



**DEFINING CIVIL SOCIETY IN
THE CONTEXT OF THE AFRICAN
PEER REVIEW MECHANISM**

**By
Grant Masterson**

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Introduction

The discourse on good governance in Africa today would be incomplete without some form of recognition of the role that African peoples themselves play in determining and monitoring the manner in which they are governed. Globally, civil society has gained significant ground since the mid-1980's in seeking and often obtaining the protections and freedoms necessary to engage in and direct (to a greater or lesser extent) the course in which governments focus their policies and priorities. In the global context, in both developed and developing states, civil society is increasingly becoming a significant actor in determining and driving the course of government policies, yet despite this phenomenon, *civil society* as a term remains a nebulous and varied description of a number of parts which never quite add up to a coherent whole. In many instances, analysts who examine in depth the emergence and significance of groups and organizations within societies, and how these groups impact on the priorities of government and state institutions, omit a proper examination of civil society as a concept within their context. As Peter Lewis observes:

The global resurgence of autonomous popular organization, civic activism and political contestation has provoked a search for analytic tools to

help us make sense of these historic shifts in state-society relations. Despite its origins in European political theory, the idea of civil society has often appeared as a universal verity in comparative analyses of democratic change. Yet the concept has revealed many permutations, even within the European context, and its applicability to African circumstances is by no means self-evident (Lewis 1995).

Therefore, in many instances, the term civil society is often unexamined even as attempts are made to understand its increasingly significant role within the broader state and governance structures.

One such area in which the concept of civil society has gone largely unexamined is in the field of state and institutional governance in African states. Yet increasingly, civil society in some form is being recognized as a key element in the continent's efforts to secure greater economic and social prosperity for its people. This is in spite of the fact that until the early-1990's, many of Africa's citizens were unable to participate in even the most basic forms of determining their country's governance practices; credible and free multi-party elections. Civil society organizations and groups played a significant role in many instances where states moved from one-party rule towards multi-party democracies; providing the crucial internal impetus to complement the prevailing favourable international conditions that emerged for democratic transition at the end of the bi-polar era. As democratic space has emerged, civil society organizations in African states have undergone a rapid and profound transition in the manner in which they can and should interact with other key actors such as government and state institutions on governance matters. Nowhere is this profound change more evident than in

civil society efforts to engage with institutions such as: regional economic communities; the African Union (AU); the Pan-African Parliament (PAP); and even the African Peer Review Mechanism (APRM).

The APRM is fast emerging in the discourse on African governance as the most significant new initiative of the 21st century. With APRM activities already underway in Ghana, Rwanda, Kenya, Mauritius, South Africa, Nigeria, Algeria, Lesotho and Mozambique, significant and sustained African and international interest in the mechanism has held international and particularly donor interest in African affairs at a time when other global issues are competing with African development issues for the attention of the international community. A superficial analysis of this interest in the APRM does not immediately reveal the reason for the sustained degree to which international donors and agencies have identified with and thrown their support behind the APRM. However, the merits of the APRM and its role in the discourse on governance has emerged at a critical juncture in the development of institutional and state governance in African states and the opportunity that it represents has yet to be fully appreciated.

In one sense, the APRM is based on models of state governance review such as the model used to review economic governance practices by the Organisation for Economic Cooperation and Development (OECD). However, whilst existing models of peer review undoubtedly influenced the thinking behind the design and functions of the APRM, and probably resonate strongly with donors within the OECD, the African version of this type of peer review makes some significant departures and additions to the OECD model which

warrant closer inspection. The scope of the governance structures reviewed by the APRM is expanded beyond the narrow analysis of economic and corporate policies and practices to include a comprehensive review of a country's political, economic, corporate and socio-developmental institutions, policies and practices. Whilst the expanded scope of the governance structures reviewed under the APRM may account for some of the interest in the mechanism (in particular the political dimension of state governance in African countries), the inclusion within the review structures and processes of national civil society and corporate leadership has undoubtedly elicited far greater interest still. Yet, as in other instances where civil society is recognized as an important component of the process, the APRM fails to shed light on the exact make-up and composition of civil society within the context of its structures and objectives. This omission has serious consequences for the long-term success of the APRM, as the engagement of civil society in a country's governance review is given the highest priority within the APRM's core documentation, yet who within civil society and how exactly they should be engaged is not specified. This paper attempts to examine some of the prevailing definitions of civil society in the context of African governance, and identify a suitable means of conceptualizing civil society more specifically in the context of the APRM.

