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# The African Peer Review Mechanism at Country Level: Views from Kenya

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## ABSTRACT

In Kenya, the African Peer Review Mechanism (APRM) began well. In 2006 the country became the third African state to be peer reviewed and thus one of the APRM pioneers. But neither government nor civil society championed the implementation of the National Programme of Action (NPOA). Progress reports were prepared but reviews delayed at the continental level. Monitoring and evaluation were not institutionalised, and the NPOA was not harmonised with Kenya's new development blueprint, 'Vision 2030'. The APRM was already losing momentum in Kenya when the disputed presidential elections in December 2007 led to unprecedented violence and internal displacement of Kenyans. The analysis in the Country Review Report guided the peace mission of African Union mediator Kofi Annan, but did not bring the APRM itself back to national attention. The implementation of a new constitution and a planned Second Country Review could provide an opportunity for the APRM to anchor itself in Kenya.

Pre-requisites for re-energising the African Peer Review process are improvements at the continental level with a re-invigorated African Peer Review Forum, panel and secretariat and a Second Country Review of Kenya that actually takes place. What would be helpful are stronger continental guidelines on how to implement NPOAs and institutionalise civil society-led monitoring and evaluation and more learning between actors and stakeholders in APRM member countries. Finally, realising that a push for good governance is more likely to come from civil society, it would be important to link support for civil society to APRM activities.

## ABOUT THE AUTHOR

From December 2007 to December 2009, Dr Angela Reitmaier was a United Nations volunteer, with funding from the German Development Service, at the New Partnership for Africa's Development Kenya Secretariat, which she continues to advise from her new home in Berlin. She is a member of an expert group on civil society of the Joint Conference Church and Development, a German ecumenical forum on development policy. From 2005 to mid-2006, she worked on Millennium Development Goals (MDGs) at the United Nations Development Programme in Kenya, participating in the MDGs Summit in New York in September 2005. From 1994 to 2004 she served as liaison for German clients with the World Bank in the areas of education, energy and water. She holds a PhD in European Communities Law from the Free University of Berlin and a Master's of Comparative Law from the George Washington University. Please note that the views expressed in this paper are solely those of the author, and not the NEPAD Kenya Secretariat.

## ABBREVIATIONS AND ACRONYMS

APR	African Peer Review
APRM	African Peer Review Mechanism
AU	African Union
CRR	Country Review Report
CSAR	Country Self-Assessment Report
CSO	civil society organisation
EITI	Extractive Industries Transparency Initiative
GJLOS	Governance Justice Law and Order Sector
MDG	Millennium Development Goal
NEPAD	New Partnership for Africa's Development
NCCE	National Commission for Civic Education
NGC	National Governing Council
NPoA	National Programme of Action
PWYP	Publish What You Pay
SIDA	Swedish International Development Cooperation Agency
UNDP	United Nations Development Programme

## INTRODUCTION

The African Peer Review Mechanism (APRM) has been called the most innovative aspect of the New Partnership for Africa's Development (NEPAD)<sup>1</sup>, a framework adopted at the turn of the millennium to eradicate poverty and promote sustainable growth and development.<sup>2</sup> The APRM's mandate is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance of 2002.<sup>3</sup> Accession to the APRM is voluntary.

## COUNTRY REVIEW OF KENYA

Kenya was in the first group of 10 countries that voluntarily acceded to the APRM in Abuja, Nigeria in March 2003 by signing the Memorandum of Understanding.<sup>4</sup> At the time, the country's new President Mwai Kibaki had been elected just three months earlier, ending the decades-long rule of Daniel arap Moi and the Kenya African National Union Party.

