

APRM IN ZAMBIA

Taking Hold of
Our Future Through the

AFRICAN PEER REVIEW MECHANISM

Socio-economic
Governance

Corporate
Governance

TAKING HOLD OF THE FUTURE THROUGH THE APRM IN ZAMBIA

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TAKING HOLD OF OUR FUTURE THROUGH THE APRM

What would Zambia be like if we all enjoyed good political governance, honest economic management and wise civic participation? Would life for the ordinary Zambian – especially the 64% living below the poverty line – be improved greatly? Would we reach those famous “Millennium Development Goals” (MDGs) by 2015 that promise a better life for everyone? And how would we go about achieving such promising progress?

Well, these are questions that many Zambians have! But not many of us have good answers! Not only do Zambians ask such questions, but so do the citizens of so many other African countries. And that is why there is – *or should be!* – a growing interest and participation in something called the “New Partnership for African Development” (NEPAD) and one of its key components, the “African Peer Review Mechanism” (APRM).

NEPAD has been described as a vision, a policy, a strategy, a plan and organisation for renewal of African countries. It is a long-term development programme, “Made in Africa by Africans,” that aims to put all of the wonderful *potentials* of this blessed Continent to meet all of the terrible *problems* of this Continent. The main objectives of NEPAD are to: eradicate poverty; promote sustainable growth and development; enhance full and beneficial integration of African countries into the global economy; and accelerate the empowerment of women and marginalised groups.

To fulfil the objectives of NEPAD, governance is a key area to look at. A very important and very interesting dimension of NEPAD is the APRM. This new programme offers the possibility for African citizens and governments to assess performance in meeting key components of sustainable development, in the context of widespread “peer” review. In the view of many, it signals a turning point in the search for a common ground in Continental cooperation. The APRM is seen as a vital tool for enhancing collective responsibility for good governance within African countries.

However, for the promise of the APRM to be realised, there needs to be intelligent, active and effective involvement of the citizenry in the overall

process. This means the dynamic participation of many citizens. This is particularly true here in Zambia, and that is what this *Working Paper* prepared by the Jesuit Centre for Theological Reflection (JCTR) is all about.

Through our *Working Paper*, we aim to raise awareness on the role of the citizens in the APRM process and to stimulate contributions to assuring the APRM's success in Zambia.

1. We begin by looking at what the APRM is, its objectives, structures and stages.
2. We examine Zambia's socio-economic context within which the APRM is taking place.
3. Then we will look at the current state of the APRM in Zambia.
4. We outline what citizens' involvement in the APRM process is.
5. We examine the experiences of a few other countries in Africa that have undergone the APRM process and look at the lessons that we can learn from these pioneer countries.
6. Finally, we draw some conclusions and make some recommendations aimed at making the APRM credible and effective in Zambia.

The obvious purpose of this *Working Paper* is to assist all stakeholders (e.g., government, civil society, and private sector) in Zambia to own an informed and effective place in the APRM process that will mean an improved life for all our citizens. That is why we have titled the *Working Paper* "Taking Hold of Our Future." That is something all Zambians want and together in this APRM process we can make a difference!

JCTR welcomes comments and suggestions as together we all move forward in improving governance in Africa. Let us know how you are using the *Working Paper* to promote better governance in Zambia!

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CHAPTER 1

INTRODUCTION TO THE AFRICAN PEER REVIEW MECHANISM

The African Union through its New Economic Partnership for African Development (NEPAD) introduced the African Peer Review Mechanism (APRM) in 2003. The APRM is a system introduced to help improve governance among African countries. The countries voluntarily assent to be members of the review process in which they review each others' government processes with the aim of strengthening the good practices and discouraging the bad practices of governance.

The peers – Heads of States and Governments of the countries who are members of the process – create a forum for themselves for self-monitoring in order to promote accountability and transparency in government. As they are all of a similar standing, these African peers are expected to hold a common belief in good governance and are looked to for promoting the overall good of the Continent. (Whether that expectation is fulfilled or not, is yet to be seen!)

The APRM aims to foster the adoption of policies, standards and practices that lead to:

- Political stability
- High economic growth
- Sustainable development
- Accelerated sub-regional and Continental economic integration

Furthermore, it aims to identify the capacity gaps in African governance systems and to recommend corrective policy actions by adopting best practices from within the Continent.

SOME ADVANTAGES OF THE APRM PROCESS

The APRM provides a platform for African governments, civil society organisations (CSOs) and their external partners to discuss and build

consensus on the state of governance at the national level. It is a framework for systematic review of state performance by other states in order to help the state under review adopt best possible practices and improve in areas that the state is not doing well.

The expectation is that internal self-assessment and peer review would necessarily lead to the entrenchment of the principles of accountability and transparency that constitute the bedrock of good governance.

One of the many advantages of the APRM process is that it offers opportunities to bring about more robust public debate on policy issues. Peer review has the potential to extend and deepen the dialogue at the national level, where the debates on reform are most important. While formal structures of accountability like parliaments, courts, investigation commissions, etc., are important, they are often associated with the political administration in power. Thus a negative perception of their effectiveness and impartiality can often undermine the credibility of policies adopted and implemented.

The assumption that only elected representatives have responsibility for policy-making is no longer tenable in our societies. Governments are increasingly expected to share information with all stakeholders before national policies are passed and implemented. The APRM process provides new ways and a cultivation of new attitudes in engaging governments with stakeholders.

As an exercise in collective national self-assessment, the APRM process should help to remove the destructive political culture of "us" versus "them." Thus, it offers an opportunity for civil society and the private sector to see themselves, not as opposition to government, but partners in governance systems. The process strives to overcome the confrontation and condemnation tactics in Africa that have been at times the only tool of engagement by civil society and the private sector. Instead, this is a good opportunity to embrace collaboration and cooperation where possible, while leaving room for confrontation where necessary. These tactics and strategies need not be mutually exclusive. Indeed, as experience shows, they are all needed in building democratic societies and political communities.

FOUR THEMATIC AREAS OF THE APRM

In conducting its review and making its recommendations, the APRM

focuses on four main thematic areas of governance, namely:

1. **Democracy and Good Political Governance:** aims at creating democracies that will ensure that the rule of law prevails, electoral process is independent and unbiased and all human rights are respected. The respect for human rights includes the protection of Economic, Social and Cultural Rights (ESCR), basic rights that are so essential to integral development. Moreover, there must be strong political, judicial and administrative systems. The process seeks to ensure accountable, efficient and effective public office holders in the civil service who will provide quality public service.

The APRM also can enhance public will towards fighting corruption in the political sphere. Corruption, as we all know, occurs at several different levels: *major* (e.g., theft of major amounts of the public economy), *middle* (e.g., diversion of budgetary financing) and *petty* (e.g., bribery for favours). Corruption is a deadly cancer that erodes any substance of good democratic structures.

2. **Economic Governance and Management:** aims at guaranteeing that countries formulate economic policies that are credible, realistic and achievable. These policies must be designed to reduce poverty, increase growth and assure sustainable development. Transparency and market efficiency are central to reducing poverty and enhancing sustainable development.

Through the APRM, citizens can strive to ensure transparent, predictable and credible government economic practices. The process promotes sound public finance management and enhances citizens' participation in the fight against corruption and money laundering.

3. **Corporate Governance:** aims at engendering success in the private sector of the national economy. It also guarantees that corporations (local and foreign) would conduct their business with clear consideration of the human person, commitment to transparency and accountability, and promotion of corporate social responsibility.

The process would provide an enabling environment and an effective regulatory framework for economic activities. It promotes the adoption of codes of good ethics to achieve the objectives of the organisation and

ensure that corporations treat their stakeholders in a fair manner. It is important to note that the APRM is not "biased" toward socialist or capitalist economic models and practice, but is open to whatever system that works best for integral and sustainable development of the people.

4. **Socio-economic Development:** aims at ensuring that Africans meet their basic needs that are essential to live a life of dignity. These needs include access to quality education, better health care, decent housing, safe drinking water and good sanitation, and equitable distribution of a nation's wealth. (Again, a list related to the ESCRI)

In recent years, one of the major hindrances to socio-economic development has been the HIV and AIDS problem. This problem should be courageously faced in a holistic manner that situates it within the development framework for effective prevention and treatment. Gender equality should be advanced and poverty eradication promoted. Also promoted are values of self-reliance in development in order to build the capacity for self-sustaining development. Efficient governance in this socio-economic sphere of development requires strengthening policies, delivery mechanisms and outputs in key areas such as health and education services, water and sanitation and food security.

