

**THE IMPLEMENTATION OF  
THE APRM IN UGANDA  
A CRITICAL EVALUATION**

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# Acronyms

ACPHR	African Commission on Human and Peoples' Rights
AEC	African Economic Community
AfDB	African Development Bank
AGOA	African Growth Opportunity Act
APRM	African Peer Review Mechanism
AU	African Union
BoU	Bank of Uganda
CAR	Central African Republic
CAO	chief administrative officer
CBO	community-based organisation
COMESA	Common Market for East and Southern Africa
CRM	country review mission
CRR	country review report
CSAR	country self-assessment report
CSO	civil society organisation
DANIDA	Danish International Development Agency
DENIVA	Development Network of Indigenous Voluntary Associations
DFID	UK Department for International Development
DP	Democratic Party
DRC	Democratic Republic of Congo
EAC	East African Community
EALA	East African Legislative Assembly
EC	Electoral Commission
ECOWAS	Economic Community for West African States
EPRC	Economic Policy Research Centre
EPDRU	Economic Policy Development and Research Unit of MoFPED
EU	European Union
FBOs	faith-based organisations
FDC	Forum for Democratic Change

FGD	focus group discussion
FYP	Five Year Development Plan
GoU	Government of Uganda
GDP	gross domestic product
ICC	International Criminal Court
IDPs	internally displaced persons
ILO	International Labour Organisation
IMF	International Monetary Fund
LC	local council
MATSACCO	Masindi Town Council Savings and Credit Cooperative Organisation
MISR	Makerere Institute for Social Research
MoFA	Ministry of Foreign Affairs
MoFPED	Ministry of Finance, Planning and Economic Development
MoU	memorandum of understanding
MP	member of parliament
NAADS	National Agricultural Advisory Services
NEMA	National Environment Management Authority
NPA	National Planning Authority
NDP	National Development Plan
NEPAD	New Partnership for Africa's Development
NGO	non-governmental organisation
NOTU	National Organisation of Trade Unions
NPA	National Planning Authority
NPoA	national programme of action
NRA/M	National Resistance Army/Movement
PEAP	Poverty Eradication Action Plan
NRM	National Resistance Movement
PMA	Plan for the Modernisation of Agriculture
PPDA	Public Procurement and Disposal of Assets
RDC	resident district commissioner
TPI	technical partner institution
UBOS	Uganda Bureau of Statistics
UGMP	Uganda Governance Monitoring Platform
UHRC	Uganda Human Rights Commission
UIA	Uganda Investment Authority
UNBS	Uganda National Bureau of Standards
UNDP	UN Development Programme
UNECA	UN Economic Commission for Africa
UPE	universal primary education
UPDF	Uganda People's Defence Force
WHO	World Health Organisation

# Preface

This study was commissioned by the Open Society Institute of Eastern Africa (OSIEA) and the Africa Governance Monitoring and Advocacy Project (AfriMAP) to carry out an assessment and evaluation of the APRM process in Uganda and its outputs. The objectives of the study are to:

- Describe the institutional arrangement governing the APRM process in Uganda and chronology of the process up to the adoption of the country review report.
- Analyse the principal strengths and weaknesses of the in-country process.
- Analysis of the contents of the report, plan of action and the follow-up.
- Analyse the impact of the process on the promotion of national dialogue on issues identified in the report.
- Make recommendations arising from the study for the country and other countries undertaking the process

The survey followed a methodology that included interviews with government officials responsible for the APRM process; coordinating structures; civil society organisations involved in the process; review of existing official documents and other analysis of the process; media reports; and, a review of the country self-assessment and country review reports. We interviewed government as well as civil society actors, APRM officials and some experts involved in the process. It proved difficult to interview all those we had listed were simply not available or were unwilling to be interviewed without the release of the country review report first. Secondly, there is no published analysis of the report by non-governmental organisations. Thirdly, media coverage was scanty and

impressionistic. Most people interviewed had either not seen or read the report or some just had scanty memories of the process and the report.

# Summary

Uganda is one of 12 countries to have completed the full process of review by the African Peer Review Mechanism (APRM). As in the other countries, the record of the APRM in Uganda is mixed. The process provided a useful opportunity to reflect on key governance challenges, and the ensuing National Programme of Action (NPOA) was intended to address many of those challenges. One of the main strengths of the process was the opportunity for ordinary citizens to debate directly on the problems of governance facing the country, in a research process led by a government-backed but independent national commission. Both the national self-assessment report, and the independent review report on the same issues prepared by representatives of the continental APRM structures, provide important insights into the critical challenges facing Uganda today, and are a potentially rich resource for policy-makers and activists alike. The NPOA highlights some issues that are already included within national plans – but also commits the government to addressing others that have previously been neglected or ignored.

However, like many other initiatives in Uganda, the APRM was also seen as essentially a presidential project, and this had costs for its ultimate impact on national consciousness and the conduct of government in practice. Although the personal backing of President Yoweri Museveni was important to the realisation of the APRM process, a considerable body of opinion saw the APRM as a personal project of the Head of State, contributing to the increasing ‘presidentialism’ alleged to be eroding the system of checks and balances on government. Among the weaknesses of the process that allowed this to happen was the lack of a formal legal structure for the national APRM structures. This lack of legal entrenchment also has important consequences for the follow-up to the review and the effectiveness of monitoring

of the implementation of the NPOA. Direct civil society involvement in the APRM was significant, but those who were outside the formal structures played an even more important role; while a national civil society coalition has so far provided the most effective reporting on the government’s respect for good governance in the wake of the APRM review.

## Chronology of the APRM process in Uganda

Uganda acceded to the APRM on 9 March 2003, among the first set of countries to sign the memorandum of understanding establishing the initiative at continental level. Formal national implementation of the process began in February 2005, when the government signed an agreement with the continental APRM Secretariat and Panel of Eminent Persons overseeing the process on the modalities for peer review to be completed. Uganda’s self-assessment report, delayed among other things by national elections, was finally submitted to the continental APRM Secretariat in January 2008, and the independent country review report prepared by the Eminent Persons Panel was presented to and discussed by the other heads of state committed to the APRM (known as the APR Forum) in the margins of the African Union summit in June of that year. Uganda thus became the seventh country to complete the APRM process (out of 13 that have done so and 30 that have agreed to be reviewed by the end of 2010).

At national level, the APRM was overseen by a national APRM Commission comprising 21 members. The commissioners came from central and local government, statutory bodies, civil society, political parties, national and regional parliaments, the media, the private sector and the



labour movement; a majority were from outside government structures, including nine from civil society organisations. The Commission was supported by a national APRM Secretariat based in the National Planning Authority (NPA), whose responsible minister is the National Focal Point for interactions with the continental APRM structures.

Independent research organisations, known in Uganda as ‘technical partner institutions’ or TPIs, were commissioned by the NPA to carry out the research for Uganda’s country self-assessment report, divided according to the four themes of the APRM master questionnaire that guides research in all the countries reviewed: democracy and political governance; economic governance and management; corporate governance; and socio-economic development. They adapted the master questionnaire for national use and conducted desk research, interviews in the field and of experts on specific subjects, as well as focus group discussions and public hearings. Many organisations also made submissions on the issues that most concerned them. The Uganda Bureau of Statistics conducted a household survey focused on the same questions. The draft thematic reports prepared by the TPIs were then merged into a single national report under the supervision of the APRM Commission, and submitted to the continental APRM Secretariat, together with a draft programme of action to address the issues identified.

Prof. Adebayo Adedeji, the chair of the continental APRM Panel of Eminent Persons and the member of the Panel assigned to oversee the Uganda APRM review, led a team of independent experts to conduct the country review mission in February 2008. The team carried out their own research to verify the findings of the self-assessment report, and prepared the official country review report identifying the key challenges facing Uganda in relation to the four governance themes. The Ugandan government was given the opportunity to comment on these findings, and the review report, together with the final version of the NPoA agreed between the government and continental structures, was then debated by the APR Forum meeting in June 2008. The country review report and NPoA were formally published and launched in Uganda in March 2009. An APRM National Governing Council was then created to replace the national APRM Commission and monitor the implementation of the NPoA.

The APRM process in Uganda cost US\$ 4.7 million. A consortium of development partners coordinated by the UN Development Programme office in the country contributed almost half of what the APRM Commission needed to carry out its activities. Government contributions were slow because of the national electoral process in 2006 and the Commonwealth Heads of State and Government meeting in 2007, which delayed the completion of the process.

## Strengths of the APRM process in Uganda

A critical issue for the credibility of the national self-assessment process is the independence and effectiveness of the national APRM Commission. In Uganda, the composition of the APRM Commission was fairly representative and independent, and it carried out its activities with a reasonable degree of honesty and proper control of quality. Political commitment from the highest levels is also key to the successful and reasonably timely completion of the onerous process of research and drafting that is needed to complete the self-assessment process. In this regard, President Museveni played a key role in spearheading and sustaining the process, and even intervened personally to ensure that criticisms of the self-assessment report by ruling party colleagues in cabinet and parliament did not translate into blatant attempts to control the process and edit the self-assessment report.

The Secretariat supporting the APRM was and has remained committed to the task and by and large executed its tasks efficiently and independently – despite its location within the NPA where it might have been subject to political interference. Given the prevalence of corruption in Uganda, the APRM process has been relatively free of scandals.

The two reports resulting from the APRM review are also highly significant documents. Both the country self-assessment report and the country review report are quite comprehensive in their coverage of major issues relating to democracy and good governance, economic governance and management, corporate governance, and socio-economic development, drawing on information from a wide range of sources and opinions across the country. The country review report in particular did not shy away from identifying the most sensitive political issues relating to the domination of the Ugandan political landscape by the National Resistance Movement (NRM) and President Museveni personally. The country review report acknowledged a number of other deficiencies in Uganda – among them corruption; land speculation and evictions; dependence on aid; and the continuing human and financial cost of the conflict in the north. At the same time, the report was careful to acknowledge what it called ‘best practices’ which the APR Panel recommended to other countries – including the promotion of local small businesses; effective macroeconomic management; and universal primary education.

The country self-assessment and country review reports and the NPoA, together with the annual progress reports that Uganda is due to submit to the APR Forum, are now important reference works on the history, achievements, prospects, problems and challenges of the institutions and processes of governance in Uganda. At the very least,

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they give ample platform to activists and lobbyists tracking Uganda's commitments to improving governance. They create a rich resource of information for all those interested in Uganda's future to draw on as they shape the country's policies. Uganda is one of very few countries to have actually published its country self-assessment report, and this is also a positive aspect of the national process.

Civil society groups in Uganda responded enthusiastically to the challenges of participation in the research phase by making submissions on the issues concerning them, even though many complained of being excluded from the preparation phase of the NPoA. Following the completion of the process, a group of civil society organisations came together in a coalition to monitor the implementation of the NPoA.

The APRM has thus provided an opportunity for the Ugandan people to debate directly on how they should be governed, while the commitments of the NPoA suggest that the government has been enabled to discover through the involvement of people from below what its strengths and weaknesses are in governance.

### **Weaknesses of the APRM process in Uganda**

Despite the broad representativeness of the national APRM Commission on paper, many had the impression that supporters of the ruling party had the majority on the Commission, which therefore lacked true independence. Thus, while the president's 'personal initiative and involvement' was important in moving the process forward, the negative side of this role is that it strengthened what in Uganda is termed as 'presidentialism', which has eroded the system of checks and balances. It plays into the perception strongly held by some that this was not just a government process but a personal project of the president, 'ring-fencing' it from a proper oversight by, and accountability to, parliament and citizens.

One of the key problems which led to this distrust was the lack of a proper legal basis for the national APRM structures, formally establishing their mandate and powers through an act of parliament. This created a credibility gap between those charged with APRM work on one hand, and civil society groups on the other. The absence of a domestic legal framework governing the APRM process continues to undermine the sustainability, independence and accountability of the APRM institutions in Uganda as the implementation of the NPoA is undertaken.

The research process for the country self-assessment report also had significant weaknesses, starting from the chaotic process of appointing the TPIs (technical partner institutions), who were repeatedly reshuffled until the final team was decided upon. Among the various TPIs in the initial phases was at least one regarded as being very close to the ruling party, and others seemed simply to be incompetent to carry out the quality of research required. Some civil society groups also criticised the process of selecting respondents in the districts where sample interviews and focus discussion groups were carried out in the fieldwork research phase, noting that the people in charge of mobilising respondents were the district chief administrative officers, who are civil servants whose loyalty to government might have had a bearing on the selection of respondents.

In common with many other countries, the TPIs in Uganda found that the master questionnaire provided by the continental APRM Secretariat was very difficult to implement, as it was too big, very repetitive, and highly technical. The domestication process did not really make its meanings clear to Ugandans by embedding the questions in the local conditions and experiences. A deeper domestication process should not only have been left to the TPIs as a technical issue, but should have been subjected to broad participation to decide what was most relevant for Uganda.

There were other weaknesses in the field research, often deriving from the low level of awareness among respondents about the APRM and its objectives, even after they had been interviewed and supposedly briefed on the process by the TPIs, and from the way in which participants in focus group discussions were selected. The experience of preparing Uganda's Poverty Eradication Action Plan (PEAP) in the late 1990s, which used civil society organisations as stakeholders and leaders of the outreach process, could have been a source of lessons for the APRM research. The exclusive employment of TPIs made the process too technical and insufficiently participatory. A key constituency that appears to have been insufficiently consulted during the preparation of the self-assessment was that of traditional governance institutions, who were not represented on the APRM Commission, nor, apparently, consulted during the research process.

There were also concerns about the validation process for the country self-assessment report. The APRM Commission had the responsibility of organising the meetings validating the thematic reports produced by the TPIs, but the commissioners themselves did not necessarily digest the content of these documents – for instance, the draft report on political and democratic governance was 300 pages long, and the TPI involved said it found itself in meetings with commissioners who had not had time to read it. Because of

the length of the full reports, the validation meetings were presented with summaries only, while the TPIs who drafted the reports were not required to be present. Some of those who participated argued that as a consequence there was no clarity on what it was they were validating. There is a suggestion that if participants in the validation meetings disagreed with anything in the draft reports, their views were simply disregarded in the preparation of the final version.

Furthermore, the public validation meetings departed from public expectations and conventional practices when they did not involve those same respondents and participants in public hearings whose answers had formed the substance of the thematic reports. No record appears to exist of who attended these validation meetings, the criteria for selecting participants, and which interest groups were represented. In general, there was no feedback to those interviewed for the initial research, as the TPIs or the Commission never returned to the locations visited to conduct fieldwork.

In terms of the written product of the APRM process, the visible result of all the research effort made, some significant issues were simply ignored in the final self-assessment and country review reports, despite their many strengths. They include oil exploration and exploitation and environmental management, and the situation of pastoralists. Moreover, as in many other countries, the relationship between the NPoA (costed in Uganda at nearly US\$ 5 billion) and national planning exercises is unclear. Turf battles and accountability problems abound, and consensus on the value of the PoA cannot be assumed. A new shift on the planning horizon suggests the ruling party's manifesto is likely to predominate. Some civil society organisations have complained that in any case government 'monopolised' the drafting of the NPoA, and their concerns were sidelined. The very dismissive response of the government to the findings of the country review report in the area of democracy and political governance in particular suggests that the will to implement some of the recommendations may be lacking.

One of the key objectives of the APRM process is to strengthen people's participation and the building of democracy and a government that is accountable. While the APRM in Uganda had some successes in this regard, it did not go as far as the PEAP (Poverty Eradication Action Plan) in its outreach to civil society. The representation of non-governmental stakeholders in the APRM Commission did not in practice ensure a sense of inclusion in the process, in part because the members of the Commission did not report back regularly to their own constituencies. The role of the media in the APRM process was also marginal, as it acted merely as a channel of transmission of messages and press releases, contrary to the recommendation of the APRM support mission to give the media a proactive role. It is also

a matter of considerable concern that the self-assessment and country review reports and the NPoA are available only in English, even for their executive summaries, and have not been translated into national languages and disseminated widely through local councillors and other institutions at district level.

At the level of the overall framework for the APRM review of any country, there is a need to clarify the duty of the national APRM Commission in regard to submitting the country self-assessment report to government. The memorandum of understanding between the Ugandan government and the APRM continental institutions was silent on this point. On paper, therefore, the government was only entitled to the draft country review report. Clearly, government should not have the right to amend or edit the self-assessment report, which is supposed to be produced in a process that is free of executive interference. Yet if government is expected to verify the accuracy of the country review report, and respond to the Panel's findings, it cannot do it without access to the findings of the self-assessment report.

## Recommendations

### *To the Ugandan government and national APRM institutions*

- The National Governing Council (NGC) now in place in Uganda should take stock of the challenges experienced by the APRM Commission and make recommendations to overcome them by setting out a way forward to a progressive realisation of the peer review recommendations and commitments of the NPoA.
- The current format of monitoring, evaluating and reporting on the NPoA, has turned the APRM process away from its broad participatory roots into a narrow bureaucratised and technical exercise that relies on consultants who interface with implementers and so-called key stakeholders. This distorts the objectives of the APRM process and reduces issues of governance to matters of public administration. This has to be corrected by providing a legal framework for the APRM process, to ensure its independence and to strengthen its accountability to parliament and to enable the NGC to conduct its business by involving civil society and non-state actors more directly and meaningfully in the process. For example, the preparation of annual reports should emerge out of a consultative conference convened by the NGC, where civil society and government present their reviews and proposals of what should be done.
- To facilitate the foregoing, the basic APRM documents

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such as the CSAR, CRR, NPoA and the subsequent annual reports should be translated into major local languages and disseminated to civil society institutions including traditional institutions and, in terms of administrative structures, up to village level. This will require institutionalising the process to enable participation of other actors and ensuring that views from such actors are incorporated in the annual reports. In particular, the positive lessons of the peer review and the principles of self-criticism should be brought down to local administration level in Uganda. Local councils should therefore peer review themselves as part of the local governance process.

