



**Presentation to the Portfolio Committee on Public Service and Administration on
Parliamentary involvement in the APRM in South Africa**

Chairperson of the Committee on Public Service and Administration, Hon. Mrs Joyce Clementine Moloji-Moropa

Hon. Members of this august body,

Ladies and gentlemen

I would like to thank you for affording us the opportunity to address you this morning. My name is Nicole Beardsworth, I am a researcher on the Governance and African Peer Review Mechanism Programme at the South African Institute of International Affairs (SAIIA). Joining is Ms Mari-Lise du Preez, who is the Project manager on the Governance of Africa's Resources Programme. The project that we are here to discuss today was a joint collaboration between SAIIA, the Centre for Policy Studies (CPS) and the African Governance, Monitoring and Advocacy Project (AfriMAP), which is a project of the Open Society Foundations. Joining us from AfriMAP, is Mr Jeggan Grey-Johnson who is the Advocacy and Communications Officer, he was directly involved in the project and has extensive knowledge of APRM processes and governance across the African continent. Mr Justin Sylvester is the Programme Director of the Human Rights & Governance Programme at OSF South Africa. Mr Lorenzo Wakefield, the final member of our delegation, is a researcher at the Community Law Centre at the University of the Western Cape. Lorenzo was involved in the writing and validation of the report. What you have in front of you is the report published by the African Peer Review Mechanism Monitoring Project which is entitled "Implementing the APRM: Views from Civil Society." This was a collaborative civil society project undertaken by representatives of thirteen organisations as well as a number of independent researchers.

Madam Chairperson:

This presentation will aim to cover three things. It will briefly discuss the APRM process at a continental and national level and it will elaborate on the role that this process envisages for civil society. I will discuss the findings of the civil society monitoring project report and the recommendations it contains. Finally the presentation will look at the role that parliament could play in strengthening the APRM process at a national level.

Launched in 2003 by the African Union (AU), the African Peer Review Mechanism (APRM) is a mutually agreed instrument voluntarily acceded to by the Member States of the AU as an African self-monitoring mechanism. It is an African-owned process which aspires to improve governance and development by identifying key challenges and instituting solutions. It hopes to influence these processes through peer learning, dialogue, peer pressure and diplomacy as well as through civil society involvement at all stages of the process to help catalyse reform and prevent backsliding. The APRM measures adherence to continental and international governance standards in four thematic areas which are: Democracy and Political Governance, Economic Governance and Management, Corporate Governance and Socio-economic Development. Thirty-three of Africa's 54 states have joined the mechanism and 15 member countries have since been reviewed.

The mechanism faces a number of challenges. The outcomes of this initiative are largely determined by, first and foremost, political commitment both at the national and the AU levels. Demonstrable political will and commitment at the highest level of national government constitutes a major challenge to the APRM implementation process. Monitoring and evaluation processes constitute a key element in the post-APRM review period – but the designing and instituting of a systematic monitoring and evaluation plan for the implementation of the National Programme of Action (NPOA) is often lacking. In spite of the mechanisms' focus on direct participation of citizens, the participatory approach is often cosmetic and the APRM is seen as a government-owned and executive-driven process instead of a citizenry centered consultative process. In spite of this, the countries that have acceded to the process and have taken the spirit of the exercise seriously have generally shown vast improvements in socio-economic development and governance. Most importantly, these countries have used the APRM to open up the space for a constructive dialogue between civil society and governments throughout the region on some of the most vexing governance challenges facing our continent, such as: endemic corruption, abject poverty,

deficiencies in public service delivery systems, justice sector reforms and rule of law, election management etc...

Hon. MPs:

South Africa was instrumental in the development of the APRM and was a pioneer in this initiative. To illustrate the important role that South Africa continues to play, it is worth noting that the national Chairperson of the ANC, Ms. Baleka Mbete, was unanimously elected by the participating heads of state to serve on the Panel of Eminent Persons in January 2012. As evidence of his commitment to this initiative, President Jacob Zuma has consistently attended every meeting of the APRM Forum during his tenure.