STRUCTURES OF THE APRM

There are six structures that oversee the implementation of the APRM. The structures are both at international and national levels. These are:

- APR Forum
- APR Panel
- APR Secretariat
- APR Country Review Team
- APR Focal Point
- National Co-ordinating Structure or National Governing Council

The **APR Forum** is the committee of the Heads of State and Government of the countries participating in the APRM. It is the highest decision-making body and could be considered like a Board of Directors which has the final say over the whole process. The members of the Forum are the ones who can apply the peer pressure and transmit the final APRM country report to the relevant African Union (AU) structures.

The **APR Panel** comprises a Panel of Eminent Persons. It is appointed by the APR Forum to oversee the review process in order to ensure the integrity of the process, to consider the review reports and to make recommendations to the APR Forum. It currently consists of seven eminent persons; Marie Angélique Savané of Senegal, Adebayo Adedeji of Nigeria, Bethuel Kiplagat of Kenya, Graça Machel of Mozambique, Mohammed Babes of Algeria, Dorothy Njeuma of Cameroon, and Chris Stals of South Africa.

The **APR Secretariat** provides the secretarial, technical, coordinating and administrative support services for the APRM. It is supervised directly by the Chairperson of the APR Panel at the policy level and in the day-to-day management and administration by the Executive Officer. At the present moment, the Secretariat is based in Midrand, South Africa.

The **APR Country Review Team (APR Team)** is appointed by the APR Panel, one of whose members heads the Team. It is constituted for the period of the country visits. The Team comes to the country to review the progress with the country's Programme of Action and produce the actual final report on the country.

The **APRM Focal Point** is the national mechanism set up by a country in order to play a communication and co-ordinating role. This serves as the liaison between national structure and the continental ones. It should also, in conjunction with the National co-ordinating mechanism, develop, co-ordinate and implement the country review. The Focal Point in Zambia is the Ministry of Justice.

The **National Co-ordinating Structure or National Governing Council (NGC)** is the body charged with implementing the APRM at the national level. The country's self-assessment happens here by conducting broad-based and all-inclusive consultation of key stakeholders in the public and private sector. In addition, together with the Focal Point, this body develops, co-ordinates and implements the review and hosts the country review visit.

Technical Research Institutions or Technical Review Institutes (TRIs), although often left out in the APRM structures, are key to a successful review process. These institutions can include universities and colleges (e.g., University of Zambia, Copperbelt University, National Institute for Public Administration), research institutions (e.g., Institute of Economic and Social Research, Zambia Association for Research and Development), and

independent renowned researchers. It is very important to identify these Technical Research Institutions according to thematic areas. For example, the Department of Economics could be in the Economic Governance thematic area. The TRIs can contribute to designing sensitisation programmes for the public, identifying key issues that need to be highlighted, but most importantly lead design and administration of surveys undertaken before the Country Report is written.

STAGES OF THE APRM

In order to get the APRM process underway, there is a *preliminary phase* which includes setting up necessary structures (e.g., choosing the Focal Point) and the *country support mission*. The aim of this phase is to assist the country to prepare adequately for the review process. The support mission:

- Ensures that there is a common understanding of the APRM process;
- Plans and provides support in various aspects of the process (e.g., resources, building capacity, roadmaps), depending on the needs of the country;
- Assists in setting up country plans of action such as Peer Review Support Programme, Good Governance Programme, Human Rights Action Plan, Gender Equity Strategy, National Development Plan, etc.

The country support missions are done in consultation with the participating country especially through the detailed plans that the country APR Focal Point has undertaken to do the review.

It is estimated that the five stages would take about 18 months. But judging from experiences in pioneer countries that have completed their reviews, the process does in fact take much longer.

Stage One

This involves the preparatory steps for background research and for drafting the country's *APR report and Programme of Action (POA)*. This is a fact-finding stage and involves reviewing reports and undertaking measurement of yardsticks in the economic, political, corporate and development environment of the country. As a fact-finding stage, information is gathered especially from a *Country Self-Assessment* done by Government

and by stakeholders (citizens and the private sector) responding to a detailed "questionnaire" prepared by the APR Secretariat and adapted to the country under review.

The *Country Self-Assessment* looks at the adherence to the various standards and codes that a country has agreed to – e.g., UN and AU treaties and documents. It can be a very interesting – indeed, *exciting!* – exercise, especially when a large and varied cross-section of society participates in the process of answering the questionnaire.

Because the APRM questionnaire focuses on issues that certainly are of great interest to everyone involved, it is helpful at this point to give some examples of the topics that will be examined under each area:

- **Democracy and Good Political Governance:** access to justice; the freedoms of expression, association and assembly; good electoral processes; respect and promotion of human rights including economic, social and cultural rights; fighting corruption; decentralisation; quality public service; functional parliament; independent and efficient judiciary, etc.
- **Economic Governance and Management:** macro-economic stability; budget participation and implementation especially as it relates to social spending; trade policies; management of debt; fairness and effectiveness of tax systems; money laundering; regional cooperation, etc.
- **Corporate Governance:** private sector regulatory systems; strength of unions, labour wages and conditions; freedom of information; environmental protection; impact of foreign direct investment (FDI); small and medium-sized enterprises; corporate ethics and social responsibility, etc.
- **Socio-Economic Development:** access to basic needs; self-reliance; poverty eradication programmes; employment generation; quality of health and education services; status of girl child; child labour; HIV and AIDS prevalence rates; rural development; water and sanitation; housing; information and communication technology (ICT); gender, etc.

Stage Two

This is the time of a country review visit, undertaken by the APR Team of experts assigned to that particular country by the NEPAD Secretariat. The APR Team holds wide consultations with various key stakeholders. One member of the APR Team would be from the Panel of Eminent Persons.

During its visit, the APR Team interacts and consults extensively with government officials, parliamentarians, representatives of political parties, the business community, representatives of civil society (including media, academia, trade unions, non-governmental organizations (NGOs), community-based organizations (CBOs), rural communities and representatives of international organizations.

The interaction that the APR Team undertakes enables it to discuss the draft Programme of Action that the country has drawn up to improve its governance and socio-economic development. The purpose would be to provide positive reinforcement for the sound aspects of the POA and to address identified weaknesses and shortcomings in various areas of governance and development.

The consultations also serve to build consensus with the stakeholders on any outstanding issues and to offer a chance to challenge unresolved areas and suggest the steps that need to be taken to address them. These findings would then form the basis for the Team's recommendations on required improvements in the final draft of the Country Report and Programme of Action.

It is very important for the Churches and civil society organisations in the country under review to prepare well for these meetings, in line with the APRM guidelines. But the exercise of the actual review is not to be seen as compiling a "score card" by which blame (or credit?) can be placed on others. Rather it is a chance for some good "peer learning." If this is well done, it can have favourable consequences in the follow-up period after the APRM process has been completed. Indeed, good participation in this stage is one major reason for the preparation and wide circulation of this *Working Paper* from the JCTR.

Stage Three

When the APR Team has completed its country visit, they prepare a

Country Report in draft form, based on the findings of Stages One and Two. The Team's draft report is first discussed with the Government concerned. Those discussions will be designed to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the Team's findings and to put forward its own views on how the identified shortcomings may be addressed. These responses of the Government will be added to the Team's report.

The APR Secretariat prepares the final draft of the *Country Report* using the information that was provided by official and unofficial sources during the wide-ranging consultations and interactions with all stakeholders (government, civil society and private sector) in the country. This of course includes responses to the very important *Country Self-Assessment* (answers to the very inclusive questionnaire).

