POLICY BRIEFING 80

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State–Civil Society Relations: The Potential Contribution of the African Peer Review Mechanism

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RECOMMENDATIONS

For governments

- Nurture the partnership created in the APRM review phase by involving civil society directly in the implementation phase – in disseminating and publicising CRRs and NPoAs, in monitoring and evaluation and in reporting progress.
- Include CSO representatives in delegations to important APRM-related continental dialogues, especially on identified common (and cross-cutting) issues and national best practices.

For CSOs and the research community

- Initiate research into civil society involvement in the APRM after review, including the reception of, and reaction to, the findings.
- Reflect critically on CSO participation in APR assessment, particularly the quality of representation on NGCs and other bodies, and develop strategies for post-review engagement and improving information flows.
- Leverage exposure to CSO-government dynamics to identify further areas of possible collaboration and sustained policy dialogue opportunities with state entities.
- Explore opportunities for cross-national peer learning and develop strategies to use those opportunities for information sharing and capacity building.
- Analyse state-civil society policy dialogue patterns and outline processes to strengthen them, including possibilities for establishing policy research think-tanks where they do not exist.
- Develop innovative packaging and dissemination strategies for publicising APRM findings through CSO networks, in support of official efforts.

EXECUTIVE SUMMARY

The African Peer Review Mechanism (APRM) is Africa's home-grown governance promotion and monitoring tool. It has made one of its priorities the involvement of civil society organisations (CSOs) in the assessment of national initiatives; they have been included in the APRM's governing structures and were invited to contribute submissions to the assessment research. This experience has the potential to transform non-state actors from adversaries into partners in governance.

The process, however, often falters, and faces challenges. These include uncomfortable (or even hostile) relations, CSO capacity constraints, inconsistent application of the principle of inclusion, and the difficulty of maintaining momentum after completion of the review.

This policy briefing reflects on the benefits of participation by non-state actors in the APRM. It suggests that countries should build on the gains made from citizens and governments working together. APRM reviews should serve as a blueprint for strengthening contributions from a wide range of CSOs in national policy debates and policy implementation.

INTRODUCTION

At the heart of the APRM lies one strong conviction: that the challenges inherent in development and governance that have held back post-colonial Africa have their roots, among other reasons, in a lack of national 'ownership' of efforts to overcome instability, insecurity, underdevelopment and marginalisation. To remedy this, the APRM design lays emphasis on the inclusion, active participation and input of civil society organisations in the country assessment process.

The 'Guidelines for Countries to Prepare for and Participate in the APRM' call for the process to include 'all major stakeholders',[2] among which it lists representatives of civil society.[3] National structures for co-ordinating the review, especially the National Governing Council/Commission (NGC) include CSO representation alongside government and other sectors such as organised business. The NGC is the main supervisory body for national assessment (undertaken by independent, professional, technical research institutions) and prepares a preliminary Country Self-Assessment Report. The latter forms the basis for the final Country Review Report (CRR) and the National Programme of Action (NPoA), which are tabled for discussion by participating Heads of State and Government (the APR Forum) before publication. A vibrant and active civil society is a key element of the 'Democracy and Political Governance' theme of the APRM, and is also integrated into the other three themes of assessment (economic governance and management; corporate governance; and socio-economic development).

So far, 16 CRRs have been published;[4] they include analyses of the state of health of the CSO sector in each country. For a deeper understanding of the role of civil society and its impact on policy, however, it is necessary to examine CSO participation in the APRM assessment. This territory remains little explored, as CRRs do not provide enough detail – and many merely limit themselves to listing the CSOs represented in official structures.

If CRRs are to inform policy properly and effectively, concerted efforts have to be made to understand the nature and extent of civil society participation in the review process, and the quality of its contributions to the formulation of national policy. Such a process would enable both state and non-state actors to assess several issues properly. They include the patterns of dynamics of the state-civil society relationships and whether they are changing; how the inclusion of CSOs in APRM structures can be leveraged to improve policy dialogue; how civil society collates and presents its constituents' concerns to government; and how these are integrated into policies. Of itself participation does not guarantee the attainment of these objectives; indeed it may result in public window-dressing or, in the words of one Lesotho government official, 'pro-forma participation' by CSOs, devoid of quality input, genuine representation and regular consultation.

Another important dimension of civil society involvement in the APRM is the extent to which this participation has transformed political and governance dynamics. Relations between states and CSOs customarily have been tense across the continent. Evidence is emerging, however, that this situation is changing and that CSOs increasingly see themselves – and are being seen by governments – as important partners in the national dialogue.

For example, in Lesotho and Mozambique, CSOs, together with religious institutions, were key agencies in building peace and helping the difficult transition to democracy in the 1990s. Recently they have again been involved in efforts to bring about national reconciliation (in Lesotho in the post-2007 election conflict, and in Mozambique in the current breakdown of the Global Peace Agreement between the government and the opposition Renamo grouping). Forums such as the annual conferences of national non-governmental organisations are now more frequently attended and addressed by government officials, a development that more than three stakeholders interviewed in Maseru attributed to the APRM. The extent to which this practice has spread to other APRM countries, and the degree to which it translates into a sustainable new partnership, are issues requiring more research.

There is a further question of whether the content of CRRs indicates the active growth and impact of civil society in national policy debates. The main issues are exactly who contributes to policy development; the extent to which the policy formulation process uses wider CSO participation; and how far it integrates views expressed in public hearings (in South Africa), focus-group consultations, and dialogue forums such as *izimbizo* (in South Africa) and *lipitso* (in Lesotho). This process is distinct from involvement in the APR

proper and has long-term implications for changing national political dynamics. In this context issues such as mandates, national roots, policy capacities and the resources available to CSOs become pertinent because they can contribute to the legitimacy and acceptability of organisations as interlocutors with government.