- Since the National Planning Authority is the statutory body entrusted with the functions of planning, its role should be seen to be broad-based. As an independent body, it should not focus on the ruling party manifesto alone; it should widen its scope by including views from the opposition and the APRM process. That is why the legal status of the APRM assumes that importance for its recommendations will have legal force and the Governing Council will be accountable parliament.
- The report on the implementation of the NPoA and other governance challenges in Uganda by the civil society Uganda Governance Monitoring Platform shows clearly the need to institute mechanisms to ensure that the government implements its NPoA commitments, especially those related to respect for democratic principles. These include the reinstatement of two presidential term limits, ending dominance of the presidency over the legislature and the judiciary, appointment of an independent electoral commission and other related reforms, and fighting corruption.

### ***Regarding continental APRM institutions and other countries undertaking the APRM process***

- The effectiveness of the national APRM Commission or National Governing Council requires it to be independent in two ways. On the one hand, it requires parliamentary legislation to guarantee the independence and effectiveness of the institution. On the other hand, membership should be based on individual merit and recruitment should be open and transparent.
- Recruitment of the TPIs should also be open and transparent, based on clear criteria and competence to do the research required.
- For the APRM to have impact on governance requires effective and open public participation of civil society and all other actors in the design, planning, implementation, monitoring, evaluation of performance and improvement in governance. It should be all encompassing, bottom-up with civil society, local, central government, and

parliament playing a leading role. Persistent publicity is essential to educate the public and to solicit its involvement.

- The APRM master questionnaire, its relevance and application need to be evaluated to clarify its conceptual problems and simplify its use in the field. The domestication process needs to be re-examined and this requires involvement of all actors. Participatory methodologies should be used in the administration of the questionnaire.
- The standard memorandum of understanding between governments and the continental APRM structures should include provision for the country self-assessment report to be made available to government by the national APRM Commission or Governing Council.
- The process of peer review involving heads of states has limitations because once the report is submitted to the APR Forum, there is only a very limited follow-up on the implementation of the commitments made. The country review report should be submitted to the Pan-African parliament and other regional bodies such as the East African Legislative Assembly for review and debate, with open space for civil society participation in response to the views presented in the country review report and the peer review by heads of state and government.

# The New Partnership for Africa's Development and the APRM

The New Partnership for Africa's Development (NEPAD) is a strategic framework setting out a 'vision for Africa's renewal'. Five heads of state initiated NEPAD – Algeria, Egypt, Nigeria, Senegal and South Africa – and its founding document was formally adopted by the 37th summit of the Organisation of African Unity (OAU) in Lusaka, Zambia, July 2001. NEPAD is now a programme of the African Union (AU), successor to the OAU, though it has its own secretariat based in South Africa to coordinate and implement its programmes. Following many years of discussion on the need for greater integration of the secretariat and NEPAD programming in general into the AU processes and structures, the AU Assembly of Heads of State and Government decided in February 2010 to rename the NEPAD Secretariat the NEPAD Planning and Coordinating Agency, and provided for some other changes in its governance structures.

NEPAD's four 'primary objectives' are to eradicate poverty, promote sustainable growth and development, integrate Africa in the world economy, and accelerate the empowerment of women. It is based on underlying principles of a commitment to good governance, democracy, human rights and conflict resolution; and the recognition that maintenance of these standards is fundamental to the creation of an environment conducive to investment and long-term economic growth. NEPAD seeks to attract increased investment, capital flows and funding, providing an African-owned framework for development as the foundation for partnership at regional and international levels.

NEPAD is governed by a Heads of State and Government Orientation Committee (HSGOC; renamed from an 'implementation committee', HSGIC, in February 2010). The HSGOC is a sub-committee of the AU Assembly that provides political leadership and strategic guidance for NEPAD

programming. It comprises three states for each region of the African Union; the first chair was President Obasanjo of Nigeria; from 2007, Prime Minister Meles Zenawi of Ethiopia holds the role. The HSGOC reports to the AU Assembly of Heads of State and Government. There is also a steering committee, comprising 20 AU member states, to oversee projects and programme development. The chairperson of the African Union Commission exercises supervisory authority over the NEPAD Planning and Coordinating Agency.

In July 2002, the Durban AU summit supplemented NEPAD with a Declaration on Democracy and Political, Economic and Corporate Governance. According to the Declaration, states participating in NEPAD 'believe in just, honest, transparent, accountable and participatory government and probity in public life'. Accordingly, they 'undertake to work with renewed determination to enforce', among other things, the rule of law; the equality of all citizens before the law; individual and collective freedoms; the right to participate in free, credible and democratic political processes; and adherence to the separation of powers, including protection for the independence of the judiciary and the effectiveness of parliaments.

The Declaration on Democracy, Political, Economic and Corporate Governance also committed participating states to establish an African Peer Review Mechanism (APRM) to promote adherence to and fulfilment of its commitments. The Durban summit also adopted a document setting out the stages of peer review and the principles by which the APRM should operate.

In March 2003, the NEPAD HSGIC, meeting in Abuja, Nigeria, adopted a memorandum of understanding (MoU) on the APRM. This MoU effectively operates as a treaty: countries



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that do not sign are not subject to review. The MoU entered into effect immediately in Abuja, when six states agreed to be subject to its terms: as of the end of 2009, 30 countries had signed.<sup>1</sup> The March 2003 meeting also adopted a set of 'objectives, standards, criteria and indicators' for the APRM. The meeting agreed to the establishment of a secretariat for the APRM, also based in South Africa, and the appointment of a seven-person 'Panel of Eminent Persons' to oversee the conduct of the APRM process and ensure its integrity.

The APR Secretariat, functioning by late 2003, developed a questionnaire based on a wide range of African and international human rights treaties and standards to guide participating states' self-assessments of their compliance with the principles of NEPAD. Its questions are grouped under four broad thematic headings: democracy and political governance, economic governance and management, corporate governance, and socio-economic development. The questionnaire was formally adopted in February 2004, in Kigali, Rwanda, by the first meeting of the APR Forum (APRF), made up of representatives of the heads of state or government of all states participating in the APRM. At this point, the formal process of peer review was ready to start: the meeting identified the first four countries to undergo review as Ghana, Kenya, Mauritius and Rwanda. Since then, 13 APRM-acceding countries have completed their first reviews (in chronological order): Ghana (review carried out by the APRF in January 2006), Rwanda, Kenya (July 2006), South Africa, Algeria, Benin (January 2008), Uganda (June 2008), Nigeria, Burkina Faso (October 2008), Lesotho, Mali, and Mozambique (June 2009), and Mauritius (July 2010).

Each country to be reviewed is assigned to one of the seven eminent persons, who consider and review reports, and make recommendations to the APR Forum. The first set of seven 'eminent persons', with the position of chairperson rotating among them, was made up of the following: Marie Angelique Savané (Senegal), Adebayo Adedeji (Nigeria); Bethuel Kiplagat (Kenya); Graça Machel (Mozambique); Mourad Medelci (Algeria, later replaced by Mohammed Séghir Babes); Dorothy Njeuma (Cameroon); and Chris Stals (South Africa). Some members of the panel stepped down during 2008 and 2009. At the meeting of the APR Forum in Addis Ababa in January 2010, four new members were appointed, and the new panel consisted of: Adebayo Adedeji (Nigeria, chair since 2007), Mohamed Séghir Babes

(Algeria), Amos Sawyer (Liberia), Julienne Ondziel-Gnelenga (Republic of Congo), Siteke Mwale (Zambia), Akere Muna (Cameroon), and Domitilia Mukantangazwa (Rwanda, appointed in 2009). At the July 2010 summit of the AU, Adedeji announced his resignation; and just two months later Siteke Mwale passed away, leaving two seats to be filled by the next APR Forum. The Forum appointed Mohammed Séghir Babes to take over as chair with immediate effect, with Mukantangazwa as his deputy.

In order to implement the APRM's objectives and ensure that the self-assessment process is satisfactorily completed, the 'country guidelines' issued by the APRM Secretariat lay down that several institutions should be established at national level. Although these have varied somewhat in form, they have generally included:

- a national APRM Focal Point, ideally a person at ministerial level or in the Office of the President, and reporting directly to the Head of State;
- a national commission or governing council responsible for overseeing the national self-assessment process and signing off on the documents produced, the members of which should be diverse and representative of a wide range of interest groups, and which should be autonomous (though not all countries have fully respected this rule);
- a national APRM Secretariat, to provide administrative and technical support to the national commission or governing council, ideally functioning independent of government and with control of its own budget;
- a number of technical research institutions, which are given the responsibility to administer the APRM questionnaire and carry out background research.

The APRM documents identify five stages in the review process.

### **Stage One: Self-assessment and country support mission**

A country support mission from the APRM Secretariat led by the assigned eminent person visits the participating country to ensure a common understanding of the rules, processes and principles of the APRM. The team liaises with the country Focal Point and organises working sessions and technical workshops with stakeholders; the eminent person signs a memorandum of understanding with the government on modalities for the country review mission. The country then begins its self-assessment report, based on the APRM questionnaire. The country is also expected to formulate a preliminary plan of action based on existing policies,

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1 Algeria, Burkina Faso, Republic of Congo, Ethiopia, Ghana and Kenya signed the MoU in March 2003; Cameroon, Gabon and Mali in April and May 2003; Mauritius, Mozambique, Nigeria, Rwanda, Senegal, South Africa, Uganda, Egypt and Benin in March 2004; Malawi, Lesotho, Tanzania, Angola and Sierra Leone in July 2004; Sudan and Zambia in January 2006; São Tomé and Príncipe in January 2007; Djibouti in July 2007; Mauritania in January 2008 (suspended from the APRM from August 2008 to July 2009, during its suspension from the AU following a coup); Togo in July 2008; and Cape Verde in July 2009.

programmes and projects. The self-assessment is supposed to involve the broad participation of all relevant stakeholders, including civil society organisations as well as government ministries and departments.

## **Stage Two: Country review mission**

A country review team – also led by the eminent person and made up of representatives of the APRM Secretariat and of the APRM partner institutions, which include the UN Economic Commission for Africa (UNECA), the African Development Bank and other institutions – visits the country to carry out broad consultations, clarify any issues that may require discussion, and help to build national consensus on the way forward.

## **Stage Three: Country review report and modification of plan of action**

The country review team drafts a report on the country, based on the information it has gathered during its review mission and on independent issues papers developed by the continental APRM Secretariat, and shares its findings with the government. Based on the self-assessment report and the country review team's report, the country finalises its plan of action, outlining policies and practices for implementation.

## **Stage Four: Conduct of peer review**

In the fourth stage, the country review team's report and the plan of action are presented at the APRM Forum by the eminent person and the country's Head of State or government for consideration by the other participating heads of state and governments.

## **Stage Five: Publication of the report and programme of action**

In the final stage, the after the report has been considered by the APRM Forum, it is tabled at the AU Summit, before being made public.

The time taken in completing all these steps has varied greatly: the shortest period was for South Africa, which took less than two years from national launch to final review; by

contrast, Mauritius began its national self-assessment in 2004, and had yet to complete the process by mid-2010. If completed, the process leads to the production of three important documents:

- The country self-assessment report (CSAR) prepared by the country concerned on the basis of the APRM questionnaire. The final CSAR is only published at the discretion of the state concerned.
- The independent country review report (CRR), prepared by the APRM Secretariat and its technical partners, under the supervision of the APRM Panel, finalised following comments from the government and presented to the APR Forum by the eminent person assigned responsibility for the country review.
- The national programme of action (NPOA) to address the problems identified, initially prepared at country level based on the self-assessment report, and finalised on the basis of agreement between the APRM Panel and the government, and also presented to the APR Forum.

In addition, countries that have completed their reviews are then required to submit to the APRF annual progress reports on the implementation of their programmes of action.

# Political context in Uganda

Uganda was created by the British out of diverse ethnic groups and nationalities and states that were at different levels of socio-economic and political development. Generally, non-centralised governance systems predominated in the north and east while highly centralised systems predominated in the south and west. Thus as in most of post-colonial Africa, the state at independence was weak and fragile. The Lancaster House Agreement that set the constitutional framework for Uganda's independence attempted to provide a balance between a federal and unitary system that was essentially a compromise between supporters of Buganda nationalism, who wanted federalism, and the rest who wanted a unitary system of government.

The compromise collapsed in 1966 with the military assault on the kingdom of Buganda and the forced exile of its hereditary ruler, the Kabaka, who was also president of Uganda. The 1962 constitution was abrogated and replaced by the 1966 constitution passed without approval when parliament was surrounded by the army. This marked the onset of military engagement in Uganda's governance, a situation which has not fundamentally changed to date. The new constitution provided for a centralised parliamentary system and dismantled the federal arrangements. Its successor, the 1967 republican constitution, introduced a highly centralised executive presidency, a legacy which undermines separation of power even under the current multiparty dispensation. After an assassination attempt on President Obote in 1969, political parties were banned and Uganda was governed as a one party state until Idi Amin overthrew Obote in a 1971 military coup, and introduced an outright military dictatorship. Political parties were banned and the country was ruled by decree.

Following the invasion of Tanzania by Idi Amin's forces in 1978, a combined force of exiles in Tanzania and Kenya

joined hands with the Tanzanian army and overthrew the military regime in April 1979. From then until May 1980, Uganda was under the Uganda National Liberation Front (UNLF), in which the most prominent governance question was the subjection of militarism (represented by the armed groups) and executive presidency to political control and direction of the interim parliament (the National Consultative Council). This was a short lived experiment: in mid-1980 a military junta, which included current President Yoweri Museveni, usurped power and organised the controversial 1980 elections. The elections were chaotic and discredited. Obote was declared presidential winner. However, the lessons of the UNLF interim period, namely the politics of coalition and consensual decision-making, were to be felt in the post-1980 armed resistance and its aftermath. Museveni and others launched an armed rebellion against the Obote government. The militarist politics underpinning Obote's regime culminated in his overthrow by his army in 1985, which in turn was swept out of power by Museveni and his National Resistance Movement (NRM), which took power in January 1986.

Legal Notice No. 1 of 1986 returned the country to a no-party 'movement' system of governance, justified by the rulers as necessary for national unity and reconciliation. In 2000, Ugandans voted in a referendum boycotted by political parties to determine whether Uganda continued under a no-party system or returned to multi-partyism. It was not until 2005 that parliament amended the constitution to allow the return to multi-party politics; but in the same set of amendments, presidential term limits were also removed, to allow Museveni to stand again. The 2006 elections that returned Museveni as President were marred by widespread malpractices, raising serious concern about the credibility of the process. In 2011 Ugandans go back to the polls amidst



concerns that reforms that would have made the process credible have not been undertaken.

Uganda's foreign policy under President Museveni has included active engagement in the project to transform the Organisation of African Unity into the African Union (AU), and important contributions to AU peacekeeping operations. Uganda has, however, backed the more cautious proposals for building up the AU from regional blocs, rather than the ambitious schemes for immediate continental government of which the most high-profile sponsor is President Muammar Ghaddafi of Libya. More controversially, Uganda has also been involved in military interventions in Rwanda, the Democratic Republic of Congo and elsewhere. Uganda has boosted its international and African profile as host of the Commonwealth Heads of State and Government meeting in November 2007, the extraordinary summit of the AU that adopted the Convention for the Protection and Assistance of Internally Displaced Persons in Africa in October 2009, and the AU summit in July 2010.

# National APRM structures in Uganda

Uganda acceded to the APRM on 9 March 2003 and was among the first batch of countries to do so, along with Egypt, Mauritius, Mozambique, Nigeria, Rwanda, Senegal, and South Africa. The government undertook to establish, within 18 months, appropriate institutions to facilitate the country self-assessment process and the adoption of a national programme of action (NPoA) to address the problems identified.

There were differing views about which government department was to be responsible for NEPAD/APRM institutions. One view was to locate it under the Office of the President, to 'avoid it being exploited by the NRM's political rivals and critics';<sup>2</sup> the other was to put it under the firm oversight of the Ministry of Finance, Planning and Economic Development (MoFPED) to ensure that its outcomes, particularly the NPoA, did not undermine MoFPED's pre-eminent role in planning processes, nor its national budgetary plans.

Ultimately, the MoFPED formally took leadership on NEPAD issues, because of the importance of the APRM process in planning, which is under this ministry. The Economic Policy Development and Research Unit (EPDRU) of the MoFPED was given responsibility for NEPAD, and Max Ochai, a principal economist in the ministry and head of EPDRU, was substantively in charge of the initial NEPAD activities. Institutionally he reported to the permanent secretary, the most senior civil servant in the ministry.

Uganda's national APRM structures consisted of the APR National Focal Point; the National APRM Commission; the NEPAD/APRM Unit (Secretariat), based in the National Planning Authority; and 'technical partner institutions' (TPIs)

responsible for carrying out the research for the country self-assessment report (CSAR).

## National Focal Point

The minister responsible for planning in the MoFPED assumes the role of National Focal Point. The first appointee, in 2003, was Isaac Musumba, the then Minister of State for Planning of the MoFPED. Upon a cabinet reshuffle, Omwony Ojwok was appointed and served until his death in November 2007. Hon. Jachan Omachi succeeded him in acting capacity, until the appointment of Prof. Ephraim Kamuntu in March 2008.