On the basis of the *Country Self-Assessment*, the national Plan of Action and the Secretariat's background paper, an *Issues Paper* is drawn up that will guide the actual country peer review process by the APR Forum. A draft Country Report is then compiled by the APR Team which should:

- Take into account the applicable political, economic and corporate governance and social-economic development commitments made in the NEPAD Action plan
- Identify any remaining weaknesses
- Recommend further actions that should be included as follow-up

Stage Four

During this stage, the final Country Report is sent to the APR Forum for consideration and formulation of actions deemed necessary within the mandate of the APRM. The panel of Eminent Persons is involved in the process and recommends necessary policy reforms.

The Heads of State in the APR Forum then discuss the panel's recommendations with the leader of the country under review. This of course is the very heart of what a "peer" review means, because, as noted above, the APR Forum is the Committee of participating Heads of State and Government and is the highest decision-making authority for the APRM.

Stage Five

The *Country Report* is given back to the country under review for consideration. Within six months after this, the Country Report is formally tabled at key regional and continental structures. These include, for example, the Economic Commission for Africa, Pan-African Parliament, African Commission on Human and People's Rights, Peace and Security Council and the Economic, Social and Cultural Rights Council of the African Union.

The public release of the Country Report marks the end of Stage Five. Despite this being the last stage in the review process, it is recommended that follow up on the Programme of Action be done. The APRM secretariat is charged with following up on specific commitments made.

TYPES OF PEER REVIEW

There are four types of reviews that can be carried out under the APRM:

- **Base Review:** Ideally this review is carried out within eighteen months of a country becoming a member of the APRM process. Experiences from pioneer countries in the APRM process show that the base review actually takes longer than 18 months. Every country that signs on to the APRM goes through this review.
- **Periodic Review:** Takes place every two to four years.
- **Requested Review:** A member country can, for its own reasons, ask for a review that is not part of the periodically mandated reviews. This could be in addition to the base and periodic review.
- **Crisis Review:** Done when a country sees early signs of impending political or economic crisis. Such a review can be called for by participating Heads of State and Government in a spirit of helpfulness to the Government concerned.

REQUIREMENTS FOR A SUCCESSFUL APRM

The lessons from pioneer countries that have undergone the APRM

suggest that three requirements are essential for a successful and helpful APRM. These are: competence, independence and competition.

- **Competence:** The APRM process depends on the competence, authority and reputation of the staff at the Focal Point and the National Governing Council (NGC). The persons taken on in the Focal Point and the NGC must be technically competent. These persons should not take on too many responsibilities, but also not too little, for the process to be effective.
- **Independence:** The APRM must be free from any undue influence from either those being reviewed or from external forces to the review. Such influences, if left unchecked, would undermine the integrity of the review. The independence of the APRM much depends initially on the personal authority of the APR Panel. This is the reason why very distinguished Africans have been chosen for this Panel of Eminent Persons. The NGC must be independent from government dominance and political interests and focus on their mandate to coordinate the review.
- **Competition:** The APRM works best when it is seen in light of other reviews going on in other countries. It is important to learn from experiences of other countries to make sure that mistakes made in other countries are not repeated and that best practices are perpetuated. "Competition" provides counterweights to the APRM and might reduce some of the pressures that undermine the process.

APRM MEMBER COUNTRIES

As of July 2008, 29 African countries (more than half the countries on the Continent) have signed up to go through the APRM. Algeria, Burkina Faso, Republic of Congo, Ethiopia, Ghana and Kenya acceded to the APRM in March 2003; Cameroon, Gabon and Mali in April and May 2003; Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Uganda, Egypt and Benin in March 2004; Malawi, Lesotho, Tanzania, Angola and Sierra Leone in July 2004; Sudan and Zambia in January 2006; São Tomé and Príncipe in January 2007; Djibouti in July 2007, Mauritania¹ in January 2008, and Togo in July 2008.

¹ Mauritania was suspended from the African Union following a coup in August, 2008.

Countries that have not signed the MoU to join the APRM process 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, and Zimbabwe.

The following countries have completed their reviews: Ghana, Rwanda, Kenya, South Africa, Benin, Nigeria, Burkina Faso, Algeria, and Uganda. Countries at an advanced stage with their final review to be tabled early in 2009 are: Mozambique, Lesotho, Egypt, Gabon and Mauritius (refer to Appendix III for more information).

The review process has proved to be a tasking and time-consuming exercise. The presumption that a base review would take only about 18 months to complete is now seen to be unrealistic. Perhaps up to three years is the more likely scenario. No country has undertaken a periodic review yet because most countries are just finishing their base reviews.

CHAPTER 2

ZAMBIA'S SOCIO-ECONOMIC SITUATION

Zambia, like so many African countries today, clearly portrays what can be called the “paradox of plenty.” On the one hand, Zambia is one of the richest countries in Africa. Zambia has:

- abundant mineral resources (copper, cobalt, zinc, lead, coal, emeralds)
- excellent agricultural lands
- plentiful water (e.g., rivers, dams, lakes)
- beautiful tourist sites (e.g., natural falls, national parks, historical sites)
- 12 million people of great abilities who live together in peace and harmony.

But on the other hand, Zambia is ranked among the poorest countries in the world, with very low social indicators, scoring 165 out of 177 countries on the 2008 United Nations Development Programme (UNDP) *Human Development Index*.

Having achieved Independence some 45 years ago, Zambia still faces significant development challenges. With less than seven years still remaining to achieve the Millennium Development Goals (MDGs), Zambia is in the midst of signs of *promise* but also of *difficulty*.

ECONOMIC PICTURE

In the past few years Zambia has experienced some turnaround in the nation's *economic indicators* – those measurements that show how the overall economy is functioning. But these indicators have in the last few months of 2008 experienced erratic changes. For example, in 2008:

- Growth of Gross Domestic Product (GDP) was at around 6% in 2008 with the mining, tourism and agricultural sectors contributing significantly to the GDP growth. (For meaningful development, GDP needs to be above 7%.)

- New copper mining ventures have opened up, and there is even some possibility of oil deposits in the North Western Province.
- There have been positive changes to the mining fiscal and regulatory regime: corporate tax revised to 30%, mineral royalty rate on base metals at 3% of gross value (up from 0.6%) and a windfall tax introduced.
- The tax measures were expected to bring to the national treasury in 2008 additional revenues of about \$415 million.
- Inflation figure reached as high as 16.6% in 2008 (up considerably from the single-digit 8.2% experienced in 2006)
- Having reached the Heavily Indebted Poor Country (HIPC) Completion Point, Zambia's external debt dropped from USD 7.2 billion to USD 635 million.
- Zambia is not paying out immense amounts of dollars to service a huge debt.
- The Kwacha stabilised in 2008 at around 3500 Kwacha to one US Dollar.

However, these rather rosy figures came in for some hard hits in the last four months of 2008 and the first two months of 2009, largely because of one internal factor and one external factor. The internal factor was the death of President Levy Mwanawasa and the subsequent hard-fought presidential elections. The external factor was the global financial crisis and its ripple effects on the Zambian economy. As the year drew to a close, GDP growth rates were slowed down by a dramatic decline in the price of copper (down over 50% from an earlier high of USD 8000 per metric tonne). An inflow of mine tax revenue into the national treasury slowed down considerably. Inflation stayed above 15%, being experienced hardest in food, fuel and fertiliser. The Kwacha has dramatically depreciated, even going beyond 5000 Kwacha to one US Dollar. The debt stock (December 2008) rose to around USD 1093.5 billion way up from USD 635 million.

It is still too early to predict when the economy may stabilise again.

SOCIAL PICTURE

On the other hand, however, Zambia's *social indicators* – those measurements that show how the people are faring in everyday life – have not been very good. For example:

- 64% of the population live below the poverty line, according to the

Government Central Statistics Office (CSO). This means that they do not eat three meals a day, enjoy decent housing, have access to good health and education services, etc.

- Urban poverty is at 34%, while rural poverty is at 80%.
- Life expectancy at birth is around 40 years
- Under-five mortality rate – how many children will die before reaching the age of five – is 182 children per 1000 births.
- Maternal mortality rate – mothers who die in giving birth – is 730 per 100,000 live births, a figure that has increased in recent years.
- National HIV prevalence rate is around 15% among the 15-49 age group, but between 20% to 30% in urban areas.
- Only 40% of the people who need anti-retroviral drugs get them.
- 42% of the population lack access to safe drinking water, and 48% of the population do not have improved sanitation facilities.
- Despite the enrolment for primary education improving from 68% in 2000 to 94% in 2005, the quality and relevance of education is very poor. Infrastructure, human and material resources are still poor and inadequate, especially in the rural areas.

