



CIVIL SOCIETY ORGANISATIONS DISCUSS THE AFRICAN PEER REVIEW MECHANISM AND COMPLIANCE WITH AFRICAN TREATIES

Civil society organisations (CSOs) from 19 African countries met in **Banjul, Gambia**, 26-28 June 2006 to discuss ways of improving compliance with commitments made under African Union treaties, with particular reference to the **African Peer Review Mechanism (APRM)**.

The workshop, which was a follow-up to a similar meeting held in **Addis Ababa, Ethiopia**, in January 2006, discussed presentations from organisations that have engaged with the APRM in countries where the process has been undertaken, and from organisations working to monitor compliance with African and other international standards. The workshop was addressed by **Dr Bernard Kouassi**, Executive Director of the APRM Secretariat. He reminded participants that the APRM is a self-monitoring mechanism of the African Union with the aim of fostering the adoption of policies, standards and practices leading to political stability, high economic growth and sustainable development. He stressed that the APRM is an open, inclusive, participatory and broad-based process.

Mr. Kouassi insisted on the challenges faced by participating countries - the difficulties involved in organising national structures, in mobilizing financial and human resources, in achieving broad-based participation and in respecting the short timelines. He explained the importance of the involvement of African civil society in the APRM process and encouraged CSOs to play an active role at the national level by working with the APRM focal point and the national councils.

In the ensuing discussion, participants criticized the fact that the **APRM Secretariat** hadn't yet developed clear and effective communications and that country level APRM focal points are weak, except in the case of South Africa. Reacting to these and other points raised by participants, Mr Kouassi explained that there is still a misunderstanding of the philosophy and objectives of the APRM process, which is, in his opinion, an opportunity for Africa to establish a culture of dialogue and to promote integration at regional and continental levels. But to reach this goal, the APRM process needs time and the involvement of all stakeholders. (See Conclusions of the Banjul Workshop, p 2).

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GHANA'S APRM: SOME PRELIMINARY OUTCOMES

Ghana was the first country to complete the APRM assessment process and its report was made public in March 2006. Ghana's success in going through the APRM process is generally attributed to the structure, composition, and relative autonomy given to its **National APRM Governing Council**, the body that steered the entire APRM review exercise to ensure its independence, professionalism, and credibility.

The real challenge for Ghana, like all African countries undergoing the process, is how to institutionalize the national dialogue and consultation process around key governance issues engendered by the process and how to implement the recommendations raised in the Programme of Action. The key issues emerging from the Ghana APRM report and Programme of Action include: resolving conflicts over land use and ownership; overcoming delays in the justice system; strengthening the separation of powers between the legislature, judiciary and executive to prevent political manipulation; speeding up the political decentralization process; fighting corruption more vigorously; improving service delivery and the use of public resources; and creating mechanisms to allow all groups to assert their rights, particularly women, children, young persons, persons with disability and the aged.

The debate surrounding issues of good governance intensified soon after the release of Ghana's APRM report. It was couched in terms of government performance and delivery

with respect to policies and services, a development that can be considered positive in terms of holding the executive and legislature accountable for policy outcomes.

Ghana has recently initiated "Proceeds of Crime Bill", which will empower security agencies to investigate and compel people in public and private life to declare their sources of income and how their property was acquired. Creating the legal framework for dealing with corruption was one of the major areas of governance deficits recommended by the APRM report to be addressed.

Civil society organizations have, since the release of the APRM report, taken up specific issues in their advocacy and campaign for good governance in Ghana. For example, recently, **the Commonwealth Human Rights Initiative (CHRI)** branch based in Ghana, asked the President to give assent to the *Persons With Disability Law (PWDL)* as a matter of urgency. The CHRI cited the APRM report recommendation that calls for the "creation of opportunities for the assertion of the rights by all groups, including persons with disability and the aged."

