



AHSI SUBMISSION TO THE APRM SECRETARIAT: REVIEW OF THE QUESTIONNAIRE AND THE PROCESS DOCUMENTS

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The Africa Human Security Initiative (AHSI) is a network of organizations that took the initiative to emphasize human security in Africa. The project is currently working on reviewing the criminal justice system in five countries that signed up for the Africa Peer Review Mechanism (APRM). In this way, it uses the opportunity created by the peer review concept to complement the formal New Partnership for Africa's Development, NEPAD-APRM process. The aim is to expand the application of the APRM approach and principles to those areas currently outside the focus of the reviews.

The APRM is indeed a remarkable innovation within the African Union (AU) framework that is designed to promote good governance and sustainable development. The opportunity for both internal and external evaluation of the quality of governance African governments deliver to their citizens marks a turning point in the democratization trends on the continent. For those governments that have embraced it, it also denotes a paradigm shift in openness and transparency and these are key ingredients in inclusive governance. However, the slow pace at which the reviews are currently being concluded does appear to present the opportunity for a review of some aspects of the process as does the need for increasing momentum by all concerned parties. We thus continue to ask if the questionnaire adequately asks the right questions especially on the rising phenomenon of conflicts caused by those clamouring for inclusive governance [rebel movements], threats posed by national and international terrorism, the need to eradicate poverty by accelerating development and moving towards an equitable distribution of wealth and the seemingly increasing general human insecurity. Given recent events in Kenya, it is quite legitimate then to ask if prospects for improved governance in Africa are any greater now, especially in all the countries that have completed the reviews?

The observations and suggestions made in this paper are drawn from AHSI's experiences in the course of conducting the reviews on crime and criminal justice in Zambia, Tanzania, Benin, Mali and Sierra Leone. They are also drawn from dialogue with APRM officials in these countries.

1. The Questionnaire and the Process

- 1.1 **Scope of the Questionnaire:** The questionnaire does make a good attempt at covering major issues on governance but its wide scope under the four themes compels countries doing the reviews to compromise on content/depth. Reviews completed so far show marked variations in the manner in which different countries emphasise different themes. At the same time we recognize that this flexibility for local interpretations is paramount as it allows the Country Self Assessment Review teams the space to capture country specificities. Secondly, the questionnaire lumps questions requiring expert knowledge with general public assessments and this complicates data collection procedures especially for countries that battle with limited research capacity. This argument applies largely to the Economic Governance and Management and Corporate Governance thematic sectors where many civil society groups lack macro-financial analytic capabilities to make valid and sustainable arguments through the use of statistical evidence that is essential in tracking and assessing economic trends. The South African report reveals this in its POA in which it emphasizes building capacity in civil society so it can make input into corporate governance issues.

Another example is on the assessment of fiscal policies. This requires some expert knowledge and yet to assess their efficiency and effectiveness, it is essential to dwell on public opinion/sentiments and come up with analysis that reveals the gaps or deficiencies in either the policies or their implementation. However, in the Economic Governance and Management sector, many of the objectives require both expert and public knowledge which complicates the task of separating the issues for the right target group. [e.g. Objective 1 question 2 reads: On what basis does the government formulate macroeconomic projections? This requires expert knowledge. And question 3 under the same objective reads: What sectoral or macroeconomic policies has your country developed and implemented to promote economic growth and sustainable development? This question requires both expert and general public assessments to determine impact of policies]. Lack of expert knowledge can skew results since assessments can be easily made from very subjective data and yet over reliance on expert knowledge can lead to a marginalization of those who actually experience the impacts of the policies. This calls for a delicate balancing act between the two sources of knowledge- i.e. the experts and the general public.

- 1.2 **Methodology and Procedures:** Many countries appear to struggle to operationalise the questionnaire and this creates methodological and procedural problems. Whilst a generic questionnaire allows for flexibility and supposedly easy contextualization/indigenization by the various countries, it creates further confusion as countries can opt to gloss over areas they feel they have performed inadequately or where a major institutional overhaul,

both substantively and procedurally, is evident. This has partly contributed to the sometimes rather shallow Programmes of Action (POAs) that do not address the core issues on the governance landscape in some countries. An example is the South African POA which places a lot of emphasis on enhancing the input of public forums into national debates. Forums for participation do exist in the country as well as the consultative processes but there is a lack of mobilization capacity to reorient the forums' focus to the current problems. For the country, transformation from liberation reasoning and tactics to democratic discourse and governance can only be achieved through setting a relevant agenda that is in line with both national requirements and global trends. Again, in the same POA, there is emphasis on targeting the 'vulnerable' but vulnerability has many dimensions and forms and the matrix on who the 'vulnerable' are is rather incomplete. Women and the rural inhabitants are mentioned frequently but there are many other categories: orphans, the disabled, the youth, the girl child, the infirm, etc. As a relatively more developed African state, it should be possible for South Africa to map out these categories and specify the intended action.

