa's head of state at the time, President Mbeki, responded. His remarks on the report³⁵ included a strong rebuttal of the perceptions that the crime level in South Africa was very high, and that xenophobic tendencies were increasing. He also argued that any analysis of poverty in the country at present had to take the context of conditions during the apartheid years into consideration.

In the main, as reflected in the country review report, the heads of state and government present at the meeting commended both the quality of the CRR and the strides taken by South Africa in economic and political development since its first democratic elections. The level of crime was, however, noted by heads of state as an area of concern.

The APRM in South Africa since the completion of the review process

Implementation of the programme of action

Following the peer review of South Africa at the APRM Forum in Accra in July, the NGC met on 7 August 2007. Members called for the release of the report before the six-month period usually observed had ended. The main outcomes of this meeting were the adoption of an implementation process plan, and the establishment of a management office to co-ordinate implementation and report on progress to the APRM panel. The NGC was scheduled to meet again before the publication of the CRR, but did not.

The PoA proposed that the current focal point should be responsible for 'implementing, monitoring and evaluating' the national effort; and that a Programme Management Unit be established in the Department of Public Service and Administration. The NGC would presumably have oversight duties.

Minister Fraser-Moleketi convened a meeting of the NGC to discuss the second draft of the first implementation report of the South African APRM PoA on 9 May 2008. The new focal point who took over following the resignation

³⁵ See APRM, *Country Review Report No. 5*, Republic of South Africa, September 2007.

from government of Minister Fraser-Moleketi (and President Mbeki) in September 2008, Minister Masenyane Baloyi, and the new president, Kgalema Motlanthe, presented South Africa's first implementation report at the APRM Forum in Addis Ababa, Ethiopia, on 4 February 2009.

The first progress report on the programme of action

According to its foreword, South Africa's first progress report, covering the period from November 2007 to December 2008, was a joint compilation involving both the public and the private sectors. However, a member of the NGC representing civil society indicated that she had not seen the final version of the report before it was tabled at the APRM forum.

The report outlines progress made in the four thematic areas, and lists the following developments (with comments added in brackets).

- South Africa has ratified the Southern African Development Community Protocol on the Facilitation of the Movement of Persons, which regulates migration within the southern African region.
- Programmes aimed at alleviating poverty, which include the social security assistance programme, have been outlined.
- The government has increased the percentage of no-fee schools to provide access to education to a higher number of children. The national school nutrition programme is to be extended to cover secondary as well as primary schools in 2009.
- The government has engaged in programmes to support children affected by HIV and AIDS. These include providing support and food parcels for child-headed households, and providing voluntary counselling and testing services. (There is no mention of access to preventative medication such as anti-retroviral therapy.)
- The government continues to face logistical difficulties in making access to water, sanitation and electricity universal.
- A women's fund to build capacity and empower women has been established.
- The government has responded to the xenophobic violence that broke out between citizens and foreign non-national communities in largely impoverished areas by appointing a parliamentary task team to discover the root causes. (However, there is no mention of the government's adopting measures to prevent further xenophobic attacks, although the CRR recommended it do so.)
- The government has acknowledged the occurrence of racially-based attacks, and launched a Constitutional Education Programme intended to raise public awareness of rights, and in particular the right of access to justice for vulnerable groups, including migrants. (The report does not indicate what government has done to address failures in racial integration.)

- A higher proportion of the government's budget has been allocated to curbing crime.
- The government has recognised a need to strengthen its anti-corruption mechanisms.
- The government has adopted a national strategic plan that proposes a holistic look at the HIV and AIDS pandemic by seeking to reduce (1) the number of new HIV infections and (2) the impact on the individual, families and communities. Larger budget allocations have been made to cover additional needs like improved nutrition and health systems.

The current status of APRM activities in South Africa

The national APRM Secretariat convened a meeting with stakeholders on 6 April 2009, in White River, Mpumalanga Province, which received national television coverage. Its purpose was to examine the key issues in the CRR; give feedback on the implementation of the PoA report; and reactivate the PGC. The secretariat indicated that similar meetings would take place in all provinces before the end of 2009. However, by the second half of 2009, it had made little progress towards establishing the Programme Management Unit, and the NGC had not been reconstituted by the end of July. The South African APRM website has yet to be updated with new information on current activities (including what is being done to turn the PoA objectives into concrete policies).