An Analytical Background to Civil Society as a Concept

The concept of civil society in its earliest forms can be traced back to the age of enlightenment in the 16th century, and in particular the ideas and thoughts of a Scottish philosopher/historian, Adam Ferguson. Ferguson linked the notion of civil

society to the development of the economic state, and tied its emergence to the decline of despotism and the corrupt feudal order. Whilst Ferguson did not make a distinction between the state and civil society, relating his concept far more closely to the market, other theorists sought to refine his theories to understand the emerging phenomenon of civic activism which began to emerge in Europe at the time of French and Industrial Revolutions. Georg Hegel, a German philosopher saw civil society as the dividing stage between the macro-community (the state) and the micro-community (the family). This definition of civil society saw the entire gambit of activities that occurred outside of either the family unit or the state sphere as part of the activities of civil society. Hegel's definition was adapted by Karl Marx to form part of his "petty bourgeoisie" description, whilst other theorists adopted Hegel's definition to include the emerging societal structures brought about by a modernising Europe.

One of the most prominent of these theorists was a young French aristocrat, Alexis de Tocqueville, who wrote his seminal work *Democracy in America* in 1832. His analysis of the American democratic model, its strengths and flaws, and in particular, the relationship between the state and civic organizations, is considered to be one of the most significant works in advancing the liberal democratic perspective. Both Marx and de Tocqueville separated civil society as a concept from both the family unit and the state. However, the two theorists disagreed on the extent to which civil society relates to the economic or business sector of a nation-state. Whereas Marx saw the bourgeoisie as an extension and collaborative partner of the corporation, de Tocqueville distinguished between the two, seeing civil society acting in some instances

as a restraining influence and conscience to the economic or business sphere.

These early definitions of civil society defined it in relation to its position with the state, placing the emphasis of this relationship in either collaborative or competitive terms. Some philosophers, most notably John Locke and Thomas Hobbes, asserted that the state is in some sense accountable to and therefore should be identified with civil society, although the two should not be seen as identical. Marxists like Antonio Gramsci argue that civil society should be understood outside of the power of the state, whilst de Tocqueville's liberal philosophy argued that civil society should be understood in at least partial if not significant opposition to the state. These definitions of civil society allow for significant scope in interpreting the extent of civil society, allowing for a broadly encompassing yet often unworkable definition of civil society as any non-state, non-corporate, non-family organization, grouping or interaction.

As the complexities and diversities of modern societies expanded, new methods of conceptualizing civil society attempted to better capture the distinctions between civil society and other non-state actors which could/should be excluded from its definition. These types of definitions sought to exclude various groupings from association with the term civil society, by placing restrictions on the types of groups which can be considered part of the life of civil society. Charles Taylor describes civil society as:

A web of autonomous associations independent of the state; which binds citizens together in matters of common concern, and by their existence or actions could have an effect on public policy (Kligman 1990).

Alternately, Tester states that civil society can be understood as "the milieu of all individual contractual relationships" outside of the state. Whilst these definitions of who to include in the conceptualization of civil society bring us close to a working definition, they still do not satisfactorily resolve the issue of the function and purpose of civil society in the broader structures of the nation-state and primarily democratic governance. As Gang notes:

...even in this restricted form, problems remain. First, should political organizations be included as civil society?...Second should we include business organizations in our discussion? (Gang 1998).

Gabriel Almond and Sidney Verba argue that the inclusion of a political component in the definition of civil society is a vital component in 20th century democracies (Almond & Verba 1963). Almond and Verba reached this conclusion after seeking to understand why some democratic societies survived the Great Depression whilst others moved away from democratic governance towards various forms of nationalist and fascist government. They concluded that the engagement and vitality of civic organizations and groupings and their active and deliberate involvement in the political decision-making processes of government contributed to a democratic state's likelihood of survival. However, this viewpoint of civil society as a political entity clashes with de Tocqueville's view, which saw civil society and the narrower civic engagement with political structures as two separate entities.

As to Gang's second problem, whether or not to include business organizations within civil society's ambit, there are again divergent

opinions. Marx and Gramsci view the relationship between civil society and business as the primary cause of and reason for the existence of civil society. According to this viewpoint, the market facilitates greater access by the middle class or “bourgeoisie” to the levers of power, in particular through the economy, and this in turn causes numerous self-interests to coalesce into organized social movement. According to socialist ideology therefore, it is largely meaningless to analyse civil society separate from the market system. However, others have sought to separate the market, state and civil society, arguing that civic interests can mitigate against the exploitation of societies by state-business collaborations (Diamond 1994).