POLITICAL PICTURE

The Government of the Republic of Zambia (GRZ) has recognised that there is deplorable dichotomy between some recent economic improvements and the continuing serious social deprivation. How can this be dealt with effectively? This raises the serious question of *political governance*.

Can we accurately and fairly say that poor governance is the principal cause of poverty? YES! It certainly is true that when Government does not facilitate participation in political life, does not provide ready access to justice, does not deliver adequate services or does not control corruption, then the people suffer. And we know, from the recent statistics from the Central Statistics Office, that the majority of people in Zambia are the poor (about 64%)!

The political context in Zambia today, the context within which the APRM is to function, is similar to the economic context: a paradoxical scene of *positives* and *negatives*. On the positive side is the transition to multi-party democracy in 1991 and the obvious fact that Zambia has for the past 45 years experienced peace without serious conflicts, whether ethnic tensions or regional disputes. By remaining, at least in spirit, "One Zambia, One

Nation," in many ways we are the envy of our neighbours.

The unexpected death of President Levy Mwanawasa in August 2008, followed by a tumultuous presidential by-election campaign, showed constitutional flaws (unclear succession), political tensions (urban-rural and tribal divisions) and economic uncertainties (what is the "best" plan for development?). The election of President Rupiah Banda of the ruling party MMD (in October 2008) was flawed in many ways but the outcome was recognised and the process termed fairly "peaceful." Of course, this does not necessarily mean that Zambia deserves to be called a "peaceful" nation. It is important – especially when we are in the midst of the APRM process – to remember the wise words: "Peace is not simply the absence of conflict but the presence of justice!"

Decentralisation is one way in which broader participation of citizens in national affairs can be achieved and social progress enhanced. This would help get the local communities involved in their own welfare, with decisions made at the local level. But Government's elaborate plans for decentralisation appear to have seriously stalled and little or no progress is being recorded. Two reasons are given: adequate human resources at the local level are very thin, and national offices, parties and politicians are fearful of losing control of decisions and money.

Consultation and consensus building on national issues are yet another set of challenges that Zambia faces. The attitude of "winner takes it all" is not in line with the generally accepted principles of democracy and good governance. The system is shaped in such a way that the strong wins and takes all. In Zambia this has often tended to silence the voices of the majority poor.

But two very serious political challenges currently face Zambia: an *inadequate Constitution* and *widespread and growing corruption*. It is in facing these challenges that the APRM has a very important task.

CONSTITUTION AND CORRUPTION

It is a sad fact that after four decades of independence, Zambia still lacks a good Republican Constitution. This would be one that will, to use that much over-used phrase, "stand the test of time." Having passed through 27 years of one-party rule, the country moved into a multi-party era with little

change in constitutional institutions and guarantees. The leaders in power in the 1990s and now in the first decade of the new century have promised constitutional reform but resisted it when it has challenged their power and privileges.

Of great importance in the proposed Constitution (from the Mung'omba Commission), now awaiting public adoption by the National Constitutional Conference (NCC), is the inclusion of *Economic, Social and Cultural Rights (ESCR)* in the Bill of Rights. These touch on matters such as health, education, food, safe water and sanitation, employment, culture and clean environment. These rights relate very much to the Millennium Development Goals that Zambia has agreed to achieve by 2015. This is in recognition that no political democracy can survive if the majority of the people remain in poverty and struggle with little hope for a better life.

In addition there are the all-important rights of women, children, the elderly and those with different abilities.

The second great political problem facing Zambia is corruption and abuse of public office. Shocking revelations seem to come out daily of massive amounts of scarce resources being diverted to private pockets of selfish and unscrupulous civil servants, public officials and political leaders. There is a general feeling that corruption is on the increase, especially the corruption experienced at levels of public service. The Office of the Auditor General has been especially effective in the past two or three years in providing evidence of financial misappropriation. For example, 36 billion Kwacha went unaccounted for in 2007 with no one held responsible for the funds.

Corruption is a cancer that eats away at the ability to govern for the common good. And it has been felt by many that the campaign against corruption has not been strong enough and deep enough. Prosecutions, dismissals, and demands for repayments of misappropriated funds have not been the order of the day.

Therefore the decision of the Zambian Government to "sign on" to the APRM process is something to be warmly welcomed by all citizens, with the expectation that some good things can come out of this process for all Zambians. But that means that all Zambians must be conscientiously engaged in the process – the thesis of this *Working Paper!*

CHAPTER 3

APRM IN ZAMBIA TODAY

In 2004, President Levy Mwanawasa indicated his desire for Zambia to undergo the APRM process. But officially, Zambia signed on to the process only on 22nd January, 2006. The course of action in beginning the APRM process, educating the Government officials and political leaders, and informing the general public, has been notably slow.

This slow response can be explained by the interaction of at least three factors. First, tripartite elections occurred in September 2006 and there was understandably more attention paid to that than to something new like the APRM. Second, steps were finally taken – not without ongoing controversy – to set up the National Constitutional Conference (NCC) to deal with adoption of a new Republican Constitution by reviewing the 2005 Mungo'mba Draft Constitution. This took money and bureaucratic arrangements that occupied governmental attention. And third, the all-important issue of available resources – money! – is always a problem for Government.

HISTORY OF IMPLEMENTATION OF APRM

In understanding how the APRM will be implemented in Zambia, it is important to get a sense of the actors, the issues, and the values. First, however, we can give a brief historical overview.

Since signing on to the APRM, the Zambian Government and CSOs have done the following:

- 2006, the Ministry of Foreign Affairs was chosen as the focal ministry but no money was allocated for the APRM process in the 2006 national budget. (Note that this was a year of general and presidential elections in Zambia).
- 2007, the Ministry of Justice was chosen as the new focal point and money was allocated in the 2007 national budget for APRM activities.
- March, 2007, Zambian Civil Society participated in an APRM

information workshop organised by FODEP and SAIIA.

- May, 2007, the Jesuit Centre for Theological Reflection published a booklet entitled *Is Good Governance Possible in Zambia? Churches and CSOs and the APRM Process* (This working paper is an enlargement and improvement of the 2007 booklet).
- 08 July 2007, the APRM was formally launched in Zambia by the Minister of Justice, Hon. George Kunda.
- July 2007, with support from the German Technical Cooperation (GTZ), a group of Civil Society organisations established an APRM Secretariat. The Minister of Justice officially opened the Secretariat.
- 22 August 2007, the Ministry of Justice organised a brainstorming session. Participants were drawn from a wide range of stakeholders including Government Ministries, CSOs, Trade Unions, Professional Bodies, etc., from all parts of Zambia.
- 10-12 September 2007, Dr. Graça Machel, the APR Panel lead member assigned to Zambia, visited the country. Her visit focused on the pre-requisites that Zambia had to put in place in order to launch the APRM process.
- 26-27 September 2007, the Civil Society APRM Secretariat, with support from Frederick Ebert Stiftung (FES), organised an APRM training workshop for journalists in Chisamba. The workshop brought together editors and reporters from all nine provinces, coming from both community and national media institutions.
- 2008, the Civil Society APRM Secretariat, with support from GTZ and Diakonia, began running radio (ZNBC and Qfm) and television (ZNBC) programmes on the APRM.
- 2008, the Civil Society APRM Secretariat ran provincial workshops in Lusaka and Kabwe to raise awareness on the APRM.
- 2008, the British High Commission supported the Civil Society APRM Secretariat in the production of APRM materials like posters and brochures.
- March 2008, the Ministry of Justice organised a sensitisation workshop

for Members of Parliament.

- June 2008, the Ministry of Justice wrote to organisations and ministries to nominate persons who could serve on the country's National Governing Council (NGC).
- August, 2008, the Ministry of Justice announced a 47 member NGC that is chaired by Tamala Kambikambi of Zambia Women's Lobby with Philip Chilomo of Economics Association of Zambia as vice-chair. Before January 2009, Akashambatwa Mbikusita Lewanika chaired the NGC but resigned in January 2009 amidst complaints from Civil Society Organisations that he was not a good candidate to chair the NGC due to the fact that he is actively practicing politics.
- 23-25 February, 2009, the Country Support Mission led by Dr. Graca Machel, came to Zambia to assess Zambia's preparedness to begin the process.
- 25 February, 2009, The Focal Point signed a Memorandum of Understanding with Continental APRM structures declaring that Zambia is ready to begin the process.