The National Planning Authority (NPA) – the principal agency responsible for managing and harmonising decentralised development planning systems and processes in Uganda, under the political mandate of the MoFPED – was designated as the NEPAD/APRM National Focal Point institution. The NPA, a statutory agency established by the NPA Act of 2002, was tasked with setting up the national structures and ensuring that NEPAD initiatives and the APRM are integrated into the national planning processes. The functions of the Focal Point are: to establish, operationalise, supervise, monitor, evaluate and coordinate the national framework system and strategies; to manage and facilitate aspects of the APR process and country review visits in a cost effective and participatory manner.<sup>3</sup>

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2 Interview with Dr Augustine Nuwagaba, 6 November 2009.

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3 'Uganda in the Peer Review Process: Commitment to the Implementation of the NEPAD? APRM initiatives', in *NEPAD Uganda Newsletter*, Vol. 002, September 2006, p.5.

## National APRM Commission

President Museveni set up the national APRM Commission in September 2005. The role of the Commission was to:

- provide leadership, guidance and direction to the Uganda peer review process, including awareness and sensitisation of the Uganda public;
- ensure that the executive, parliament, judiciary, civil society, private sector and other stakeholders are sensitised and to enlist their full participation in the APRM process;
- ensure the integrity of the review process by keeping it transparent, inclusive and accountable to the people;
- meet regularly, review progress reports and provide objective recommendations on the reports generated by the TPIs;
- ensure successful harmonisation of the thematic reports into a single national review assessment report that reflects the views of Ugandans; ensures timely delivery of the CSAR and the National PoA;
- transmit the final report to the Panel of Eminent Persons, the Head of State and other relevant national and African organs as specified by NEPAD's APRM rules;
- prepare, administer and coordinate the visit of the APRM Panel and facilitate their work when the Panel team comes to do its own governance assessment of the country; and
- upon acceptance of the national PoA, to ensure the country is sensitised about the results of the process and the proposed implementation of the NPoA by government, private sector, civil society and development partners.<sup>4</sup>

The Commission had working sessions on a monthly basis. There were meetings between the Commission and strategic government officials, who included the presidency, Prime Minister, Speaker of Parliament, ministers and key civil servants.

Initially, the Uganda APRM Commission had only 17 members, but was later expanded to 21 to allow representation of a wider range of interest groups, such as the private sector and legal fraternity. These changes could have been avoided if everything had been debated and spelt out in legislation. The final membership was thus larger than the seven-member Ghanaian commission, though smaller than the APRM Commissions in Nigeria (216), Benin (97), and Burkina Faso (28).<sup>5</sup>

4 Uganda National APRM Commission, *The Uganda Country Self-Assessment Report* (hereafter CSAR), November 2007, p.16.

5 See AfriMAP reports on the implementation of the APRM in these countries, available on the AfriMAP website <http://www.afriMAP.org>.

According to the CSAR, the National Focal Point and NPA had initially intended to select the members of the Commission, but the APRM support mission disagreed with this idea. As Prof. Adedeji put it:

*... the review process should not be perceived as a government venture but one owned by Ugandans ... and the Commission's work should be defined by principles of credibility, integrity and ownership by stakeholders. It must be independent and this was the reason for rejecting the idea of nominating its members who were instead elected by the institutions they represent ...*<sup>6</sup>

The compromise was to let stakeholders identified by the NPA nominate their representatives into the Commission. The inclusion of different participants was to be based on the criterion of prior involvement in 'national consultative process such as PRSPs, PEAP and Monitoring MDGs. Each of the governance stakeholder groups were requested to submit a name based on eminence, credibility and adequate capacity to represent a group, community and organisational interest'.<sup>7</sup> Members of the Commission were then given formal letters of appointment from the National Focal Point minister.<sup>8</sup>

The breakdown of the final membership was as follows:

- nine civil society: the Uganda Joint Christian Council, National Youth Council, National Union of Disabled Persons in Uganda, Uganda Media Union, Inter Religious Council of Uganda, Uganda National Farmers Federation, National Association of Women's Organisation of Uganda, National Women's Council and Uganda National NGO Forum;
- four central and local government officials (including Max Ochai, head of EPDRU);
- three statutory bodies: the National Planning Authority, represented by Kaye B Saul; the Uganda Law Society, represented by Nkunzingoma Rubumba Deo; and Makerere University, represented by Prof. Elisha Semakula;
- three members of parliament: one each for the opposition, the ruling party and the East African Community (EAC) Legislative Assembly;
- one private sector; and
- one trade union.

The representatives of the private sector, labour, and civil

6 NPA, African Peer Review Mechanism Mission Report, September 2005, p.14.

7 CSAR, p.16.

8 CSAR, p.16.

society were thus in the majority in the Commission. Civil Society representatives on the APRM Commission included Bishop Zac Niringiye of the Uganda Joint Christian Council, Abdul Busuulwa of the National Union of the Disabled Persons of Uganda, Warren Nyamungasira of the Uganda National NGO Forum, Agaba Abbas of the National Youth Council, Rose Muyinda of the National Women's Council and others.<sup>9</sup>

The Commissioners elected their chair, Prof. Elisha Semakula, then the director of Quality Assurance at Makerere University. Prior to that he had been an education professor in the United States for over 30 years, and on his return to Uganda was the first vice chancellor of the Seventh Day Adventist Bugema University, then member of the National Council of Higher Education before joining Makerere University. After completion of his work at the APRM Commission, Mutesa I Royal University appointed him vice chancellor. His deputy was Bishop Zac Niringiye. According to Prof. Semakula, the election of the chair was a two-way contest between him and Bishop Niringiye, and he got the majority vote and proposed Bishop Niringiye who got three votes to be his deputy. But, as fate would have it, Bishop Niringiye was to be elected five years later in 2009 as the first Chair of the APRM National Governing Council, the successor to the APRM Commission. The election of these two was in the presence of interest groups, who included donors such as the UK's Department for International Development (DFID), Danish Development Assistance (DANIDA) and the UN Development Programme (UNDP), as well as the MoFPED and the Ministry of Foreign Affairs (MoFA). Donors closely monitored the election process apparently to minimise manipulation.<sup>10</sup>

Once appointed, the Commission established eight working committees, one for each of the four thematic areas (democracy and political governance, economic governance and management, corporate governance, and socio-economic development), and four administrative committees (programme and contracts, media and publicity, report writing, and finance and logistics), each with clear terms of reference and a code of conduct.<sup>11</sup>

Since the Commissioners were representing constituencies, they were expected to provide feedback written reports of their interactions with their constituencies to be included in the newsletter, and also to report back to the sectors they

represented on developments in the APRM process.<sup>12</sup> However, according to the APRM Commission chair, reporting back to constituencies was very poor, including by government officials.

### APRM Secretariat

The Commission was serviced by the NEPAD/APRM Unit, based in the NPA, which did double reporting to the Commission on technical matters and to the NPA on administrative ones. In August 2005, a programme manager was appointed for the APRM Secretariat, and in September 2006, seven staff members were recruited. The Secretariat was reinforced by the appointment of four thematic area governance resident consultants who served for four months. The composition of the Secretariat was preceded by research by the APRM Commission about the experiences of South Africa, Kenya and Rwanda, which were visited to learn about how the process had been conducted and structured in these countries.<sup>13</sup>

The Secretariat was supposed to be the link between the Commission and government, particularly for the purpose of procuring resources; however, in the opinion of some of the commissioners, it turned out to be very weak and ill equipped. They noted that most of the staff of the Secretariat did not have sufficient experience in government regulations and knowledge of the functions of government. They also lacked managerial skills to handle and motivate people of different ages, gender and expertise. The accountant was overwhelmed with the tasks involving many project partner institutions and did not have financial expertise. The Secretariat had only two vehicles to tour the country.<sup>14</sup>

### Technical partner institutions (TPIs)

The National Planning Agency recruited research institutions to carry out the research for the country self-assessment report – known in Uganda as 'technical partner institutions' or TPIs – even before the APRM Commission was established.<sup>15</sup> The process of selecting the TPIs was extremely convoluted.

9 As listed in the CSAR pp.i–ii and CRR pp.9–10.

10 Interview with Prof. Elisha Semakula, 11 November 2009. Subsequent quotes from Prof. Semakula in this report are taken from this interview.

11 The CSAR, p.17; Silvia Angey Ufoyuru, Country Programme Manager – NEPAD/APRM Unit, National Planning Authority of Uganda, presentation for a training workshop on enhancing the Role and Effective Participation of Parliamentarians in the APRM Process, Dar es Salaam, 12–14 November 2008, p.8.

12 The APRM Commission publishes a Uganda NEPAD Newsletter.

13 Interview with Silvia Angey Ufoyuru, Country Programme Manager – NEPAD/APRM Unit, National Planning Authority of Uganda, 3 November 2009 at her office.

14 All those interviewed in the Commission raised this complaint.

15 NPA, African Peer Review Mechanism Mission Report, September, 2005.

In principle, the TPIs had the following responsibilities:

- domestication and reformulation of the questionnaire to ensure its applicability in Uganda;
- identifying national priorities;
- liaising with other institutions, experts under guidance of the NPA, to form specialist technical review teams;
- using scientific and objective methods to carry out data collection, analysis and compilation of Group reports;
- providing regular progressive reports to the Commission; and
- harmonisation of the reports on each of the four thematic areas for compiling the CSAR.<sup>16</sup>

These responsibilities were roughly divided into two phases: desk research and domestication of the questionnaire; and field work and drafting of the final report.

Initially, the research strategy for the first phase favoured a two-layered approach using four lead TPIs for each of the key thematic pillars, backed by eight specialist sub-theme TPIs, making a total set of twelve institutions, organised by theme as follows:

- Democracy and political governance: Pan African Centre for Strategic Studies as lead, and Mentor Consult and Forum for Promoting Democratic Constitutionalism as specialists;
- Economic governance and management: Makerere University's Economic Policy Research Centre as lead, and Green Star International Uganda Ltd as specialists;
- Corporate governance: Institute of Corporate Governance of Uganda as lead, and Kalenge, Bwanika and Kimuli & Company Advocates, UNISIS and Ssejjaaka, Kaawaase & Company (Chartered Accountants) as specialists; and
- Socio-economic development: REEV Consult International Ltd as lead, and Department of Gender and Women Studies, Makerere University and Women of Uganda Network, as the specialists.<sup>17</sup>

However, a slightly different list of only eight TPIs was presented by the NPA to the APRM support mission in September 2005. The TPIs were:

- Democracy and political governance: Forum for Promoting Democratic Constitutionalism and Pan African Centre for International and Strategic Studies;

- Economic governance and management: Economic Policy Research Centre (EPRC);
- Corporate governance: Institute of Corporate Governance in Uganda; and
- Socio-economic development: Undox Multi-Consult International Ltd, Makerere Institute of Social Research (MISR), REEV Consult International and the Women of Uganda Network.

In September 2005, when the APRM country support mission asked the TPIs to give a progress report on their activities and their understanding of the questionnaire and challenges faced in each thematic area, the EPRC was not present to give an account of its work. Consequently, the EPRC was dropped; and so too were Undox, MISR, the Institute for Corporate Governance, the Forum for Promoting Democratic Constitutionalism and the Pan African Centre for International Strategic Studies.

Ultimately, in the fieldwork phase, a new set-of-five TPIs were appointed, ostensibly because of the 'complexity of managing the various firms involved'.<sup>18</sup> The five were:

- Democracy and political governance: Mentor Consult;
- Economic governance and management: Green Star International;
- Corporate governance: Uganda Manufacturers Association Consultancy and Information Services (UMACIS);
- Socio-economic development: REEV Consult; and
- National sample survey: Uganda Bureau of Statistics (UBOS).

No adequate explanation was given regarding recruitment criteria and the number of TPIs required. Although the CSAR claims the recruitment of the 12 technical partner institutions for the first phase (desk research and domestication of questionnaire) was based on competitive bidding,<sup>19</sup> some of the TPIs interviewed said they were just invited and requested to submit their inception reports. Dr Augustine Nuwagaba of REEV Consult said that the recruitment of TPIs was not advertised and never followed the procurement procedure.<sup>20</sup> On the other hand, Commissioners Max Ochai, who had been involved in the process since its initiation in Uganda, was emphatic that the recruitment of the TPIs for both phases followed both the Public Procurement and Disposal of Assets Authority (PPDA) and donor procurement guidelines: 'The donors such as the African Development Bank (AfDB) were so insistent on it that they would

<sup>16</sup> CSAR, p.17.

<sup>17</sup> CSAR, p.18.

<sup>18</sup> CSAR, p.18.

<sup>19</sup> CSAR, p.18.

<sup>20</sup> Interview, 6 November 2009.

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not have released their funds'.<sup>21</sup> Dr Odoch Pascal of Green Star International Uganda Ltd (a former programme director with the NPA and currently a member of parliament) reinforces the claim about the adverts. He said there was an advertisement for positions of TPIs, which his firm responded to. Yet the authors of this report checked all newspaper cuttings provided by the Secretariat and there was no advert of the consultancies placed by the Commission in 2005. The only advert related to recruitments is in the New Vision of 9 March 2009, well after the process had been completed, for posts of consultants for democracy and political governance, socio-economic management, economic governance and management, corporate governance, programme accountant and accounts assistant, which probably related to the new National Governing Council.

The recruitment for the second phase (fieldwork) was not that straightforward either. Apparently, there was no advertisement once again. The first TPIs recruited were a mixed lot, some with a clear public track record in research and policy studies; others with an obscure profile; and yet others, such as Forum for Promoting Democratic Constitutionalism,<sup>22</sup> with a media reputation as being close to the ruling regime. Some of those selected, in the opinion of their peers, proved incompetent.<sup>23</sup> 'What those of us who were successful did was to get competent staff from other TPIs but some of them could not deliver and I got rid of them.'<sup>24</sup>

In time, it also became apparent that there were substantial political differences among the TPIs, leading to tensions and conflicts in the work: 'Although the NPA called meetings to harmonise these conflicting positions, the exercise was futile and we, the TPIs, suggested that each pillar be put under one TPI'.<sup>25</sup> There appeared to be no overall strategy to manage the research process.

For the second phase, cutting down on 'ladders of consultancy' was valued by some TPIs such as REEV Consult, who felt that it would give them more discretion and flexibility to do their fieldwork more effectively. Another challenge came from the realisation by the TPIs that they had to do more aggressive grassroots mobilisation because, as one TPI put it, the 'trickle down sensitisation' used by the Secretariat had not gone very far.<sup>26</sup>

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21 Interview with Max Ochai, APRM Commissioner and Head of Economic Policy Research and Development Unit, MoFPED, 12 November 2009.

22 Mr Kintu Nyago, who was heading this company, is known to have been a special adviser to the president and he was recently appointed a deputy principal private secretary. He is commonly referred in the media to as 'spin doctor' of the president.

23 Interview with Prof. Ssentamu, 16 December 2008.

24 Interview with Emmanuel Ssewankambo, Mentor Consult, 10 November 2009.

25 Ibid.

26 Interview with Augustine Nuwagaba, REEV Consult, 6 November 2009.

# Financing the APRM process

As early as 2006, the chairman of the APRM Commission raised concerns over the financial constraints they faced, which imposed limitations on the execution of their functions.<sup>27</sup> The Commission needed 8.5 billion Uganda shillings but was only able to raise 4.7 billion.<sup>28</sup> As a result, the Secretary of the Commission, Mr Saul Kaye, had to divert funds from the NPA – which earned him a reprimand from the MoFPED.

## Contribution to the continental Secretariat

When it first signed the continental MoU establishing the APRM, the Ugandan government delayed paying its mandatory contribution of US\$ 100 000 to the APRM Trust Fund in South Africa, which is essential to the commencement of the self-assessment process. Indeed, it took the pleading and cajoling of Prof. Adebayo Adedeji, chair of the APRM Panel of Eminent Persons to secure the initial remission, which took up 12% of the NPA 2005 budget. Prof. Adedeji told the Focal Point that in order for the process to be seen as African owned and not donor driven, the government had to be the first contributor to the Trust Fund.<sup>29</sup>

The problem according to the Focal Point was that the national budget for the financial year 2005/2006 had to provide for elections, leaving limited resources for other activities. The situation was further complicated in the following financial year, as government had to provide for the Commonwealth Heads of State and Government meeting held in Kampala in 2007.<sup>30</sup>

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27 *East African*, 30 October and 5 November 2006.

28 *Weekly Observer*, 16-22 November 2006.

29 NPA, African Peer Review Mechanism (APRM) Mission Report, 2005, p.8.

30 *Ibid.*, p.10.

## Funding the Ugandan self-assessment

For the implementation of the country self-assessment process, the government called a donors' conference in 2005, in which a timetable towards the self-assessment was discussed. Meanwhile, the UNDP supported the NPA by paying the APRM programme manager, purchasing furniture and mobilising other donors to make their contributions to the 'basket fund' it managed to support the country self-assessment process.

According to one source, at the start of the fieldwork in 2007, 'government owed the [national] APRM Secretariat more than US\$ 600 000 in arrears after failing to meet its annual contribution of US\$ 400 000 (presumably for 2005 and 2006). Part of the problem has been attributed to bureaucratic power struggles between two key officials: the Permanent Secretary to the Treasury, who is responsible for releasing the funds to the responsible department and the Finance Minister who would operationalise the president's orders'.<sup>31</sup> The government also contributed office space, facilities and payment for utilities, as well as support for the country self-assessment process.