An interesting and obviously challenging statement in the South African POA is the intention to compensate or cater for victims of crime. The problem of defining which victims are to benefit arises immediately. For instance, will it be the assets forfeited from the 'big scandals' that will be used? And will this be for the victims of murder or for those who lost houses due to corruption in the system? The intention is noble and should ideally be catered for under the Social Welfare Programme.

- 1.3 **Interpretation of the Questionnaire:** Some countries have indicated to AHSI and in other fora that they struggle to interpret the questionnaire and this hinders quick action and also results in reports that miss the underlying issues that are likely to disrupt either democratic transitions or the consolidation of democracy. In discussions with APRM officials in Zambia, Mali and Sierra Leone, briefings revealed that they took time to get the reviews started due to inadequate technical capacity in terms of methodological procedures as well as indigenising the questionnaire. However, for Zambia, joint efforts led by the Foundation for Democratic Process (FODEP) the civil society APRM coordinating body, eventually cleared many of the procedural hurdles.
- 1.4 **Inadequacy of the Questionnaire in the Context of Countries in Conflict:** In countries where there is conflict, the questionnaire is quite inadequate as it does not provide guidance for assessing grievances by minorities. Whereas the questionnaire does point out that reduction of conflict is one of the aims of the reviews, it falls short of containing questions addressing exclusionary governance practices as one of the main causes of conflict on the continent. This is information that should be obtained from broad systematic public consultation. *Section 2.1.2* appears to exclude public participation as it clearly

specifies who the respondents to the questionnaire should be (Quote: It is expected that the focal point will draw up a list of stakeholders (government, private sector and civil society)). The focal point is also expected to submit a list of all the persons who would have responded to the questionnaire. Though many countries expanded on the methodology by including the public at large, this clause alone can be used to justify exclusion of key stakeholders who may have genuine grievances against the government or who may offer an important lesson to reviewers. It thus does appear that the stakeholders are regarded as representatives of the public and this excludes the majority of citizens from engaging directly as critical citizens. Modifications by countries, though welcome initiatives, often lead to omissions leaving the process vulnerable to political manipulation. This therefore warrants an entire section providing guidance on assessing conflict and actually incorporating views of the aggrieved, not just in countries experiencing civil strife but also in situations where potential causes of conflict can erupt into violence if they remain unchecked. This raises questions of having a static questionnaire that does not easily shift to take into account recent events in countries undergoing the reviews.

1.5 Assessing skewed service delivery: An assessment of objective data from the government in terms of service delivery [e.g. health/hospitals and education/schools] should be compiled and extensively disaggregated by province and by the rural/urban criteria. Percentages of increase in enrolment or those with access to a clinic do not reveal anything about the unequal distribution of resources. Disaggregation by provinces/districts reveals resource allocation models used by incumbent and past regimes and as provinces are often homogenous when it comes to ethnicity and linguistic groups, such a presentation would help expose poor resource allocation mechanisms and make it easier to redistribute resources in a manner that pulls up poorly developed areas. It will also help in identifying patterns of systemic discrimination against some minority groups. The programmes of action would thus not just stop at stating what needs to be done but can also point out where exactly [location] action has to take place. This would narrow the unequal distribution gap-in terms of access to opportunities- that is so glaring in many countries.

2. Update on Countries' Commitments: On the conflict issue, many agreements have been signed at the country level and these merit the same attention as the international standards, conventions and protocols that have been already identified by the APRM secretariat. For they provide evidence of a country's commitment to creating a peaceful environment and a promise for keeping hostilities in-check. In any case, those that are binding should ideally be constantly updated and added on to the list by the country secretariats. It would be important to have the secretariat publish quarterly updates of such

information. It would also be useful to make it mandatory for countries to identify commitments at the country level and measures taken to fulfill these.

3. **Civic freedoms and political rights:** A section that calls for adherence to constitutional provisions that guarantee civic freedoms and political rights needs to be specified; currently these are inferred from different sections in the questionnaire and are not directly addressed.
4. **Public Awareness:** One reason for the gross abuse of citizens on the continent is the fact that they are not adequately informed of their rights by the very governments that are supposed to act in their interests at all times. Likewise, both NEPAD and APRM have remained somehow suspended in space and far from the public's engagement. Publicizing information (e.g. progress reports on a quarterly basis) on government country websites would go a long way to mobilizing public support for these initiatives.