There is evidence that through CSOs, the APRM has provided citizens with opportunities to engage on policy issues, by way of direct representation in NGCs (which in Kenya, Rwanda and Nigeria, for example, grew from initially small numbers to become almost unwieldy structures), and through submission and inclusion of issues into the assessment (where the Zambia Civil Society APRM Secretariat's submission represents best practice). The capacity and effectiveness of these organisations, however, needs further investigation, understanding and support if their relations with government are to undergo genuine change in the long term.

CIVIL SOCIETY EXPERIENCES IN THE APRM

The APRM rules mandate the participation and inclusion of civil society in the review process. It is clear from the experience of reviewed countries that this stipulation has, at minimum, been satisfied. Many CRRs provide lists of CSO representatives on the NGCs that oversee the review: indeed civil society members sometimes outnumber government representatives. Sometimes, also, they occupy key positions as chairmen, or are in charge of important portfolios.

In other cases, however, there remain questions regarding the effectiveness of these arrangements.

- Some observers believe that government wields disproportionate influence, because it provides funding and resources for the review.
- Government sometimes chooses compliant or politically-aligned CSO representatives, or disbands NGCs it is uncomfortable dealing with.
- CSO representatives on these bodies sometimes carry questionable mandates from their constituencies or do not represent all relevant communities.
- CSOs find it difficult to commit their leaders' time to the process over the long term, thus weakening their effectiveness.

The involvement of civil society after review faces further challenges.

- The natural decline in interest in the APRM once the CRR is published.
- A lack of strategies and resources to publicise CRR findings (an area in which CSOs could have a significant impact).
- The technical nature of implementation, monitoring and evaluation, which are within the remit (and expertise) of the state.
- In many countries, NGCs have been disbanded, reduced in size or marginalised.

On the other hand, the opportunity for changing state-society relations (specifically the role of CSOs in policy debates) is beyond doubt. The APRM has demonstrated that:

- serious and constructive national dialogue can take place without threatening the state, thereby potentially transforming political dynamics in Africa;
- African leaders are willing frankly to discuss their governance challenges, distil lessons and learn from one another, a lesson the CSOs have learned in the past;
- home-grown solutions for common problems that many countries have faced in isolation in the past have a value and need to be disseminated better as 'African solutions to African problems'; and
- civil society and the state are increasingly seeing each other as partners in national dialogue.

Citizens are gradually coming to regard themselves, and are being seen by their governments, as 'peers' in national policy discussions and agenda-setting. The APRM has arguably contributed to this development. More still needs to be done, however, to consolidate these gains and to address weaknesses.

CIVIL SOCIETY VOICES IN THE APRM: LESSONS AND CHALLENGES

Although the participation of CSOs in country reviews (particularly in formal structures such as NGCs) has been important to changing the political landscape in many countries, the process has not been without its problems. Serious reflection by all stakeholders,

particularly civil society, government and the research community, will be needed to strengthen, deepen and consolidate the gains so far made.

The first problem is that interest in the APRM declines after the review stage. This is natural and understandable. The concentration of minds, resources and cross-continental scrutiny comes to an end and the job of implementation is undertaken as part of 'normal' state functions. This means, however, that ways of maintaining the APRM's momentum – especially during the implementation and reporting period between reviews[5] – need to be systematically and strategically thought through. This should involve, among other issues, understanding how the review process itself altered relationships; looking for the opportunities that this change has created; and exploring how they can be used to maintain interest in governance issues in the 'low-profile' post-review period.

Second, systems and strategies – based on the national consensus represented by the findings of the CRR and the NPoA – will have to be devised to support CSO activities that complement and keep check on state delivery on identified national priorities. This will obviously require resources and capacity enhancement. Examining how the CRR's content is disseminated, and linking it to the mandates and capacities of CSOs, would be good first steps.

Third, distilling lessons from, and for the continent by examining findings from other APR countries on specific issues should be pursued. Challenges such as the fight against HIV/Aids, managing election-related or ethnic conflicts, and combating corruption are among the problems most common to all CRRs. Packaging such issues for cross-national dissemination and compilation of best practice (exemplary ways of solving problems or instilling commonly agreed values) could be the beginning of genuine mutual learning and the integration of the APRM across Africa.

Fourth, the fact that CRRs provide a baseline of national progress in governance and development issues also suggests new avenues for strengthening national policy dialogue. A specific area that policy research needs to address is the response and reception by civil society of:

- the CRR findings themselves, and what CSOs do with them beyond using them to hold governments (and themselves) to account;
- the opportunity created by participation in the APRM to enter into national debate with the state;
- the new-found place of CSOs in the national political context, and how this could advance their work; and
- the chances for transnational learning, mutual support and partnership that enhance the capacity to engage government on policy, and/or deliver on their social mandate as citizens.

The APRM is designed to seek out involvement of organised civil society in the processes of governance assessment. It further seeks to expand the engagement of those groupings through an examination of civil society's 'state of health' as an assessment criterion, and to deepen national ownership of the APRM process by opening up the political space for honest engagement. To succeed in this, the next agenda for APRM stakeholders has to focus on what has been learned through the current CRRs, and crucially, to scrutinise the evolving state-society relationship.

ENDNOTES

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2 NEPAD/APRM/Panel2/country /10-2003/Doc 7, para 13.

3 *Ibid.*, para 2.2.

4 By November 2013 the following 16 CRRs had been published: Algeria, Benin, Burkina Faso, Ethiopia, Ghana, Kenya, Lesotho, Mali, Mauritius, Mozambique, Nigeria, Rwanda, Sierra Leone, South Africa, Tanzania and Uganda. Zambia is expected in early 2014.

5 After the initial review, the APRM envisages that countries will go through subsequent reviews in later years.

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