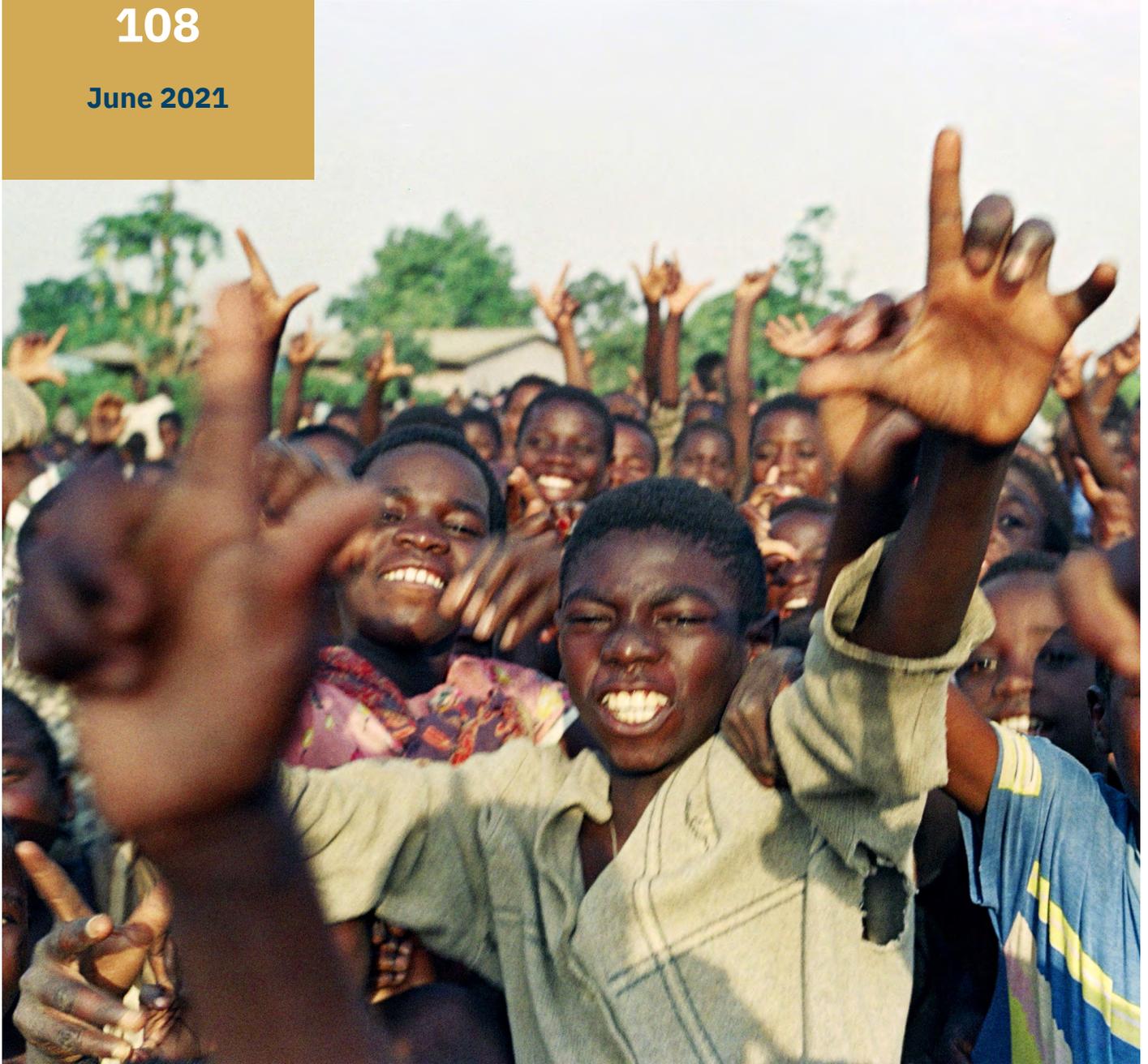


# Policy Insights

108

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## Zambian Civil Society's Arduous APRM Journey

SUSAN MWAPE

African perspectives  
Global insights

# Executive summary

Zambia began its African Peer Review Mechanism (APRM) journey when president Levy Mwanawasa was in office in January 2006, but slowed down during subsequent administrations. Sustaining the momentum and engaging in the APRM process in Zambia over a long period of time (2007–2014) was complex owing to resource limitations, shifting priorities and general administrative fatigue.

