



MONITORING THE APRM'S MIXED MESSAGES

The continental governance of the APRM lacks transparency

It's not surprising that mixed messages are being received from and about the APRM. In fact, it would be unusual if anything as ambitious and wide-ranging as the APRM were to be implemented without obstacles and disappointments. Problems are therefore bound to occur as governments take on the challenge of establishing a new dialogue with civil society in order to reach consensus around priority governance areas and agree on improvements to be made. The important thing is to be open and honest about the difficulties.

The APRM founders established solid foundations upon which the APRM has been patiently built over the first five years of its existence. The core APRM documents are very clear about what is expected of each country participating in this voluntary process. In the majority of cases, honest attempts have been made to try and create the necessary dialogue as a means to move the self-assessment process forward. But five-years on, as we approach the time for second reviews to take place in countries such as Ghana and Kenya, there are worrying examples of national situations where officially reported dialogue in the APRM process is a misnomer. How valid are such processes, then?

Fortunately, there are still many examples of countries where the government accepts the challenge of talking with its people, of allowing unfettered consultations and debate about governance issues, and of laying bare its problems before African experts delegated by the APRM to offer advice. But given that the way forward is clear, given that the cup is more than half full, why is it that the rumour machine has begun grinding out stories about this or that leader trying to wrest control of the APRM, and about this or that APRM Eminent Person succumbing to pressure and leaving their principles or obligations behind?

The APRM has much to be proud of and does not need to hide its differences and difficulties. The slow pace of renewal of the membership of the Panel of Eminent Persons and of the staff at the APRM Secretariat, and the lack of transparency of both processes, does a disservice to the APRM. Moreover, the fact that the APRM Secretariat chooses not to have an efficient and open communications strategy only compounds the problem, allowing the critics and rumour-mongers a field day. This needs to be turned around.

APRM NEWS AT THE NATIONAL LEVEL

Following the August 2008 coup d'état in **Mauritania**, the **African Union** suspended Mauritania and insisted on an immediate return to constitutional rule. At its special summit in **Cotonou** in October 2008, the **APRM Forum** announced that it too was suspending Mauritania from the APRM. Mauritania had not yet begun the self-evaluation process.

At the special APRM Forum summit in Cotonou, the peer reviews of **Nigeria** and **Burkina Faso** were completed. The country reports had been in abeyance since the July 2008 APRM Forum summit in **Sharm El Sheik, Egypt**.

The government of **Sierra Leone** has appointed **Dr. Ousman Gbla** chairperson of the APRM National Governing Council (NGC). Dr Gbla is Dean of the Faculty of Social Sciences and Law of the University of Sierra Leone and a high respected academic. Key civil society organizations (CSOs) have been appointed to the NGC, as Sierra Leone prepares for what will be a crucial period of self-evaluation. There have been worrying signs of mounting governance problems in Sierra Leone.

Ethiopia has begun its self-evaluation process and on January 3, 2009, the Chairperson of the APRM National Governing Council (NGC), **H.E. Tefera Walwa**, Minister of Capacity Building, announced to participants drawn from opposition parties represented in parliament and those from different associations that a 400-page document had been prepared by a consultancy firm. He further stated that peer review councils had been established at regional levels in addition to the federal ones. It is unclear whether non-government organizations are represented in these councils. Ethiopian CSOs are saying that CSO representation in the Ethiopian APRM process is very inadequate. This sets a worrying precedent and is in contradiction with the core principles of the APRM (*see article on P. 2*).

Mali and **Mozambique** have completed their assessments and their country reports are expected to be presented for peer review at the next APRM Forum at the end of June in **Sirte, Libya**. Civil society representation in both processes is reported to have been strong.

GLOBAL TRENDS IN NGO LAW – A NEW JOURNAL

Laws enacted in some African countries target NGOs involved in human rights and democracy work

In March 2009, the **International Center of Not-for-Profit Law** published the inaugural edition of *Global Trends in NGO Law*, a quarterly journal synthesizing developments relating to legal and regulatory issues that affect non-governmental organizations (NGOs). This is a key issue for the African Peer Review Mechanism, for without an engaged civil society in such areas as human and democratic rights, the APRM will have little chance of succeeding.