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31 Annie Barbara Chikwanha, 'The APRM. A case study in democratic institution building?', ISS Paper 151, Institute for Security Studies, 2007, p.4.

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**Schedule of donor funds received from 2005 to 2008**

Donor	Agreement	Year 2006		Year 2007		Year 2008		Total UgSh
		US\$	UgSh	US\$	UgSh	US\$	UgSh	
UNDP	US\$ 1 050 000	0	630 000 400		620 631 435		762 075 321	2 012 707 156
DANIDA	US\$ 420 000	0			694 200 000		152 894 603	694 200 000
DFID	£ 300 000	0			823 530 998			976 425 601
AfDB	US\$ 400 000	0			697 644 000		140 332 112	697 644 000
GTZ	€ 176 000	0		80000	187 464 066	58 000		327 934 178
			630 000 400	80000	302 347 0499	58 000	105 530 2036	4 708 910 935

Source: Uganda APRM Secretariat (US\$ 1 = UgSh 1 810)



# The APRM country support mission visits

## February 2005: Memorandum of understanding signed

Implementation of the APR process in Uganda formally commenced on 15 February 2005 when an APRM support mission led by Prof. Adebayo Adedeji concluded a 'memorandum of understanding on the technical assessment missions and the country review visit' with Ugandan President Yoweri Museveni.

According to the MoU, Uganda undertook to: provide access to representatives of the partner institutions to conduct the assessment; make available all relevant information or documentation; encourage regular contact and exchange of information between its staff and members of the technical assessment mission; facilitate the conducting of wide consultations of all stakeholders including conducting meetings and interviews without hindrance, surveillance or censorship; provide resources and logistics to support the technical assessment mission as shall be agreed in each case; and, take necessary steps to guarantee the personal safety of the mission team within its borders.

With regard to the country review visit, Uganda agreed, among other things, to:

- establish the country's APRM Focal Point at ministerial level or a person reporting directly to the process, liaise with the APRM Secretariat and provide assistance to technical assessment missions and country review visits;
- organise a participatory and transparent national process for the self-assessment and country review exercise;
- provide clear guidelines to the APRM Secretariat and the national stakeholders as to how this process is to be effected, modalities for participation for interested parties

and relevant contact persons with regard to each aspect of the process; and,

- develop and forward to the APRM Secretariat, a preliminary NPoA that builds on existing national programs and projects, is based on consensus and reflects the needs of all stakeholders.<sup>32</sup>

Following the signing of the memorandum and before the second visit of the APRM mission, the NPA recruited the first set of technical partner institutions, which were given the questionnaire to adapt to local circumstances. It also developed a communication and advocacy strategy, organised the selection of members of the Uganda APRM National Commission, visited Rwanda and Kenya to learn from their experiences, and organised the donors' conference to mobilise resources toward NEPAD/APRM activities.

## September 2005: Insistence on independence of the process

Prof. Adedeji returned to Uganda in September 2005 as leader of a mission to review Uganda's progress in implementing the APRM. Other members of the mission included Dr Bernard Kouassi, the executive director of the continental APRM Secretariat at that time, and Dr Moise Nembot, APRM Secretariat coordinator for democracy and good political governance.

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<sup>32</sup> Memorandum of understanding between the African Peer Review Forum and the Republic of Uganda on the technical assessment mission of the country review visit, 15 February 2005.

## THE IMPLEMENTATION OF THE APRM IN UGANDA

The APRM support mission was emphatic about the review process being seen to be above government manipulation. In the Mission Report, it is stated:

*Prof. Adedeji emphasised that the role of the NPA was to act as a technical institution to the Commission which should spearhead the review process. It is necessary for the Commission to take the lead rather than the NPA which is perceived as a government body yet the APRM emphasises the process as one for and to be owned by the people.<sup>33</sup>*

As noted above, the support mission intervened to ensure that the membership of the APRM Commission would be elected by stakeholder groups rather than appointed by the NPA and National Focal Point.

In addition, the TPIs were briefed by Dr Nembot during a working session on how Ghana and Rwanda went about their self-assessment exercises. In this regard, the importance of translating the questionnaire into major local languages 'to ensure ownership', was highlighted. Unfortunately, the TPIs revealed themselves not to have made serious effort to mobilise stakeholders 'on their major concerns', including acquainting them with the questionnaire and getting comments on it.<sup>34</sup>

The TPIs also questioned the wisdom of plunging into the self-assessment exercise amidst a highly charged atmosphere of presidential and parliamentary elections, which were due in February 2006. The TPIs feared that 'partisan politics may impinge on the (self-assessment) process negatively' and damage its credibility as a national one intended for the good of the country'.<sup>35</sup> Both the support mission and Uganda APRM Secretariat were insistent that this would not pose problems in 2005. According to the mission report: '... fears that the elections may affect this date, were allayed with the reasoning that when campaigns are underway, the Panel of Eminent Persons will be working on the Issues Paper, and the Review Team will be sent before the elections are over. In other words the crucial tasks that have to be undertaken by the time the elections take place will be over and therefore will not compete for time with the assessment exercise'.<sup>36</sup>

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33 Ibid.

34 Interviews with Francis Kayira, UMACIS, 3 November 2009 and Dr Paschal Odoch, Green Star Consultants, 5 November 2009.

35 NPA, African Peer Review Mechanism Mission Report, 25–27 September 2005, p.14.

36 Ibid., p.15.

# Preparing the country self-assessment report

There were two timetables for the self-assessment process. The first one was agreed with the APRM support mission in September 2005, and envisaged the submission of the draft CSAR and preliminary NPoA to the APRM Secretariat in December 2005 and the completion of the process with the presentation of the country review report (CRR) by the APRM Secretariat to the Ugandan government in mid-2006.<sup>37</sup>

The insistence to have the draft report by end of December 2005 was unrealistic in light of an election campaign that was already distracting the general public's attention, sometimes violently, diverting public budgets, and consuming the attention of government. Despite the assurances that this would not be the case, the original schedule was therefore abandoned, stalling the process until a new government was sworn in on May 2006. In the meantime, the APRM Commission prepared a new roadmap for the implementation of the process, planning for final review of the Uganda country review report by heads of state in June 2008.<sup>38</sup>

Inevitably, this calendar slipped: the national APRM Commission submitted the draft CSAR to the continental Secretariat on 19 January 2008, and it was officially published on 21 January 2008. The country review mission took place in February 2008. However, Uganda's peer review by the APR Forum took place as scheduled in the margins of the AU summit held in Sharm El Sheikh, Egypt, in June 2008.

## Publicising the APRM process

The NPA and National Focal Point prepared a communications and advocacy strategy that was presented during the APRM country support mission of September 2005. The overall objective of the strategy was to support the realisation of the NEPAD/APRM goals in Uganda. More specifically, the intention was two-fold:

- to promote deeper understanding and appreciation of NEPAD policies, procedures and objectives because the NPA Secretariat had found that 'Ugandans have many perceptions of NEPAD – ranging from some as a financing vehicle that will deliver its own activities and products through extra financing to some empty pronouncement by the politicians'.<sup>39</sup> The strategy would further seek out what it described as 'smaller but clearly identified and influential groups in the audience' to whom more detailed information would be directed so that they would have 'their influence' to pass it on to the general public.
- to promote a better buy-in of, and commitment to, the programme as a 'renewal of our development programme and agenda'. The buy-in was especially pitched at 'development partners' for financial support and at policy-makers 'to influence specific policies' for successful implementation of the programme.

The strategy identified target audiences among the general public, the public sector (central and local government, autonomous agencies, parliament and the judiciary), the private sector (large and small businesses, and associations), educational institutions at all levels, civil society (including

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37 Ibid. p.8.

38 *Uganda NEPAD Newsletter* Vol. 4 March 2008, p.17.

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39 NPA, *Communication and Advocacy Strategy for NEPAD/APRM, Uganda Chapters*, March 2006, p.2.

**Second APRM roadmap**

2006	National and regional public awareness and sensitisation
2006	Selection and building partnerships with TPIs, domestication of questionnaire, desk research
February 2007	Launch of field research and inauguration of the Commission by the president of Uganda
February–March 2007	Carry out national sensitisation and consultations with all stakeholders
April–May 2007	Undertake the technical assessment in preparation of the CSAR, which included finalisation of the research instruments, domestication of the questionnaire, fieldwork interviews, national surveys, FGDs and interaction with stakeholders
June 2007	Preparation of the CSAR and draft NPoA and validation
July–August 2007	Submission of CSAR and NPoA to the Panel and preparation of Issues Paper by the Panel
August–September 2007	Country review mission
March 2008	Draft country review report
April 2008	Government response in 21 days
April 2008	Review and costing of NPoA taking into account CRM recommendations
June 2008	Peer review of Uganda
2008/2009	Incorporation of NPoA into the National Development Plan through inclusion in National Budget

faith-based and community-based organisations), and development partners.<sup>40</sup>

Officials of the Uganda APRM Secretariat told us that the strategy was presented at a meeting in March 2006 with stakeholders who included civil society and the media, but they did not furnish us with a record of that meeting. The strategy claimed to have categorised the audiences ‘in approximate order of their importance’, though the accompanying characterisation of these audiences betrayed a rather statist perspective. Thus the public sector, educational/research institutions and development partners were described as the most influential. Civil society organisations, including faith-based organisations, are described only as being ‘committed, respected and listened to’. Traditional and cultural institutions, some of which exercise perhaps more influence than government on ordinary Ugandans, were not mentioned. Much as the media was represented on the Commission, the role envisaged for it in the strategy was simply one of channelling messages. It was not envisaged to contribute substantially in its own right. This went against the explicit advice of the Support Mission to engage the media proactively.<sup>41</sup>

The strategy did however, commit the APRM Commission to reach out to the general public, CSOs and the private sector through, among others, media, and so-called ‘tribal’ languages. Apart from such a troubling and elitist designation (or perhaps because of it!) there was very little evidence in the field of these languages having been extensively used to translate key documents.

Nevertheless, the APRM Secretariat confidently asserted that the public was adequately sensitised and the APRM

process was sufficiently popularised.

*Some of the publicity activities included news paper placements in national and regional (vernacular papers) over 30 interactive radio and TV programs, radio advocacy messages, announcements and jingles on most FM radios and national stations, printing of publicity materials, e.g. brochures, posters, billboards, banners, branded apparels...<sup>42</sup>*

**Role of parliament**

The APRM Commission held at least two workshops specifically for members of parliament, the first one being in 2003,<sup>43</sup> followed by another on 14 December 2006, at the Hotel Equatoria in Kampala. These workshops aimed at sensitising parliamentarians about the APRM process and other NEPAD initiatives in Uganda.<sup>44</sup>

The strategies used to engage parliamentarians included:<sup>45</sup>

- the APRM support mission meeting the speaker and deputy speaker of parliament during their maiden visit in February 2005;
- having two representatives of parliament on the Commission from the ruling party and the opposition respectively;
- APRM support mission meeting the deputy speaker on second visit in September 2005;
- involving parliamentarians in the launch, research,

42 CSAR, p.21.

43 A symposium on NEPAD and APRM for members of parliament was organised in April 2003 and opened by President Museveni. See *NEPAD Newsletter* Vol.1, March 2008, p.13.

44 *NEPAD Newsletter* Vol. 3, April 2007.

45 Interview with Silvia Angey Ufoyoru.

40 Ibid., p.3.

41 NPA, African Peer Review Mechanism Mission Report September 2005.

regional workshops and validation; formal presentation by the Commission of the final CSAR to speaker, deputy Speaker, leader of opposition and committee chairs;

- availing a copy of the CSAR to all parliamentarians and the country review team meeting parliament; and,
- tabling country review report in parliament for debate.

#### Role of parliamentarians in the Uganda APRM process

- Information dissemination to constituencies.
- Ensuring NEPAD/APRM is on the agenda of parliament and reflected in the legislature.
- Passing legislation that would help the process and the implementation of the programme of action in the four areas of governance.
- Scrutinising budgets that enhance the implementation of the recommendations in the report.
- Monitoring the APRM process because of its oversight role.
- Providing views on governance in the four areas.
- Participating in Uganda's report validation.
- Providing input to the NPoA
- Monitoring the NPoA to ensure that good practices are enhanced and recommendations implemented.
- Bring cabinet on board in the APRM process

Source: Silvia Angey Ufoyuru's presentation at a Training Workshop on enhancing the Role and Effective Participation of parliamentarians in the APRM process, 12–14 November 2008, Dar es Salaam, Tanzania.

Nevertheless, members of parliament appear to have low levels of awareness of the APRM process. One MP from the opposition said: 'as an MP I have not heard about the APRM process in parliament and most of us are ignorant about how the process is moving'.<sup>46</sup> He had also never received any briefing from the MP representing the opposition on the Commission, thus reinforcing the Commission's chairman's assertion that commissioners were not reporting back to their constituencies.

The deputy speaker of parliament, Hon. Rebecca Kadaga, also complained about a lack of briefing to parliamentarians to the country support mission when it paid a visit to parliament in September 2005. Her suggestion was to improve representation of parliament on the Commission. She also noted that 'parliament did not have a specific committee to deal with the APRM issues which would have been appropriate. Such issues are handled by various committees and she acknowledged that the legislature should treat it as a matter of priority. She recommended that a specific committee responsible for NEPAD be appointed'.<sup>47</sup> This did not happen. This matter was instead directed to the Standing Committee on Foreign Affairs. However, according to one official of the APRM Secretariat, the APRM report

was tabled before parliament on 16 April 2010, and it was as of late 2010 with the Standing Committee of Finance and Economic Development, pending debate in parliament.<sup>48</sup>

### Adaptation of the questionnaire

The master questionnaire prepared by the continental APRM Secretariat runs to some 88 pages in English, and the wording of questions is aimed at policy specialists with a high degree of knowledge of technical language. The guidelines to those implementing the APRM self-assessment reports at national level therefore advise that simplified versions should be prepared that adapt the questionnaire to national priorities, translate it into national languages, and allow for ordinary citizens to give their views in a way that can then be integrated into the final CSAR by specialists.

The TPIs involved in the desk research were also deeply involved in this process of 'domestication' of the questionnaire from the time of their appointment. There were workshops and meetings of all TPIs to discuss and internalise the questionnaire, spearheaded by the research methodologist, Prof. James Katorobo. Given that the questionnaire was a key instrument of public participation, the issue of translation became critical, but apart from being bulky, the lack of conceptual clarity made translation very difficult. This issue arose in meeting between the TPIs and support mission in September 2005 and Prof. Adedeji proposed that 'translation of the questionnaire did not need to apply to the entire document but the lead TPIs should identify sections requiring empirical work translation'.<sup>49</sup>

The adapted questionnaire was pilot tested among experts who were later to constitute the expert panel interviews and in focus group discussions in twelve districts.<sup>50</sup> However, according to some of the TPIs interviewed, the response rate was dismal, a reflection that the domestication had not gone that far to be comprehensible.<sup>51</sup> The questionnaire had several shortcomings, which led the TPIs to guide the respondents instead of being self-administered. One of the shortcomings was the repetitive questions under different thematic areas, which risked fatiguing respondents. This problem derived from the master questionnaire itself, where similar questions (on corruption, for example) reappear throughout the four themes. The second issue was more specific to Uganda and more troubling: the decision to

46 Interview with Hon. Jimmy Akena, MP Lira Municipality, 12 November 2009.

47 NPA, African Peer Review Mechanism Mission Report September 2005, p.16.

48 Interview with Mr George Mutagubya, Communication and Public Relations Officer, Uganda APRM Secretariat, 12 October 2010.

49 NPA, APRM Mission Report.

50 CSAR, pp.18–19.

51 Interview with Francis Kayira, UMACIS 3 November 2009 and Dr Odoch Paschal, Green Star Consultants, 5 November 2009.

omit certain questions from the domesticated version of the questionnaire administered in the field; for instance, those relating to universal primary education (UPE), because 'the Commission was intimidated, it did not seem free. They did not want questions that carried political undertones', which had implications for the mandate and independence of the Commission.<sup>52</sup>

### Research and fieldwork for the CSAR

The self-assessment process was officially launched on 19 February 2007 at a National Sensitisation Workshop at the Speke country resort in Munyonyo, an event which was presided over by President Museveni. The country self-assessment exercise then ran from February to December 2007.

According to its programme manager, the Uganda APRM Secretariat provided guidelines to the TPIs on methodologies and instruments used in the collection of data to complete the APRM questionnaire. The research instruments used were desk research, literature review, expert panel interviews, focus group discussions (FGDs) and a national sample survey. In addition, the Commission carried out public hearings and received memoranda from different interest groups.<sup>53</sup>

The TPIs developed the concepts around these research methodologies at two workshops: one on 'APRM Questionnaire Contextualisation' held on 27 October 2005 at Mandela Sports Hotel at Namboole, and another on 'Customisation and Administration of the APRM Questionnaire' held on 14–15 December 2005 at Imperial Resort Beach Hotel, Entebbe.

Ultimately, fieldwork involved 200 expert interviews; 96 focus group discussions in five districts; submission of over 100 memoranda by various interest groups; citizen presentation through public hearings in 13 districts and five city divisions; and a national sample survey. In addition, 20 consultative workshops were held with major stakeholders including the political parties, government, including armed forces, judiciary, parliament, and local government authorities.