Kenya was one of four countries selected for the first peer reviews, as agreed at the First Summit of the African Peer Review (APR) Forum in February 2004, along with Ghana, Rwanda and Mauritius.<sup>5</sup> The Minister of State for Planning and National Development, (at the time) Professor Peter Anyang' Nyong'o was appointed as Focal Point, a NEPAD Secretariat was set up and an APRM task force was established. Initially the task force only included government officials, but later a number of well-known civil society organisations (CSOs) were also invited. However, disputes arose over whether the government should nominate civil society, or whether civil society itself should organise its participation in the APR process, including on the National Governing Council (NGC).<sup>6</sup> During the Country Support Mission in 2004, the eminent person in charge of Kenya, Graça Machel, resolved the contentious issue, recommending that the number of representatives from civil society on the NGC be increased.<sup>7</sup> The CSO members of the NGC ultimately came from a list selected by civil society and were made conveners for the APRM's four 'pillars' or 'thematic areas': political, economic and corporate governance and socio-economic development.<sup>8</sup> Together with the lead technical agencies (as the technical research institutes are called in Kenya), they developed guidelines and checklists for the focus group discussions, which they chaired. The resolution of the dispute between civil society and the ministry of planning showed that both sides could move forward through persuasion and compromise.<sup>9</sup>

In October 2004 the 33-member NGC was officially launched, but only held its first meeting in January 2005, at which time a member from civil society was elected chair. However, the rift and mistrust between government and civil society persisted. Disagreements over sitting allowances and processes slowed down the NGC's activities.<sup>10</sup> In July 2005 a Second Country Support Mission visited Kenya, but the disputes within the NGC could not be resolved and, on 20 July 2005, the minister revoked the appointments of three civil society members. A new chair, also from civil society, was elected, and the NGC led the country through the self-assessment process and drafting of the National Programme of Action (NPoA).<sup>11</sup> The methodology used included desk research, expert panels, a national sample survey and focus group discussions.<sup>12</sup> Kenya tried to retain as

many questions as possible from the original APRM Self-Assessment Questionnaire, and the drafted NPoA included 29 objectives, 153 sub-objectives and 368 monitorable indicators.

During the national self-assessment and country review phases, solutions were found for the many problems that emerged. When funds from the donor trust fund created in Kenya were not released, the NEPAD Kenya Secretariat used government funds. When the lead technical agencies produced a first draft of the Country Self-Assessment Report (CSAR) that left little time for vetting because of the time lost through NGC in-fighting, the NEPAD Kenya Secretariat asked a group of academic experts to thoroughly review the first draft. The NGC then submitted this report, together with the draft NPoA, to the Continental APR Secretariat in August 2005. When it became clear that the NPoA required further work, inputs from ministries (in particular from their strategic plans) and assistance from the lead technical agencies and consultants were sought, and recommendations from the Continental APR Secretariat incorporated.<sup>13</sup> When a high-level meeting of permanent secretaries was reluctant to endorse the NPoA, the president's representative reminded them of the upcoming APR Summit in Banjul, and government united behind the APRM self-assessment, the draft Country Review Report (CRR) and the NPoA.

In contrast to Kenya, the process in Mauritius, the fourth country initially selected for peer review, stalled for a variety of reasons, with the result that Mauritius became only the 13<sup>th</sup> country to be peer reviewed, at the APR Forum in Kampala in July 2010.<sup>14</sup> In Kenya, enough momentum was created, by the minister appointed as Focal Point, the NGC, the NEPAD Kenya Secretariat and the continental structures, Graça Machel as eminent person and the Continental APRM Secretariat, to overcome problems.

Kenya's Country Review Mission took place in October 2005, just before the first referendum on the new constitution, which was scheduled for 21 November 2005. Although the referendum was contentious, and the activities of the Country Review Mission overlapped with activities for the referendum, the process moved on. After the referendum, in April 2006 a smaller review team returned for another short mission to conclude the work. Subsequently, within a fairly tight deadline, all the necessary steps were completed in time for President Kibaki to be reviewed by his peers at the APR Forum, on the margins of the African Union (AU) Summit held in Banjul, The Gambia, on 30 June 2006.

The country review team found that the Kenyan CSAR met the AU requirements of professionalism and credibility and was a forthright, high-quality and candid assessment of the country's state of governance. The team also praised the high-level political support as shown by the president's and cabinet's personal contribution to the process.<sup>15</sup>

Kenya was the first country to issue a popular version of the CRR in English and Swahili, and to serialise the reports' main findings in the major newspapers. A media campaign was undertaken and forums were held to familiarise citizens with the findings of the CRR.