An additional dichotomy of opinion has emerged in the debate on defining civil society for the purposes of this paper, namely the disparity between the views of state and non-state actors in defining the composition, scope and role of civil society in political and state interactions. As civic organizations are once again becoming increasingly recognized by the state as effective and essential agents in implementing and monitoring policy, state and government institutions have begun to define their own concepts of civil society.

At the same time, greater civil society autonomy has given rise to a greater sense of self-reflection, and civil society organizations have begun to reflect on their own role within the political arena, in particular in light of the declining relevance of the nation-state in an increasingly globalised world. This has led to vigorous debate at a multitude of levels regarding the relevance and composition of civil society at the nation-state level and beyond. The importance of this

dichotomy will be addressed later in this paper.

Thus, within the social sciences there are a number of methods of conceptualizing and defining civil society. One of the most detailed of these as such is provided by the London School of Economics:

Civil society refers to the arena of uncoerced collective action around shared interests, purposes and values. In theory, its institutional forms are distinct from those of the state, family and market, though in practice, the boundaries between state, civil society, family and market are often complex, blurred and negotiated. Civil society commonly embraces a diversity of spaces, actors and institutional forms, varying in their degree of formality, autonomy and power. Civil societies are often populated by organisations such as registered charities, development non-governmental organisations, community groups, women's organisations, faith-based organisations, professional associations, trades unions, self-help groups, social movements, business associations, coalitions and advocacy groups (London School of Economics 2006).

In summary, it is clear that there are a number of divergent and diametrically opposed viewpoints regarding its exact composition, make-up, purpose and origins. It is also clear that the term civil society remains to a large extent ambiguous and fluid as a concept, referring to a multiplicity of interests, groups and motivations equally and synonymously. In this context, the challenges in identifying civil society and ensuring its active engagement in the political governance sphere should be immediately apparent. The next section of this paper explores this issue in greater detail.

The Role of Civil Society in African Political Governance

Whilst the previous section has made some attempt at clarifying some of the important and significant concepts which relate to the defining of civil society, there has also been significant discussion in recent years regarding the composition of civil society in the African context. This is largely due to the role of civic organizations and groups in the struggle for liberation from first colonial rule, and later in the quest for democratic governance. As Issa Shivji notes:

The contemporary neo-liberal discourse has one fundamental blind spot. It treats the present as if the present has had no history. The discourse on democracy in Africa suffers from the same blindness. The struggle for democracy did not begin with the post-cold war introduction of multi-party system. The independence and liberation struggles for self-determination, beginning in the post-world war period, were eminently a struggle for democracy. Neither formal independence nor the victory of armed liberation movements marked the end of democratic struggles. They continued, albeit in different forms (Shivji 2003).

Rather, as Shivji notes, the struggle for democracy in the post-colonial period was first adopted by minority middle-class elites in many African countries, which quickly carved their own niche in the power structures of the newly formed African states. This left vacant the space in which to contest the policies and practices of African governments as African elites were absorbed into government through the prevailing practice of state patronage which developed in the 1960's and 1970's. This collusion between the state and the emerging middle class elites saw the sustained and systematic

denial of the rights of citizenship to the majority of individuals in many African states. Even where colonial powers completely abdicated their claims to and involvement in their former colonies, military coup d'états and Presidents-for-life became the rule as opposed to the exception.

The denial of full citizenship rights to the majority of Africa's citizens was further aggravated by the proxy wars waged by the Superpowers in many African states, and this patronage left a devastating and lasting impression on the political and social landscape of the African continent. The deliberate denial of citizenship and the right to participate in the political governance of their country's affairs proved catalytic in numerous African states in galvanizing African civic groups and organizations to mobilize and advocate for democratic reforms (Nzongola-Ntalaja 2004). In many instances, the denial of rights and protections left these organizations with little recourse besides violent protest, and this period was often marked by violent repression and state crackdowns, where state resources were often deployed with the intention of silencing this type of dissent against the incumbent government.

As the bi-polar world order began to unravel, the sustainability of many of Africa's autocratic regimes began to look increasingly unlikely. This prompted two distinct and opposing responses from the incumbent governments. On the one hand, many governments began to implement the reforms which civic groups had long been advocating for; opening up the political space and enabling greater democratic freedoms, in essence opting to engage with civil society organizations moving forward. The other option, adopted by states such as Zimbabwe, was to increase the intensity of the state's efforts to

dismantle and silence the voice of civil opposition to its policies and practices; in essence deliberately choosing not to engage with civil society. In spite of a few recalcitrant regimes, the trend since the collapse of the cold war has been towards greater democratic freedoms in many of Africa's states, to the extent that the debate has in many parts of the continent moved beyond a discussion of democratization towards democratic consolidation.