Interviews for the CSAR were preceded by a sensitisation process, which focused on district leaders, members of parliament (MPs) and civil society organisations. The APRM Commission also used public hearings and radio to reach out as widely as possible 'since the drive was to get people's voices, we had to use chief administrative officers for mobilisation'.<sup>54</sup> Thus, the collection of data took into account

52 Dr Augustine Nuwagaba, REEV Consult, Prof. Ddumba Sentamu and Prof. Elisha Semakula all made such observations in our interviews with them.

53 Interview with Silvia Angey Ufoyuru.

54 A member of the APRM Secretariat.

the regional and gender balance and the rural-urban divide,<sup>55</sup> although some of those interviewed contended that rural communities were not adequately consulted and there was no political party balance.<sup>56</sup>

### Expert interviews

The main body of the CSAR states that 200 respondents with specialised and extensive knowledge of the issues raised in the questionnaire were selected from 12 districts. However, in Annex 6 of the CSAR, 277 respondents are listed. Some Commissioners helped to identify experts for the interviews at an elite level.<sup>57</sup> The response rate seems to have disappointed some of the TPIs. REEV Consult, responsible for the socio-economic development pillar, claims to have given the questionnaire to 214 respondents, who included judges, political actors, MPs and youth but only 50 responded. UMACIS complained that the mobilisation for corporate governance respondents had been poorly done.<sup>58</sup> They claimed to have mobilised 100 companies for individual interviews, although the criteria for sampling were not clear to the person involved in the field. But out of a list of 57 key expert interviews for corporate governance, 24 are names of firms without the individuals interviewed while the rest indicate the names of individuals and their firms. Furthermore, the list of respondents as indicated in Annex 6 to the CSAR is the same as that for the of the socio-economic development pillar.

### Focus group discussions

At the December 2005 workshop of the TPIs, the participants developed plans for focus group discussions that covered a varied range of interest groups such as farmers, women, local council executives, etc.<sup>59</sup> Chief administrative officers (CAOs) in the local government structures were used to mobilise respondents for FGDs at the grassroots level. Where they had difficulties, they fell back on umbrella organisations and not the local administration agencies to help.<sup>60</sup>

The CSAR says that 96 FGDs were conducted in the five districts of Gulu, Jinja, Mbarara, Luwero and Kampala and were 'structured to capture the voices of the chronically poor,

55 Interview with Silvia Angey Ufoyuru.

56 Interviews of three participants at Butagaya in Jinja district on 17 November 2009 and Buwalasi Sub County in Sironko district on 18 November 2009.

57 Interview with Silvia Angey Ufoyuru.

58 Interview with Francis Kayira.

59 Report of the workshop for technical partner institutions, 14–15 December 2005, Imperial Resort Hotel, Entebbe.

60 Interview with William Watunya, assistant chief administrative officer, Sironko district, 18 November 2009.



peasants and minority groups, among others'.<sup>61</sup> Attendance lists provided in the annexes to the CSAR indicate a wide variation of the number of participants. For instance, 13 participants are listed for the FGDs held in Kiryandongo Refugee Settlement and Nadunget sub-county for the democracy and political governance pillar; while those held under the economic management and governance pillar in Arua was 22 and Butebe Youth Group in Kabarole district was four.

### ***Public hearings/Submission of memoranda***

Public hearings were conducted to mitigate possible political bias in the selection of respondents by CAOs. Public hearings were called through the print and electronic media which publicised guidelines to be followed in making oral and written submissions. Thirty-two public hearings were conducted by the Commission in 13 districts with an average attendance of 100 participants per hearing. According to Emmanuel Ssewankambo of Mentor Consult, issues that were missing in the literature review and fieldwork were engaged through memoranda and submissions at public hearing sessions to fill these gaps.<sup>62</sup>

### ***Consultative workshops***

Twenty public consultative workshops were held with 'major stakeholders', such as political parties, the judiciary, parliament, executive, local government officials, armed forces, trade unions, private sector/business community, CSOs, people with disabilities and 'opinion leaders'.<sup>63</sup>

### ***National sample survey***

The Uganda Bureau of Standards (UBOS) conducted a survey encompassing 1 588 households in 69 districts sampled out of the 2002 Population and Housing Census.<sup>64</sup> Although the Commission was satisfied with the sample number, one of the Commissioners interviewed was critical about the sample size. She was of the view that, given a population of over 25 million in Uganda, they should have sampled 10 000 respondents. The survey methodology used to arrive at the sample figure is indicated in Annex 2 to the CSAR.<sup>65</sup> The challenges experienced were mainly three: poor knowledge of (especially corporate) governance issues;

translation difficulties for both interviewers and respondents; and respondents' fatigue due to the size of the questionnaire making some of the interviews prolonged for up to three hours 'which could have affected the quality of responses'.<sup>66</sup> The Annex does not include questions used by UBOS in the survey but were based on the adapted APRM questionnaire. In all there were 89 questions for democracy and political governance, 82 for corporate governance, 53 for socio-economic development and 47 for economic governance and management.<sup>67</sup> The UBOS also observes that the survey should have been conducted before the FGDs, the key informants and expert interviews, 'so as to answer the 'whys' that cannot be explained by the quantitative figures in the report (and) there should have been some more sensitisation at community level specifically targeting the areas where the data was collected'.<sup>68</sup>

### ***Evaluation of the research process for the CSAR***

On scrutiny of the process by which the CSAR was researched and compiled, there are shortcomings that many of those interviewed for this report noted:

- The literature review was not handled properly, and this could have been due to the poor recruitment exercise of TPIs and consultants, whose selection was not done rigorously enough to avoid recruiting incompetent firms.
- The size of questionnaire and its application was a problem. It was not well comprehended by the respondents raising a question about its usefulness.
- The choice of respondents for the fieldwork was problematic and questionable. It was the CAOs who identified them, and, given their position, the choice and mobilisation of respondents could have been compromised. This had implication for quality.
- The interviews were hurried and respondents had difficulties in understanding the questions.

Researchers for this report visited a number of districts, including Sironko, Jinja, Luweero, Arua, Masindi, Masaka, Gulu and Mbarara, to assess the conduct of the CSAR

61 CSAR, p.20.

62 Interview with Emmanuel Ssewankambo, Mentor Consult, 10 November 2009.

63 CSAR, p.20.

64 CSAR, p.20.

65 CSAR, pp.560–561.

66 CSAR, p.561.

67 Uganda Bureau of Statistics (UBOS) Survey 2007.

68 CSAR, p.561.

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research process, the issues investigated and the time allowed for consultations.<sup>69</sup>

The main concern among those interviewed was a lack of understanding of what the interviews were for. 'People did not know about the process and this is not surprising because even their district leaders did not have enough information about the process.'<sup>70</sup> Though some of the TPIs interviewed were content with the publicity of the process, it seems from interviews in the field for this report that many of those whose opinions were sought for the CSAR were not fully informed of what the Uganda APRM Commission was doing. Several respondents complained of being interviewed by the APRM researchers on the same day they were mobilised; some of them never understood the concepts, or the questions asked. Although for instance, almost every one interviewed in Masindi district had heard about the APR process, the respondents were concerned about the poor sensitisation and the level of awareness, which was very low. Some felt that the approach used by the Commission and TPIs in data collection was not systematic, and that there was no advance notification about the interviews. 'It was just by chance that I was there and became available.'<sup>71</sup> One member from the political opposition pointed out the inadequacy in the publicity of the process to 'enlist the interest of participants of many important groups in this country'.<sup>72</sup>

Respondents especially at the grassroots were ambushed and never fully understood the questionnaire or the entire process. 'They just hand picked respondents, hurriedly asked questions, and were too brief', said one respondent in Butagaya sub-county, in Jinja district. 'The people who came were rushing to go to other districts and did not give us enough time', although 'we said everything that we had to say'.<sup>73</sup> There was no attempt by the TPIs conducting the interviews to ensure the respondents understood the rules,

the process and principles of the APR process. This made it difficult for the respondents to conceptualise the process well and left them thinking they were being interviewed as usual by researchers looking for information for academic purposes. They requested for the return of the interviewers, although this has never happened. One of those we interviewed in Luwero by the TPIs, pointed out that 'other women were not interested in their discussion although, they got interested at the last moment when the gentleman and lady brought a crate of soda'. However, though some were critical about the manner respondents were ambushed and caught off guard, others felt that 'ambushing' respondents was the best approach because they were denied the opportunity to share ideas, to ensure that the information given was their own opinion.

Several respondents said they had requested for a follow-up of the interviews, but have never seen the TPIs since, or the reports. During our interviews, some of the respondents had even forgotten about their involvement and while others could hardly recall what happened during the interviews.

There were also complaints about the non-involvement of local authorities at the grassroots in the planning and programming of the exercise instead of merely being respondents. Local councillors felt this could have consequences when it came to disseminating the results of the research and other outcomes of the APRM process. On the other hand, some respondents thought it was inappropriate to use district chief administrative officers (CAOs) for the selection of respondents and to conduct interviews at sub county level.<sup>74</sup> CAOs are civil servants and part of the executive and therefore this could create a perception that those chosen for interview were more loyal to the government. Instead of sub-county levels, interviews should have targeted parish and village levels. Furthermore, representatives of traditional and cultural institutions, who are often more influential than state institutions, appear not to have been targeted by the TPIs, although the CRR points out they were among the respondents targeted by the country review mission.<sup>75</sup>

The concept and conduct of FGDs suffered from the unwieldy number of respondents. Francis Kayira of UMACIS said that the Commission directed them to have 50 respondents for each of the FGDs, too large a number for the purpose of a focus group.<sup>76</sup> He said what the secretariat was interested in was the numbers and heterogeneity of these groups and

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69 People we interviewed, are as follows: Buwalasi Sub-county in Sironko district were three, and assistant chief administrative officer of Sironko district and three in Butagaya sub county in Jinja district. Twelve people were interviewed in Masindi and Luwero districts, nine in Kampala, six in Gulu and four in Arua. The targeted number of respondents was 15 in each of the districts of Arua and Gulu, but it was not possible to reach out to all of them because of absence from location, busy schedules and unwillingness to talk. One of the respondents in Butagaya refused to talk. In Masaka district, we interviewed four respondents. We were however unable to meet some of the people claimed to have been interviewed in a number of areas visited like Kakira Sugar Works, Budadari Town council, Kiryandongo refugee settlement or Masaka district. Some of them had disappeared or never participated in the alleged interviews or were not traceable at all.

70 Interview with Juliet Nakato Odoi, Care International, 14 December 2009.

71 Interview with Emmanuel Byenkya, Chairman MATSACCO, Masindi, 6 November 2009.

72 Interview with Augustine Ruzindana, former MP and official in the opposition party Forum for Democratic Change, 11 December 2008.

73 Interview with Emmanuel Byenkya.

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74 The district is a four layered administrative unit comprising Local Council I (village), LC II (parish), LC III (Sub-County), and LC V (District). Local Council IV (County) has never been operationalised and therefore the sub-county layer comes immediately below the district.

75 CRR, p.14.

76 Interview with Francis Kayira, UMACIS, 11 November 2009.



it demanded photographic evidence of attendance. REEV Consult said the FGDs conducted were in each case between 8–12 respondents; Green Star, on the other hand, said they had 15–30 respondents. However, Mentor Consult said the key issue was not numbers but capturing the key issues. ‘So we allowed a lot of methodological flexibility. You could start with an FGD particularly at a community level which turns into a community discussion group or you go for an FGD and the numbers are too few to call it that.’<sup>77</sup> It therefore seems the Secretariat had a hand in weakening the concept of FGDs by requiring them to be turned into community discussion groups or workshops. It is worth reflecting on how this came about. Could this be the consequence of what one TPI referred to as ‘trickle down sensitisation’? The verdict of UMACIS is also telling: ‘I think the problem stems from the poor publicity the Secretariat had done. I do not think awareness was intense enough, the person seeking the information, that is the consultant, was the one introducing APRM to the participants for the first time. This was not good at all’.<sup>78</sup>

## Drafting the country self-assessment report

The APRM Commission recruited a research methodologist, Prof. James Katorobo, to develop the research methodology, coordinate the work of the TPIs, synthesise thematic reports into the country self-assessment report and draft the NPoA. Four review consultants were hired in 2005 to internally review the desk research reports as well as the questionnaire designed by the Commission. During the field research, four resident consultants with skills in the four thematic areas were hired in 2006 to review and analyse the research reports generated by the four thematic teams. Finally, four reference group members were recruited in 2007 to independently check the final thematic area reports.<sup>79</sup>

The APRM Commission was responsible for signing off the draft CSAR before it was submitted for validation. The APRM Commission’s thematic sub committees received and discussed, among others, the progressive reports from TPIs for each thematic area. At the end, each TPI submitted a report covering its thematic area to the Commission, which then turned them to Prof. Katorobo for compilation of the final report. However, according to Ssewankambo of Mentor Consult, the reports were too big. For instance the one on political and democratic governance was 300 pages. ‘... you could go for a meeting and they had not read the report’, commented Ssewankambo. The resident consultant on corporate governance contended that Prof. Katorobo was

not familiar with all the thematic areas and the TPIs therefore should have been the ones to compile and synthesise the report.<sup>80</sup>

## Validation of the CSAR

According to Max Ochai of MoFPED, the representative of central government on the APRM Commission, the APRM guidelines provided for validation whether the views gathered were authentic and logical. There were ultimately three levels of validation:

- the internal validation where the APRM Commission organised national and regional meetings to review the draft reports by theme to confirm what had been said;
- the second validation was external where the continental panel of experts went through the list of respondents and sampled out those for validation and came out with the country review report; and
- by government in responding to issues in the country review report.

The internal validation for the CSAR focused on different sets of participants, who were not involved in the assessment process; the majority of those interviewed for this report who were involved in the assessment process were not aware of the validation. It is only one participant out of 40 interviewed for this report who was involved in both stages of the study.

According to the chairman of the APRM Commission, validation plans and where it was going to take place was arranged by the Commission, and the TPIs were given instructions to ensure that representative group of stakeholders were to participate in validating the report. The Commission categorised respondents for purposes of interviews and funds were provided to facilitate their travel. Five workshops were organised: four at regional and one at national level. At the national level, focus was on national agencies, which included CSOs, government and private sector. At the validation workshops, the participants were divided into thematic sub-groups to express their views on the findings of the draft reports by the TPIs.<sup>81</sup> Neither the record of the validation, nor the list of participants in the exercise, nor the criteria for selecting them was provided.

There were four main criticisms directed at the validation exercise. First, civil society and some of the political parties

77 Interview with Emmanuel Ssewankambo.

78 Interview with Francis Kayira.

79 CSAR, p.21.

80 Interview with Dr Tarinyeba Kiryabwire, Faculty of Law, Makerere University, 16 December 2008.

81 CSAR, p.21.

complained of being 'deliberately' left out.<sup>82</sup> Prof. Adebayo Adedeji seems to concur when he says, 'Few Ugandans have directly participated in the making and validation of this report. Clearly, some have read its contents, while others don't even know what it says and just participating for the first time'.<sup>83</sup> Secondly, the full CSAR was not used in validation workshops, but only summaries of it. The arguments for this were that the CSAR is so voluminous that the cost of printing copies for the validation would have been enormous, while the level of detail would have been difficult for respondents to read in the time available.<sup>84</sup>

Thirdly, participants we interviewed about the validation process claimed that although they were free to say things that conflicted with what TPIs had reported, the Commission ultimately omitted their dissent. A member of the Commission pointed out that the way the report was written was 'wanting' because issues such as torture and classified security expenditure were ignored, and the narrative on economic performance was distorted. Prof. Ddumba Ssentamu of the University of Makerere pointed out that the CSAR left out a number of issues which would embarrass government, such as resource wastage, Uganda's membership in a multiplicity of organisations, economic performance, and failure to rein in public expenditure. He claimed that dialogue between government and civil society was not covered but he was doubtful whether civil society had the competence to follow-up issues such as land, privatisation, investment, tax and poverty policies.<sup>85</sup>

Lastly, the process of reporting back the findings of the draft CSAR to the field was limited at regional level and did not involve the people who were originally interviewed. The chairman of the Commission Prof. Semakula attributed it to 'financial constraints. It was not possible to get back to the field to inform the participants what had been left out and why'. Dr Nuwagaba on the other hand, saw no need at all to go back to the original respondents because 'this was a validation not an audit exercise'.

In the view of the NPA vice chair, Dr Abel Rwendire, the initial gathering of data and presentation of findings was well done but the feedback to stakeholders for purposes of refining the conclusions was insufficient. Refinement should have been done during validation, but some of the TPIs did not participate in the validation. However, the TPIs were not

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82 Interview with Juliet Nakato Odoi 14 December 2009 and Augustine Ruzindana, 11 December 2009.

83 Interview of Prof. Adebayo Adedeji, by John Njoroge in, 'APRM: Crucial review of Uganda set for June', *The Independent*, February 22 to 6 March, 2008, p.15.

84 CSAR, p.21; see also Juliet Nakato Odoi Civil Society Participation in Uganda's APRM Process, SAIIA Occasional Paper, No. 2, June 2008.

85 Interview with Prof. Ddumba Ssentamu, Dean, Faculty of Economics, Makerere University, 16 December 2008.

involved in the validation exercise because it was not part of their initial contract.<sup>86</sup>

### Submitting the CSAR to the APRM Panel and to government

On 20 November 2007, following the completion of the internal validation process, the chairman of the APRM Commission submitted the CSAR to the APRM Panel of Eminent Persons, as required by the MoU between the Ugandan government and the continental APRM structures, and at the same time to the president, cabinet, parliament, and publication on the NEPAD Uganda website. The APRM Commission presented its draft Programme of Action to the president on 19 January 2008.