## IMPLEMENTATION OF THE NATIONAL PROGRAMME OF ACTION

After completing the CRR, ministries and government agencies started implementing the NPoA. Given the sheer size of the NPoA, this was a considerable task. A study of a governance and justice sector reform programme in Kenya found that government officials viewed co-ordination among the various government agencies as difficult because

government was organised vertically (from the minister down to the various officers), and participation in horizontal structures was rarely a priority.<sup>16</sup> This finding is equally valid for the APRM, which needs to be co-ordinated with an even larger number of ministries and agencies.

The NEPAD Kenya Secretariat prepared a six-month progress report, based on submissions from ministries and desk research, which was discussed at the APR Summit in Addis in January 2007. The first annual progress report was tabled, but not discussed, at the APR Summit in Accra in July 2007.<sup>17</sup>

## THE ROLE OF CIVIL SOCIETY

In December 2005, the end of the original NGC's mandate diminished civil society involvement in the APRM process. Disappointment with this situation and the example of shadow human rights reports may have motivated some civil society groups to produce a shadow APRM CRR, which alienated government and the NEPAD Kenya Secretariat.<sup>18</sup> Civil society was still divided over constitutional issues and lacked the leadership of an effective umbrella organisation, following the collapse of the Kenyan Council of Non-Governmental Organisations after its chair was dismissed from the APRM's NGC.<sup>19</sup> When parts of civil society pushed for specific actions under the NPoA, including constitutional or land reform, they failed to refer to the APRM. One explanation may be that the NPoA is based on the matrix from the APRM Questionnaire, which makes it complex, technical and difficult to understand when actions are spread over two or more pillars. Although, as mentioned above, a popular version was produced, it lacked sufficient detail to raise the interest of groups focused on specific issues. Excerpts detailing what the CRR said about key issues, for example land, gender or the constitution, were not produced.

Most of civil society was not proactive with respect to the APRM, even during the most active phases of the process. Of all the civil society groups directly or indirectly represented on the NGC, only two sought to promote the APRM as part of their own activities,<sup>20</sup> and only the African Youth Forum started activities during the self-assessment period without first having been formally tasked.<sup>21</sup>

As Kenya was only the third country to be reviewed, few precedents existed of how to implement the NPoA alongside other government programmes. The Continental APR Secretariat and the Panel of Eminent Persons appeared to be focusing their attention on reviews of other countries. In Kenya, the United Nations Development Programme (UNDP) and the Swedish International Development Cooperation Agency (SIDA) supported a set of follow-on activities called 'Sustaining the Dialogue'.<sup>22</sup> However, the instrument envisaged by this programme – the use of district information and documentation centres as APRM resource centres – never got off the ground. In 2007 a needs assessment for such centres was conducted, raising doubts about their suitability as platforms for dialogue. Also, expected funds for UN volunteers to engage with civil society at the district level did not become available and, in the end, this avenue was not pursued.

Monitoring and evaluation by civil society was not institutionalised, and the dissolution of the NGC when its mandate ended in December 2005 did not help. While initially there were plans to link the APRM to the national integrated monitoring and evaluation system, and the NEPAD Kenya Secretariat was represented in Technical Advisory Groups,<sup>23</sup> the

indicators developed (including in the area of governance) relate to national outcomes as defined in Kenya's 'Vision 2030', without any reference to the APRM.<sup>24</sup> The NPoA remained a document for the technocrats involved in the APR process. Ministries reported on progress, or the lack of it, or did not report at all. Lead technical agencies undertook desk research, reviewed the submissions from the ministries, and merged all inputs into the progress report under the co-ordination of the APRM Focal Point, the Ministry of State for Planning, National Development and Vision 2030, through the NEPAD Kenya Secretariat. Stakeholder consultations, in the form of focus group discussions in selected districts, were carried out in all provinces of Kenya. District discussions were lively and helped distil the 'voices of the people',<sup>25</sup> which were added to the thematic areas of the progress report. The thematic areas, in turn, were discussed at sector forums in Nairobi.<sup>26</sup>