The role of civil society organizations and actors in the process of democratization was significant, and in conjunction with the rapidly changing international conditions which occurred in the early 1990's, civil society played a major role in sustaining internal pressures to reform whilst the international community pressured African governments at the state level. Emmanuel Gyimah-Boadi states:

Although external influences such as the fall of communism and pressure from foreign donors were important, it was often the resourcefulness, dedication and tenacity of domestic civil society that initiated and sustained the process of transition [to democratic governance] (Gyimah-Boadi 1996).

However, as democratization gave way to democratic consolidation, organized African civil society has struggled to make the adaptation from its historical role as a mobiliser and agitator against government towards more meaningful and significant engagement as democratic space has opened up. This is not to suggest that the need for or practice of civic protest and agitation has ceased with the democratic transitions which took place in the 1990's, or that civil society presented a unified front during this pre-democratization era. In fact, it has been noted that in many instances, minority

groups within African states often end up in conflict with one another rather than their oppressors, to the detriment of the welfare of all. Furthermore, the ethnicization of civil society in many African states creates additional complexities and potential sources of conflict which are not captured in traditional, western-style conceptualizations of civil society, and are often treated as separate or unrelated causes of conflict within African societies. However, the democratic space which is increasingly being made available to African civil society has yet to be fully owned and harnessed in many instances by the very groups who fought for its existence. The African Peer Review Mechanism has therefore emerged at a key moment in the life and evolution of organized African civil societies, and the engagement of civil society in the APRM process will provide a key indicator in assessing the extent to which civic organizations and groups are able to engage in the newly created democratic space which is now being made available to civil society.

The APRM: An Overview

NEPAD, the official strategic development framework adopted by the AU at its inaugural summit in South Africa in 2001, is attributed in large measure to the joint efforts of three African leaders: South African President Thabo Mbeki; Nigerian President Olusegun Obasanjo; and Senegalese President Abdulaye Wade. NEPAD is meant to encourage a common and cohesive development vision for African states. It has been represented in many ways to different actors, but remains essentially a policy framework and "roadmap" on how to advance African economic, social and political development. In scope, NEPAD is an ambitious undertaking, which identifies four key focus areas for African development, namely:

- *Peace and security;*
- *Democratic and political governance;*
- *Economic management and corporate governance; and*
- *Regional cooperation and integration.*

One of the biggest tensions which exists within the African development context is balancing internationally accepted good governance practices with the development policies that take into account the unique challenges and circumstances of the African context. NEPAD addresses this tension through the APRM, whose purpose is to facilitate a contextual assessment of a state's institutions and governance practices. It aims at improving these institutions and governance practices through shared experiences. The APRM is not intended to be a governance watchdog; rather the purpose of the APRM is to encourage engagement between the government, the private sector and civil society, as well as engagement with other like-minded African states, committed to improving their own institutions and governance practices. The APRM can only be successful if the process is voluntary and largely non-antagonistic, hence the voluntary nature of the mechanism. States must indicate a firm commitment to enhancing their governance practices by voluntarily submitting to periodic country reviews from their peers.

The APRM Process

The APRM process follows five stages as follows:

1. The country under review, with the assistance of the APR Secretariat, prepares an up-to-date background document on the democratic, political, economic, corporate and social conditions in the country.

This stage includes what is often referred to as the country's governance "self-assessment".

2. The country is visited by the APR Team, and is responsible for ensuring that the APR Team is enabled to carry out a review smoothly and with full access to all sources of information and stakeholders as are deemed necessary by the APR Team.
3. The APR Team prepares and drafts a country report, based on the findings of the APR Secretariat (Stage 1) and the country visit (Stage 2). This report should summarise the findings concisely and analyse their implications for the country's governance and socio-economic development.
4. The APR Team submits the report to the APR Panel, who are then responsible for reviewing the report in accordance with its mandate. Once this has been done, the APR Panel submits its recommendations, along with the report to the APR Forum. The APR Forum then considers both the report and the recommendations submitted, and decides what further action to take according to its mandate.
5. The country report is made accessible to the public, as well as those recommendations of the APR Panel that have been deemed appropriate by the APR Forum. The report is tabled formally and publicly at all regional and continental organisations, such as the Pan-African Parliament (PAP), the African Commission on Human and People's Rights (ACHPR), the Peace and Security Council (PSC) and the Economic and Social Council (ECOSOC) of the African Union and the Regional Economic

Community of the region in which the country is a member.