The first edition of the journal provides “an overview of five major themes that have emerged with respect to laws affecting NGOs that have been proposed or enacted during the past two years, including:

- *Restrictions on the formation, operation and activities of NGOs in comprehensive NGO framework laws;*
- *Increasing restrictions on foreign funding to NGOs;*
- *International cooperation laws that place prohibitions on NGO exchanges of knowledge, capacity, and expertise across borders;*
- *Implications of government funds to support civil society; and*
- *Use of tax incentives to support government policy toward civil society.”*

African countries featured in the inaugural edition include Ethiopia, Uganda and Sierra Leone, but Ethiopia receives particular attention because of the draconian nature of its new law. On January 6, 2009, the Ethiopian Parliament voted to enact the *Proclamation for the Registration and Regulation of Charities and Societies*, which the journal describes as “perhaps one of the most widely reported-on developments in NGO law in the past year.” The journal quotes the Proclamation as having been “roundly criticized by international organizations and governments, including **Amnesty International**, **CIVICUS**, the **UK Foreign Office**, the **Canadian Parliament**, and many others...The new Proclamation imposes substantial restrictions on freedom of association in Ethiopia. Among other issues, the new Ethiopian law:

- *requires mandatory registration of all NGOs (Articles 64(2) and 65(4));*
- *prohibits any domestic NGO receiving more than 10% of its funding from abroad from engaging in activities related to “the advancement of human and democratic rights... the promotion of the equality of nations, nationalities and peoples and that of gender and religion... the promotion of the rights of the disabled and children’s rights... the promotion of conflict resolution or reconciliation... [and] the promotion of the efficiency of the justice and law enforcement services” (Articles 2 and 14(5));*
- *gives government officials virtually unlimited authority to require the production of the internal documents of charities and societies (Article 85);*
- *creates “Sector Administrators” who have the power to “supervise and control operational activities of Charities and Societies” (Article 67(3)); and*
- *allows the Charities and Societies Agency to suspend officers of organizations and require organizations to “assign another person as an officer” with or without cause (Article 91).”*

According to the journal, “Many Ethiopian NGOs depend on foreign funding to conduct and maintain their operations. As a result, the Proclamation’s rule prohibiting groups which receive more than 10% of their funding from abroad from engaging in a wide variety of activities may have the practical effect of shutting down dozens of NGOs...Similarly, provisions allowing government officials to attend NGO meetings, suspend the officers of NGOs, and appoint their replacements, will have negative effects on the independence and sustainability of NGOs.”

The journal goes on to quote a parliamentary opposition leader who said, “The government is going to silence the NGOs and their leadership when they speak about human rights, when they speak about democratic rights, when they speak about giving democratic education to the citizens.” The journal adds that “The Ethiopian government has strenuously denied these charges; as one official stated, “the law is needed to create a conducive environment for NGOs and CSOs and provide a separate legal framework for them. It does not mean to shut them down.”

The journal is available on-line at: www.icnl.org/globaltrends/

The ICNL describes itself as “the world’s leading organization promoting progressive laws governing civil society” and states that it has “provided technical assistance to NGO law reform initiatives in more than one hundred countries.”

Civil Society APRM Resources

The **South African Institute of International Affairs (SAIIA)** has published *The African Peer Review Mechanism: Lessons from the Pioneers*. This is both an analytical study of the APRM (in pioneer countries such as Ghana, Kenya, Rwanda, Mauritius and South Africa) and a compendium of resources for APRM implementation. It is the most complete resource available on the APRM and as such should be made available to all stakeholders involved in the APRM process. Civil society organizations in particular will benefit from the insights provided in the detailed and frank discussion on the difficulties and challenges faced by civil society during the implementation of the APRM in different countries. The 400-page book also includes a DVD with a wide variety of material related to the APRM, in English and French. The book is available online or for purchase at: www.saiia.org.za

The **APRM Support Unit** of the **UN Economic Commission for Africa (ECA)** has published an **APRM Handbook for African Civil Society**. The APRM Guidelines state that “*The organization of public participation in the APRM process is in itself a central aspect of enhancing the state of governance and socio-economic development in the participating country. Such interactions can build trust, establish and clarify mechanisms for ongoing engagement and empowerment of stakeholders.*” The contents of the training manual are based on the experiences and lessons learned in countries that have already been reviewed. The manual comprises a series of eight modules that provide a framework to guide civil society organizations in their efforts to participate in the APRM process.

AfriMAP has published a new report on the implementation of the APRM in **Burkina Faso**. The report, written by a Burkinabè lawyer, gives a critical look at the APRM self-evaluation process in Burkina Faso. The author examines the interaction of the APRM with national political events and policies, especially the electoral calendar and the good governance programme put in place by the government. The report concludes that technical weaknesses in the collection of information and the haste with which the process was undertaken give the impression that the Burkina Faso APRM self-evaluation was undertaken more with a view to be seen to complete the process than to learn lessons to improve governance in the country. The report is available on line at: www.afriomap.org

Yaoundé APRM Seminar Report

The **Cameroonian CSO, COSADER**, with support from the **UN Economic Commission for Africa and Partnership Africa Canada**, held a three-day seminar on the APRM in **Yaoundé** from April 21-23. The meeting brought together some 80 participants, most of whom were from civil society, but it included some representatives from the Parliament, government, the private sector and the media.