### NEW DEVELOPMENT BLUEPRINT

APRM activities in Kenya remained ad hoc, and the momentum created by the country review waned over time. What should have been a basis for the national development plan was hardly mentioned when, in October 2006, the process began to develop 'Vision 2030', the new blueprint to succeed the Economic Recovery Strategy for Wealth and Employment Creation.<sup>27</sup> The 'pillars' chosen – economic, social and political – mirrored the pillars of the APRM, but no reference was made to the APRM, not even in the chapter detailing the development of 'Vision 2030'. Instead, 'Vision 2030' refers to stakeholder forums and expert inputs distinct from the APR process. It states that Kenya has already met some Millennium Development Goals (MDGs) and that 'Vision 2030' spells out action to achieve the rest.<sup>28</sup> A similar statement relating to the NPoA is missing, although 'Vision 2030' mentions governance as its foundation and details activities not unlike those envisaged in the NPoA.<sup>29</sup>

Both 'Vision 2030' and its predecessor, the Economic Recovery Strategy for Wealth and Employment Creation, constitute part of the Kenyan national plan to achieve the MDGs. This could be done by linking pillars of the strategy to MDG goals<sup>30</sup> and using the statistics designated for MDGs. In contrast, the NPoA, which is built on the matrix of the questionnaire, has to preserve its specific actions and cannot easily be incorporated into a national plan. The APRM would require a detailed analysis of which activity under 'Vision 2030' could be harmonised with which activity under the NPoA. Given the size and spread of the NPoA, a large number of activities would probably be left without corresponding activities under 'Vision 2030'. Moreover, the budget would have to be referenced to the NPoA, which was never done.

In the end, the political will to embark on such an exercise was lacking, and an important opportunity to merge the NPoA with the development blueprint for the country was missed.

### COMPETING GOVERNANCE INITIATIVES

Another reason for the government's failure to embrace the APRM may be the fact that the minister of justice embarked on the Governance Justice Law and Order Sector (GJLOS)

reform programme at about the same time as the Minister of State for Planning and National Development signed the APRM Memorandum of Understanding.

GJLOS is a multi-sectoral programme which brings together 32 government ministries, departments and agencies under four sector-wide reform priorities: governance, human rights, justice, and law and order reforms. Building on previous attempts to reform the legal sector, GJLOS was conceived as a five-year plan, which started with a one-year, short-term priorities programme of quick-wins, followed by a four-year, medium-term strategy meant to end in June 2009. GJLOS was jointly funded by 16 donors, equating GJLOS with donor-funded governance reform.<sup>31</sup>

GJLOS also became synonymous with the Kenyan government's governance reform programme. Supported by the ministry of justice, and thus the president's side of the coalition government, GJLOS received more and more attention. In this context, it is worth recalling that the former minister of planning, Professor Peter Anyang' Nyong'o, not President Kibaki, signed the Memorandum of Accession to the APRM. In November 2005, when the first referendum on a new constitution for Kenya resulted in the draft being rejected, the president dismissed the coalition partner's ministers who had all supported the 'No' vote, including Anyang' Nyong'o. After this rift, the APRM tended to be seen as a project of the ousted coalition partner, not of the president and his allies, and the APR process in Kenya lost important political backing.

## FUNDING OF THE APRM PROCESS

The main responsibility for supporting the APRM financially and otherwise lies with the member countries.<sup>32</sup> The Kenyan government financed the CSAR<sup>33</sup> and the NEPAD Kenya Secretariat since its inception at the end of 2003.<sup>34</sup> During the self-assessment period, a number of donors also came forward, but in the post-review phase only UNDP and SIDA remained, and funding was not sufficient for all activities planned by the NEPAD Kenya Secretariat. Hoped-for additional resources from the Kenyan government did not materialise.

The EU recognised the APRM process in the EU–Africa Partnership on Democratic Governance and Human Rights. As a member of this partnership, Kenya has offered to hold a workshop on lessons learned and information sharing of national APRM experiences.<sup>35</sup> However, so far nothing concrete has emerged, not least because the Continental APR Secretariat did not play an active role. This might change in the near future, as senior positions are filled and the APR Panel becomes more active. The European Commission supported national APRM structures in Tanzania and Ghana and allocated an extra 5% of its Governance Incentive Tranche, under the Tenth European Development Fund, to countries that had completed the APRM at that time, i.e. Ghana, Rwanda and Kenya.<sup>36</sup> However, in Kenya, the extra 5% was not used for APRM activities.