This policy insight highlights some of the key milestones achieved by civil society on the APRM journey, as well as challenges encountered and lessons learnt. It examines the factors that contributed to the overly-long review process. Zambian civil society organisations (CSOs) faced several challenges, even after establishing a CSO APRM Secretariat. There were divisions between members of the Secretariat and those CSO representatives on the National Governing Council (NGC). A fundamental flaw in the Zambian process was the abrupt closure of the Secretariat and the absence of a plan to monitor the implementation of the National Programme of Action (NPOA), a crucial aspect of the APRM.

Overall, this analysis seeks to contribute to the active participation of more civil society organisations on the continent in the APRM, through lessons and recommendations.

## Introduction

The APRM is a voluntary oversight mechanism on mutually agreed political and socio-economic governance and development efforts and practices by member states of the AU. Specifically, ‘the primary purpose of the APRM is to foster the adoption of appropriate laws, policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration’.<sup>1</sup>

The mandate of the APRM is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance. The APRM is the mutually agreed instrument for self-monitoring by the participating member governments to foster good governance.<sup>2</sup>

The APRM’s Base Document highlights the importance of civil society participation. It prescribes that ‘the Review Team will carry out the widest possible range of consultations with the government, officials, political parties, parliamentarians and representatives of

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1 SAIIA APRM Toolkit: New Partnership for Africa’s Development (NEDPA), African Peer Review Mechanism Overview, June 2002 <https://www.aprmtoolkit.saiia.org.za/documents/country-reports-and-exper/56-atkt-aprm-overview-2002-en/file>.

2 APRM Secretariat, Base Document, Midrand, March 2003, <https://www.un.org/en/africa/osaa/pdf/aprm-basedoc.pdf>.

civil society organizations'.<sup>3</sup> In line with this, Zambia became the first member country to establish a Civil Society APRM Secretariat that was dedicated to monitoring and engaging with the APRM process from 2007 to 2012.

## APRM overlaps with constitutional review

The APRM process in Zambia started in 2006, at a time when there were many contentious governance issues in the country. Key among them was the constitutional review process. The head of state had appointed the Constitution Review Commission (CRC) in 2003. The CRC was given the mandate to examine and recommend the elimination of constitutional provisions that were perceived to be discriminatory. The constitutional amendment of 1996 was generally said to lack popular legitimacy and did not take into account most submissions made by the people.

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Upon presenting its final report in 2005, the CRC recommended that the 2006 general elections be held under a new republican constitution. However, the government rejected the CRC's recommendations. It halted the constitution-making process, citing lack of time and resources to adopt a new constitution in 2006 before the general elections. The process was deferred to 2008<sup>4</sup> and elections were held under the old constitution, much to the disappointment of stakeholders.

The constitutional provision for presidential elections at the time was first-past-the-post (simple majority). Using this election system, Mwanawasa had been elected with only about 29% of the votes in 2001. A key recommendation by the CRC was the need for electoral reforms and a new voting system for presidential elections (in particular, moving from first-past-the-post to a majoritarian system of 50%+1). CSOs supported most of the recommendations in the CRC report and called for a Constituent Assembly to agree to the changes so legislation could be put in place before the 2006 elections. In an about-turn, Mwanawasa – who in the past had been a proponent of a Constituent Assembly – rejected the idea, saying it would be too expensive.

<sup>3</sup> APRM Secretariat, Base Document, Midrand: APRM, September 2003, p.4

<sup>4</sup> Jeff Kapembwa, "Tensions Simmer over New Zambian Constitution", *Mail & Guardian*, September 15, 2004.

Civil society, under an umbrella movement called the Oasis Forum, condemned and protested the government's decision. It accused the government of deliberately deferring the process so that it could benefit from the existing system in the 2006 elections. The government later came up with the National Constitutional Conference, a popular body that would develop a draft constitution that would be enacted by Parliament.<sup>5</sup>

It was against this governance backdrop that the APRM journey began in Zambia. It was made even more complicated by the APRM Focal Point ministry's being the Justice Ministry.<sup>6</sup> This ministry was assigned the responsibility of overseeing the two processes – the APRM and the constitutional review process. This dual role caused delays for the APRM. Relations between the government and civil society had soured and trust was low following the government's rejection of the proposed constituent assembly – also affecting the APRM.