A centralized archival system would provide governments, civil society and the public with relevant information on the status of the APRM at all times. Currently, more information appears to be found on the United Nations Development Programme's (UNDP) country websites. This gives the appearance that UNDP drives the process. The current fragmented information scenario complicates the task of monitoring and tracking progress by the APRM.

5. **Administrative Bottlenecks:** APRM officials in the member countries complain that they struggle to get information from the technical support body in Midrand. Some country staff have argued that they have to inform the APRM secretariat on any decision or intended plans they may have, but the reverse does not apply which again constrains the pace at which they can work effectively. In any case, if the exercise is voluntary, then countries should equally be free to execute their plans without waiting for the secretariat's approval.

6. The APRM/NEPAD Disconnect

- 6.1 **Separation of NEPAD and APRM Offices:** The apparent disconnect between NEPAD and the APRM in some countries affects the hoped for transparency in the activities of these institutions. This does lead to open competition for resources and in some countries, the two institutions are located in different ministries/departments making coordination efforts next to impossible. The only way NEPAD can be implemented in a way that fosters effective governance and socio-economic development is through the APRM. Institutional arrangements at the country level should thus reflect this.

- 6.2 **Budget:** Budgetary allocations differ and it appears that in some countries there is no clear comprehension of the cooperation/complementarity expected

between the two. Whilst it is up to each country to design its institutions, there have to be some standard guidelines that would enhance effective cooperation.

7. Civil society

7.1 Civil Society Participation: A major impediment has been the failure of the civil society organisations everywhere and in the Southern African Development Community (SADC) states in particular, to fully grasp the goals and objectives of the APRM. This can be attributed to the absence of a toolkit that would sensitise and spell out the role of civil society in the peer review exercise and an absence of communication and outreach from the APRM secretariat. Civil society has carved out space for itself but formalising this space at the regional level would enhance the quality of reports produced by the countries.

7.2 Disagreements between Government and Civil Society: An assessment of the space civil society has to engage with governments is essential in such reviews. Where there are differences between civil and government these should be recorded in all APRM reports as it is a good indicator of the democratic health of a nation and points to levels of tolerance towards diversity.

8. Lastly, the quality of political representation Africans get is worth assessing. The questionnaire would benefit from posing questions that will make citizens reflect on how their expectations of the work of elected officials are met and mediated. This would naturally draw in the institution of parliament which appears to be off the APRM radar.

Organisational Information – AHSI

AHSI is composed of organizations that took the initiative to emphasize human security in Africa. **The Current African Human Security Initiative Partners are:** Southern Africa Human Rights Trust (SAHRIT), West African Network for Peace-building (WANEP), African Security Dialogue and Research (ASDR), African Peace Forum (APFO), Institute for Security Studies (ISS), The University for Peace Africa Programme (UPEACE), South African Institute for International Affairs (SAIIA) and the Institute for Human Rights and Development in Africa (IHRDA)

AHSI 2 is a follow up project to the AHSI 1. The latter provided for a core network of seven established African Non-Governmental Organisations that benchmarked the performance of eight African governments in respect of broad human security issues. This was measured against the commitments taken at the level of the African Union heads of state meetings and thus served as a process of complementary peer review to that of the New Economic Partnership for Africa's Development (NEPAD's) African Peer Review Mechanism (APRM).

The **project purpose of AHSI 2** is to use the opportunity created by the peer review concept to complement the formal NEPAD APRM process by focusing on the criminal justice system in selected countries identified for APRM review. Through this process, AHSI 2 will build the capacity of an expanded membership and local partners to undertake research on security issues with the eventual purpose that this could facilitate work orientated towards the Peace and Security Council of the African Union.

Through timing outputs to inform and complement the APRM process in each country, the AHSI 2 will exploit the opportunity to broaden the application of the APRM approach and principles to those areas currently outside the focus of the Review.

Aims of the project are:

1. To complement the work of the Africa Peer Review Mechanism in areas not covered by it and to mimic the formal APRM process in its methodology and in the development of appropriate implementation frameworks to support the implementation of national commitments and obligations.
2. To provide governments with empirical evidence on the status of criminal justice and its impact on political processes in their countries. This involves working with them in the development of a set of realistic and informed recommendations for each area to help bridge gaps between national commitment and implementation.
3. To identify the structural and other inherent weaknesses in the criminal justice systems, encourage policy dialogue and public awareness of the broader implications of crime on the consolidation of democracy.
4. To support the development and build capacity amongst a core network of partners in an area where civil society organisations are traditionally the weakest in Africa – content work on crime and justice matters.

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