

**THE POLITICS OF REFORM: THE ROLE OF THE
AFRICA PEER REVIEW MECHANISM**
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The end is not politics, the end is governing

Hubert H. Humphrey

Introduction

Africa has had a long history of governance problems spanning decades with the attendant realities of poverty and underdevelopment. HIV/AIDS has further ravaged the continent, with negative effects on the labour force which has in turn impacted on food security. Corruption is endemic and threatens to undo the moderate gains that Africa has made.¹ As noted by Mrs. Lalla Ben Barka, Deputy Executive Secretary of the United Nations Economic Commission for Africa in her opening speech at the *International Conference on Institutions, Culture and Corruption in Africa Consultation Mechanism* held on 13 October 2008 in Addis Ababa, Ethiopia, corruption remains a major challenge to Africa's development process.

The APRM process offers an opportunity to identify and resolve governance challenges and mobilize resources to overcome those challenges. The African Peer Review Mechanism (APRM) is a mutually agreed instrument voluntarily acceded to by Member States of the African Union (AU) as an African self-monitoring mechanism. The APRM is touted as a key driver of African renaissance and rebirth. Its mandate is to ensure that the policies and practices of participating countries conform to the agreed values in the following four focus areas: democracy and political governance; economic governance; corporate governance; and socio-economic development.²

Uganda Acceded to the APRM in 2003 but only completed its Country Self Assessment Report in 2007 and submitted it to the African Peer Review Forum in June 2008. President Yoweri Museveni expressed full support for the process and noted in his address to African leaders at the African Peer Review Mechanism Forum held in Sharm-El-Sheikh, his strong belief that the process is good for generating creative African solutions to African governance challenges.³

The APRM provides an opening for many African leaders to show a new image of Africa, not one of dictatorships, bloodshed and corruption but one with forward looking and democratic leaders who put their people first. In other words, the APRM provides an opportunity for political reform. The APRM is meant to herald the politics of reform, highlighting the voice of the African people on issues that are critical to them and improving the way government works.

1 Jamboria, Jallo. "Leadership, Corruption and Development in Africa" *Patriotic Vanguard* 13 March 2007. 5 November 2008 <http://www.thepatrioticvanguard.com/article.php?id_article=1088 2007>

2 <http://www.nepad.org/aprm/>

3 *New Vision*. "Govt to Spend \$4.9 Billion on Development Action Plan." 14 July 2008. 3 November 2008.

The APRM-PoA shows the demand-side of policy reform agenda in Africa, a side that is often missing from national development strategies, including Poverty Reduction Strategies.⁴

The New Partnership for Africa's Development (NEPAD) and the African Peer Review Mechanism (APRM) were received with a mixture of excitement and skepticism in Africa. Many on the continent have grown apathetic after years of business as usual and have adopted a wait and see attitude to the APRM. African Leaders have a lot to prove not only to their Western counterparts by making sure that they do not fall flat on their faces in humiliating submission but also show the ordinary citizens that this time they mean business. Matters have not been helped by negative statements about NEPAD by some African leaders, notable among them, Abdoulaye Wade, President of Senegal. Mr. Wade complained about NEPAD meetings being nothing more than talking shops.⁵

Uganda is one of the African countries that have embraced the APRM and put in place the relevant structures to ensure that the process runs smoothly. The government assigned the National Planning Authority the responsibility of coordinating the NEPAD/APRM process. The Authority was formed with a mandate to put in place, oversee, supervise, monitor, evaluate and coordinate the national framework systems and strategies for cost effective and participatory national and decentralized planning in Uganda making it an appropriate home for the APRM. It is important to note however, that the limited resources allocated to the authority have affected effective planning by limiting stakeholder involvement in the planning process at district and national levels.⁶

However, it has not gone unnoticed that several laws and policies remain on the books but are never implemented in Uganda. Skeptics feel that the APRM would join the same heap. The implication is that this could be an exercise in time wasting, with little to show by way of results. One case in point is the Land Act 1998 which has several aspects that have never been implemented ten years after its coming into force.⁷ On the other hand, much needed legislation like the Domestic Relations Bill has been on the ice for over four decades, indicating that Government does what it likes and is not influenced by the will of the people. The Poverty Eradication Action Plan (PEAP), Uganda's PRSP has also not been fully implemented and yet Government started several parallel initiatives that were not generated from the PEAP but from the leading Party's Manifesto.⁸ This showed limited political ownership of the framework,

4 APRM Update. 3 November 2008 <http://www.uneca.org/aprm/pioneers.asp>.

5 Ba, Diadie. "Senegal's Wade slams Africa development body." 13 June 2007. 3 November 2008 <<http://www.reuters.com/article/latestCrisis/idUSL13876054>>.