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As a new process, many stakeholders did not entirely understand the APRM and a number of contentious issues such as corruption, constitution making, elections and service delivery were being discussed in isolation, away from the APRM platform. This removed citizens and many stakeholders from the process.

Further, the government delayed setting up APRM structures after signing the accession Memorandum of Understanding (MoU) in 2006. No money was allocated to the APRM in the 2006 national budget and a lack of resources was widely cited as a reason for some of the delays in implementation. In March 2008 civil society met with the Focal Point minister, George Kunda, who confessed that his ministry's attention had shifted to the National Constitutional Conference.

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5 ConstitutionNet, "Constitutional History of Zambia".

6 In fact, the head of state had originally appointed the Ministry of Foreign Affairs as the first APRM Focal Point ministry, but the APRM was later moved to the Ministry of Justice on the premise that it had a governance secretariat. According to the government, the APRM was best placed there as it was a governance issue.

**TABLE 1 CHRONOLOGY OF EVENTS IN ZAMBIA'S APRM JOURNEY**

Date	Activity
22 January 2006	Zambia accedes to the APRM at AU summit
8 July 2007	Launch of the APRM process
2009-2010	Development & validation of Country Self-Assessment Report (CSAR) and NPoA
7 February 2011	Country Review Mission (CRM)
27 January 2013	Peer review at African Peer Review (APR) Forum
6 March 2014	Launch of the Country Review Report
2018	Mini provincial launches of APRM Report

Source: Compiled by the author

## Civil society involvement

In March 2007 various CSOs came together to learn about the APRM at an information workshop organised by the Foundation for Democratic Process (FODEP) and the South African Institute of International Affairs (SAIIA). CSOs then formed a loose alliance whose mission was to observe and contribute to the APRM process.

At the time when CSOs formed this alliance, the majority had already developed their annual work plans, most of which were heavily focused on the constitution-making process. Because of staff limitations and competing priorities it was difficult to follow through consistently. These common challenges brought about a realisation of the need to establish a secretariat to oversee and contribute to the APRM process holistically. It was established that CSO engagement in the APRM required dedication and consistency.

**The CSO APRM Secretariat was established and launched in July 2007 by the Focal Point, the minister of justice**

The CSO APRM Secretariat was established and launched in July 2007 by the Focal Point, the minister of justice. It was not a registered entity but existed as a loose Secretariat that was hosted by a member institution selected by the wider CSO alliance members. The shift in host institution was generally motivated by the agreement that hosting be rotational and anchored on an organisation that could withstand political influence. FODEP hosted the secretariat for two years. It was later moved to Caritas Zambia, which hosted for three years.

The day-to-day operations of the Secretariat were supported by the host organisation. An executive committee, elected by the wider CSO membership, addressed policy issues and developments. The executive committee membership was institutional, with the criterion that management-level representatives be selected to ensure timely decision-making.

Some of the activities undertaken by the Secretariat were sensitisation and mobilisation of citizens and media around the APRM, advocacy and lobbying. It also produced an independent CSO APRM report that was submitted as an input for Zambia's CSAR, as well as through engagement with the NGC and CRM.

## The APRM journey and its complexities

As it was a new initiative on the continent and in the country, there was limited expert capacity on the APRM. Even organisations whose core mandate was governance had little or no understanding of the APRM.

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The Secretariat's first activity was a media training event that drew participants from across the country representing national and community radio stations, TV and print media. It was aimed at equipping journalists with information on the APRM. The media – a critical player in shaping public opinion and disseminating information – had stayed outside the process and did not report on the APRM consistently. In fact, most articles covering the APRM largely focused on pronouncements made by the president or his representatives.

After the media training, there was significant improvement in reporting and interest from journalists on the APRM. The Secretariat relied on the media to disseminate information on the APRM through news items, and TV and radio programmes. The CSOs took advantage of the relationship that had been developed and shared opinion pieces and stories, and were often extended invitations by the media to feature on radio and TV programmes.