In the period following the peer review there has been a discernible lack of internalisation of the APRM in the South African polity.³⁶ For example, during the media briefings given by the new government ministers in June 2009, no mention was made of the APRM PoA, and it is not apparent that the government's programmes are informed by its recommendations. Some public policy analysts believe that this is indeed the case; that any alignment is coincidental.³⁷ There has been a similar lack of follow-up on the implementation of the PoA at the level of civil society. Some organisations that were involved in the self-assessment process have disengaged from the APRM,³⁸ and SAIIA would appear to be the one of the few research institutes with a dedicated programme on the APRM. The presentation and substance of the first progress report on the implementation of the PoA in February 2009 received minimal media coverage. In general, enthusiasm and interest have dissipated.

President Jacob Zuma, in his state of the nation address to a joint sitting of parliament on 3 June 2009, referred to South Africa's commitment to strengthening the AU and implementing the NEPAD programmes. Similarly, Minister Maite Nkoana-Mashabane, who is responsible for International Relations and Co-operation, mentioned the importance of improving NEPAD

³⁶ Interviews with Paul Graham, IDASA, 31 July 2009, and with Steven Gruzid, SAIIA, 12 June 2009.

³⁷ Interview with Paul Graham, IDASA, 31 July 2009.

³⁸ Telephone interview with Zama Ndaba, South African Chapter of ECOSOCC, 27 July 2009; interview with Paul Graham, IDASA, 31 July 2009.

programmes in her speech to parliament on 18 June 2009. In neither instance was there any direct mention of the APRM, or to South Africa's obligations under it. Commentators argue that with the change in the government leadership there may be less support for prioritising an African agenda. In consequence, this country's commitment to the APRM may become a casualty.³⁹

Critical evaluation of the APRM process in South Africa

The APRM process was arguably the first exercise in which South Africa's government and non-state actors came together to debate issues of governance and human rights.⁴⁰ The process, which proved new and complex for both the public and the private sectors, provided a forum for discussion of matters of concern to the country a decade after the first democratic elections took place. However, the way the self-assessment was carried out also gave rise to questions concerning such matters as the role of government, the institutions supervising the national APRM process, the interaction with the continental structures, and the preparations made beforehand. These themes are discussed below.

Government and the process

African governments, including South Africa, tend to impress observers by adopting laudable policies. However, the extent to which they take their commitments seriously is doubtful. A little of over a year before the APRM exercise began, the South African government had completed its own ten-year review on implementation of government policy and challenges from 1994–2004, addressing many of the same matters raised by the APRM. In light of this, and the fact that the government has its own annual programme of action,⁴¹ was the South African government willing to undergo what many considered a similar or even duplicate process? Did the administration truly believe that this was an undertaking that had value for the country, or was it just checking the box on a continental process? Some participants suggested that in practice the South African self-assessment exercise was symbolic rather than a genuine attempt to learn more,⁴² and that for the government its virtue lay in the public relations value of the review, rather than the process itself or the outcome (the PoA).⁴³ South Africans talking to each other on issues such as poor service delivery formed an important part of the debate; yet some of those interviewed for this report argued that the APRM process was 'politically irrelevant'. Also, given that the government had already adopted its own

39 Interviews with Chris Landsberg, University of Johannesburg, formerly the Executive Director, Centre for Policy Studies, a research partner, 21 May 2009; and Claude Kabemba, formerly at the Human Sciences Research Council, 18 June 2009.

40 Interview with Dugan Fraser, former consultant to the national APRM secretariat, 7 May 2009.

41 See www.info.gov.za/aboutgovt/poa/index.html.

42 Interviews with Claude Kabemba, formerly of the Human Sciences Research Council, 18 June 2009, and Steven Gruzd, SAIIA, 12 June 2009.

43 Interview with Paul Graham, Executive Director, IDASA, 31 July 2009.

programme of action, which had been allocated a budget, it was apparently disinclined to alter its arrangements in response to recommendations emanating from the continental APRM institutions.

The projected time frame set by the government to carry out the self-assessment and compile a PoA, the inclusion of civil society at a relatively late stage in the exercise, and the scant time given to the TSAs to complete their reports are all examples of the intention on the part of government to complete the report in the shortest time possible. (The initial plan was that three to five months would suffice.)