6 Ultimate Media Consult. "Uganda Government News: Limited Resources Affecting Planning – NPA Boss" 03 Sept. 2008. 3 November 2008 <<http://www.ugpulse.com/articles/daily/news.asp>>.

7 Institutions such as Land Tribunals that were created by the law have not been set up due to various challenges which include lack of funds.

8 Oxford Policy Management (2008) Independent Evaluation of Uganda's Poverty Eradication Action Plan (PEAP) First Draft Synthesis Report .

begging the question, *why should the APRM fare any better?* The CSAR noted that there is limited knowledge by Ugandans about civic matters, exacerbated by low levels of literacy.⁹

The optimists however feel that the APRM has the ability to succeed since it seeks African solutions to African Problems. For marginalized groups and minorities in Uganda and other African Countries, it was an opportunity to amplify their issues to Government. Various civil society organizations actively engaged in the APRM process with the firm belief that it will benefit beneficiary communities.¹⁰ For such groups there is nothing to lose by being part of the process and everything to gain.

Impact of the APRM

It is still too early to tell what the real impact of the APRM process on Uganda will be given that Ugandans are still awaiting details on Government's position and are yet to see the report of the Country Review Mission. The Programme of Action (PoA) which is to be adjusted to take into consideration the additional views on the Country Self Assessment Report (CSAR) at the APR Forum is yet to be shared publicly. Nonetheless, the APRM has led to some few changes in the time that Uganda has been involved in the process.

One notable impact of the APRM has been magnifying of key issues of concern to Ugandans such as reinvesting in agriculture, corruption, women's rights and putting hitherto ignored issues on the national agenda. The Batwa who participated in the APRM noted that there is increased recognition of issues affecting them and have the feeling of change happening faster than before. While they could not fully attribute all of these changes to the APRM, they feel that it was critical.¹¹

It is notable that the Country Self Assessment Report covered the key concerns of ethnic minorities which had previously been ignored and did not feature in key Government planning frameworks such as the PEAP. The CSAR notes that 92 percent of respondents of a quantitative survey about the extent to which Government is assisting vulnerable groups felt that the State was not doing anything to help ethnic minorities. 93 percent of the respondents from the same survey said that they felt that Government was doing nothing to assist landless people.¹²

The APRM process was highlighted as an empowering process by some of the people who participated. Marginalized groups and minorities were able to make submissions to the National APRM Commission and country Review Team felt empowered by the process and got a chance

9 Uganda Country Self Assessment Report. 2007.

10 Care International in Uganda (CARE Uganda) actively participated and supported its partners to participate in the APRM process by providing information on the process and coordinating the written submission with Minority Rights Group International.

11 This was feedback from Batwa representatives that CARE Uganda supported to participate in the APRM process.

12 A large number of ethnic minorities fall into the category of landless people in Uganda.

to voice their grievances which linked their marginalization to poor governance.¹³ A Munyabindi representative who attended some of the APRM meetings noted that there has been increased awareness of the issues affecting them by Government officials at local and national levels and by members of majority ethnic groups who are now seeking their views on development issues and giving them a sense of power.¹⁴ For these minority groups, there was a feeling of novelty about people seeking their views, considering the marginalization that they have endured for years.

The APRM process in Uganda helped re-awaken the dialogue around national planning as stakeholders raised concerns over the different Government programmes and planning frameworks. The other worry was the possible risk of duplication of Government interventions as Government implements its PoA in addition to the PEAP. The Government of Uganda has attempted to allay fears by indicating that the PoA will be integrated into the overall planning process. The PoA will form a part of the National Development Plan which is to succeed the PEAP and is to become effective in July 2009 according to President Museveni's address to the 9th Africa Peer Review Mechanism Forum.¹⁵

Some sensitive issues were discussed and included in the Uganda CSAR. These include the need for presidential term limits, the persistent conflict in Northern Uganda and the perceived North-South divide, the lack of independence of the Electoral Commission, freedom of expression and corruption, among other issues. Different fora were held to get the views of the people who shared their views freely.

The Programme of Action

Some concerns expressed about how the Programme of Action (PoA) will be funded and implemented have been addressed in part as President Museveni declared that \$1 billion has been set aside to implement the PoA, with \$137 million to be spent on democracy and political governance interventions.¹⁶ The decision to position the APRM under the National Planning Authority (NPA) was a positive step given that the NPA's key function is to produce comprehensive and integrated development plans for the country.