In July 2007 the APRM MoU was signed by the Focal Point minister. However, the NGC meant to oversee the APRM was only established in August 2008. Civil society cautioned the government on the bloated size of the appointed NGC (47 members), reminding it of the recommendations made at a national APRM brainstorming session where it was proposed that the NGC consist of 15 to 21 members. This brainstorming session – attended by CSOs and other stakeholders in August 2007 – had recommended tripartite

representation on the NGC. This meant an equal number of representatives from the private sector, civil society and government. Yet most of the representatives that had been appointed to the NGC represented the government and quasi-government institutions. Of the 47 members, 19 were government representatives and 10 individuals with unclear constituencies, leaving 18 seats to CSOs and the private sector.

The appointing authority had taken the liberty of appointing as the NGC chairperson Akashambatwa Mbikusita-Lewanika, who at the time was an active member of the ruling party. He had also chaired the brainstorming session and it was unclear what criteria had been used to appoint him. The brainstorming session had resolved that the chairperson of the NGC be elected from among the appointed NGC members, and should not be from government but from the private sector and/or civil society to ensure independence.

Mbikusita-Lewanika later resigned from the NGC to take up another appointment. The Focal Point appointed a new chairperson, Tamala Kambikambi, and Philip Chilomo as vice chairperson. Both represented civil society organisations on the NGC. The NGC membership was later reduced to 30 – a decision that was deemed both suspicious and controversial. While some members had opted to resign from the NGC, others were removed by the Focal Point, who claimed to have made a decision in response to concerns from stakeholders.

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Conspicuously, among those removed from the NGC were the chairperson and spokesperson. They had made comments on a topical issue that had provoked public outrage. The incident involved a female news editor, Chansa Kabwela,<sup>7</sup> who was arrested on obscenity charges. During a nationwide nurses' strike, Kabwela received photographs of a mother giving birth outside the University Teaching Hospital. The child suffocated during a breech delivery after the mother had been turned away from two other clinics. The editor shared the pictures with the vice president, George Kunda (APRM Focal Point), various ministers and some women's organisations to highlight the impact of the strike. The NGC chairperson and spokesperson stood in solidarity with the female journalist in their capacity as chairperson of the Non-Governmental Coordination Council and of the Press Association of Zambia, respectively.

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7 Reporters Without Borders, "Judge Dismisses Obscenity Charges Against Newspaper Editor", January 20, 2016.

## Just as the APRM was gaining momentum through countrywide sensitisation, Mwanawasa died suddenly in August 2008

Just as the APRM was gaining momentum through countrywide sensitisation, Mwanawasa died suddenly in August 2008. The 21-day national mourning period and subsequent presidential by-election halted most national programmes, including the APRM.

Although the presidential by-election was undertaken within the constitutionally prescribed 90-day period, it delayed the APRM process since the CSAR was meant to start. The APRM roadmap indicated that peer review was scheduled for July 2010, which meant that the country needed to have a CSAR, validate this report and host a CRM before the actual peer review.

### Sustaining interest

In an effort to sustain momentum, civil society continued to popularise the APRM even when national processes such as elections obscured the process.

Civil society mainstreamed the APRM into its day-to-day activities and areas of focus. Thus, even as elections were underway, the APRM remained on the agenda. A lot of investment was made in simplifying information, communication and educational materials that allowed citizens to understand the APRM better and faster. A quarterly APRM newsletter was published, sharing information on the APRM in Zambia and the continent.

### Compiling a submission

Following the appointment of technical research institutions (TRIs) by the NGC, civil society, through its Secretariat, decided to develop a written submission. The aim was to have a document that would be shared with the TRIs and CRM that would articulate the position of CSOs.

SAIIA was asked to give technical and financial support in the development of the submission. A five-day workshop was held in Lusaka with member CSOs, which formed a working group. Issues were identified, using the broad thematic areas, and evidence provided to support their arguments and help strengthen the submission. It was a rigorous process that contributed towards team building during the development of the submission; issues were challenged and evidence vetoed. A draft report was developed, shared and validated within three months.