If the APRM was indeed politically irrelevant, then arguably the two reasons for South Africa's participation in the review were the government's wish to avoid any accusation of 'exceptionalism' and its desire to encourage other African countries to accede to the APRM.⁴⁴

The institutions of the national APRM process

Political support for the process was important in ensuring that there was cooperation across government agencies and that funds were made available. However, concentrating the organisational structures in government agencies gave rise to the perception that the process was government-driven;⁴⁵ and vesting the leadership of the APRM self-assessment in a cabinet member was also a cause of much distrust between government and civil society. It also meant that to the private sector the undertaking lacked transparency from the beginning. At times it was not clear whether decisions were being made by the NGC or by a senior government official.

Creating an independent structure served by officials dedicated to managing the process would have been an appropriate mechanism that would have countered perceptions of undue interference by the government. Importantly, it would also have affirmed that the evaluation was genuinely an undertaking by the country as a whole, and not merely a report-card on government performance.

In the years that follow the initial review, the country's private and public sectors remain responsible for taking action on the problems identified at that time. Perhaps this gives cause for optimism. Given that the new NGC had not been constituted by the second half of 2009, South Africa may yet take the opportunity to re-think its composition. Enlisting members to serve on the NGC part-time proved far from ideal during the preparation of the CSAR, because they were essentially volunteering to manage a complicated process within a very short period. A member of the NGC conceded that the Council had had insufficient capacity to undertake the volume of work entailed.⁴⁶

44 Ibid.

45 Efforts were made to source a response to these perceptions from government officials, in particular the focal point during the APRM process and the current focal point during the compilation of this report.

46 Interview with Zanele Twala, member of the NGC and former Executive Director, SANGOCO, 13 May 2009.

Preparation and planning

The inadequacy of the plans made before starting the APRM process was the major cause of weaknesses in the South African self-assessment exercise.

All of those interviewed by the author expressed the view that better planning would have entailed allocating adequate time to each stage of the process; and that organising sufficient research capacity at the outset would have ensured that all the data submitted could be processed and analysed.⁴⁷ Full-time researchers might have been better able to devote sufficient time to complete the work. As it was, the research methodology was flawed; the collection of data, particularly from the provinces, was inconsistent; and the quality of submissions was poor in some cases. The TSAs encountered difficulties in handling the reports of CDWs that were written in indigenous languages, and were generally unprepared to accommodate language diversity, which was why some of the CDWs' submissions in the indigenous languages could not be processed in time for inclusion in the technical reports. Adequate training of both the CDWs and those involved in compiling the report would have overcome some of these difficulties.

Engagement with stakeholders outside government, such as civil society, should have started as soon as the focal point had been identified. This would have given CSOs sufficient time to brief themselves on the key objectives of the APRM process, particularly that of reviewing the quality of governance in the country as a whole (and not simply assessing government performance). Also, starting the process at the end of year, which in South Africa is a holiday period, was bad timing as far as ensuring wide participation was concerned.

Involvement of a broad range of citizens

Arguably the participation of South Africans in the process was inclusive. The total number of people who attended the two national and the provincial conferences, the seminars, and the sectoral meetings was large, while the CDWs collected a very large number of responses to the simplified questionnaire. However, observers question how meaningful this participation was. There was seldom any advance dissemination of the reports that were to be discussed at the conferences and seminars, which meant that delegates received the material only on the day of the event. Furthermore, the quality of inputs from the floor was uneven. Apart from the four seminars that were co-organised by the TSAs (where the agencies could identify and invite participants who were well-qualified to give opinions on the theme in hand), selection of the participants in the bigger meetings was not possible, resulting in 'rent-a-crowd' attendance in some cases. The large participant numbers contributed to making the process legitimate⁴⁸ in one respect, but the quality of debate

47 Email communication, Unathi Bongco, national APRM secretariat, in the Department of Public Service and Administration, 13 May 2009.

48 Interview with Paul Graham, IDASA, 31 July 2009.

was a casualty of the lack of selection procedures and the scant time allotted to briefing and to hearing contributions from the audience.

Civil society participation

During the APRM process the meaning was contested of popular participation, of what constitutes civil society, and of the role that these non-state formations, particularly in the not-for-profit sector, should play in democratic South Africa. The feeling of exclusion from the process in bodies representing civil society, and the apparent desire on the part of the government to control their participation, are among the issues that arose during the self-assessment exercise. On the other hand, government representatives questioned the legitimacy, constituency and mandate of the NGOs.