The PoA, in some cases, did not reflect issues highlighted in the report and in other instances had interventions that could at best be described as superficial. For example, it was silent on the issue of minorities who it lumped under the vulnerable group category, making it unlikely that any significant impact would be felt basing on the planned interventions. The key recommendations in the CSAR regarding minorities were:¹⁷

- Need for restitution for minorities deprived of their land

13 CARE Uganda supported representatives from the Banyabindi, Batwa, Basongora and Banyabutumbi ethnic minorities to attend

14 This was noted by Francis Kamuhanda, a member of the Banyabindi ethnic minority group.

15 *New Vision*. "Govt to Spend \$4.9 Billion on Development Action Plan." 14 July 2008. 3 November 2008.

16 *Ibid*.

17 Uganda Country Self Assessment Report, November 2007.

- Develop and adopt a minority comprehensive Development Strategy
- Develop early warning mechanisms of land and natural resources conflict
- Strengthen national legislation of minority rights

The preferred actions in the PoA include identifying the problem of the especially vulnerable groups; engaging the identified groups in relevant and feasible economic activities; introducing special programmes for the specially vulnerable groups; and promoting positive cultural values and norms. Clearly, none of the suggested actions are likely to resolve the challenges faced by minorities nor do they come close to the suggested recommendations. The violations and injustices against minorities and other vulnerable groups are well known and what is left is to come up with laws to address the issues or in some cases, ensure effective implementation of existing laws and policy which include the Penal Code, Children’s Statute, the Land Act 1998 and others.

While one can appreciate the challenge that Government has of addressing multiple concerns from a cross-section of the public, it is important that the citizenry perceives that the issues they raise are treated with the seriousness that they deserve. In this case, the key issue facing many minorities is landlessness and displacement from their ancestral land, which in turn impacts on their ability to make a living and support themselves and their families. It would have been meaningful to have a PoA with interventions that address at least one key concern facing minorities.

The Programme of Action is also not explicit about how to address critical issues such as the lack of media freedom, removal of presidential term limits and independence of the judiciary which are raised in the report. For example, suggested actions for promoting freedom of expression of the media include reviewing the existing laws regarding press freedom and their implementation and professionalizing the media which do not address the key causes for violation of media freedom in Uganda. The action of professionalizing the media suggests that they are the problem which needs to be addressed. President Museveni in his address to the 9th APR Forum suggested as much, noting that some radios have abused their freedom by telling “incredible lies” and promoting sectarianism and that this issue will have to be addressed.¹⁸ In the same address, the president also protested the assertion by the APR Panel of Eminent Persons that there is lack of structural transformation in the economy and defended high population growth rates. He dismissed the concerns about term limits that were raised in the report and by the Panel of Eminent Persons. As noted by Angelo Izama, “...the Government is unlikely to review the lifting of President Term limits, a move often cited as one of the darker chapters of President Yoweri Museveni’s career.”¹⁹

¹⁸ *New Vision*. op. cit

¹⁹ Izama, Angelo. “Museveni defends no term limits before African Presidents” *The Monitor*. 13 July 2008.

Challenges

Although the process of the APRM was touted as inclusive and transparent, the period following the CSAR and PoA completion has been tinged with an information black out leading many to ask, ‘what happened to the APRM?’²⁰ Follow up with the APRM secretariat has not generated much more information other than the fact that the document would be publicized in due course. In the meantime, it would have been helpful for the Secretariat to at least share the views of the Country Review Mission after the President presented the CSAR to the APR Forum.

As the situation stands, many stakeholders feel vindicated by what they see as business as usual. In the case of Ghana, the CRR was made public 6 months after the APR Forum and this may be the same scenario for Uganda.²¹ In order for the process to be more involving, the leaps that Africa has taken in the Information Communication Technology (ICT) needs to be harnessed for the growth of the programme. It should not take six months or more for the citizens of participating countries to receive feedback on the CSAR or learn the position of their government relating to the report.

Further still, there are critical planning processes that are going on and it is important that the PoA issues are seen to be a part of these and hence increased acceptance of the APRM. Uganda is currently designing a five-year national development plan (NDP) which is to become operational in July 2009.²² This process will deal with a broader coverage of issues than the APRM, being the overall country plan. Sharing the various reports in a timely and transparent manner would ensure that any contested areas are further discussed and consensus reached before their inclusion in the PoA.