**TABLE 2 ISSUES RAISED IN THE ZAMBIAN CSO SUBMISSION**

<b>Democracy and political governance</b>	Constitution-making process
	Corruption
	Freedom of information
	Disability
	Elections
<b>Socio-economic development</b>	Land
	Rural development
	Gender
	Citizen empowerment
	Environment
	Public service delivery
	Water and sanitation
<b>Corporate governance</b>	Extractive industry

Source: Compiled by relevant CSOs

The CSO APRM thematic report was widely circulated to the CSO network in all the provinces. It was used as an engagement tool and presented to the TRIs, NGC and CRM. All the issues that were highlighted in the CSO submission were considered and incorporated into both the CSAR and the Country Review Report.

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As a result of the widely circulated submission and consistent CSO capacity building and sensitisation on the APRM, the CRM met CSOs countrywide that were able to share their views in a comprehensive and structured manner. At the end of the mission, Prof. Amos Sawyer, APR Panel of Eminent Persons member and head of the CRM that reviewed Zambia in 2010, sent a personal note to the CSO APRM Secretariat and thanked it for its invaluable contribution to the work of the mission.

## Lessons for CSOs

The cardinal rule for collective and effective CSO engagement in the APRM is to build capacity and understanding of the APRM among CSOs. The pool of informed CSOs helps to ensure that the APRM is mainstreamed into organisations' day-to-day activities. In the case of Zambia, this supplemented the minimal budget that the Secretariat had for APRM work.

## The cardinal rule for collective and effective CSO engagement in the APRM is to build capacity and understanding of the APRM among CSOs

The alliance members helped to popularise the APRM. Although the Secretariat had resource limitations, alliance members would fund the Secretariat staff to support their participation in outreach activities. For example, when the civil society APRM submission was drafted, Transparency International Zambia – one of the member organisations – funded the national validation of the report.

It is important that CSOs understand that knowledge and awareness of the APRM should not be the preserve of a few but a means to an end where more people get to know about the process. The APRM should not elude the public eye but rather get onto the national agenda.

In conducting collective advocacy, civil society should consider moving past traditional advocacy, lobbying and outreach – which are often entry points for civil society and communities into the APRM process – to a more multifaceted approach. Taking into consideration key aspects of civil societies' capacity needs, critically analysing future prospects of the APRM, and developing a strategic plan tied to a number of engagement areas and timeframes proved to be more effective.

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The APRM is fluid and dependent on numerous factors, especially shifts in government priorities. This requires consistently focused CSOs that can provide checks and balances. Sticking to the agreed roadmap is critical because when the process takes too long, events overtake the issues and competing interests take centre stage. In Zambia, changes at the continental level also played a role in the pace of the process. The first review was overseen by three panellists – Dr Graça Machel, Prof. Amos Sawyer and Prof. Al Amin Abumanga.

Civil society should from the outset develop strategies aimed at documenting and consolidating its gains as the process progresses. This is crucial in ensuring that all steps of

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the APRM are followed, because of the linkage each step has to the next. The role that CSOs play in the APRM should be strengthened so that it can go beyond the formal peer review. The implementation of the NPoA is a crucial aspect of the process and requires attention and monitoring, otherwise the process risks becoming an academic exercise.

The Secretariat's main funder was GIZ. Other cooperating partners provided activity-based support. These activities were often tied to a limited implementation framework and timeline. This meant various events affecting Zambia's APRM, such as the postponement of reviews over the years, were not strategically dealt with by civil society generally or the Secretariat owing to a focus on short-term planning as a result of donors' time-bound support.

Shifting timelines hampered the preparation of civil society's foundation for long-term funding, resource mobilisation and engagement in the process. Planning was often short term, based on the guidelines shared by the national structures and NGC.

## Through continuous engagement and collaboration, the Secretariat was able to build a mutually cordial relationship with the focal point and NGC

The 'bad blood' that existed between the government and civil society in previous governance work (the constitution-making process) made both parties suspicious of each other, which did not help the overall process. Over time, through continuous engagement and collaboration, the Secretariat was able to build a mutually cordial relationship with the focal point and NGC. The CSOs often shared publications and documentation with the NGC. Invitations to meetings, media outreach programmes and workshops were sent, as well as continuous engagement for updates on the national roadmap and other activities.