The democratic government has had and continues to have a fractured relationship with civil society, NGOs in particular. Some of these cracks were apparent during the APRM process. The government, which is led by the African National Congress (ANC), assumes that its legitimate elected status gives it the moral authority (after having inherited a 'bankrupt apartheid state') to implement its development agenda in a manner that imposes clear parameters on the participation of civil society. Since 1994, the administration's view has been that NGOs are influenced by donors from abroad, and work against South Africa's plans for development. In a speech made at the ANC Mafikeng Conference in 1997, Nelson Mandela, at that time head of state and leader of the party, expressed concern over 'undue' criticism of the government by NGOs, which was threatening to undermine his administration's programme of reconstruction. Some NGOs believed that these comments '[s]ignalled a new era of distrust between the voluntary sector [and government]'.⁴⁹ Eight years later, his successor, Thabo Mbeki, echoed similar reservations over the commitment of NGOs funded by foreign donors to the democratic trajectory of South Africa during the opening of the first consultative conference of the APRM process in South Africa.

These government perceptions of civil society, especially the NGOs, laid the foundations for the mistrust between public and private stakeholders that affected the APRM process. As a result, some analysts argue that certain of the NGOs were unhelpfully preoccupied with questioning the transparency of the government-led process, instead of debating substantive issues.⁵⁰ Government also displayed arrogance by making its own decisions on which CSOs should participate, and stipulating the terms of their engagement, without any form of negotiation. Using a narrow lens through which it saw the only legitimate civil society groups as being membership-based, the government chose to work with representative bodies such as the South African NGO Coalition

49 Cawthra, H.C. and Kraak, G. 'Annual Review: The Voluntary Sector and Development in South Africa 1997/98', *Development Update*, Vol. 2 No. 3, 1999, pp. 165–166.

50 Interview with Chris Landsberg, former director of the Centre for Policy Studies and research partner, 21 May 2009.

(SANGOCO), a network of over 3 000 NGOs, and the South African chapter of the AU's Economic, Social and Cultural Council (ECOSOCC) launched in 2005 and supported by the government.

Concerned at the possibility of exclusion from the country self-assessment process, some NGOs attempted to organise themselves in preparation for the undertaking. Most notable among them were SAIIA, which had an interest owing to its research focus on governance issues and the APRM process, and SANGOCO.

The focal point arranged a meeting with the South African branch of ECOSOCC in early September 2005 to explain to this extremely limited sample of civil society the way in which the process would unfold, and SAIIA and SANGOCO took the lead in raising awareness of the programme among CSOs by holding a meeting on 22 September 2005, six days before the first national consultative conference was held.⁵¹ The key outcomes of the meeting, as outlined in SANGOCO's submission to the APRM, were to call for greater inclusiveness, an enhanced role for civil society, and the sourcing of sufficient funds to ensure that the process was 'a success, in the national interest and in the fight against poverty and inequality...' Some observers argue convincingly that the participation of NGOs in the APRM process was limited even further, to involve only urban-based 'elite' bodies.⁵²

The government's understanding of consultation appears to have meant informing those attending meetings of what was under way, rather than any kind of equal interaction. A weakness in the consultative conferences was the inability to facilitate meaningful discussion in areas contested by civil society and government. Also, these conferences created expectations in those members of civil society who attended that the views they expressed would be incorporated in the CSAR. In most cases, not only did participants receive the relevant material too late to prepare their responses, but the time allocated to each theme was generally one day, allowing limited time for debate. NGOs and CSOs aired these concerns and expressed their lack of trust in aspects of the process to the CRM in July 2006.

The continental APRM structure

The continental APRM Secretariat coordinated the two CSMs that visited South Africa in November and December 2005 and the CRM mission that followed in July 2006. One criticism of the missions is the short time they spent in the country:⁵³ in most cases, the visits took place over one or two days, and concentrated on the urban areas. Most of the rural communities, which constitute an important constituency in South Africa, did not have the

51 This preparatory civil society meeting was co-hosted by the South African NGO Coalition, the South African Council of Churches, the South African Institute of International Affairs and Transparency International-SA, and held in Johannesburg.

52 Email communication, Moloko Malakalaka, formerly at the Centre for the Study of Violence and Reconciliation, participant in the first national consultative conference, 29 June 2009.