Civil Society and the APRM

Significantly, at the early stages of the peer review process, the APRM: Organization and Process document outlines the importance of a fully inclusive consultative process. The importance of the participation of civil society and civic organizations in the APRM is strongly reinforced by the core documentation of the mechanism. Section 1.3 of the APRM document titled “Objectives, Standards, Criteria and Indicators for the African Peer Review Mechanism” (OSCI), states:

The overarching goal of the APRM is for all participating countries to accelerate their progress towards adopting and implementing the priorities and programmes of the New Partnership for Africa’s Development (NEPAD), achieving the mutually agreed objectives and compliance with best practice in respect to the areas of governance and development. This can only be achieved through the sustained efforts of the country itself, involving all stakeholders. It requires that each country carefully develops a Programme of Action with time bound objectives and linked to national budgets to guide all stakeholders in the actions required by all – government, private sector, civil society – to achieve the country’s vision [Emphasis author’s own] (Section 1.3 – OSCI 2003).

Furthermore, Point 15 in the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance, another of the key documents on which the APRM is based, it states:

To promote human rights, we [the Heads of State and Government of the participating states] have agreed to: facilitate the development of vibrant

civil society organizations, including strengthening human rights institutions at the national, sub-national and regional levels (NEPAD Declaration on Democracy, Political, Economic and Corporate Governance 2002).

Also in Point 21, the Declaration goes on to state that:

We reaffirm our [the Heads of State and Government of the participating states] conviction that the development of Africa is ultimately the responsibility of Africans themselves. Africa’s development begins with the quality of its human resources (NEPAD Declaration on Democracy, Political, Economic and Corporate Governance 2002).

Furthermore, the APRM begins with an assessment of the prevailing governance conditions in a country, and this review is undertaken in five steps. Step 1 includes the preparation of background materials and a country self-assessment process which is required to engage the broadest possible number of national stakeholders including government and state officials, business, labour, civil society and non-state institutions, the media and private citizens (The APRM: Organisation and Process 2003).

From these and other statements in the key documents which elaborate on the APRM’s purpose and function, the importance of civil society participation is clear and clearly considered essential if the APRM process is to succeed in a participating country. However, although the APRM defines a number of terms, the manner in which the APRM’s architects or any of the official APRM structures define civil society is not explicitly made clear. The closest reference to a definition of civil society that can be found is in the APRM Self-Assessment

Master Questionnaire, where reference is made to “Stakeholders” which according to the document includes:

...all the representative constituencies in a community including but not limited to government, civil society, trade unions, youth, private sector, women’s groups and religious organizations (APRM Self-Assessment Master Questionnaire 2003).

From this definition, it is not clear whether civil society is conceptualized as separate from the trade unions, youth etc. or whether these groups are part of civil society. Furthermore, the definition itself is clearly not intended to be the definitive word on the matter, as it clearly states that the definition provided is not limited to the groups mentioned by name. Indeed, there are a number of non-state organizations, stakeholders and actors which are not captured in this definition, including ethnic minorities, people living with disabilities, research institutions, universities, cultural organizations and more. Clearly, the definition provided in the Master Questionnaire is not intended to be the final word on the matter in the context of the APRM.

One of the reasons why such a definition is only loosely described in the context of the APRM may be that the mechanism itself is conceptualized as a framework within which individual countries are given the freedom and scope to engage with “all the representative communities” in their own manner. Whilst the APRM documentation outlines certain prerequisites and minimum standards with which participating countries must comply, the manner in which each country implements these standards can differ significantly. This is both has both positive and negative connotations for the process, meaning that whilst each country is given the scope to tailor their process according

to their own unique circumstances, the potential for varying standards of implementation also exists. In order to ensure that a level of oversight is maintained and that minimum standards are adhered to, the African Peer Review Panel of Eminent Persons (APR Panel), a 7-member panel of recognized and respected African individuals, is responsible for reviewing each country’s activities and making recommendations on how shortcomings might be rectified. Additionally, the APR Panel appoints a member to act as the focal point between the Panel and a participating country, and leads a number of support missions to the country during its self-assessment process to ensure that sufficient and necessary consultation with stakeholders takes place. The Panel can under certain circumstances request a country which has prepared a draft country assessment to review its submission before resubmitting, if the Panel feels there is sufficient cause for concern that minimum standards have not been met during a country’s self-assessment process.