## POST-ELECTION VIOLENCE AND AFRICAN UNION PEACEBUILDING

On 27 December 2007, Kenya held general elections, but the result of the presidential election was disputed and violence erupted. The *Report of the Commission of Inquiry into*

*the Post-Election Violence* concluded that ‘these were systematic attacks on Kenyans based on their ethnicity and their political leanings’.<sup>37</sup> Thus, the warning contained in the CRR – that ethnic tensions could create a situation like that in Rwanda or Yugoslavia – became sadly true.<sup>38</sup> Nothing had been done beforehand to heed those warnings, or to act upon the then South African President Thabo Mbeki’s suggestion that peers should get together to share experiences on diversity, and that the AU should appoint a small group of eminent persons to assist Kenya.<sup>39</sup>

At the 7<sup>th</sup> APR Forum, which took place at the end of January 2008 in Addis Ababa, the first annual progress report for Kenya was not discussed because the eminent persons felt it would be inappropriate to do so before the AU-backed mediation efforts had been successfully concluded.<sup>40</sup> Even before the APR and AU Summit, African leaders had tried to resolve the Kenyan crisis. Former UN Secretary-General Kofi Annan was sent to Kenya to help, and importantly Graça Machel, the eminent person who oversaw the Kenyan review, was selected as a member of his team. She was thus able to contribute her knowledge and ensure that the CRR was used as a reference document.

By now, attention in the country had shifted to the peace process, the Kenya National Dialogue and Reconciliation and in particular the ‘long-term issues and solutions’ under Agenda Item 4. The issues mentioned resemble those of the overarching issues under the APRM:

- Undertaking constitutional, legal and institutional reform (APRM: constitutional reform and consensus building);
- Tackling poverty and inequity, as well as combating regional development imbalances (APRM: poverty and wealth distribution);
- Tackling unemployment, particularly among the youth (APRM: youth unemployment);
- Consolidating national cohesion and unity (APRM: managing diversity in nation building);
- Undertaking a land reform (APRM: land);
- Addressing transparency, accountability and impunity (APRM: corruption).

The APRM was mentioned under the last heading of ‘transparency, accountability and impunity’, but the Ministry of State for Planning, National Development and Vision 2030 was not included as Focal Point, and the language used – ‘sustain the APRM process by ensuring assessment of government (executive, legislative and judiciary) performance and accountability’ – did not explicitly empower any of the APRM actors in Kenya beyond monitoring progress in implementing and reporting on the NPoA to the APR Panel and Forum;<sup>41</sup> none felt empowered to go beyond monitoring progress.

As the first annual progress report had not been discussed at either the APR Summit in Ghana in July 2007 or the one in Addis Ababa in January 2008, the NEPAD Kenya Secretariat prepared a two-year progress report with the help of consultants from the lead technical agencies. However, the agenda of the APR Forum in June 2008, held in Sharm-el-Sheik, did not include any country progress reports – that item was moved to the agenda of the APR Forum in January 2009 in Addis Ababa. Like for the first annual progress report, ‘voices of the people’ were collected and included in the relevant sections of the two-year report, to which an update to January 2009 was added.