53 Telephone interview with Zama Ndaba, South Africa ECOSOCC Chapter, 27 July 2009.

opportunity to engage with the panel's representatives, so the teams were unable to gather a broad spectrum of views.

An observation made to the author was that the panel of eminent persons and the continental APRM Secretariat could have considered revising the questionnaire to make it more relevant for South Africa, given this country's degree of development.⁵⁴ For example, the question relating to intra-state conflict was perhaps not applicable to South Africa. This may explain why the democracy and good political governance section of the draft CSAR noted a lack of clarity on the meaning of intra-state conflict in the South African context.

Internalising the APRM process for the future

While South Africa has signed and committed itself to various continental programmes, its greatest weakness is its inability to implement them in a concrete and effective way. Also, the relevance of the APRM process for South Africa was perhaps not evident to the stakeholders in either the public or the private sectors. The APRM procedure was intended to include and speak to civil society's role in helping to address the issues raised in the questionnaire. Yet civil society's failure to sustain its engagement with AU programmes hampered its participation in the APRM process.⁵⁵ Also, most of the representatives of civil society who were interviewed by the author for this report admitted that they had since disengaged from the process. They were not familiar with, and in some cases had lost interest in, the structures responsible for monitoring progress in carrying out the PoA. The government too has shown little commitment to following through on the implementation of South Africa's PoA.

Conclusion

It was anticipated that South Africa, as one of the countries behind the founding of the APRM, would set the benchmark for conducting a credible self-assessment process. Some of the criteria that South Africa was expected to fulfil were broad consultation, a legitimate methodology and a well-thought-out research procedure. These would lead to the compilation of a CSAR that was a true reflection of key issues identified by all the stakeholders were, and the PoA would make a genuine attempt to address problems.

The process was indeed inclusive in the sense that a large number of people drawn from every sector participated in the self-assessment. The decentralisation of the structures overseeing the process also contributed to gathering as many views on governance as possible.

However, as this report indicates, there were a number of flaws in the methodology of the information-gathering, collation and editing of submissions. There was also a discrepancy in the understanding of the roles the major stakeholders – government and civil society – should play. These flaws, which

⁵⁴ Interview with Paul Graham, IDASA, 31 July 2009.

⁵⁵ Telephone interview with Zama Ndaba, South Africa ECOSOCC Chapter, 27 July 2009.

were largely attributable to inadequate preparation and planning, led to the difficulties some sections of civil society experienced in taking ownership of the final CSAR.

An insight arising out of the national APRM process is that there is an underlying mismatch between the South African government's international commitments and their application at national level. There is little evidence to show that the recommendations from the country review report have explicitly informed South Africa's policy-making process. The greatest challenge facing South Africa is whether it is able to translate its policy to enhance engagement in Africa into tangible outcomes for the country. While the report shows that yes, there were useful aspects to the process, one has to question whether all of those involved viewed the APRM as a relevant and important procedure. The government felt compelled to go through with the process, having shown political commitment to it. Civil society saw it as an opportunity to engage with government and perhaps vent frustration over some government policies, but not as achieving much beyond that.

South Africa's experience with the peer review process could be an indication for further reflection by the APRM on ensuring that the process is relevant across Africa. Clearly not all countries are at the same stage of development, yet they are all facing their own challenges in strengthening democracy and human rights. Designing a process to address conditions of a particular country could ensure a deeper commitment to the process. South Africa's engagement in the process re-affirmed concerns and raised challenges facing the country. The occasion the APRM provided for dialogue between civil society and government is important in a democracy. But the process has yet to assist in the institutionalisation of such dialogue within the processes of either government or civil society in South Africa.

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- Paul Graham, Executive Director, Institute for Democracy in South African and a technical support agency
- Steven Gruzd, South African Institute of International Affairs and Technical Research Institute
- Claude Kabemba, formerly at the Human Sciences Research Council, a quality assurance institute involved in the preparation of the country self-assessment report
- Chris Landsberg, University of Johannesburg, former Director at the Centre for Policy Studies and a research partner

Moloko Malakalaka, formerly at the Centre for the Study and Violence and Reconciliation, an NGO that participated in the APRM process

Zama Ndaba, former Secretary General of the South African chapter of the Economic, Social and Cultural Council and seconded to the national APRM secretariat

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