The above paragraphs are adapted from an article by Dr. Kojo Busia, Officer-in-Charge, African Peer Review Mechanism (APRM) Support Unit, Governance and Public Administration Division, UN Economic Commission for Africa, Addis Ababa. The full article is available at www.pacweb.org

IMPROVING COMPLIANCE WITH AFRICAN TREATIES - CONCLUSIONS OF A CIVIL SOCIETY WORKSHOP HELD IN BANJUL, GAMBIA, 26-28 JUNE 2006

The workshop was hosted by the **Institute for Human Rights and Development in Africa** (Banjul), in collaboration with **Partnership Africa Canada**, the **Africa Governance Monitoring and Advocacy Project (AfriMAP)** and the **Open Society Justice Initiative**.

Participants welcomed the APRM as a useful new process to monitor states' compliance with their obligations under African treaties and to provide a space for national dialogue on democracy, human rights and the rule of law. In order to strengthen the contribution that the APRM reviews can make, participants recommended that those responsible for national APRM processes should ensure that national APRM governing councils represent the broadest spectrum of civil society. Draft APRM reports should be made available for public comment as soon as they are completed, and well before they are adopted by the heads of state APR forum. The APRM should also encourage rather than discourage independent civil society efforts to contribute complementary reports to the APRM self-assessments. Greater efforts should be made to inform and involve the media and grassroots organisations in the self-assessments

Participants felt that the APRM process should be regularly reviewed to evaluate its success in improving governance and should go beyond simply assessing effectiveness and efficiency of government. As part of an early review process, the APRM questionnaire should be amended to focus on additional critical issues, in particular freedom of expression and of the media and citizenship and discrimination. The APRM secretariat should have its own regularly updated website, with detailed progress reports, and appoint a person to act as a focal point for civil society. National APRM focal points should provide much wider access to information about the self-assessment reports and the data collected to complete them.

The challenges faced by the APRM highlight the difficulty of ensuring compliance with African standards more generally. Workshop participants recommended that the African Union should ensure that there are sanctions if African states do not comply with their obligations under African treaties, especially in the case of gross abuses of the rights of African citizens. The AU and its institutions should enforce reporting obligations under African treaties and ensure that states adopt national laws to give detailed effect to treaties. The AU should also work towards the consolidation of reporting processes under international treaties, to reduce the number of reports states need to prepare.

Civil society organisations (CSOs) at the workshop discussed their own strengths and weaknesses and recommended that CSOs must develop their own capacity to engage more effectively with efforts by the AU, APRM and other African institutions to monitor compliance with international standards. CSOs should develop improved

coordination and networking, especially to share information and strategies relating to the APRM. CSOs should ensure greater respect for their own internal democracy and transparency. Human rights and pro-democracy organisations should also reach out to the media, to strengthen journalists' ability to report on monitoring efforts such as the APRM.

A key theme that emerged from the workshop's various discussions was that of access to information. Independent civil society monitoring of government performance is impossible without access to good quality, up to date information. Yet information about government activities is often poor and hard to obtain – even by other government departments and even when such information is required to be made public by law. Accordingly, participants called on African governments to enact freedom of information laws on an urgent basis, and ensure their effective implementation, but also noted that such laws are not sufficient. African states should change their existing laws and policies to create a presumption that official information is public, unless there are specific and justifiable reasons why it should not be. African states should strengthen their officials' own capacity to produce and make available information to their citizens, including through electronic media.

Another substantive theme discussed was the effect of discrimination in citizenship rights on political participation. The denial of legal citizenship marginalizes specific groups, and the existence of different categories of citizenship entrenches discrimination. Specifically states should ensure that discrimination in access to citizenship and proof of citizenship does not deprive specific groups of their rights to economic and political participation. Different local and regional 'citizenships' within a single state that are based on ethnicity or origin should not create barriers to political participation and patterns of public expenditure should not discriminate against certain social groups and regions. The African Union should develop a new treaty to strengthen the rights of Africans to citizenship and nationality on a non-discriminatory basis.