## PEER REVIEW OF TWO-YEAR PROGRESS REPORT AND FOLLOW-UP ACTION

In January 2009, the APR Forum discussed the two-year progress report of Kenya and noted that 'Kenya is back to work after the post-election violence and congratulated the country for its candid report'.<sup>42</sup> The APR Forum decided to send the lead panellist on a mission to Kenya, to attend a conference on the future direction of Kenya in February 2009 and to undertake a second review of the political pillar of the APRM.<sup>43</sup> Unfortunately, the lead panellist, Graça Machel, was not able to attend the conference in person. The Second Country Review of the political pillar was scheduled for July 2009, in preparation for which the Minister of State for Planning, National Development and Vision 2030 gazetted a new NGC of 15 members, all drawn from civil society, academia and the private sector.<sup>44</sup> The new NGC's mandate was to 'monitor and evaluate the implementation of the national reform agenda, particularly what was agreed under Agenda 4 of the Kenya National Dialogue and Reconciliation Committee and the Political Pillar of Vision 2030', in addition to 'monitoring the implementation of the recommendations from the APRM National Programme of Action'. However, the Kenyan government cancelled the Second Country Review at the last minute 'due to unavoidable circumstances'.<sup>45</sup> The review mission was re-scheduled for November 2009,<sup>46</sup> but was cancelled by the APR Secretariat, again without apparent reason. The new lead panellist, Amos Sawyer, then proposed a second review after the constitutional referendum.

This referendum was held peacefully on 4 August 2010, and the new constitution was accepted by a large margin of votes. Thus, one of the overarching issues identified during the first Country Review – constitutional reform – is now being implemented.

In November 2010, an advance APRM mission came to Kenya to prepare for a second review<sup>47</sup>, which would now cover all four pillars of the APRM. In January 2011, the NEPAD Kenya Secretariat undertook field missions to 23 counties in preparation for the Second Country Review, holding focus group discussions chaired by members of the NGC.<sup>48</sup> In March 2011, the Panel of Eminent Persons deliberated the preparations for the Second Country Review for Kenya, which was envisaged for April 2011. The Government of Kenya has not yet confirmed the timing,<sup>49</sup> which should be advised by the president. The president's initially strong commitment to the APRM (for which he was praised during the first country review<sup>50</sup>) appears to have weakened. If participation is an indicator, President Kibaki has not participated in any APR Forum since the discussion of the Kenyan Progress Report and Update in Addis Ababa in January 2009. Yet, a full-fledged Second Country Review, should it take place, would create new momentum for the APRM at large.

The passing of what has been termed the 'most progressive'<sup>51</sup> constitution has sparked optimism in Kenya. Civil society is undertaking civic education in preparation for the referendum and the implementation of the new constitution, in particular the devolution of power to 47 newly-created counties. In the new scheme that devolves power to counties, finding a platform where citizens can hold officials accountable is important. This should ideally be done as part of a mechanism for civil society to monitor implementation of the NPoA, but even if not explicitly linked to the APRM, the platform could still be used for such monitoring purposes.

## LESSONS FROM KENYA AND RECOMMENDATIONS

In Kenya, the APRM analysis of the state of governance was robust, yet the initially strong support for the APRM weakened over time. Contributing factors were rifts in civil society, greater interest in a new constitution, competing governance initiatives, as well as low funding and institutional support from government, continental APR structures and donors. The post-election violence marked a turning point, and the new constitution is now the vehicle for reform and hope. The Second Country Review would need to be carefully designed to produce a sound analysis of the state of governance that will help the discourse on the implementation of the new constitution and re-create interest in the APRM by government, civil society, the private sector and donors.

The APRM has a lot to offer, with its emphasis on broad-based participation, a sound methodology for the assessment of the country by its citizens, the added value of exchange of views with African experts and fellow presidents. Yet it faces many implementation challenges at all levels and with all actors. Below are some thoughts for improvement, which stem from the Kenyan experience.

### AT CONTINENTAL LEVEL

The Continental APR Secretariat has a supporting role to play, but has capacity constraints because of the increasing number of countries undertaking peer reviews and implementing NPoAs, and the first group of countries reaching the second-review stage. Moreover, the APR Secretariat did not have a chief executive officer from 2008<sup>52</sup> until late in 2010, and its staff members have only been given short-term contracts. The Panel of Eminent Persons, which exercises oversight of the secretariat, has undergone a slow transition from the first group to a second group of members. The chairman of the first group only resigned at the APR Forum in Kampala in July 2010, amid allegations of heavy-handedness and lack of transparency.<sup>53</sup> Under a new chairman, the panel should be expected to re-organise and re-energise the APR Secretariat, including appointing a capable and senior management team and increasing the number of staff and the efficiency in secretariat processes.