The seminar sought to help civil society understand the APRM, familiarize participants with its different components and help prepare the way for the implementation of the APRM in the country. Cameroon is a member of the APRM and has already begun its preparatory phase with the first visit of a high-level APRM team in June 2008. However, since then there have been no major developments, which is a concern.

A number of recommendations were made by the meeting, including the following:

- The government should accelerate the process of implementing the APRM in Cameroon by establishing an independent National Governing Council, and by providing adequate resources.
- The government should involve all state institutions in the process, particularly the Parliament.
- The government should consult civil society with a view to designating its representatives in the NGC, and provide them with the means to undertake the work.
- The private sector should become involved in the APRM, especially in the self-evaluation phase, and should collaborate with civil society on a basis of mutual respect.
- The ECA should continue its capacity-building work with civil society, parliamentarians and the private sector concerning ownership and monitoring the implementation of the APRM.

Civil society participants committed themselves to monitor independently the APRM process in Cameroon and create appropriate structures for this. They further agreed to continue the dialogue begun with parliamentarians, the private sector and the government in order to promote the implementation of the APRM. Collaboration with the media will be strengthened and efforts will be made to the raise awareness of the general public about the APRM. Finally, civil society organizations agreed to strengthen their capacity in the four thematic areas of the APRM. The French report is available at: <http://www.pacweb.org/programs-aprm-cs-workshop-reports-e.php>

MEDIA WATCH

Afrol News reported on March 24 that the **Lesotho** government had launched the APRM country review mission to validate the findings of the self-assessment report. At the launch of the review mission, **Prime Minister Pakalitha Mosisili** said that the APRM should have a positive affect on the ground. Faced with the serious criticism that African governments are reluctant to criticise each other, Mr. Mosisili said that the trend has changed among leaders. According to the prime minister, the self-assessment programme has provided a forum for public participation, thus enabling ordinary citizenry to discuss their issues of concern. The head of the APRM mission to Lesotho, **Professor Adebayo Adedeji** said that the mission will be dispersed throughout the country to verify some of the issues raised. "This is a tough process, but it gives the country credibility." The Lesotho national assessment report given to the review mission has among other things revealed irregularities and endemic corruption in both government and private institutions.

Ghanaweb reported on April 21 the creation of the **West African Centre for the Advancement of African Peer Review Mechanism (WACAA)**, a sub-regional body to enhance policies, standards and norms to promote regional co-operation and integration. The Centre, the brain child of Ghana, Togo and Benin, seeks to rely on home grown solutions and factors in contextual issues in the different countries. "This is in sharp contrast to the APRM Secretariat and ECOWAS which operate on formal procedures and mandates," **Dr. Francis Appiah**, Executive Secretary, **National African Peer Review Mechanism Governing Council (NAPRM-GC)**, stated at roundtable conference in Accra. Dr Appiah said the West African Centre would serve as a platform for sharing regional knowledge, promoting popular ownership and participation, and eliciting local and grassroots knowledge on APRM.

The Times of Zambia reported on May 1 that the Government has challenged the media to sensitise the public on the importance of cooperating with researchers commissioned to collect data as part of Zambia's self-assessment under the African Peer Review Mechanism (APRM). Information and Broadcasting Services Minister, **Ronnie Shikapwasha** said in Lusaka that the media should take keen interest in the APRM process and educate the public to be frank with the researchers as they go round collecting their views. Speaking when he officiated at a media sensitisation workshop on the APRM

process, Lieutenant-General Shikapwasha also said Zambia's planned enactment of the Freedom of Information Bill would help move the APRM process forward. He said the Government had examined the British Freedom of Information Act and felt that there was need to put in place certain structures before enacting the local legislation to ensure quicker access to information for the betterment of people's lives. Lt-Gen Shikapwasha said the Government had left it to the National Governing Council (NGC) of the APRM whose representatives were mainly from civil society to spearhead the process so that it was not politicised.

MORE THAN HALF OF AFRICAN COUNTRIES HAVE NOW JOINED THE APRM

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

Algeria, Angola, Benin, Burkina Faso, Cameroon, Republic of Congo, Djibouti, Egypt, Ethiopia, Gabon, Ghana, Kenya, Lesotho, Malawi, Mali, Mauritania, Mauritius, Mozambique, Nigeria, Rwanda, Sao Tome and Principe, Senegal, Sierra Leone, South Africa, Sudan, Tanzania, Togo, 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, Equatorial Guinea, Eritrea, Gambia, Guinea, Guinea Bissau, Liberia, Libya, Madagascar, Morocco, Namibia, Niger, Seychelles, Somalia, Swaziland, 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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