CITIZEN INVOLVEMENT

In Zambia, and in most other democratic countries in Africa and around the world, citizen involvement in issues of governance is becoming more and more common. Even during the days of the one-party State, there were non-state actors in Zambia that carried influence among the citizenry. But since the rise of multi-partyism in this country, citizens have formed a very wide range of civil society groups. These include:

- Formally recognised Non-Governmental Organisations (e.g., Women for Change)
- Private sector interest groups (e.g., Chamber of Commerce)
- Development-oriented NGOs operating in specific projects (e.g., Heifer International)
- Research think tanks (e.g., Food Security Research Project)

Here in Zambia, we have seen a progressive role assumed by the Churches and the CSOs. They have gone beyond their earlier roles of (1) initiating programmes of development and (2) increasing citizen participation, to a new role of (3) serving as advisory bodies to Government and to cooperating partners (the international donors).

However it is disappointing that early on there were not many meaningful and effective opportunities for the Churches and CSOs to influence the development of the NEPAD and APRM processes in Zambia. These two groups were initially left out of some of the formal brainstorming and implementing phases of these two very important initiatives. However, the Churches and CSOs, accustomed to an active and respected civic role, themselves undertook engagement in the APRM process.

At least three reasons can be given for involving the Churches and the CSOs in the Zambian APRM process:

It provides a **credibility** both to the process and to the final product, in that the input into instruments such as the *Country Self-Assessment* would not simply be coming from the Government of Zambia – which is obviously an “interested party”! When citizens play an active role in assessing the state of affairs, the results have the potential to be more trustworthy and believable.

It assures a **quality** that goes beyond simply Government involvement. Certainly it is true that in Zambia there are very well organised and informed Churches and CSOs. Their value positions, their research capacities and their contacts with local people all across the country give them a well-respected position in society at large. This means that information gathered in the APRM process can be universal and recognised.

It promotes an **effectiveness** that lays the groundwork for the necessary follow-up. The *Country Report* will have many recommendations that will need to be evaluated, planned, implemented and monitored. Early and thorough involvement of Zambian Churches and CSOs can make a difference in the effective response to the final product of the APRM. And the advocacy necessary for implementation of the recommendations will be sharpened by this early citizen involvement.

CIVIL SOCIETY APRM SECRETARIAT

Given the good reasons for citizen involvement in the APRM, it is thus

encouraging that the Churches and civil society did indeed get engaged. As noted above, CSOs in Zambia took an early and very active role in organising and informing around the APRM process. Significant assistance for this was offered by the South African Institute of International Affairs (SAIIA), a research centre based in South Africa that has taken a lead role in promoting understanding of and participation in the APRM. Indeed, even before the Government held a brainstorming session to explore the APRM, civil society groups in Zambia were underway with various activities and proposals.

In mid-2007, a special Secretariat was established to coordinate the work of civil societies relating to the APRM. Hosted at the Lusaka offices of the Foundation for Democratic Process (FODEP), this Secretariat is assisted financially by several cooperating partners, including GTZ, DFID, Diakonia, BHC and FES. The Executive Committee is made up of representatives of ten major CSOs in Zambia:

- Anti-Voter Apathy Project (AVAP)
- Caritas-Zambia
- Civil Society Trade Network of Zambia (CSTNZ)
- Foundation for Democratic Process (FODEP)
- Jesuit Centre for Theological Reflection (JCTR)
- Law Association of Zambia (LAZ)
- Media Institute of Southern Africa-Zambia (MISA)
- Non-Governmental Organisations Coordinating Committee (NGOCC)
- South African Centre for Constructive Resolution of Dispute (SACCORD)
- Transparency International-Zambia (TIZ)
- Young Women in Action (YWA).

Under the auspices of this Secretariat, many sensitisation efforts have been undertaken around the APRM, mainly through national and local workshops, radio and television programmes, specific advocacy works, etc. Additional activities have been done by the individual organisations that belong to the Secretariat. An example would be the preparation and wide circulation of the first and second editions of this *Working Paper* prepared by the JCTR.

INVOLVEMENT OF CHURCHES

Prominent among non-governmental actors that are playing a key role in sensitisation and advocacy around the APRM in Zambia are Churches and church-related organisations. Interest has been shown by members of the three Church "Mother Bodies," Zambia Episcopal Conference (Roman Catholic), Evangelical Fellowship of Zambia, and Council of Churches of Zambia. Both Caritas-Zambia and the JCTR have conducted workshops and written articles on the APRM.

At this point, however, someone might ask, "But why should the Churches be interested in all these issues raised in the discussion of the APRM?" Isn't the Church mission only a *spiritual* one? Shouldn't the Churches be "saving souls" rather than being "political"?

Well, whoever might ask that question must not have been coming to Churches in the past few decades! Surely it has become increasingly clear that the Church mission is to follow the example of its founder Jesus Christ, who said so clearly: "I have come that you might have life, and have life to the full!" (John 10:10). So the Churches must engage in developmental and governance issues because the Gospel shows us that Jesus immersed himself completely in this world, renewing and transforming it so that human beings might be fully human.

Certainly here in Zambia we have had strong social leadership from our Church leaders either individually or in cooperation with leaders of other Churches, especially through a series of Pastoral Letters. These letters have called us to be concerned about the plight of the poor, to be conscientious in our political choices at the time of elections, to be advocating for more just economic policies, to be sensitive to the needs of women, men and children. This is the rich and influential message of what we call the "Church's Social Teaching" (CST).

The principles of this CST are strong and clear. For example, these are some of the key principles:

- the equal dignity of every woman and man
- the rights and duties which follow from that dignity
- the promotion of community, solidarity and the common good
- the call for responsible participation in public affairs

- the preferential option for the poor
- the respect for the integrity of creation

Thus we can say that it is inevitable, a duty not to be avoided, that the Churches should engage in the APRM process, in the spirit of mutual responsibility and commitment to build a better world for all of Africa's people. In doing so, the Churches continue the mission of Christ, raising the collective public conscience about the ethical choices that lie at the heart of current economic, social and political systems that have such an impact on the people. The APRM is there in the midst of society and so must be the Churches!

PARTICIPATING IN THE APRM PROCESS

For an effective outcome of the APRM process, the citizens in Zambia need to follow closely the official proceedings and participate in whatever way possible. The following tips may be helpful:

- Insist on the independence of the APRM, assuring that any interference by the Government or any outside influence does not undermine its integrity
- Ensure that the process is transparent and inclusive, and does not become only "government owned and operated"
- Promote full involvement of the media – both government-owned and independent – to report on the official proceedings of the APRM so that the proceedings are widely known
- Keep close contact with the National Governing Council so that it is truly citizen-driven in all its priorities and positions
- Petition Members of Parliament to speak to citizen groups to explain the MPs' own role in the APRM
- Lobby local government officials that citizens are consulted and that the process is done within the planned time
- Demand that politicians debate the APRM issues and not trivialise their responsibilities to the public at large
- Readily and publicly identify challenges and best practices in the local communities
- Encourage participation in the APRM process at all levels, whether or not officially endorsed by the Government.

The Churches and CSOs can and should play a role both “upstream” (design) and “downstream” (implementation) in the APRM process. These roles should consist of:

- Directing the attention of Government and political leaders to concerns and expectations of the people in this new and important programme of APRM
- Using meetings, seminars and workshops to sensitise, educate and train Zambian citizens about the African Union, NEPAD and the APRM so as to strengthen their ability to make fact-based advocacy efforts
- Building capacity of Churches and CSOs (their leaders and technical staff) so that they are competent in macro-economics, governance, corporate, and social related topics
- Ensuring that the Government does indeed direct public policies toward sound human development programmes, good governance, democracy and the promotion of human rights
- Organising good monitoring of the implementation of the APRM at the various stages of its process

Here in Zambia, we can already see the advantage we have of an established Civil Society APRM Secretariat. Many of the challenges that will face citizens in participating in the APRM process will be faced more equitably and effectively because of the sensitising and organising roles that the Secretariat will be playing.