The MoU is silent on whether the CSAR should have been submitted to government, though it is arguable that the MoU expects by implication that the CSAR and other basic documents were to be submitted to government, so that it can then properly comment on the country review report by the APRM Panel of Eminent Persons.

The APRM Commission was taken aback when the government and parliament reacted negatively when they were handed the report. According to the Commission chairman, Prof. Semakula, he was asked by some NRM members of parliament and cabinet:

*Who are you and who appointed you? The process was almost derailed. Cabinet almost threw us out. When they failed to woo us, Cabinet went to parliament, which voted to throw us out and block the process. The Ministry of Foreign Affairs, which had wanted to use the process to project themselves positively, did not like what was in the report. This is when I came down hard and said we are not working for you; we are answerable to the APRM Secretariat. Eventually, it took the intervention of the president to silence all these critics because, as he assured us, it was 'important to show the country had nothing to hide'.*

According to Dr Abel Rwendire of the NPA, government was at fault in its response, because it was not abreast with what was happening and that is why they were shocked by the contents of the CSAR.

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86 Interview with Ssewankambo of Mentor Consult, 10 November 2009.

## Drafting the national plan of action

The draft thematic reports prepared by the TPIs generated 307 recommendations intended to overcome the identified gaps in governance in Uganda. These recommendations were largely crafted by TPIs and the resident consultants hired by the APRM Secretariat, and refined by the research methodologist, Prof. Katorobo. According to Emmanuel Ssewankambo of the TPI Mentor Consult, the media and civil society umbrella organisations submitted memoranda and were involved in the formulation of the NPoA.

When the APRM Commission was putting together the CSAR, it adopted only two hundred of these recommendations 'to avoid the NPoA from being an overly ambitious plan'.<sup>87</sup> Central planning units of line ministries were brought on board to isolate and cost those items affecting governance and socio-economic development, resulting in the draft NPoA. All permanent secretaries of the relevant government departments were involved in the costing exercise, in order to 'be sure that issues from the country's assessment are being integrated into the national development plan'.<sup>88</sup>

The final NPoA is a three-year framework costing about US\$ 4.9 billion, allocated as follows.<sup>89</sup>

APRM thematic area	Budget (US\$)
Socio-economic development	4 035 295 788
Economic governance and management	389 506 686
Democracy and political governance	107 930 205
Corporate governance	324 369 395
<b>Total</b>	<b>4 857 102 574</b>

Some of the items are to be implemented over one year only while others are for two or three years.

As in many other countries, the relationship between the APRM plan of action and other national planning exercises was somewhat unclear. The drawing up of the final NPoA coincided with the periodic review process of the Poverty Eradication Action Plan (PEAP) – since 1997 the de facto government planning framework, revised every three years – and plans to shift from a medium-term to a relatively long-term National Development Plan (NDP) authored by the National Planning Authority. The implication was for the NPoA to become successor to PEAP as the Medium-Term Expenditure Framework. In late 2008, Abel Rwendeire, the deputy Chair of the NPA, stated that the five-year NDP

would replace PEAP, which was just a programme; PEAP was phased out following a cabinet recommendation of 30-year, 10-year and 5-year national development plans.<sup>90</sup> Two workshops each lasting two days were held on 16–17 September 2008 and 1–2 December 2008, to harmonise the NPoA with the NDP strategies as required by the APRM guidelines. Consequently, the NPoA was incorporated in the National Budget 2008/9, costed at US\$ 1 billion. 'The NPoA has informed the NDP Good Governance thematic paper and good governance shall be one of the foundations for growth, employment and prosperity during the NDP period.'<sup>91</sup> However, consensus on the value of the NPoA to national planning processes cannot be assumed. As a staff person from the NPA confidentially put it, 'the tendency to shift the country from its broad mandate to look at just NPoA aspects is a disservice'. Moreover, the APRM process coincided with a shift in government policy framework from PEAP to implementing the five-year plan, which is also now being re-cast in terms of the ruling party's manifesto.<sup>92</sup>

Civil society groups also criticised government's 'monopolisation' of the process of drafting and costing the NPoA, and the marginalisation of their key concerns:

*The NPoA in several instances did not reflect issues highlighted in the report and in others, had interventions which we consider superficial. For example, it was not explicit on the issue of minorities, merely lumping them under the vulnerable category group. Consequently it is unlikely that any planned interventions will carry any effect.*<sup>93</sup>

87 Uganda APRM National Governing Council, 1st Annual Progress Report on the Implementation of the National Programme of Action 2008/2009, p.1.

88 Interview with Bishop Niringiye, former vice chair of the APRM Commission, current chair of the APRM National Governing Council, 14 December 2008.

89 CRR, pp.338–339.

90 Martin Luther Oketch, 'NPA asked to steer nation out of financial crisis', *The Monitor*, 20 November 2008; Tom Magumba, 'Government to Drop PEAP next year', *The Monitor*, 24 November 2008; see also Ministry of Finance website at <http://www.finance.go.ug/peap/welcome.html>.

91 APRM, 1st Annual Progress Report on the Implementation of the APRM National Programme of Action, July 2009, p.3.

92 Interview with Rosette Nabbuma-Nayenga, MoFPED, 16 December 2008.

93 Interview with Juliet Nakato Odoi, Care International, 14 December 2009.

# Peer review of Uganda

## Country review mission, February 2008

Following submission of the CSAR to the continental APRM Secretariat in November 2007, the APRM country review mission (CRM) visited Uganda to prepare the APRM Panel's own country review report, based on the CSAR and consultations with government officials, political parties, MPs and CSOs, including media, academia, trade unions, business and professional bodies. The country review team was in Uganda for three weeks, from 3–23 February 2008, and its objectives were to assess whether the CSAR and NPoA reflected the views and ownership by the people of Uganda from the grassroots to the presidency.

The mission had nine men and five women, led by Prof. Adebayo Adedeji, chair of the APRM Panel of Eminent Persons. In his company were the following:

- Experts on socio-economic development: Dr Francis Chingunta, a development and environmental expert and an academic, from Zambia; and Prof. Makha Sarr, former deputy executive secretary of the UN Economic Commission for Africa, from Senegal;
- Experts on economic governance and management: Dr Nzioki Kibua, former deputy governor of the Central Bank of Kenya, executive director Institute for Policy Analysis and Research, Kenya, with experience in macro-economic management; and Prof. Mike Obadan, professor of economics at the University of Benin, Nigeria;
- Experts on democracy and political governance: Dr Khabele Matlosa, a governance specialist, research director with the Electoral Institute of Southern Africa (EISA), based in South Africa; and Prof. Ruth Meena, retired political science professor, University Dar es Salaam, Tanzania;

- Expert on corporate governance: Mrs Patricia Cisse, from Côte d'Ivoire;
- Partner Institutions: Mr Donatien Bihute, former minister of finance from Burundi and deputy vice president, Africa Development Bank; Dr Eltgani Seise Mohamed Ateem, senior regional advisor to NEPAD and the UN Economic Commission for Africa; and Dr Gladys Mutangadura, economic affairs officer for the UN Economic Commission for Africa, from Zimbabwe; and
- Three staff from the APRM Secretariat: Dr Afeikhena Jerome, coordinator for economic governance and management and the country coordinator for Uganda; Ms Eunice Kamwendo Chitendza, research analyst for economic management; and Dr Rachel Mukamunana, research analyst for democracy and political governance.<sup>94</sup>

The CRM visited President Museveni on 7 February 2008 to launch the CRM. During its stay the team interacted both with leaders in various fields and the general public. They held consultations with representatives of the private sector, government institutions, government ministries, statutory bodies, the judiciary, parliament, civil society, the Juba Peace Talks team<sup>95</sup> and the general public. Four regional consultative meetings were held: in Mukono district for Central Region; Mbale for Eastern; Mbarara for Western; and Gulu for Northern Uganda; the team met representatives from all the 81 districts. They also interacted with key stakeholders over issues that emerged from the CSAR and NPoA.

<sup>94</sup> CRR, pp.12–13 and *NEPAD Dialogue*, Issue 215, 7 March 2008.

<sup>95</sup> Government representatives in the peace talks with the rebel Lord's Resistance Army in Juba.

Unlike in the pre-assessment and assessment phases, when the APRM support missions hinged a lot on meeting the TPIs, the country review mission did not meet with representatives of all the TPIs who were involved in the research and preliminary production of the CSAR thematic drafts.

The country review mission claims in the country review report to have met traditional leaders;<sup>96</sup> however, traditional leaders are not on the list of participants published in the country review report, and those interviewed for this report, including several who are central on controversial issues of land and diversity, denied having had any meeting with either the TPIs during their research for the CSAR or with the CRM.<sup>97</sup>

The CRM after extensive consultations made an additional 156 recommendations to the original 307 in the CSAR making altogether 463 recommendations. These recommendations led to the revision of the APRM NPoA and were part of the CRR submitted to government in March 2008.

## Presentation of the country review report to the Ugandan government

The APRM Secretariat transmitted the completed country review report (CRR) as adopted by the APRM Panel of Eminent Persons to the Ugandan government in March 2008. In its response published in the final version of the CRR, the government acknowledged some of the findings, but criticised others as misrepresentation, misinterpretation or falsification and provided further explanations. The issues that government objected to included: growing authoritarianism, escalating corruption, extension of term limits, undermining of the legislature by the executive, the role of the military in parliament, inter and intra state conflicts, incentive discrimination between foreign and local investment, public expenditure management, donor dependence, impunity, workers' rights, land policy, inherent in the public procurement system. (See further below for an analysis of the two reports and the government's response.)

## Review of the CRR and revised NPoA by the APR Forum

Uganda's country review report was presented in June 2008 to the APR Forum of Heads of State and Government

96 CRR, p.14.

97 For example, Hon. Dani Muliika and Hon. Apollo Makubuya, Buganda Kingdom's former Katikkiro, ('Prime Minister') and Attorney General respectively.

who have signed up for the APRM, in the margins of the AU summit held in Sharm El Sheikh, Egypt. Prof. Adebayo Adedeji presented the highlights of the country review report on Uganda to the thirteen heads of state present, including President Museveni. He noted that Uganda had made great progress since the end of the civil war in the 1980s, and identified the challenges facing Uganda and best practices it had developed, as set out in the CRR. Adedeji also presented Uganda's national programme of action, costed at US\$ 4 857 102 574.

President Museveni responded largely positively to the presentation, and 'commended the APR Panel for the outstanding report', stating that he agreed with most of the findings and recommendations. He highlighted issues of macro-economic reforms and trade liberalisation, high population growth rate and poor implementation of policies in his country.<sup>98</sup>

The Forum then discussed the country review report on Uganda and reportedly made comments on issues including management of elections, development challenges, corruption and the country's population policy.<sup>99</sup>

## Official launch of the country review report and the NPoA in Uganda

The CRR was officially launched in the third week of March 2009 during an event presided over by the president, and was submitted to parliament in June 2009. The report and NPoA are published on the internet, but it is not clear how hard copies were distributed. At the time of conducting our interviews, the majority of people we met had not as yet accessed this report.

98 President Museveni Speech to APR Forum, Sharm El Sheikh, 29 June 2008, Office of the President, Uganda; reprinted in 'Govt to Spend US\$ 4.9 billion on Development Action Plan' *New Vision*, 14 July 2008.

99 See Communiqué issued at the end of the 9th Summit of the Committee of Heads of State and Government Participating in the African Peer Review Mechanism [APR Forum], 30 June 2008, APRM Secretariat. See also 'Kenya, Tanzania warn Uganda on militarising politics', *Weekly Observer*, 26–29 March 2009 and other press reports of the meeting available on the AfriMAP website at <http://www.afriMAP.org/newsarchive.php>.

# Monitoring the implementation of the NPoA

## The APRM National Governing Council

After Uganda was peer reviewed at Sharm El-Sheikh in June 2008, the government embarked on institutionalising the NPoA in government programs. The Focal Point and the NPA, without consulting the stakeholders, named an APRM National Governing Council (NGC) with a four-year mandate to oversee APRM/NPoA activities. The new Council replaced the former APRM Commission – although three-quarters of its composition is made of the old commissioners.<sup>100</sup> The NGC is chaired by the Rt. Rev. Dr D Zac Niringiye, the Assistant Bishop of the Diocese of Kampala, Church of Uganda. The mandate of the NGC is to provide leadership and policy direction to the monitoring and implementation of the NPoA, including tracking public expenditure on NPoA priority activities and preparation of annual progress reports for the president to present to the APR Forum.<sup>101</sup> According to Max Ochai of the MoFPED, who is a member of the NGC as he was of the APRM Commission, the small size of the new council (only 13 members) and its limited resources means that it has to rely on consultants to carry out its work and focus only on the most critical issues. The support services the NGC needs are different from those of the APRM Commission: ‘The old one required mostly clerical facilitation but we now need support services, which are more technical’.

The NGC has recruited four resident consultants for each of the thematic pillars, a financial consultant to track expenditures and a lead consultant to guide on methodology

and synthesise the thematic reports of all consultants. The review process entails an analysis of secondary data and information as well as consultations with key informants in various ministries, departments, state and non-state agencies, that were responsible for implementation of the NPoA. The validation process involves making annual progress review reports to cabinet and to a national workshop of stakeholders who were consulted during the validation of the CSAR. The first annual review report covering the period July 2008 to June 2009 has been publicly released. It is stated in the report that it was validated by cabinet and ‘also presented to a national workshop for validation by national level stakeholders on 18 June 2009’.<sup>102</sup> While names of the key informants interviewed during the preparation of the review are annexed to the report,<sup>103</sup> the stakeholders who validated it are not named.

## Civil society engagement

A group of seventeen CSOs, the Uganda Governance Monitoring Platform (UGMP), has emerged to track Uganda’s implementation of its NPoA commitments. The coalition releases annual governance reports documenting key developments around four broad governance areas: the democratisation process, human rights, transparency and accountability, and conflict resolution. There are 32 indicators corresponding to these priorities in the NPoA.

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100 Uganda APRM Secretariat, 1st Annual Progress Report on the Implementation of the APRM National Programme of Action, July 2009, p.i.

101 See NEPAD Uganda website page on the APRM structures, at [http://www.nepaduganda.or.ug/general/basic\\_page.php?page=aprm\\_structure](http://www.nepaduganda.or.ug/general/basic_page.php?page=aprm_structure), accessed 18 May 2010.

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102 Uganda APRM Secretariat, 1st Annual Progress Report on the Implementation of the APRM National Programme of Action, July 2009, p.6.

103 Ibid., pp.166–170.



In its report for 2009 entitled 'Is Uganda on Track with its Commitments in the APRM process?', the UGMP notes that government has ignored the proposal of civil society and a coalition of opposition parties to review the issue of presidential term limits, because their removal is 'intended to promote life presidency which essentially is an abuse of democracy'. The government is faulted for not carrying out electoral reforms to remove undue advantages of incumbency; dragging its feet on appointment of an independent electoral commission; and, not reviewing the NGO statute 'to enhance NGO's multiple roles in development'. Government has increasingly imposed restrictions on the media using sedition and terrorism, among other offences, to harass it, and enacting stringent laws such as the Interception of Communication Bill, which will compel media houses and journalists to reveal sources of information. Furthermore, 'There is continued hiding of information about natural resources from the public ... which depicts high levels of lack of transparency and accountability, which might lead to serious resource wastage'.

The Land Amendment Act was passed without sufficient consultation and 'in the midst of continued illegal evictions and land grabbing in which state agents are accused'. In addition, 'The composition of parliament has also had limitations on its effectiveness and independence with the majority of them being subscribers to the NRM government. Throughout 2009, caucus decisions emerged to have strongly affected the debates in parliament ... Citizens' roles in consultative planning meetings at village and parish levels has been diminishing ... less than 20% participate in bottom-up planning processes, and over 50% of the parish development committees are not functioning and many councillors' participation at the sub-county and district levels is driven by facilitation allowance, which is not always available'. On the positive side the report notes the passing of the Anti-Corruption, Domestic Relations and Land Amendment Bills, increased government funding for electoral processes and more measures to protect children.<sup>104</sup>

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104 'Is Uganda on track with Commitments in the APRM Process?' A UGMP Annual Governance Status Report for 2009, February 2010.

# Comparison of the CSAR and country review report

## Democracy and political governance

The CRR summary makes a very strong statement of the threats to Ugandan democracy, stating that:

*After an extended period of political liberalisation, which resulted in the strengthening of parliament, the judiciary, watchdog agencies such as the Inspector-General of Government (IGG) and a free media, Uganda is in danger of slipping back into a period of neo-patrimonial rule. The apparent militarisation of society has not helped the democratic cause, while democratic gains from the decentralisation process are in serious danger of being eroded. Add to this the recent mushrooming of districts in the country. Ultimately, the reform of the Ugandan state lies in the fully fledged democratisation of political society. Civil society and political parties must play the leading role in this process. Uganda is – and must be – greater than any single individual; that is the premise of modern statehood. Having rescued Uganda from the Amin and Obote strangleholds, the current leadership should be concerned about its own legacy.<sup>105</sup>*

The report also acknowledges that Uganda has made important progress in some respects, and, for example, there is agreement between the CSAR and CRR about Uganda's performance in regard to ratification of international treaties. The constitution of Uganda grants the president powers to ratify international and regional treaties and for parliament to make laws governing ratification. However, one of the key challenges the CRR identifies is the limited number of stakeholders and their dismal involvement in the consultation, domestication, monitoring and popularisation of these treaties.<sup>106</sup> Consequently, the CRR highlights general

ignorance of the public about Uganda's treaty obligations as a major shortfall and makes recommendations for the ratification of some key instruments.