South Africa has led the way for the full implementation of the APRM processes over the years since it acceded to the process, almost a decade ago. It is one of the few countries to have undergone the entire process, and has been reviewed by its peers twice. This is no easy task. In March 2003 when South Africa elected to join the very small number of states in the bold move to lead the charge towards governance transformation, it signed an Memorandum of Understanding with APRM authorities to undergo a review and made a commitment to such a process; thus voluntarily consenting to a review by peers on the African Continent. South Africa's review commenced with a self-assessment process in 2005, which culminated in a Self-Assessment Report submitted to the APR Forum in 2006. Subsequently, the country was peer reviewed and the Country Review Report (CRR) was issued in July 2007, which included the National Programme of Action, a document outlining the commitments made by government to address issues outlined in the Country Review Report. As part of compliance, the country is expected to report annually on the implementation of this Programme of Action.

Subsequently, South Africa has submitted two implementation reports, the first in January 2009 and the second in November 2010. It is important to note that both reports were submitted timeously which shows a commendable level of political will and commitment to the APRM process. To its detriment however, the first report did not adequately cover many of the developments that had taken place since accession to the peer review mechanism. This problem may have been overcome through increased consultation with stakeholders and civil society groups. The second implementation report was the

result of a more participatory and inclusive process, which consisted of consultative conferences at both provincial and national levels. Unfortunately, the issues raised in the report were not sufficiently linked back to the Programme of Action and the outcomes of the consultative processes were not adequately reflected in the final report. Both reports failed to provide an accurate account of the progress achieved since 2007 and much of the reporting lacked concrete data and statistics as evidence of what has been achieved in delivering on the commitments to improve governance around the four thematic areas.

Madam Chairperson, Hon. MPs:

I will now discuss the civil society monitoring report- which is the report that you have before you. In response to the issues highlighted above, the South African Institute of International Affairs (SAIIA), the Centre for Policy Studies (CPS) and the African Governance, Monitoring and Advocacy Project (AfriMAP) launched the South African APRM Monitoring Project report in June 2011. It would be the first report of its kind to be launched in Southern Africa and only second in the Africa, which monitored government's commitments and its keeping with promises to improve on job creation, reduce poverty, fight corruption and economic crimes, improve on service delivery and manage diversity and elections well.

The main goal of this initiative therefore, is to encourage and support government's commitments to governance reform. One of the greatest challenges to the progress of the APRM has been the monitoring and reporting on the implementation of the Programmes of Action during the post-review phase. The objectives of the monitoring project are to empower civil society to track the implementation of these commitments and to enable them to evaluate the status of the mechanism within the country. This initiative does not intend to duplicate the work of government and the national APR structures but to complement the South African implementation reports and expand upon existing monitoring and evaluation processes in a participatory and evidence-based manner. The process was led by the project team but with broad ownership from participating civil society organisations.

The report used a simple rating system in the form of a green, orange or red light. A red light assigned to an issue indicates that little or no progress has been achieved on addressing the issue and that government does not seem to be on track to complete it in the near future. An orange light was allocated to an issue if the evidence indicated that some progress had been achieved or that work on

the issue had begun and that government seemed to be on track to finalise it within a reasonable timeframe. Lastly, a green light indicates that the issue has been addressed and completed or a substantial amount of progress has been made. This rating system is effective as it enables the rapid identification of crucial areas where interventions should be prioritised by policy and law makers.

Honourable Members of Parliament,

As expected, the majority of the issues in the report received an orange rating to indicate that some progress had been made on addressing the issue and that the government seems to be on track in confronting these challenges. This meant that overall, the report assigned an orange rating to government performance in implementing the commitments in the National Programme of Action. As a means of identifying areas in need of urgent attention, the report allocated seven red lights (where little or no improvement was seen) to the areas of:

- corruption,
- party-state separation,
- cadre deployment and the politicisation of institutions,
- the regulation of private funding to political parties,
- xenophobia,
- poverty
- and unemployment.