Whilst the provision of these safeguards and procedures do ensure that certain minimum standards are maintained, it also places a heavy burden on the APR Panel and its administrative unit in the African Peer Review Secretariat (APR Secretariat). Although the APR Panel is able to make a fairly informed decision on the extent to which all national stakeholders have been engaged in the national process during a country visit, early experiences in Ghana, Rwanda, and Kenya suggest that despite these safeguards, the standards applied in individual cases have varied widely. There are a number of reasons why this might be the case, in particular: the diverse historical and political context of the countries; the financial resources made available to conduct a country self-assessment; the level of

engagement by civic organizations and groups during a country's self-assessment process; the organizational design of a country's national APRM structures; capacity constraints within the structures of the APR Panel and Secretariat; and the commitment of the national APRM structures to ensure that all stakeholders are engaged during a country review.

Early APRM Country Models

Of the countries which have or are presently engaged in the process of APRM self-assessment, three countries have released final country reports, namely: Ghana, Rwanda and Kenya. These reports represent the culmination of the processes and findings of that particular country, and they also represent the clearest indication of the country's methodologies and concepts in relation to the APRM process at the national level in each state. This section examines each country's approach to ensuring the broadest possible stakeholder participation in the country's review, and also seeks to tease out the country's underlying conceptualization of civil society. Whilst other countries, such as South Africa and Mauritius are at an advanced stage in their own self-assessments, their reports had not been released at the time of writing, restricting the focus of this paper to these three early country examples.

Ghana

In Ghana, the first country to conduct a country self-assessment, the country's National Governing Council (NAPRM-GC) was composed entirely of non-state members, with the government adopting a supporting role to the NAPRM-GC. Furthermore, the country's methodology adopted a two-track approach to gathering inputs on the country's governance standards

and practices. First the NAPRM-GC commissioned four technical research agencies from Ghana's Non-Governmental Organisation (NGO) community to conduct a national survey process and compile background papers in the APRM's four governance areas, namely: democratic & political governance, economic management; corporate governance; and socio-economic development. In parallel to this process, the NAPRM-GC embarked on a national travelling survey, with the aim of increasing provincial and local citizen awareness of the APRM and to get inputs from all of Ghana's major regions separately. These inputs were gathered during seminars and workshops and formed part of the country's final self-assessment report. The Ghanaian model was immediately hailed as an excellent and progressive benchmark against which other countries should measure their own procedures and methods.

The central role of civil society and the low-key involvement of the government have been hailed as positive and beneficial actions which contributed to national and continental confidence in the Ghanaian findings and final report. It is important to note however, that there were two key considerations which lead to the Ghanaian government adopting this approach to the APRM process nationally. Firstly, the period of the country's self-assessment coincided with national government elections, and the decision to house the NAPRM-GC entirely outside of government was largely due to the concern that were the incumbent ruling party to be displaced after the elections, there should not be any disruption to functioning and work of the NAPRM-GC. Thus the decision was made to keep the council separate from national government structures. Secondly, the practical implementation of the national APRM road-show,

whilst ensuring that a diverse and significant number of national and sub-national stakeholders were able to engage with the NAPRM-GC directly, was a costly and resource intensive process which also took a considerable amount of time and effort on the part of the country's national APRM structures. Thus, whilst the Ghanaian process of securing stakeholder engagement has been widely acclaimed, its costly and resource-intensive nature makes it a daunting prospect for some other participating partner states to emulate.

The engagement of civil society in Ghana, therefore, included civil society representatives on the NAPRM-GC, acting independent of government and provided with a separate budget in order to complete the NAPRM-GC's mandate. It also included a national household survey, with participants selected through random sampling throughout the country, and their responses collated into the final country self-assessment by 4 non-governmental research institutes. Civil society organizations at the local or provincial level were also given opportunities to engage with the APRM process nationally, and were able to do so directly during visits by the NAPRM-GC to their local areas. This facilitated greater access to the process by community-based organizations, and also provided for less organized constituencies such as local tribes and ethnic groups to participate in the process, in essence ensuring that their lack of formal organization was not held against them during the country review. According to the official APRM Country Report for Ghana:

Extensive consultations were held with diverse stakeholders, including government officials, political parties, parliamentarians and representatives of civil society organizations such as the media, academia, trade unions,

business, and professional bodies (Country Review Report of the Republic of Ghana 2005).