USING THE QUESTIONNAIRE

In Appendix II of this *Working Paper*, we suggest the range of questions that might make up the APRM questionnaire (*Country Self-Assessment*) for our use here in Zambia. We cite only a few questions under the four themes of governance; Political, Economic, Corporate and Social as put in the Questionnaire and show a simplified version of those questions.

The questionnaire is of course a very important, perhaps the *most* important, element in citizen participation in the APRM process. It will be necessary that the questionnaire is very thorough but not so detailed as to discourage active involvement of ordinary citizens. It must be simplified and translated into local languages for easier understanding of those who don't

read English. Some experiences from the pioneer countries that have completed the APRM process suggest problems, confusions or mistakes to avoid. For example, government agencies should not view the form as a kind of "test paper" and simply fill in answers without consultation or consideration of citizens' views.

As it comes from the APRM Secretariat in South Africa, the questionnaire format is quite detailed with references to international codes, treaties and practices, and abounds in various objectives and suggestions for consideration. Obviously, the questionnaire should be adopted to the local scene here in Zambia, and not be so technocratic or cumbersome as to discourage its use.

Broadly, the APRM questionnaire prods for answers in areas such as these:

- The extent of ratification and compliance with agreements, protocols, treaties and declarations of the African Union (AU) and United Nations
- Any weaknesses in systems, laws and institutions that are currently in place
- Actual compliance with such systems, laws or institutional requirements by the Government or private organs
- Early warning indicators that point forward to areas that require specific actions
- The extent to which the country has implemented its agreed-upon action plans.

One final word can be said about the APRM questionnaire in the original 88-page form it comes from the APRM Secretariat. It could easily serve as a syllabus for a full year's course in civics! That's why for its successful use here in Zambia, it must be adapted to a form that is truly "user friendly" (see some examples of simplified questions in Appendix II). Not so simple that it overlooks important areas of governance, but not so complicated that it discourages genuine popular engagement.

Therefore it will be important, as noted in the Recommendations found in Chapter 5 of this *Working Paper*, that the proposed format of the final Zambian Questionnaire be widely pre-tested so that it is really useful.

CHAPTER 4

LESSONS FROM PIONEER COUNTRIES

Zambia has an advantage as it moves fully into the ARPM process. It is not the first country to enter the struggle! Thus it is possible that our Government, together with the Churches and CSOs, can learn from the experiences of other countries that have gone through the process.

EXAMPLES

Just a few examples will highlight this point of some lessons to consider:

- **Ghana** has completed what is considered to be a very successful APRM process. Key to the success was the structure, composition and relative autonomy given to its National APRM Governing Council. The President of Ghana appointed to this Council seven members, all of whom were non-state actors. This helped in reducing the scope for political interference while strengthening stakeholder ownership and leadership in the process. The body steered the whole process in a way that assured independence, professionalism and credibility.

Three examples of positive outcomes from Ghana are creation of a strong legal framework for dealing with corruption, a good electoral process, and special attention paid to a new law dealing with the needs of the differently-abled and the aged.

- **South Africa** finished its APRM process in the scheduled time of 18 months. But many felt that the Government rushed the process too quickly and that this meant that some significant input from civil society was not obtained. Indeed, it was widely perceived that the Government wanted to dominate the process. A cabinet minister who was also responsible for the civil service as well as for spearheading the government's anti-corruption efforts chaired the 15-member National Governing Council. There were very few civil society members who were willing or able to openly challenge the chairperson.

One good aspect of the South African process was preparation of a simplified questionnaire of the *Country Self-Assessment* and a set of simple guidelines for discussion that could be used by less educated groups.

In early 2007, President Mbeki's government issued a very strong critique of the draft of the APRM *Country Report*, disagreeing with its findings and recommendations (especially relating to the crime situation in the country). Because the Country Report is what is to be submitted to the APR Forum (the "peer" group), it is not yet clear what the outcome of this development is.

- **Mauritius**, although one of the first countries to enter into the APRM process in 2004, got slowed down in its way because of ineffective leadership and a weak civil society that did not contribute to informed public discussion and input. There has been an effort to revive the process, but its experience highlights the importance of both political will on the part of Government and a strong and intelligent civil society. Mauritius is still (February 2009) in Stage Two of the process.

Kenya was one of the early countries to finish its Country Report, after involvement of civil society on the National Governing Council. But as subsequent post-electoral violence showed, it would be difficult to state that the Kenyan governance situation was adequately addressed. Electoral reform and judicial reform did not seem to be taken care of sufficiently. No strong Programme of Action for follow-up was developed, Parliament was minimally involved, and there was no monitoring mechanism set in place. Media coverage of the whole process – even of the final *Report* being released – was very poor. Despite highlighting problems in governance in the Country Report, these issues were not adequately addressed.

Might the Kenyan post-electoral violence been avoided and the shaky "government of national unity" not been necessary if a stronger APRM process had been put in place? This surely is a serious question to ponder as we evaluate the effectiveness of APRM in Zambia.

LESSONS TO LEARN

There is need for political commitment at the highest level of government

for successful implementation of the APRM. Countries need not fear the peer review. There is no need for government to control or dominate the process. A more independent structure increases the legitimacy of the process and restores more faith in civil society that their concerns will be taken seriously.

All the stakeholders should ensure that the whole APRM process is opened up, transparent and inclusive. For this two things are required. *First*, there is need for very good sensitisation and education of the people, through good communication strategies. In effect, there must be a promotional and marketing effort that would reach out to key institutions and organisations with accurate information about the APRM, the way citizens can participate and the benefits for the country of a good outcome of the process. Creative use of media (e.g., street theatre) should be encouraged.

Second, the structures that the Government and civil society set up should right from the start promote broad-based involvement of citizens. Participation of key stakeholders should be encouraged, including academicians, trade unions, farmers, private sector, women, Churches, political parties, etc. Members of Parliament should not be forgotten – as has often been the case in many countries undergoing the review. The bottom line is that the APRM must have a participatory approach that is inclusive of all groups of society. It is not supposed to be a government driven process.

Some of the promotional techniques utilised in pioneer countries can be used in Zambia. Some of these are:

- Major APRM events – such as stakeholder forums – advertised in popular newspapers
- Meetings with major media companies, promoting the process through television and radio, and interviews and appearances on talk shows by National Governing Council members and civil society activists
- Production of brochures about the APRM in English as well as local languages and distribution across the country using institutions such as Churches and local clubs and associations
- Setting up an APRM website for easy widespread access to the documents and the discussions

- Holding National Governing Council dissemination forums in all provincial capitals
- Discussion forums held with various social sectors including youths, women, farmers, religious organisations, the private sector and people with disabilities to explain the process and to gather information for the Country Self Assessment Report.

One final lesson should be emphasised here. Good structures, professionally staffed and adequately funded, are absolutely necessary. The APRM is not simply another task to be undertaken in an ordinary fashion. In countries where both Government and civil society recognised the unique importance of the APRM process and responded accordingly, the outcome was highly successful. This surely is a lesson for Zambia to learn and follow!

CHAPTER 4

RECOMMENDATIONS FOR ZAMBIA'S APRM PROCESS

It has now been three years since the APRM process was introduced into Zambia. We still have a long ways to go in 1) sensitising people – both citizens and government officials – about the scope, course of action and importance of the APRM; 2) establishing effective instruments for moving the overall process forward; 3) putting the APRM high on the priority list of attention and action of the Churches and civil society. It is the purpose and hope of this *Working Paper* that Zambia can indeed experience a good APRM process that will benefit all citizens of the current generation and of future generations.

In this final chapter of our *Working Paper*, the JCTR offers some observations on areas of concern in Zambia's APRM process to date and suggests some recommendations to move the process in a stronger and more positive fashion.