In January 2009, the APR Forum mandated the panel to draft transparent procedures for appointing new members and designating a chairman.<sup>54</sup> A year later, the chairman of the APR Forum indicated that a sub-committee of National Focal Points would be set up and would also consider the operational procedures being drafted by the panel.<sup>55</sup> The new sub-committee and the panel have so far not been able to agree on the draft,<sup>56</sup> and a further meeting to reach consensus did not take place,<sup>57</sup> which does not bode well, at least not for speedy action.

Apart from capacity constraints, guidelines are lacking on what needs to be done after a country has been reviewed. Rules or best practices for monitoring and evaluating progress in the implementation of the NPoA, led by civil society, would be helpful. It is therefore important that the APR Panel/Secretariat speed up the on-going process of revising the questionnaire and developing an NPoA monitoring and evaluation framework.<sup>58</sup> In September 2010 the United Nations Economic Commission for Africa (UNECA) held a workshop, in Kampala, Uganda, to 'Harmonise APRM NPoAs and other National Development Plans into a Common Medium-Term Expenditure Framework'.<sup>59</sup>

The workshop's rationale was that the weakest link in the APR process is effective implementation of the NPoA. Challenges identified were the lack of clear links between the NPoA, the national budget and the medium-term expenditure framework; weak co-ordination between the agencies responsible for costing the NPoAs and those that finance the programmes; and difficulties in identifying NPoA programmes in the national budgets.<sup>60</sup>

## AT COUNTRY LEVEL

While the name 'peer review' emphasises the role of the presidents as peers in reviewing the country, stakeholder participation is an even more important and valuable aspect of the APRM. Of course, stakeholders in the country voice their opinions during elections, and almost all countries in Africa now have elections, but in elections ethnic allegiances also play an important role. Discussion is often about personalities, whereas the APRM self-assessment and the review of progress in the implementation of the NPoA are based on substantive issues, which thus provide citizens and civil society with an opportunity to discuss policies and choices. This is an important value of the APRM that is not revealed by the title 'peer review' mechanism.

Even with a reinvigorated APR Panel and Continental Secretariat, the main activities will occur in the participating countries. Newcomers should learn from countries that have experienced the various stages of the peer-review process. This informal exchange is taking place, but should be supported further, including by donors. Even after eight years of existence, the process is still relatively new, and no precedents exist. Countries make progress and then slide back, as happened in Kenya, or even in Ghana, which at one point cut down the size of the cabinet as suggested by the APRM, but then reverted to a large one again. Peer learning should also take place at regional level among the National Focal Points, the national secretariats, the NGCs, civil society, the private sector – in short, among all relevant stakeholders.

Another important aspect would be to rally behind one governance initiative instead of several, as happened in Kenya with the APRM and GJLOS, or better still include initiatives that are narrower in scope within the wide spectrum of the APRM. Kenya's new constitution, the second APRM Country Review and the elections of 2012 will bring many opportunities to revitalise the APRM process in Kenya.

## PARTICIPATION BY CIVIL SOCIETY

The Supplemental Guidelines refer to 'broad based participation' as the spirit of the APRM.<sup>61</sup> Stakeholder participation is thus vital, and civil society is the most important one. In Kenya, participation was strong during the self-assessment and country review phases. The Kenyan NPoA names civil society as an implementing agency in a few cases, and as a monitoring and evaluation agency in many cases.<sup>62</sup> However, how this was to be done was not institutionalised. An interesting process instituted by Ghana was to establish APRM District Oversight Committees at the district offices of the National Commission for Civic Education (NCCE), with each District NCCE director serving as ex-officio member and

secretary.<sup>63</sup> Thus, the NGC now has counterparts in every one of Ghana's 170 districts.<sup>64</sup> These District Oversight Committees engage in sensitisation about the APRM and assist the NGC in the monitoring and evaluation of the NPoAs implementation. Learning from Ghana's APR process, Benin has also instituted such committees.<sup>65</sup> District Oversight Committees could thus be a model that other countries could emulate.