It is interesting to note that in the Ghanaian conceptualization of civil society, business and professional bodies are included in its definition. This viewpoint most closely resembles a socialist/Marxist understanding of civil society, such as the concepts put forward by Gramsci et al. Practically for the purposes of the APRM, the business sector is described as a stakeholder in the process, so whether the Ghanaian process conceptualized it as part of or separate to civil society is functionally irrelevant, but it is worth noting that business is linked to civil society in the Ghanaian example.

Rwanda

The Rwandan process was far less ambitious in its scope and breadth than the Ghanaian process described above. The country's budget for the entire APRM process was also considerably smaller than the costs incurred during the Ghanaian process. Rwanda is geographically and economically smaller than its west-African counterpart, and the Rwandan social landscape still bears the scars of the 1994 genocide, with the capacity of civil society post-1994 severely reduced and its freedoms restricted.

As a result of these considerations, and in light of the fact that Rwanda, much like Ghana, had no prior experiences to draw upon, the country's self-assessment process adopted a narrow and restrictive view of stakeholder engagement. In particular, prevailing concerns about a possible regression towards the ethnic divisions which characterized the genocide in 1994, Rwanda has since that time discouraged freedom of speech where such is deemed to be divisive or antagonistic. Under such

circumstances, the engagement of civil society proved problematic.

From the outset, the country's self-assessment process was dominated by government, with civil society sitting on meetings and forums largely by invitation, and usually significantly outnumbered by government officials and civil servants. The country appointed a 50-member national commission, ostensibly to maximize stakeholder input in implementing the country's self-assessment, but of the 50-member commission, only 11 members (or 18 if including private enterprise within civil society) were drawn from civil society, with the remainder allocated to government and parliamentary representatives.

Furthermore, the National Commission itself was not as central to the process as its mandate suggests, meeting for the first time in July 2004, after numerous official APR activities include an APR country support mission had taken place. The vast majority of submissions to the national commission were made from state and government institutions, and Rwandan civil society was not even asked to assist in compiling and editing these submissions, with the government preferring to use the services of two South African research institutes instead of local think tanks.

Thus, whilst the Rwandan process was ultimately accepted by the APR Panel as sufficiently consultative, the extent to which civil society organizations, groups and individuals were able to engage in the country's self-assessment was severely limited. In all but a handful of events, civil society as defined by the Rwandan process referred to those non-government organizations which were deemed such by the national government, with little consideration for regional, ethnic, gender or social considerations.

Kenya

The Kenyan experience of civil society engagement in the APRM is sobering for those who would advocate for greater autonomy of the process from national government. The Kenyan APRM process made significant allowances for the engagement and participation of civil society in the country's self-assessment process. However, despite these allowances, the actions and behaviour of select individuals representing civil society constituencies and non-governmental organizations were able to delay the implementation of the country's national self-assessment significantly, with the aim of furthering their own narrow interests in the process. An interim task force composed of government ministers and officials was initially tasked with defining a road-map for the country on the APRM. In the course of its duties, the task force convened two national consultative forums, during which civil society organizations in Kenya were given the opportunity to nominate and elect members to the country's National APRM Governing Council. This process proved less effective than it had been intended, as some individuals within organized Kenyan civil society were able to garner enough support to ensure their nomination to the Governing Council, and once there, to manipulate and stall the business of the Governing Council for financial rewards. Although these recalcitrant individuals were later removed from the council, the time and resources which were wasted during the five months during which the internal and petty wrangling within the country's governing council took place impacted on the country's final outputs.

The Kenyan method of engaging civil society therefore consisted largely of open invitation to interested parties to attend the two consultative forums, and

sporadic and intermittent consultations with civil forums and groups during the country's self-assessment. According to the Country Review Report of the Republic of Kenya, the APR Panel's country review mission to Kenya included consultations with:

... a diverse range of stakeholders, including the National Governing Council, civil society organizations, media, political parties, academia, and faith based and human rights organizations. Others included trade unions, women and youth groups, minorities, disadvantaged groups, persons with disabilities, persons living with HIV/AIDS, and associations of journalists (Country Review Report of the Republic of Kenya 2006).

The CRM also noted during its visit the enthusiasm and commitment to the principle of good governance demonstrated "at every layer of [Kenyan] society" and commended the efforts of the Governing Council to sensitize the public to the existence of the APRM process in Kenya and its relevance to their lives.