AREAS OF CONCERN

1. Awareness about the APRM process has not been done effectively. The ordinary citizens of Zambia have little or no knowledge about the APRM accession and process.
 - The media should be lobbied and educated on the importance of the APRM. The Civil Society should contribute more to the media articles and stories on the APRM. Debates and discussions in both print and electronic media should be initiated and sustained in an appropriate manner.
 - It is important to carefully educate the media personnel as the information they disseminate to the public could confuse the public and cause them to lose interest or become hostile to the whole process.
2. The ordinary Zambian citizen seems to have been left out of the

process altogether as the APRM and the general governance structure of the country is still very much centralised.

- Government should be lobbied to accelerate the decentralisation of government so that even in the future the people at the grassroots will be able to participate more directly in national processes.
 - Members of Parliament should play a key role in this because they can raise awareness among their constituents in order to generate interest in an effective APRM for the country.
3. While a brainstorming session was earlier held by the Government in 2007, the resolutions of that session have not been widely distributed or closely followed. This puts into question the overall transparency of the APRM process in Zambia.
- It is important that the necessary documents on the APRM be made public. Part of the Government's budget for the APRM should be used to make these documents widely available to the general public in order for them to own the process and their future.
 - Civil society organisations should pool some of their limited resources together in order to ensure that the general public is well informed about the process. The creation of a Civil Society APRM Secretariat is indeed a very good beginning in this effort. The publication of a newsletter or magazine in this line is yet another possibility for Civil Society. This publication could cover many other areas of governance with articles of interest to the people.
4. Adherence to the agreed practices resulting from the brainstorming session has been missing on certain specific points relating to the appointment of the National Governing Council (NGC):
- The independence and credibility of the NGC established by the Government was called into question right from the start. Key concerns were that the body was not representative enough and having an active political figure (Mr. Akashambatwa Lewanika) as Chairperson of the NGC could compromise the process. It is good that Mr. Lewanika has resigned and that now the NGC is headed by a person from civil society.

- The brainstorming session had proposed an NGC of between 15 and 21 members but Government ended up appointing 47 members. This could result in a huge cost given that NGC members have K500,000 sitting allowance and more incentives when they are sitting. It is possible to argue that the increase in the numbers was meant to broaden representation. If this was indeed the case it would have been prudent for the appointing authorities to consult and reach a consensus with all the stakeholders.
 - To correct these deficiencies and shortcomings, Civil Society should communicate to the appointing authority, the members of the NGC and to the APR Panel lead member for Zambia, Graça Machel, their concerns. Media contributions should be made to point out the faults and recommend corrections.
5. Government, the primary focus of the APRM process, has had overriding powers in the appointment of the members of the NGC. This has resulted in several anomalies which should be corrected before serious difficulties result.
- Of the 27 members of the Civil Society APRM Secretariat, only six were invited to make nominations to the NGC. The principles of transparency and inclusiveness were seriously compromised as the criteria which the appointing authorities used in the selection process were not clear.
 - 21 of the 47 members of the NGC are either members of the ruling party or members of government or its agencies, giving a poorly balanced representation.
 - A notable exclusion from membership in the NGC is the Zambian Human Rights Commission and representation from the Church Mother Bodies. This is unfortunate since the whole concept of governance has to do with people and their rights and obligations.
6. The lack of transparency in the establishment of the NGC has created some initial problems of trust. Questions on how upright will be the NGC, its process and its outcomes may be raised as a result.
- While the members of the NGC need to be competent, the members

should not be seen as elitist and out of touch with reality, nor overly-dependent on the Government and other key actors about whose activities the review process should be focusing.

- Hence the operations of the NGC should become as open and inclusive as possible right from the start.
7. The media has not done much in sensitising the general public on the APRM process. Where reports have been made, they have tended to be event based rather than issue based.
- Both Government and Civil Society should make efforts to keep the print and electronic media up-to-date regarding important issues unfolding in the APRM process.
 - Even with specific events taking place, media should be assisted to offer substantive discussion of the issues of governance and how the APRM is addressing these issues.
8. There is a tendency in Zambian politics in which a new Government might want to chart a new path. Sometimes the new path may deviate from the good paths of previous administrations.
- Hence the new Government of President Rupiah Banda must make a clear and strong commitment to continue in the APRM process as begun by the late President Levy Mwanawasa.
 - This commitment should be supported by appropriate budget allocations and by clearly mandated involvement and cooperation of all sectors of the Government.

RECOMMENDATIONS

Reflecting on the areas of concern outlined above, with the suggestions made as to how to address these concerns, it is possible to conclude with some major recommendations. As Zambia moves fully into implementation of the APRM process in the months ahead, the JCTR urges that the Government, Churches, CSOs and Cooperating Partners should concentrate on several basic priorities that call for urgent actions. These include the following:

- **Government Secretariat:** the office in the Ministry of Justice should be strengthened with adequate staff and resources so that it can effectively engage with the Churches and the CSOs in the APRM process.
- **APRM National Governing Council:** formal membership on this already established oversight body should be reviewed and improvements made where necessary to guarantee its independence and broad representative character.
- **National development policy coherence:** the policy agenda outlined in the Fifth National Development Plan, Vision 2030, MDG commitments, etc., should be aligned with the codes of conduct agreed to in the APRM process.
- **Agenda benchmarks:** some defined goals of good governance and sustainable development should be agreed upon by the Churches and CSOs so that independent monitoring can be done on priority issues as the process moves forward.
- **Parliamentary participation:** greater efforts should be made to assure that Members of Parliament are kept informed of the progress of the APRM, are invited to active participation and are facilitated to educate their constituencies about the importance of this whole exercise.
- **Public sensitisation and participation:** the wider public should be informed and engaged in the APRM process, with special attention paid to rural communities and other groups that are frequently sidelined.
- **Civil Society APRM Secretariat:** to assure strong and comprehensive participation in the APRM process in an on-going fashion, this body needs to be strengthened with staff, financial support and active participation

CONCLUSION

While it may be true that both NEPAD and the APRM are the “brainchildren” of prominent African leaders, the future and success of their operations rest

squarely with the citizens of countries like Zambia. That is why the Churches and the CSOs have the obligation to play a prominent role in the days ahead.

It is in keeping with our promotion of greater social justice in this country, which demands a fuller human life for all Zambians, that the JCTR has prepared this *Working Paper*. Surely there are faults, problems and difficulties with the APRM process – another whole Paper could be written about these! We are neither blind nor naïve about the shortcomings of the APRM. But we are more convinced than ever of its potential to make a difference if we take advantage of this new approach to assuring good governance.

If the APRM process is conducted in a transparent and participatory manner in Zambia, then some real progress can be made to the kind of development that means a better life for all Zambians. We began our *Working Paper* with this question: "What would Zambia be like if we all enjoyed good political governance, honest economic management and wise civic participation?" A successful APRM process can help us find that answer!

APPENDIX I

AREAS OF CONCERN WITH GOVERNANCE*

The APRM focuses on four key areas of governance in the African States. In each of these areas, there are specific concerns that need to be explored openly and honestly if the desired outcome of better governance is to be achieved. Below are some suggestions about these concerns.

DEMOCRACY AND GOOD POLITICAL GOVERNANCE

1. Prevent and reduce intra- and inter-country conflicts
2. Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, a Bill of Rights and supremacy of the Constitution
3. Promotion and protection of economic, social and cultural rights, civil and political rights as enshrined in African and international human rights instruments
4. Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective parliament
5. Ensure accountable, efficient and effective public office holders and civil servants
6. Fighting corruption in the political sphere
7. Promotion and protection of the rights of women
8. Promotion and protection of the rights of children and young persons
9. Promotion and protection of the rights of vulnerable groups including internally displaced persons and refugees

ECONOMIC GOVERNANCE AND MANAGEMENT

1. Promote macroeconomic policies that support sustainable development
2. Implement sound, transparent and predictable government economic policies
3. Promote sound public finance management
4. Fight corruption and money laundering

* [Source: *Objectives, Standards, Criteria And Indicators For The African Peer Review Mechanism (APRM)*, African Union, 2003]

5. Accelerate regional integration by participating in the harmonisation of monetary, trade and investment policies

CORPORATE GOVERNANCE

1. Promote an enabling environment and effective regulatory framework for economic activities
2. Ensure that corporations act as good corporate citizens with regards to human rights, social responsibility and environmental sustainability
3. Promote adoption of codes of good business ethics in achieving the objectives of the corporation
4. Ensure that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner
5. Provide for accountability of corporations, directors and officers

SOCIO-ECONOMIC GOVERNANCE

1. Promote self-reliance in development and build capacity for self-sustaining development
2. Accelerate socio-economic development to achieve sustainable development and poverty eradication
3. Strengthen policies, delivery mechanisms and outcomes in key social areas including education combating of HIV and AIDS, and other communicable diseases
4. Ensuring affordable access to water, sanitation, energy, finance (including microfinance), markets, ICT, shelter and land to all citizens, especially the rural poor
5. Progress towards gender equality in all critical areas of concern, including equal access to education for girls at all levels
6. Encourage broad based participation in development by all stakeholders at all levels

APPENDIX II

SOME APRM QUESTIONS RELEVANT TO ZAMBIA

The official APRM Questionnaire, prepared by the APRM Secretariat in South Africa, is 88 pages long. Despite the length, respondents are encouraged to answer only those questions that individuals or organisations feel competent in, even though all questions could be answered.