The civil society participants in the process felt that in each of these areas, interventions had not been sufficient to adequately address the issue.

A theme which was not represented in the Programme of Action or adequately addressed by the APRM Self-Assessment Questionnaire is that of access to information and protection of the media. It was felt that it was important to include these issues in the report as a free and vibrant media is an essential feature of any democracy. This section was not rated due to its exclusion from the programme of action, although it was felt the report should address issues concerning the media in light of plans to establish a Media Appeals Tribunal and to introduce the Protection of State Information Bill. Finally, a green light was allotted to the management of elections and the electoral system, an area in which all participants

felt that government performance had been consistently strong. In this arena, South Africa performs extremely well in comparison to peers from across the continent.

The overall finding of this civil society report was that:

- In spite of the existence of strong legislation, the implementation of policy is often hindered by human and resource capacity constraints.
- The report found that although government has sustained the APRM structures in the country and submitted the reports as required, the process seems to have lost momentum and the national profile of the initiative within government, civil society and the media has dropped substantially.
- There is also a lack of clarity on how the APRM informs governance, policy, budgeting and planning processes and often success stories are not adequately linked back to the APRM commitments.

The APRM has been a costly and time-consuming exercise, but it has the potential to improve central planning processes and streamline government initiatives.

Madam Chairperson:

I would now like to get to the reason for our presence here today: A report by the UN Economic Commission for Africa has found that parliaments and parliamentarians are critical in ensuring the success of the APRM process through policy-engagement and by working to influence government decisions at the executive level. Parliamentarians at a provincial and national level can help to facilitate public ownership of the APRM and by participating in the process, are afforded the opportunity to improve governance and create a culture of accountability, inclusivity, participation and transparency in public political life. South Africa does have a strong history of parliamentary participation in the APR process. Prior to the fielding of the Country Review Mission in July 2006, Joint Ad-Hoc Committees were established for each of the four APRM thematic areas. Each committee called for input from the public, conducted independent research and held community consultations in municipalities across the country. Unfortunately, we are not certain as civil society whether these committees are still being convened since the completion of the peer review process.

Parliament also has an important role to play in the monitoring and evaluation of the commitments defined in the APRM Programme of Action. One suggestion made by the UNECA report in this regard is to establish a permanent statutory body to monitor progress on government commitments and submit regular or annual reports to Parliament on the state and status of the APRM process, especially along the ambits of the Programme of Action. Furthermore, advances in information and communications technology provide substantial opportunities to enhance capacity for information collection and dissemination which may be leveraged to improve monitoring processes and widen avenues for citizen participation.

A further opportunity exists for Parliament to establish strong linkages with civil society organisations who are already working on APRM and governance issues. A clear demonstration of such partnerships is evidenced by today's presentation, whereby Civil Society Organisations can assist parliamentarians by providing information, based on evidence, and in turn parliamentarians can use such evidence to effect policy reforms through their mandate as law makers. This is a partnership that we are more than ready to fully engage in.

In conclusion Madam Chairperson, Hon MPs and ladies and gentlemen:

South Africa has a buoyant civil society, strong institutions and a constitution that is second to none in Africa and beyond. The APRM process provides opportunities to consolidate the gains made in the post-apartheid period through deepening democracy and strengthening collaboration on governance issues between elected representatives and those that elected them. South Africa has been a pioneer in the APRM process and has set an example for its peers in terms of a number of 'Best Practices' identified by the country review process. However, as the civil society report noted, there is still much progress to be made in terms of improving monitoring and evaluation processes, ensuring the implementation of core commitments and enhancing the profile of the mechanism at a national level. A second country review process has been planned for 2013 and Parliament has the opportunity to play a decisive role in the outcome of this process as it had in the production of the 2007 country review report. We are ready to work with parliamentarians to achieve this. We are grateful for your giving us the space to discuss our report and forward the findings to you, through this august body. Once again we thank you for your timely invitation.