Whilst the CRM commended Kenya for its four-pronged methodology, which included desk research; sample surveys; focal group discussions and expert panel surveys, the extent to which the views and voice of civil society were adequately captured during the Kenyan process is debatable. Due in large part to the inordinate delays caused during the 5 month period during which the activities of Kenya's Governing Council were delayed, the bulk of the compilations which formed part of the final report took place in a three week period just prior to the completion of the country's final report. This work was conducted by the four lead technical institutions and members of the Governing Council whilst working day and night from a hotel in Nairobi,

compiling and editing the submissions gathered from the four phases of the country's self-assessment. This may in part explain why the Kenyan report offers less description and detail in respect to the details of its methodology and conceptual framework than is provided in the Ghana and Rwanda reports. As a result, it is not evident from the final report exactly how the focus groups and stakeholder forums were conceptualized and constituted, and therefore difficult to surmise how exactly the Governing Council conceptualized civil society in the context of its self-assessment processes. The clearest lesson to be learnt from the Kenyan experience would appear to be that civil society can act as both a help and a hindrance in the process of examining a country's governance standards, and that it is idealistic to assume that any contribution from non-state actors is beneficial to the overall process.

A "Pan-African" Definition of Civil Society?

Non-state actors are increasingly being given the space and opportunities to engage with governments and continental structures on the African continent such as the Pan-African Parliament and the structures of NEPAD and the APRM. The complexity and importance of understanding who or what is being referred to when these pan-African organizations use the term civil society is an issue which continues to expend the energies of numerous actors in the field of African governance. Whether or not such a definition is possible is a contentious and ongoing debate, and one which whilst noteworthy, is not explored here. However, whilst the complexity of the task is indisputable, the nature and purpose of pan-African structures such as the APRM require at the very least a basic and consistent

concept of civil society, whilst at the same time acknowledging the incredible diversity that exists within and between African societies.

Whilst the APRM attempts to address this challenge by allowing each country individually to determine the extent to which it defines and limits civil society engagement in the process, the examples of Ghana, Rwanda and Kenya highlight some of the major disparities that can occur when such is the case. In Rwanda, where civil society is neither particularly organized nor capable of mobilizing support and interest in issues independent of the government, the lack of clear guidelines for participating states can be a serious weakness in the design of the APRM.

Even more importantly, as demonstrated by the experiences of Kenya, civil society needs to be clearly and deliberately tasked with the responsibility of conducting itself in an appropriate and ethical manner within a country's national structures, and not seek to hijack the process to serve its own ends. Ghana's conceptualization of civil society places significant resource constraints on the state, government and participating non-governmental organizations. As other states sign onto and launch their own governance self-assessment processes, new methods of understanding and engaging with civil society will also be developed. Whether these methods and concepts are accurate and satisfactory for the purposes of ensuring the maximum possible levels of "stakeholder participation" is for the time being left to the discretion of a 7-member panel of eminent persons and their support staff.

Conclusion

Civil society as a concept remains an elusive and ultimately challenging

concept to quantify and reduce. Nevertheless, the importance of civil society in its various guises is increasingly playing a more and more important role in the governance discourse at the local, provincial, national and even regional levels. Its centrality to the APRM as a process and dialogue is especially pronounced, yet at present, there appears to be no consensus regarding the description and scope of civil society in the context of the APRM. This is because the APRM has deliberately steered away from prescriptive interventions in favour of encouraging each state to define its own processes and mechanisms for stakeholder engagement.

This approach, whilst seemingly pragmatic in the context of the diverse nature of societal structures on the continent, has led to significantly varied approaches to civil society engagement in the first three countries to produce final reports: Ghana; Rwanda; and Kenya. In order to ensure that the opportunity which the APRM presents to civil society is not lost, it is essential for each participating government, in collaboration with civil society, to transparently and clearly state the manner in which the two sectors intend to interact. This approach is far preferable to leaving this vital interpretation to the APR Panel, and ultimately establishes the platform for meaningful and effective participation by all stakeholders in the process of governance review. If Africa's future is truly "the responsibility of Africans themselves", then identifying appropriate methods of engaging them are going to be one of the key determinants of the APRM's success.

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ABOUT THE AUTHOR

Grant Masterson, Researcher at EISA, 14 Park Road, Richmond, Johannesburg, Tel: +27 11 482 5495, Fax: +27 11 482 6163, Email: grant@eisa.org.za

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