Both the CSAR and CRR discuss intra-state conflicts and their causes. While the CSAR dwells substantially on political factors in the analysis of conflict causes, the CRR excludes the political dimension, and instead highlights external support to rebels, proliferation of arms, poverty and imbalances in economic opportunities. The CRR also puts more emphasis on the armed conflict in Northern Uganda than on other conflict types. This is more surprising because the same report asserts that: 'While the main conflicts in Uganda outlined in the CSAR were validated and emphasised during the public consultations undertaken by the CRM, many stakeholders singled out land disputes as the most common and intractable'.<sup>107</sup>

Both reports discuss separation of powers from a formalistic standpoint. They exclude the historical and political context of the issue in Uganda and merely look at the constitutional provisions that presuppose that the organs have some degree of independence and mutual respect. The CSAR characterises the problem as one of the executive overstepping the other organs of state. The CRR on the other hand, asserts that: 'The problem is not that there are conflicts between and in these institutions in Uganda but rather there are no mechanisms for their resolution'<sup>108</sup> beyond 'the sheer goodwill of their heads to resolve such problems through consensus'.<sup>109</sup> But then the CRR points out 'if consensus is not reached, the problem could trigger a constitutional crisis, with the potential to roll back the gains made thus far on the

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105 CRR, summary para xxix.

106 CRR, pp.45–46.

107 CRR, p.50.

108 CRR, p.82.

109 CRR, p.88.



country's record of democratic governance'.<sup>110</sup>

Both reports highlight the issues of disadvantaged groups and urge the need to address and integrate them into national policies. The discussion in the CSAR is wider, as it encompasses the plight of refugees, women, ethnic minorities and pastoralists among others. The CRR also makes good recommendations to address the concerns of minorities and vulnerable groups. The CSAR talks about affirmative action, which has been granted to women, youth, and persons with disabilities but not ethnic minority communities such as the Batwa, Basongola, Benet people, etc. (although in its summary the CRR wrongly claims that affirmative action has also been extended to ethnic minorities).<sup>111</sup>

The CRR does not treat the issue of pastoralists at all, except the Karamojong in passing in relation to loss of their grazing land to game reserves.<sup>112</sup> The CRR describes this as institutionalised discrimination, although the same treatment has been meted out to other pastoralists by all successive regimes since colonial times. They all have taken ideological exception to the pastoralist mode of livelihood as primitive, wasteful and unsustainable. The problems in pastoral communities are narrowly viewed from a conflict perspective, but there is no analysis of the factors behind these conflicts.

Pastoralism as a livelihood system requires special attention because pastoralists are among the poorest and most marginalised Ugandans. Secondly, they have not had a voice in the design and implementation of public policies. Thirdly, they have suffered historical injustices as the colonial and post-colonial governments sidelined pastoralists. Fourthly, the ecosystem is characterised by low, erratic and unreliable rainfall.<sup>113</sup> Fifthly, pastoralists particularly in Karamoja region do not appreciate participating in any programme that does not directly relate to the welfare of their animals. Sixthly, they, like the fishing communities, are threatened by the high infection rates of HIV/AIDS and other pandemic diseases.<sup>114</sup> Neither the CSAR nor the CRR bring out these facts. The CSAR recommends that more land be provided to pastoralists while CRR emphasises land reforms in isolation from other equally pressing demands of the communities. For instance, the policy on individualising land has negative and serious ramifications for pastoralism. Therefore, there is need to sustain customary land access for regions like Karamoja.

110 CRR, p.88.

111 CRR summary, para xliii; interview with Augustine Ruzindana.

112 CSAR, p.111.

113 Frank Muhereza and Sarah Ossiya, 'Pastoralism in Uganda: People, environment and livestock; challenges for PEAP', 2003.

114 Ministry of Health and ORC Macro 2006, Uganda HIV/AIDS Sero-behavioural Survey 2004–2006.

## Economic governance and management

Both reports are highly positive about Uganda's macro-economic policies. The CRR report observes that 'there appears to be some confusion regarding the role of neo-liberalism in guiding development policy-making. While the government seems ill at ease with the label 'neo liberalism', it is obvious that the neo liberal ideology has heavily influenced the development of policies'.<sup>115</sup> While the CRR goes as far as deriving instances of best practices from these economic policies,<sup>116</sup> this does not seem to tally with some of the findings of the CSAR. For example, in the memorandum by the Federation of Uganda Employers, it is argued that:

*Uganda's macro-economic policy framework is performing quite well in the area of inflation control, investment promotion and increased productivity in some sub-sectors. However, the investment policy promotes more foreign investments than local investments, the cost of credit is very high, there is no clear policy to promote job creation and productivity and Uganda ranked poorly in World Bank index of doing business.*<sup>117</sup>

Nevertheless, the key conclusion of the CSAR is that Uganda's economic policies as well as its budgetary processes are largely transparent, predictable and credible. But it is hard to see how this conclusion is arrived at when the same report faults government for keeping the public in 'information blackout about many of the economic and policy processes and decisions regarding the privatisation and divestiture of public corporations'.<sup>118</sup> The CRR endorses this and says that although 129 enterprises constituting 80% of the state enterprises have been disposed of, it 'was not able to get a clear picture on how proceeds from the sale of government-owned enterprises had been utilised to date, except the money is held in special accounts within the government consolidated fund in the Bank of Uganda'.<sup>119</sup>

Secondly, the CSAR states that although Uganda has invested substantially in improving the institutional environment for policy-making, 'this is not matched by actual practice on the ground. If anything there is evidence to suggest that policy space is being narrowed by growing political influence over the policy process, lack of accountability, and failure to ensure appropriate checks and balances between the legislature and executive'.<sup>120</sup> Civil society groups actually made this point very emphatically in their memorandum, stating:

115 CRR, p.268.

116 CRR, p.123.

117 CSAR, p.168.

118 CSAR, p.259.

119 CRR, p.143.

120 CSAR, p.225.

*... politicians make political decisions and policy-makers are required to work backwards and translate the decisions into policy as was the case with UPE or the creation of districts.*<sup>121</sup>

Neither the CSAR nor the CRR suggest any way out of this knotty situation.

The CSAR seemingly forgets its earlier commendation of the credibility and predictability of economic policies in Uganda when it asserts that government has responded to major short-comings in the functioning of government agencies by creating new agencies, which are in most cases parallel to the old ones and often located in the Office of the President. The consequence in terms of policy processes has been to generate conflicting or overlapping mandates, and diminishing the role of technical agencies and unseemly competition for power, influence and resources. Hence the macro-economic policy process has seen 'a continuous proliferation of other macro and sectoral level policy documents such as the PMA (Programme for the Modernisation of Agriculture), agro-zoning schemes, AGOA (US Africa Growth and Opportunity Act), Presidential Initiative to Eradicate Poverty, which have not only created more confusion, but also uncertainty in the policy process and blurred institutional lines'.<sup>122</sup> The CSAR poses this as a big challenge but makes no recommendation on how this personalised policymaking and its impact on distorting budgetary priorities should be ended. The CRR devotes much of its attention to the institutional power struggle between the MoFPED and the NPA, which it says 'is becoming increasingly costly to moving the development process forward' and cautions of the potential danger of not resolving the issues,<sup>123</sup> and recommends strengthening financial and human resource capacity of the NPA and making it more autonomous of the MoFPED.

Both reports lament Uganda's dependence on development assistance, which has inordinately influenced prioritisation and formulation of key economic policies. This is a big issue whose implications for transparency and predictability of policymaking in Uganda are not critically analysed. Both reports also highlight the contradiction between government pursuing improved public sector financial management strategies, and at the same time creating new districts at will ostensibly to take services closer to the people and respond to local demands. From this, the CRR deduces the emerging challenge of 'the un-rationalised, politically motivated and tribally targeted creation of administrations and the concomitant requirement of additional administrative staff and infrastructure'.<sup>124</sup> The CSAR recommends reduction in

the creation of new districts that are not economically viable and require regular evaluation. The CRR recommends that government undertakes reforms of its public expenditure with a view to rationalising the public administration expenditure and bringing it under strong budgetary control.<sup>125</sup>

## Corporate governance

Both reports highlight non-compliance by the state and corporate entities with international or regional standards, codes and rules as well as constitutional obligations. The CSAR argues that although Uganda is a party to many international instruments, it lacks the will to implement them. Civil society groups also pointed out in their memorandum that Uganda is not complying with obligations to report on its implementation of the instruments it has ratified. For example, as of March 2007, the government had a backlog of 24 overdue reports to the International Labour Organisation (ILO) on implementation of rights and labour standards, having submitted only six reports out of a possible 30 for examination.<sup>126</sup>

The CSAR is particularly disturbed by the wide discrepancy between ratification and implementation in relation to labour rights.<sup>127</sup> Although labour abuses are acute and reported frequently, the mechanism for resolving them stipulated in the Labour Disputes (Arbitration and Settlement) Act 2006 is not operational. The Industrial Court has not been established and there were only 30 district labour officers instead of 81 at the time the CSAR was compiled. Even then it appears that it is only the labour office in Kampala that is operational.<sup>128</sup> This has forced workers to resort to legal aid from NGOs such as Platform for Labour Action, which reportedly handled 640 clients in 2005.<sup>129</sup> The CRR on the other hand, dwells at length on the implications of non-compliance for investment and international trade, a problem compounded by 'political interference with the administration of justice and pervasive corruption...'.<sup>130</sup>

The CSAR notes that corporate entities do not observe corporate governance except in a few sectors such as banking where the principles are enshrined in the governing law. 'This is so because there is no law to compel compliance and a majority of firms are in the informal sector where they are not regulated and have negative attitude towards compliance.'<sup>131</sup>

121 Civil society memorandum to the APRM Uganda public hearing 2007.

122 CSAR, p.220.

123 CRR, p.138.

124 CRR, p.152.

125 CRR, p.132.

126 CSAR, p.327.

127 CSAR, pp.290–291.

128 CSAR, p.332.

129 CSAR, p.330.

130 CRR, p.170.

131 CSAR, p.325.

Uganda has over 160 000 commercial enterprises, about 87% of which are in the informal sector and are categorised as small scale (employing fewer than five people).<sup>132</sup> The same report draws attention to a UBOS survey that revealed that only a third of the foreign companies complied with labour and business laws compared with 51% of the Uganda privately owned enterprises.<sup>133</sup> The CSAR does not delve much into causes of this compliance discrepancy, although it points out that business in Uganda is burdened 'by enormous fragmented regulations, poor enforcement of existing laws and regulations and poor coordination between regulatory bodies'.<sup>134</sup>

The recommendations on non-compliance stress self-regulation and demonstrable political support by business and government respectively.<sup>135</sup> But it is difficult to square this with the observation by the same report the government is anxious to 'retain foreign investors at all costs and thus views all issues relating to the compliance with labour laws *ex parte* regardless of the practices of these companies'.<sup>136</sup>

Dumping of expired or sub-standard goods is a matter of grave public concern about which there is already a lot of awareness and activist campaigns. The CRR says that they requested the Uganda National Bureau of Standards to provide information on the magnitude of the problem and possible health hazards for consumers but got nothing. 'This could be interpreted as evidence of the Bureau's failure to collect and analyse data on the topic. Nevertheless, in discussion with different stakeholders, it appears that Chinese goods are being dumped on the market but the UNBS does not have the capacity to control counterfeit goods coming to Uganda'.<sup>137</sup> It is worth pointing out that there is a study that has established that Ugandan government officials are aware of the poor quality of goods imported from China but do nothing about it. The researcher, Prof. Margaret Lee, quotes a noted journalist who argued that: 'the Chinese are not a threat to government. In fact, the government would rather see that the Chinese accumulate capital in Uganda than local business people because the Chinese have no political power and therefore cannot use their capital to influence elections. So the Uganda government is happy to have the Chinese capital to undermine local capital or business people'.<sup>138</sup>

132 CSAR, p.299.

133 CSAR, p.328.

134 CSAR, p.309.

135 CSAR, p.298.

136 CSAR p.328.

137 CRR, p.209.

138 Margaret C. Lee, 'China and Uganda: Unleashing the Power of the Dragon', in Margaret C. Lee, Henning Melber, Sanusha Naidu and Ian Taylor, *China in Africa*, Nordic Africa Institute, Current African Issues 35, 2007, pp. 26–40, and p.36.

## Socio-economic development

Both reports are very critical of government's record on policy planning and implementation. According to the CSAR, 'while Uganda has excelled on the development of good policy documents, its record on implementation is mixed at best'.<sup>139</sup> This, according to the CRR, 'suggests that there is a need to strengthen programme monitoring and evaluation capacity'.<sup>140</sup>

The CRR highlights a lack of structural transformation in the economy and that transformation of the agricultural based economy is yet to be seen. There is insignificant change of the economy which is still 'mono cultural, export-import dependent', making it 'fragile'. Uganda is still dependent on coffee exports, whose price is 'extremely volatile'.<sup>141</sup> There is need to move away from dependence on exports of raw materials to adding value through processing and exporting finished goods. It also raises concerns on a high rate of poverty and worsening inequality and the high population growth rate.<sup>142</sup> It also points out that corruption is an issue of major concern likely to derail the achievements, the rate of growth, levels of domestic and foreign investments, and proper use of aid resources.<sup>143</sup> The chairman of the Parliamentary Public Accounts Committee, Richard Sebuliba Mutumba, subsequently pointed out in an interview by the *East African* that government's tolerance of corruption was not in line with the CSAR and NPoA and there is a demand for the recovery of stolen assets.<sup>144</sup>

However, the CRR's analysis seems to underplay the two problems highlighted in the CSAR. First, that MoFPED has failed to relinquish powers to the NPA for coordinating and planning at strategic, sectoral and local government levels expected under the NPA Act of 2002.<sup>145</sup> Second, the ruling party is infringing on the independence of the NPA by requiring that the planning by the NPA must focus on the NRM manifesto. As the CSAR observes, 'this is ironic given that the NRM manifesto reflects a development programme as articulated by one political party, albeit the governing one. The programs of other political parties should also input into the strategic plans of the country ... to be effective in planning, it needs to generate ideas and plans from a wide

139 CSAR, p.391.

140 CRR, p.215.

141 'Uganda's economy can leapfrog', *Summit Business Review*, April–May 2009, p.24.

142 President Museveni Speech to APR Forum, Sharm El Sheikh, 29 June 2008, Office of the President, Uganda, available at <http://www.afrimap.org/newsarticle.php?id=1558>.

143 'Kenya, Tanzania warn Uganda on militarising politics', *The Weekly Observer*, 26–29 March 2009.

144 'Uganda's turn to face the scrutiny of peers', *The East African*, 30 June–4 July 2008.

145 CSAR, p.390.

range of stakeholders'.<sup>146</sup> This issue is not taken up at all by the CRR.

Both reports highlight weaknesses and constraints to participation in socio-economic development. At the institutional level for example, the CSAR argues that universities and other tertiary institutions have not been effectively involved. 'The institutions are heavily involved in research, but research results rarely influence government policy and development programs. There is still a big wall between universities and government, yet a lot of knowledge has been generated in these institutions. There is thus a need for more constructive engagement between governments and universities.'<sup>147</sup> However the CSAR does not analyse the link between donor dependence and the marginalisation of local research institutions, although it laments about the role of donors in 'limiting local ownership'.<sup>148</sup>

Regarding community participation, both reports contend that local communities are marginalised to the extent that plans drawn up at lower levels are never actualised in the national planning process, which prioritises interests and demands of donors and central government. Therefore, 'Participation has more to do with presence than influence in respect to policy process',<sup>149</sup> which the CRR attributes to weaknesses in communication between 'higher level policy organs and lower level planning tiers'.<sup>150</sup> The CSAR rather uncritically lists access to information as one of the best practices on broad-based participation in Uganda. It does this by reducing the issue of access to one of media liberalisation and its quantitative growth, ignoring censorship and restrictions on other types of access such as to oil agreements, interactive radio discussions (*Bimeeza*), etc.

Both reports highlight challenges to sustainable development, without elaborating the concept. These include: politicisation of the development process,<sup>151</sup> unequal development of regions,<sup>152</sup> insecurity,<sup>153</sup> access to information,<sup>154</sup> and land tenure and utilisation policy.<sup>155</sup> On land matters, the CSAR argues for individualisation and commercialisation of land and points out that the land question has remained unresolved for too long. The CRR notes the polarised debate on land issues and recommends for urgent 'broad-based consultations (government, parliament, traditional rulers, and CSOs) on the

land question in general and the Land Amendment Bill in particular, with the aim of resolving contentious issues'.<sup>156</sup> Indeed, so critical is the land question that the CRR highlights it as one of the cross-cutting issues.<sup>157</sup>

Both reports address themselves to what they term historical injustice over land. The drawback is that their focus is overwhelmingly directed to one region: Buganda. The injustices suffered at the hands of the state by communities of hunter-gatherers like the Batwa and Benet; pastoralists like the Karamajongs, Basongora, and others; and the people of Bunyoro whose fertile lands were alienated for wildlife conservation without compensation, are missing. The CSAR refers to the phenomenon of 'ethnification' of land conflicts, without unravelling its implications.<sup>158</sup> The report does not question the actions of the state over land issues and does not note the decision made by the 1994 Uganda Constituent Assembly to deny the state control over land and vest it in the people of Uganda.<sup>159</sup> The CSAR notes that the declared policy of the government under the Poverty Eradication Action Plan (PEAP) and the 2001–2009 Plan for the Modernisation of Agriculture (PMA) is to promote modernisation of agriculture through the promotion of large scale farming units; a policy that has resulted in the evictions of people from what was previously considered public land.<sup>160</sup> The CSAR and the CRR should have borrowed from past studies such as the Constituent Assembly Reports, the two Constitutional Review Commissions (the Odoki and Ssempebwa Commissions), which raise issues on land and federalism.