However, civil society is often ambiguous about the APRM, criticising it as an idea meant to appease Western donors and, more substantively, as an idea that developed without CSO participation.<sup>66</sup> In turn, governments often harbour suspicions about CSOs,<sup>67</sup> or see them as promoting views funded by foreign donors.<sup>68</sup> Thus, an important element in moving the APR process forward would be to promote relationships of trust among the various stakeholders. Workshops for relevant actors, including media and academia, both separately and together, would be useful. A good example of what can be done is the workshop for civil society,<sup>69</sup> which was jointly organised by the Africa Governance Monitoring and Advocacy Programme, the Electoral Institute for the Sustainability of Democracy in Africa, l'Institut Africain de la Gouvernance (Africa Governance Institute), Kituo Cha Katiba (Eastern Africa Centre for Constitutional Development) and the South African Institute of International Affairs, ahead of the APR Forum in Kampala in July 2010. This sort of workshop should routinely be held for civil society ahead of APR Forum meetings.

An initiative where civil society has continuously played a strong role is the Extractive Industries Transparency Initiative (EITI), a global standard that promotes the transparency of revenue from oil, gas and mining activities. It monitors and reconciles company payments and government revenues at the country level. Using the methodology set out in the EITI rules, a multi-stakeholder group, including government, companies and civil society, oversees the process. Unlike the APRM, where government usually leads the process, in the EITI civil society is represented on an equal footing with government and companies. Also, the rules of EITI are confined to revenue transparency, whereas the APRM covers a very wide array of issues. Civil society interest in the EITI is supported by the international non-governmental organisation, Publish What You Pay (PWYP), and also a multi-donor trust fund administered by the World Bank. This means that capacity building is available from the outset, and activities in the country can be supported financially and institutionally through the EITI Secretariat and PWYP. At workshops and EITI conferences, civil society members can meet their peers from other countries and learn from best practices. The International Secretariat of EITI in Oslo, Norway, is small but effective. Some countries, which have started implementing the EITI as a candidate country, have not been able to become compliant within the given time,<sup>70</sup> but most countries are successful candidates or compliant countries. From Africa, the Central African Republic, Ghana, Liberia, Niger and Nigeria are compliant countries, and Burkina Faso, Cameroon, Chad, Côte d'Ivoire, Gabon, Guinea, Madagascar, Mali, Mauritania, Mozambique, Democratic Republic of the Congo, Sierra Leone, Tanzania, Togo and Zambia are candidate countries. In these countries, civil society has played its role successfully.

Crucial elements for the success of the EITI are support in terms of capacity building and training, funding and peer learning. Their use in the APR process would go a long way towards making civil society a strong player, perhaps strong enough to motivate other actors, in particular government. It would mean identifying an African organisation

that could build civil society capacity and would ideally be funded from African sources, but could also use funding from external partners ‘as long as African ownership of the APRM and all its processes would be clearly respected’, as the Organisation and Processes Document states.<sup>71</sup> Furthermore, including in the APRM process civil society that is active in the EITI in their countries would bring players that have experienced a relationship of trust with government.

## THE ROLE OF DONORS

The APR process is complex and involves many actors at different levels and with different degrees of enthusiasm. If the president is not committed in a country, maybe the NGC and the secretariat are more committed and could thus be supported, or the national parliament could be strengthened in its oversight role. Ideally, civil society would be a driver, but would perhaps need a push.

Since so much of the funding for civil society comes from donors, it would be good if donors recognised the value that the APRM adds – providing an umbrella for different governance-improving initiatives in a country and adding a continental dimension – and structured their support accordingly. For example, donors could link support to civil society to the APRM process. Given the breadth of the APR exercise and the explicit role attributed to civil society as a stakeholder (and often as monitoring and evaluation agents), donors could routinely include in their terms of reference to civil society a requirement to use the APR process, even when the support falls outside of a regular APRM project. And donors could suggest better linkages of governance programmes, such as the GJLOS programme in Kenya, with the APRM as a national umbrella programme. Another important aspect of donor support would be assisting the various stakeholders in a country to address the underlying issues identified in the CRR without omitting the reference to the APR process.

## CONCLUSION

The idea of the APRM is bold, but implementation at the continental and national level shows that it is a process which has to be nurtured. It needs champions at every level, and from all stakeholders, and sustained support from the AU, APRM partner institutions, and donors.

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