Finally, the workshop welcomed the fact that the AU Commission had held a civil society forum in advance of the Banjul AU summit, after the absence of such a forum at the last two summits. However, it expressed its disappointment that the Coordinating Committee set up by the Gambian government to oversee the summit had blocked the organisation of a forum on freedom of expression. Civil society organisations should be free to organise their own events, without the need for permission from the African Union or the host country of a summit. See complete workshop statement at www.pacweb.org

THE SIXTH AFRICAN GOVERNANCE FORUM (AGF VI)

The **Sixth African Governance Forum (AGF VI)** under the theme “Implementing the African Peer Review Mechanism (APRM): Challenges and Opportunities”, was held in Kigali, Rwanda from 9 to 11 May 2006. The African Governance Forum is a **UNDP** flagship governance programme in Africa, which aims to promote and support the implementation of APRM. The sixth session of the AGF was co-convened by APR Panel and the UNDP Regional Bureau for Africa, in collaboration with the **United Nations Economic Commission for Africa (ECA)** and the **African Development Bank (ADB)**. The Forum brought together representatives of participating African countries in the APRM process, national APRM focal points, parliamentarians, civil society and think tank leaders, the private sector and women’s and youth groups.

The event provided the APRM participating countries and their partners the opportunity to deliberate on the experiences gained so far in implementing the APRM, the challenges faced and the opportunities it presents for strengthening governance in Africa. The Forum sought to facilitate national consultation processes and deliberate on the partnerships required for effective support for the implementation of APRM and the **National Programmes of Action (NPAs)**.

Prior to the Forum, national workshops were held in a number of APRM participating countries. The respective country reports on the status of APRM implementation were submitted to the plenary sessions. A synthesis report followed summarizing the country experiences, highlighting at the same time the opportunities, challenges and lessons learnt. More focused discussions drew conclusions on questions of how best to advance the APRM process, how to strengthen institutions at the country and regional levels, how to effectively manage the National Programmes of Action (NPAs) and how best to conduct reviews, monitor and evaluate the NPAs.

What made the AGF VI particular was the attendance for the first time of Heads of State and Government, whose countries already made a remarkable progress in the APRM process. President **Paul Kagame** of Rwanda stated that heads of state had previously not been invited to meetings of the African Governance Forum, which he thought was inappropriate. He stressed “the importance of Africans to be in control of the governance debate in Africa by leading the dialogue and by finding solutions to the many challenges in this area”. **President Compaoré** of Burkina Faso congratulated the Forum for its work and saw the APRM “as an innovative mechanism on which Africans can base their work when facing the challenges of creating sustainable development on the continent.”

A media forum was run parallel to the AGF VI. International and African journalists who have covered the APRM or participated in national consultations attended the event, which was essential as part of advocacy and awareness building with respect to the APRM. See UNDP’s web-site for the full report of the Sixth African Governance Forum: <http://www.undp.org/agf/index.shtml> See also *Mediawatch*, p 4, for a critique of APRM relations with the media.

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APRM IN SOUTH AFRICA WHAT WILL THE FINAL REPORT SAY?

South Africa has completed the second stage of the APRM process and was visited by a 22-person Country Review Mission, headed by Nigerian academic **Professor Adebayo Adedeji**, in July 2006. South Africa presented its final Country Self-Assessment Report to the APRM Secretariat on 9 June. The **Country Review Mission** spent 16 days from 9-25 July in country and met with civil society stakeholders in seven of South Africa’s nine provinces.

Civil society groups noted that the self-assessment text had been substantially edited compared to the draft presented at the 4-5 May national validation conference in Kliptown, Soweto. Various organisations also noted that several key issues had been downplayed or omitted. These included: private funding to political parties, crime levels, corruption, land reform, the effectiveness of parliament and other oversight institutions, local government service delivery, the quality of public consultation, accountability of politicians and civil servants, HIV/Aids and the exclusion of many specific recommendations from the Programme of Action. South Africa is the only country so far to have completed its self-assessment within the proposed nine-month timeframe, but there was broad concern that research was rushed, key issues were inadequately covered, and that the self-assessment was not broadly distributed. Mr Adedeji, however, while publicly admiring and complimenting South Africa’s process, urged civil society to suspend judgement until the final report and Programme of Action is released, probably in early 2007.

Steven Gruzd, Research Manager on the NEPAD and Governance Programme at the South African Institute of International Affairs, Johannesburg. SAIIA was responsible for compiling a technical report on Economic Governance and Management from submissions to South Africa’s country self assessment process.

MEDIA WATCH

The Rwandan newspaper **The New Times** reported in its Saturday, May 13th 2006 edition that the: “The Sixth African Governance Forum concluded without any substantial sign of integrating the media in the continent’s governance programmes.”