The fact that there were CSO representatives on the NGC – among them representatives of organisations that were part of the Secretariat's executive committee or the wider network – did not always mean access to information on the APRM at local level. Even their own representatives claimed to have signed an oath of secrecy, leaving the wider CSOs in the dark trying to follow the process. This was a challenge, especially in the absence of a roadmap.

After sustaining the momentum for six years and amid general fatigue among the membership, the Secretariat was shut down in 2011. The national APRM report had not been launched at the time and the CSO Alliance had not planned how it would monitor the implementation of the APRM's NPoA.

Following the closure of the CSO Secretariat and after the Zambian peer review, monitoring the NPoA was not prioritised. Secretariat member organisations have gone back to focusing on their areas of operation and progress has not been tracked. It would have been prudent for CSOs to stay fully engaged in the entire process. All the work that the CSOs had poured into the APRM should have culminated in their monitoring the NPoA implementation, since the peer review was the means and the NPoA an end.

In 2016 some CSOs formed a coalition to track the implementation of the NPoA. However, these efforts were limited owing to resource constraints and the lack of a clear outline of how the NPoA was being mainstreamed at national level.

## Value addition

The APRM is a unique tool that provides an opportunity to take democracy beyond the ballot box. The participation of all stakeholders is a prerequisite. Zambian CSOs learnt that even under constrained relations, constructive dialogue and consensus regardless of misgivings was feasible.

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The APRM helped to get contentious issues onto the agenda. Where certain issues may have been swept under the carpet or deemed sensitive during national discourse, the APRM provided a safe space to highlight them and find an amicable solution. The double review layer enables stakeholders to bring those issues to the country self-assessment process and to the CRM.

## Peer learning

The Zambian CSOs greatly benefitted from the peer learning platforms facilitated by SAIIA and the Electoral Institute for Sustainable Democracy in Africa (EISA). The two organisations enabled a lot of CSO exchanges through seminars and APRM country research missions that allowed CSOs across the continent to learn from one another.

Peer learning took place as a result of enhanced capacity building, facilitated experience, lesson sharing, solidarity and accountability. In engaging with CSOs from other countries it was easy to identify strategies that were effective in those countries, since the APRM process is somewhat flexible.

## Conclusion

Zambia's APRM journey was unique. It was the first country that undertook peer review, and it did so under three heads of state and three eminent persons. It was impacted by national election cycles both planned and unplanned (brought on by the death of Mwanawasa). National endeavours such as the constitution-making process that ran side by side with it may have blunted the APRM's full potential to engage citizens and stakeholders.

The efforts to encourage a governance discourse and prioritise the APRM decreased significantly after Mwanawasa's death. During the Rupiah Banda and Michael Sata presidencies, the frank and open discourse Mwanawasa had encouraged fizzled out and certain topics and discussions became unwelcome. This proved that the APRM largely depends on genuine political will. It is an important tool that facilitates a process that allows for honest discourse.

The value of having a coordinated CSO structure cannot be underestimated. Zambian CSOs came up with a home-grown initiative that saw the establishment of the CSO APRM Secretariat, whose value was appreciated not just by CSOs but also by the NGC and CRM. The CSO APRM Secretariat model was shared with CSO groups in Tanzania, Mauritius, Kenya and Lesotho through engagements with partners such as SAIIA and EISA.

**'If you want to go quickly, go alone, but if you want to go far, go together'**

For CSOs to have meaningful participation in the APRM, it is important to work collectively and consistently. This provides a safeguard against being isolated as a 'rabble rouser' when addressing sensitive governance issues. As the African proverb puts it, 'If you want to go quickly, go alone, but if you want to go far, go together.'

# Author

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# About SAIIA

SAIIA is an independent, non-government think tank whose key strategic objectives are to make effective input into public policy, and to encourage wider and more informed debate on international affairs, with particular emphasis on African issues and concerns.

SAIIA's policy insights are situation analysis papers intended for policymakers, whether in government or business. They are designed to bridge the space between policy briefings and occasional papers.

## Cover image

Lusaka, Zambia: Picture taken November 1, 1991 showing children of the Kalingalinga township flashing the sign of the "Movement for Multiparty Democracy" (MMD) after the party's candidates scored a decisive victory in presidential and legislative elections. This was the first Zambian multiparty elections since independence in 1964 (Walter Dhladhla/AFP via Getty Images)

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