Since the Questionnaire is long, it is important to simplify it for use of the general public whilst keeping a focus on the essence of the information that is requested. Also, simplified translations of the Questionnaire should be provided so that a wide segment of the Zambian population can feel that the Questionnaire is not only important but also "user-friendly."

Why is the Questionnaire important in the overall APRM process? It is essential in that it offers a format for evaluating governance in a country, and gives a snapshot of how good or bad governance systems actually are in a country. Answers should primarily come from the lived experience of the respondents, not simply from research papers or expert panels.

The effort to effectively respond to the Questionnaire will create bases for highlighting *what* areas need attention and *how* Government and other players can plan to deal with the issues identified. And remember, these issues may be both *positive* (e.g., successful patterns of inclusion of citizens in decision-making, effective provision of basic needs of people) and *negative* (e.g., business practices that harm the environment, absence of essential health and education services in some areas of the country).

The Questionnaire is divided into four major sections corresponding to the four thematic areas of governance, that is: 1) Democracy and Political Governance, 2) Economic Governance and Management, 3) Corporate Governance, and 4) Socio-economic Development.

Below are some questions² taken from the Official APRM Questionnaire.

²The questions have been extracted from the official APRM Questionnaire prepared by NEPAD and a simplified short APRM Citizen Questionnaire used in South Africa.

We believe that for widespread and popular use in Zambia, these questions can be popularised in such a way that ordinary citizens contribute successfully to the APRM process. It is worth noting that there are questions that are cross-cutting in the four areas of governance like those on corruption, gender, poverty, participation, and the environment.

DEMOCRACY AND POLITICAL GOVERNANCE

1. In your judgment, does the political system as practiced in your country allow for free and fair competition for power and the promotion of democratic governance? What measures have been taken in the country to strengthen Institutions for an efficient and an effective public service?

What is your experience of approaching Government offices for some business that affects you? Are the Government employees usually friendly, helpful and honest?

2. What measures have been put in place to promote and protect economic, social, cultural, civil and political rights? What steps have been taken to facilitate equal access to justice for all? What measures has the country taken to promote and protect the rights of vulnerable groups including refugees, internally displaced persons and disabled persons?

Do you feel that you know what your basic rights are and that the Government is really promoting and protecting these rights? Have you had any experiences of a civil right (like a fair trial) or an economic right (like fair wages) being either enhanced or denied?

ECONOMIC GOVERNANCE AND MANAGEMENT

1. What sectoral or microeconomic policies has your country developed and implemented to promote economic growth and sustainable development? What has your country done to promote sound public finance management?

What measures and policies are there to ensure that there is development in Zambia? How well does Government manage its

overall economy and finances both domestic and foreign (loans, grants, debts, aid, etc)?

2. What is the prevalence of corruption in the public administration in your country and what measures have been taken in this regard?

Is corruption a problem in Zambia? Are the steps taken to end corruption in Zambia adequate?

CORPORATE GOVERNANCE

1. Are there measures in place to ensure that corporations recognise and observe human and labour laws? What measures have been put in place to ensure sustainable environmental management on the part of corporations?

Does the government have working laws and policies to make sure that companies respect the rights of workers and that their work does not do harm to the communities they work in and the environment?

2. To what extent are corporations responsive to the concerns of the communities in which they operate? Does the corporate governance framework recognise the rights of stakeholders (other than shareholders)?

Do big companies respect ordinary people, especially their workers and nearby communities, and the environment?

SOCIO-ECONOMIC GOVERNANCE

1. What is Zambia doing to accelerate socio-economic development and achieve sustainable development and poverty eradication? What policies and strategies has the government put in place to ensure that all citizens, in particular the rural and urban poor, have affordable access to basic needs?

Does the government show commitment (in plans and action) to ensuring that all citizens access basic needs?

2. What mechanisms have been put in place to promote and encourage effective participation in development processes by key stakeholders?

Do citizens participate enough in key national development processes in Zambia (e.g., Constitution making, National Development Plans, Millennium Development Goals, African Peer Review Mechanism)?

APPENDIX III

COUNTRIES THAT HAVE ACCEDED TO THE APRM PROCESS

No.	Countries	Date of Signature of MoU	At Which Stage	Date of Completion
1	Algeria	09 March 2003	Stage 5	July 2007
2	Burkina Faso	09 March 2003	Stage 4	
3	Republic of Congo	09 March 2003	Prep Stage	
4	Ethiopia	09 March 2003	Stage 1	
5	Ghana	09 March 2003	Stage 5	June 2005
6	Kenya	09 March 2003	Stage 5	May 2006
7	Cameroon	03 April 2003	Prep Stage	
8	Gabon	14 April 2004	Prep Stage	
9	Mali	28 May 2003	Stage 2	
10	Mauritius	09 March 2004	Stage 2	
11	Mozambique	09 March 2004	Stage 2	
12	Nigeria	09 March 2004	Stage 4	
13	Rwanda	09 March 2004	Stage 5	Nov 2005
14	Senegal	09 March 2004	Prep Stage	
15	South Africa	09 March 2004	Stage 5	May 2007
16	Uganda	09 March 2004	Stage 4	
17	Egypt	09 March 2004	Prep Stage	
18	Benin	31 March 2004	Stage 5	Jan 2008
19	Malawi	08 July 2004	Prep Stage	
20	Lesotho	08 July 2004	Stage 2	
21	Tanzania	08 July 2004	Stage 1	
22	Angola	08 July 2004	Prep Stage	
23	Sierra Leone	08 July 2004	Prep Stage	
24	Sudan	22 January 2006	Prep Stage	
25	Zambia	22 January 2006	Prep Stage/ Support Mission	
26	Sao Tome & Principe	29 January 2007	Prep Stage	
27	Djibouti	29 July 2007	Prep Stage	
28	Mauritania (suspended)	30 January 2008	Prep Stage	
29	Togo	01 July 2008	Prep Stage	

Table adapted from the Economic Commission for Africa website:
<http://www.uneca.org/aprm/CountriesStatus.asp> [accessed 12 February 2009]

FOR FOLLOW-UP ON THE APRM PROCESS IN ZAMBIA

JCTR encourages readers of this *Working Paper* to follow-up on the "steps" and "recommendations" by contacting for further information and strategies:

National Governing Council (NGC) of the APRM in Zambia: C/O Ministry of Justice, Fairley Road, P.O. Box 50106, Lusaka, Zambia

JCTR: cstjctr@jesuits.org.zm; P.O. Box 37774, Lusaka, Zambia

Caritas Zambia: zecccjp@zamnet.zm; P.O. Box 31965, Lusaka, Zambia

Civil Society Organisations APRM Secretariat: housed at FODEP: fodep@zamnet.zm; P.O. Box 32387, Lusaka, Zambia

Economics Association of Zambia: eazambia@coppernet.zm; P.O. Box 38006, Lusaka, Zambia

SALLA: info@sallia.org.zm; PO Box 31596, Braamfontein 2017, South Africa

And go to our website for regular up-dating on the APRM: www.jctr.org.zm

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**Economic
Governance**

**Political
Governance**

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Capacity Building

Formation Programmes

2009-03

Taking Hold of Our Future Through The African Peer Review Mechanism

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