Politics as usual

President Museveni disputed the observation of the Panel of Eminent Persons that there is lack of political will to fight corruption. He noted that there are institutions that were put in place to fight corruption such as the Inspector General of Government (IGG), the Directorate of Ethics and Integrity and the Public Accounts committee of Parliament. These institutions exist but are not effective in the fight against corruption. As Ugandans wait to implement the PoA, corruption scandals affecting top government officials are unfolding, casting doubts once more over the ability of APRM to foster improvement in governance. As noted by one New Vision reader, corruption cost the Uganda health sector sh1.6b of the sh7.9b received from the Global Alliance for Vaccines and Immunization (GAVI) and over \$367m of the funds received from the Global Fund.²³

20 This has been the question asked by CARE Uganda’s partners, many of whom are based far from Kampala.

21 Bing-Pappoe, Adotey “the Ghana APRM Process: A Case Study.” A paper prepared for the 2007 Bergen Seminar: Governance Assessments and the Paris Declaration: Towards Inclusive Participation and National Ownership. http://undp.org/.../bergen_2007/Governance_Assessments_Ghana_case_study.pdf

22 *New Vision*. “Govt to Spend \$4.9 Billion on Development Action Plan.” 14 July 2008. 3 November 2008.

23 Pamela Kamujuni in the *New Vision* .Tuesday, 16th October, 2007. The public is looking up to the IGG

Currently, the Ministers of Defense and Finance are currently embroiled in a scandal about using their positions to influence the national Social Security Fund to Purchase land from the Minister of Defense at an allegedly inflated price. The Ministers have been accused of conflict of interests and members of the public are disheartened by the inaction of the president on the matter.²⁴ The Attorney General weighed in, saying that Parliament has no powers to enforce the Leadership Code, upon which advice the National Resistance Movement (NRM) dominated House recommended that all reference to the Code be removed from the Report of the Committee that investigated the Ministers' role in the deal. Members of the opposition have boycotted Parliament sessions until further notice. The opposition leader in Parliament referred to the process as dishonest while Hon. Erias Lukwago noted that the Attorney General's advice is likely to have the impact of watering down the oversight function of Parliament and have "far-reaching implications in the rule of law and constitutionalism."²⁵ In the mean time very little is being said on the matter by the Minister of Ethics and Integrity and Inspector General of Government.

Civil society organizations face the challenge of a slowly closing civic space as Government puts finishing touches to the Non Governmental Organizations Policy and NGO Regulations. The NGO Regulations set various demands and obligations for NGO but is silent about the State's obligations. The Draft Policy appears to be looking for a way to establish a stranglehold on NGO activities as it proposes the introduction of multi-layered administrative and oversight structures at district and sub-county levels that are being contested by NGOs given that this is where a majority of NGOs and CBOs are located. This is likely to have a negative impact by stifling NGOs and even failing to renew or register those critical of government.

The above events signal politics as usual and not reform. A parallel may be drawn to the Kenyan situation where the recommendations for a process of healing and reconciliation in the Country Review Report were disregarded with dire consequences. For Uganda and Africa at large to see results from the APRM, leaders need to show a greater will to change by allowing free speech and strengthening government institutions to operate efficiently and effectively.

Lessons Learnt

Some of the key lessons that can be drawn from Uganda although they haven't started on the implementation of the PoA are:

- Having good Country Self Assessment reports or processes are not sufficient on their own. They must be backed by actions which support the recommendations if people are not to disregard the process (unchecked corruption scandals that are not quickly tackled and

24 Nganda, Ibrahim, Ssemuju. "How Pro-Mbabazi MPs Conspired to save him." Weekly Observer. 15 October 2008. 7 November 2008. <http://observer.ug/index.php?option=com_content&view=article&id=1361:how-pro-mbabazi-mps-conspired-to-save-him&catid=34:news&Itemid=59>.

25 Tebajjukira, Madina and Bekunda, Catherine. "Opposition Dodges Parliament." New Vision. 12 November 2008. P.2.

closing civic space are not likely boost people's confidence and participation in the APRM).

- CSAR recommendations are to a large extent a true reflection of the needs of the people and need to be seriously addressed.
- There should be continuous communication about the APRM process from the Commission and Secretariat to keep the public interested and engaged in the process.
- The APRM process must be streamlined into the Government planning frameworks to ensure that it is not faced by challenges of implementation (in Uganda, streamlining the APRM into NPA activities is likely to ensure that the relevant ministries take action on the issues over which they have a mandate.

Conclusion

The APRM has had a moderate impact on the politics of reform in Uganda. Some of the key changes have included having groups of people who previously did not have a voice to the table and putting their issues on Government's agenda. The APRM has also provided an opportunity for the Government of Uganda to rationalize and harmonize its planning, which is likely to improve effectiveness of programmes. On the other hand, there are indicators that Government is maintaining its way of doing business as Parliament increasingly loses its legislative powers and corruption continues unabated.

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