The New Times reported that “Speaking at the end of the AGF meeting on Thursday, several media practitioners said they were disappointed that delegates did not clearly indicate the role of the media in the implementation of APR process. They said African leaders have continued to discredit the role of the media in promoting good governance, under the pretext that journalists were not working professionally.

“The debate has shown that there is still some kind of nervousness; there is some kind of defensive spirit when it comes to the media and the freedom of the press to be addressed in these forums,” said **Mr. Fernando B. de Lima of the Media Institute of Southern Africa (MISA)**. “...We all agreed that journalists should be responsive, but what about access to sources; what about a number of things that journalists are prevented from having access to. The same guys that are coming out that we should be responsible are the same guys that do not want and do not allow journalists to have access to sources to report in a more responsive manner,” he added.

He concluded there has been little progress made in media freedom, adding: “We need to have more freedom and better legal environment for journalists to work in Africa.” Mr Nicholas Kotch, a Media Consultant and former Africa Bureau Chief for Reuters Foundation said it was unfortunate that the Kigali AGF concluded without the inclusion of the freedom of the press in the APRM Questionnaire.

THE APRM AT THE NATIONAL LEVEL CSOs WORK TO IMPROVE THEIR INVOLVEMENT IN THE PROCESS

In order to follow up in a concrete way the January 2006 Addis Ababa workshop on *African Civil Society and the APRM*, some African civil society organisations (CSOs) decided to organise national workshops. These meetings sought to raise awareness about the APRM and the involvement of civil society in the process, to share the results of the Addis Ababa meeting, and to encourage the creation of CSO working groups on the APRM and governance.

In Mali in March 2006, the **Association du Sahel d’Aide à la Femme et à l’Enfance (ASSAFE)** organised a round table with Malian civil society to discuss NEPAD and the APRM. The meeting brought together representatives from civil society and the government. According to **M. Sékou Traoré**, President of ASSAFE, the meeting gave participants the opportunity to raise issues and to share experiences and lessons concerning strategies to ensure that civil society participates in NEPAD and the APRM. Priorities were agreed on and a national working group on NEPAD was set up, called the *Mouvement de la société civile malienne sur le NEPAD*.

In the case of the Republic of the Congo, the **Comité de Liaison des ONG du Congo (CLONG)** organised also in March 2006 a seminar on the APRM and civil society. Participants came from NGOs, trade unions, the private sector, government services and international organisations. The main purpose of the meeting was to share information about the APRM and raise awareness within civil society about the issues involved. **M. Eugène-André Ossete**, Coordinator of CLONG, presented some ideas on how to move forward with respect to creating civil society working groups.

Elsewhere, **CENADEP** (Democratic Republic of the Congo) and **GREMIO ABC** (Angola), also held meetings on civil society and the APRM. In each of these countries, civil society representatives underlined the importance of organising such meetings in order to discuss African governance issues, promote policy dialogue, and to strengthen civil society capacity in areas linked to governance in order to create the conditions for improved involvement in the APRM evaluations to come.

For more information on the Addis Ababa meeting, please see the first edition of *The APRM Monitor* at www.pacweb.org

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HALF OF AFRICAN COUNTRIES HAVE NOW JOINED THE APRM

Twenty-five countries have formally acceded to the African Peer Review Mechanism:

Algeria, Angola, Benin, Burkina Faso, Cameroon, Republic of Congo, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Uganda and Zambia.

Countries that have yet to join the APRM are:

Botswana, Burundi, Cape Verde, Central African Republic, Chad, Comoros, Côte d’Ivoire, Democratic Republic of Congo, Djibouti, Equatorial Guinea, Eritrea, Gambia, Guinea, Guinea Bissau, Liberia, Libya, Madagascar, Mauritania, Morocco, Namibia, Niger, Sao Tome and Principe, Seychelles, Somalia, Swaziland, Togo, Tunisia, Zimbabwe and Western Sahara.

The APRM MONITOR is a periodic newsletter on the implementation of the African Peer Review Mechanism (APRM). It seeks to promote the active involvement of African civil society in the APRM process in order to strengthen the APRM and ensure that it promotes better governance and leads to lasting benefits for Africa.

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