## The government response to the CRR

The government response to the CRR included in the final published version rejects outright some of the criticisms made in the report; and President Museveni's speech to the APR Forum picked up on the same themes.

The government rejected the concerns of the CRR on the militarisation of society, and only acknowledges its involvement in DRC. President Museveni also argued that removing presidential term limits was 'what Ugandans demanded', since it was supported by 303 MPs with only 52 in opposition.<sup>161</sup> However, the removal of term limits remains a controversial position for many Ugandans: 'The length of Museveni's stay in power remains the dominant issue for Mr Museveni ... It cannot be expected ... that Mr Museveni will

146 CSAR, p.391.

147 CSAR, p.392.

148 CSAR, p.392.

149 CSAR, p.490.

150 CRR, p.278.

151 CSAR, pp.418–419.

152 CSAR, pp.413–414.

153 CSAR, pp.396–401.

154 CSAR, p.490.

155 CSAR, pp.456–462.

156 CRR, p.268.

157 CRR, pp.288–290.

158 CSAR, p.60.

159 See Article 237 (1) of the Constitution of Uganda, 1995.

160 CSAR, pp.396–398.

161 President Museveni speech to the APR Forum, 29 June 2008.

support the restitution of term limits which would amount to working himself out of office'.<sup>162</sup> The government also rejected the concerns expressed about the creation of new districts, which have also been expressed by Uganda's development partners. Responding to the challenges in the administration of justice, government blames culture as the main problem, but did not address the other important issues raised.

The government argues that people from 'one particular region' do not monopolise the army,<sup>163</sup> although the issue is of sufficient concern for the parliamentary committee on defence and internal affairs to launch an investigation into the alleged ethnic imbalance.<sup>164</sup> An opposition member of parliament, Hon. Benson Echonga, noted with concern in the chamber that of six full army generals, five (including President Museveni) are from one ethnic sub-group, the Hima; and 27 out of 58 of all officers from Brigadier General to full General are from Ankole, Museveni's home region.<sup>165</sup>

In response to reports in the CRR (and the CSAR) relating to the government's discrimination in favour of foreign investors (specifically the failure to tax the income of a Sri Lankan investor supported by the government, ostensibly to boost Uganda's entry into the AGOA market),<sup>166</sup> the government merely asserted there was no policy favouring foreign investors, 'although there could be issues in the application of incentives and other facilities'.<sup>167</sup> The government also failed to respond to specific scandals reported in the CRR in relation to land deals and other corruption. It appears Museveni is ready to close his eyes over some individuals close to him, accused of engaging in corrupt activities. Prominent among these has been the sale of land owned by Security Minister Amama Mbabazi and businessman Amos Nseyi in the Temangalo area to the National Social Security Fund (NSSF) at inflated prices.<sup>168</sup> The issue was investigated by parliament, but President Museveni defended those implicated, arguing that the criticisms of the Temangalo land sale were simply an attack on his party and 'I will not sit back and see my party being destroyed. I know very well all the people in the party about shouting on Temangalo and very soon they will be fixed'.<sup>169</sup> The government response to the CRR similarly ignored the concerns of people about the increasing level of nepotism in dealing with corruption.

162 Angelo Izama, 'Museveni defends no term limits before African presidents', *The Monitor*, 12 July 2008.

163 CRR, p.307.

164 'Army rank saga ruffles NRM government', *The Observer*, 24 August 2009.

165 See 'To be or not to be a General is the question' and 'The UPDF: Breaking down the ranks', *Sunday Monitor*, 4 July 2010.

166 CRR, p.135; CSAR, p.332.

167 CRR, p.119 and p.313.

168 See, for example, 'Temangalo scandal consumes nation', Thursday, *Independent* (Kampala), 25 December 2008.

169 JonZu News, 'Stop defending corrupt bush war comrades', 5 September 2009, [http://news.jonzu.com/z\\_tag/comrades%e2%80%99](http://news.jonzu.com/z_tag/comrades%e2%80%99).

# A critical assessment of the APRM in Uganda

The overall opinion of people interviewed for this report was that the APRM process is good because it helps government discover its own shortcomings, and people from below can contribute ideas on how they should be governed. Moreover: 'even if we implemented 10% of the recommendations, there could be a change in the lives of ordinary people'.<sup>170</sup> Nevertheless, there were serious concerns about the implementation of the APRM and its governing structures. Most important among these were criticism of the lack of independence of the APRM Commission. There were problems with the attitude of government and parliament towards the process. The former chair of the Commission reported pressure by cabinet and parliament to disband the Commission as they saw the outcome of the process as unfavourable to them.<sup>171</sup> In addition, there were serious problems with the research methodology, with civil society groups feeling that participation had not been wide enough in the drafting and research for the CSAR.

On the positive side, the composition of the Commission was a mix of academia, government, media, opposition, and CSO religious and secular members. Though cabinet and parliament were rather sceptical and some opposed the process, it had the full backing of the president, and this is how it was sustained. This backing included President Museveni's overruling of objections to the process by cabinet and parliament. While the president's 'personal initiative and involvement'<sup>172</sup> was looked upon favourably as responsible for moving the process forward, the negative side of it is that it strengthened what in Uganda is termed as 'presidentialism' which has eroded the system of checks and balances. More

seriously, it plays into the perception strongly held by some that this was not just a government process but a personal project of the president thus 'ring-fencing' it from a certain level of oversight by, and accountability to, parliament.

## Appointment, independence and accountability of the APRM Commission

The lack of transparency in the system for appointing the APRM Commission – and subsequently the National Governing Council – raised doubts about the independence of some of the commissioners and the status of the APRM process in improving governance and accountability. Because no law was adopted by parliament establishing the APRM structures, it exposed the Commission to suspicions about its credibility, independence and functional autonomy.

The composition of the national APRM Commission seems to have been driven more by the principle of representation of different interest groups rather than merit. Some of those interviewed for this report expressed reservation about the selection of commissioners as they thought that majority of the members were drawn from supporters of the NRM party, pointing out specific names to prove their claim. For example, one member of the Commission working on the democracy and political governance had this to say about membership of the Commission:

*... ultimately, it is government which had its day because they had the numbers which they used to insulate themselves against anything adverse. Many of the civil society representatives were NRM sympathisers.*

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170 Interview with Christine Abia Bako, MP, member of the APRM Commission representing the opposition, 11 November 2008.

171 Interview with Prof. Semakula, 11 November 2009.

172 Interview with Prof. Semakula, 11 November 2009.



Several civil society groups shared this opinion and criticised government domination of the Commission as government officials or those close to government were identifiable.<sup>173</sup> Reverend Grace Kaiso, director of the Uganda Joint Christian Council, pointed out that there was reluctance to put the issues in a way that would annoy the powers that be. 'Yet we felt that the credibility of the process depended on speaking the reality.'<sup>174</sup> Even the chair of the Commission, Prof. Semakula, pointed out that towards the end of the process partisan interests of the members of the Commission became evident, as the 'issues paper' was being compiled for the country review mission; a task that is in principle supposed to be completed by the continental APRM structures, but in Uganda was entrusted to the national APRM Commission. 'People's true identities were revealed as they fought passionately for what to exclude or include in the issues paper. Also, the commissioners got several calls from outside about why certain things deserved to be included or omitted.'

On the other hand, the deputy executive director of the NPA felt that 'while the composition of the Commission was satisfactory in terms of balancing the political forces, I was not happy with the quality of some of the representation. I did not know the method which was used by the various constituencies to select their representatives'.<sup>175</sup>

In setting up the Commission, President Museveni by-passed parliament, which, in Ugandan formal legislative practice, should have debated and elaborated its legal status, power, mandate and composition. The CSAR acknowledges that 'the usual practice in establishing commissions in Uganda is through legislation', but in their view, this did not detract the Commission from carrying out its operations with independence and autonomy.<sup>176</sup> However, others interviewed disagree. Dr Nuwagaba of the TPI REEV Consult pointed out that unchecked political and presidential decisions tend to create conditions for abuse and accusations of political bias, manipulation, and sectarianism.

Prof. Semakula said that the manner in which the Commission was appointed seemed to have created a credibility gap between them on one hand, and parliament and cabinet on the other. Thus retorts such as 'who are you and who appointed you?' were thrown at them when they sought to present the CSAR to those organs. The matter was 'resolved' by the president's intervention, which on the surface underlined the president's commitment to the

process but risked turning a national exercise into another of the president's projects. Furthermore, the lack of legislative intervention raised controversies about the structure of accountability for the APRM. It was not clear as to whom the secretariat was answerable to as both the Commission and the NPA wanted to control it. Because of this attitude, the NPA wanted to use their control of logistics and finances to influence both the pace and content of the process. According to Prof. Semakula, the National Focal Point could not assert his powers before parliament or cabinet or the NRM Secretariat partly because he was politically weak, and partly because of absence of a legislative framework.

The creation of both the APRM Commission and its successor, the NGC, by law would have put it at par with other statutory bodies to ensure its monitoring and reporting processes come under the oversight of the Parliamentary Statutory Commissions Standing Committee. This Committee, together with Public Accounts Committee, are by law headed by an opposition party member. This has raised the level of scrutiny and accountability and public participation in committee hearings and parliamentary debates.

Even without specific legislation to establish the APRM Commission as a statutory body, it would have been more appropriate for the NEPAD and APRM process to have been monitored by the parliamentary committee dealing with finance and planning, which has oversight over the NPA, rather than the Standing Committee on Foreign Affairs. Since parliament was expected to play an important role in the validation, implementation and monitoring of the NPoA, the absence of a NEPAD/APRM Parliamentary Standing Committee did not only marginalise the legislature, but it also undermined the principles of accountability and transparency, which NEPAD advocates.

### **Methodological issues in the preparation and validation of the CSAR**

The convoluted and less than transparent process of identifying and re-identifying the TPIs had costs for the research and drafting of the CSAR, with several TPIs being dropped because of poor performance during the desk study phase. When the field research was finally undertaken during 2007, there were still challenges in implementing the process.

Firstly, the APRM questionnaire proved very difficult to implement, even as adapted for use in Uganda, as it was too big, very repetitive and complicated. The 'domestication' process should not only have been left to the TPIs as a

173 Zachary Ochieng, 'APRM: Time to address government and civil society concerns', [http://www.newsfromafrica.org/newsfromafrica/articles/art\\_10805.html](http://www.newsfromafrica.org/newsfromafrica/articles/art_10805.html), 6 November 2006.

174 Interview, 13 November 2008.

175 Interview with Dr Abel Rwendeire, 6 November 2009.

176 CSAR, p.16.

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technical issue, but should have been subjected to broad participation in a two-way fashion, to make it more relevant to national priorities.

Coordination and harmonisation of the APRM research process left a lot to be desired. It was not clear whether there was a commissioner vested with the responsibilities to coordinate or if it was the responsibility of the research methodologists. Improper coordination made compiling the CSAR rather cumbersome.

Perhaps as a result, the field research phase was also problematic, especially in relation to the selection of respondents and the lack of participatory methodologies and the involvement of civil society groups. Uganda could have drawn on the experience of developing Uganda's Poverty Eradication Action Programme (PEAP), which used civil society group stakeholders, as a source of lessons for the evaluation process.

The validation process for the CSAR was not adequate. If the objectives of the validation process were to establish whether what was in the report correctly reflected the views and recommendations of respondents, the validation should have targeted the same people who were interviewed to start off with. Secondly, there was no feedback to ensure that what was validated correctly reflected the minds of the stakeholders. Thirdly, the Commission omitted what they thought was conflicting in the report between what the respondents in the validation had indicated and what was in the draft. Finally, the validation exercise was based on a summary of the report and not the full draft-report.

### Civil society participation in the process

The Uganda APRM Commission was charged with enlisting the full participation of civil society in the review process. Although civil society representatives formed a formal majority on the Commission, there was concern about the representation on the Commission by civil society, which was not based on broad membership and many would-be eligible members 'did not know how to become involved'.

In addition, the Uganda civil society networks, especially the Uganda National NGO Forum and DENIVA (the Development Network of Indigenous Voluntary Associations), began fairly early on to express grave reservations about the way the process was unfolding. 'The role of civil society must become central to the process for it to be seen to be open, transparent and credible. CSOs will ensure that the process takes the debate to the communities deep at the grassroots and indeed the wider public ... [who] must have a clear idea

about what the peer review means and what it involves,' they told the Support Mission at a sensitisation meeting.<sup>177</sup>

DENIVA and the NGO Forum argued that in order for the review process to be 'credible', nine issues needed to be 'carefully considered and/or clarified', namely:

- concrete demonstration of unconditional government commitment and political will by allocating adequate resources to the process;
- the review process covering the entire body politic i.e. the executive, parliament, political parties and civil society;
- neutrality of the National Focal Point to protect information provided in the review process;
- independence of the peer review to ensure government inadequacies are not covered up;
- CSOs must be consulted and invited to participate in nominating persons to the National APRM Commission to avoid political partisanship in its composition;
- the need for a roadmap of the entire peer review process to enable CSOs to adequately plan for their input;
- provision of timely and correct information regarding the process;
- participation of civil society in the identification of technical partner institutions (TPIs); and
- enactment of the NGO Act to give more space to and an enabling environment for CSOs.

It was difficult to get minutes of the proceedings of the working sessions that civil society held with the APRM support mission during their first visit in February 2005. However, although it seems that civil society involvement in the APRM process was taken for granted by their presence on the Commission, there were also attempts to get their views by the support mission and also by the country review mission.<sup>178</sup>

### Lack of participation of traditional governance institutions

The views of traditional leaders and institutions were not explicitly sought for the CSAR, nor during the country review mission. They could have shown up in the issues paper prepared for the APRM country review mission, insofar as it

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177 DENIVA and NGO Forum, 'CSO Engagement in the upcoming Peer Review for Uganda', memorandum presented to the APRM Support Mission for Uganda, Grand Imperial Hotel, Kampala 14 February 2005.

178 See also Juliet Nakato Odoi, 'Civil Society Participation in Uganda's APRM Process', *SALIA Occasional Paper No. 2*, June 2008



touched on matters of land and managing diversity, identified as critical cross-cutting themes by the APRM Secretariat in a review of APRM country review reports. But there is no explicit record of this. The country review mission claimed to have received memoranda and submissions at public hearings from among others, traditional institutions.<sup>179</sup> The CRM did not draw attention to the omission of the views of traditional leaders in the CSAR, despite their fundamental bearing on governance in Uganda.

### **Critical issues not touched upon in the reports**

There are issues which were completely overlooked in the CSAR, CRR and NPoA such as oil exploration and exploitation, environmental management and community involvement in oil and environmental management processes, resource waste, economic performance and failure to rein in public expenditure, and the lack of dialogue between civil society and government. Although both reports address issues surrounding land tenure, they do not draw on the important recommendations of the past constitutional review processes.

### **Confusion over the APRM's interaction with national planning processes**

The APRM process coincided with a shift in government planning framework, both from the Poverty Eradication Action Plan to implementing a new five-year National Development Plan, and to a greater emphasis on the implementation of the ruling party's manifesto. For the most part, the ruling party priorities were formulated long before the CSAR, CRR and NPoA had been finalised, which raises doubts about the impact of the APRM on the planning process. The issue is whether the NPA is going to be independent in the formulation of the NDP or if it will just implement the party manifesto or will just be a guide in the planning process.

### **Media outreach and public awareness**

Those engaged in the publicity of the process were satisfied with the manner and extent of publicity and outreach around the APRM. Others, however, argue that the role of the media in the APRM process was too marginal, as it acted merely as a channel of transmission of messages. As a result, the public was not well-informed about the process nor did

those interviewed for the CSAR research really understand or conceptualise it well. There was no dissemination to the lowest levels for better publicity and implementation. Moreover, there was no feedback to those whose views had been collected, as the TPIs or the Commission never returned to provide those interviewed with a report on the ways in which the information collected had been used.

On the positive side, the Uganda CSAR was published, one of the only countries to take this step: in most other cases, the CSAR has remained confidential, and only the CRR has been published.

<sup>179</sup> CRR, p.14.

# Conclusion

The CSAR and CRR now constitute one of the most important sources of information about the history, achievements and problems of governance in Uganda. The CSAR in particular is fairly comprehensive and is arguably one of the best reports in the APRM governance series so far. The CSAR is very strong on what government has been doing while also highlighting criticisms of that record. The causes of government actions and failures are not well articulated. The analysis was constrained by a methodological preference for an empirical-descriptive approach not sufficiently contextualised in the historical and socio-cultural experiences and complexities of the country.

The failure to legally entrench the APRM process in Uganda not only compounds its non-binding nature, but may also rob the process of momentum and ownership in terms of legislative and public interest, oversight and accountability. This could unfortunately turn the APRM process into a purely presidential project with all the attendant risks of partisanship, bureaucratic institutional bickering, inertia and corruption. Indeed, the scourge of corruption very much decried by the CSAR and CRR stalked the APRM process itself, with concerns raised about the recruitment of TPIs, the conduct of fieldwork, the attempt to influence the compilation of the Issues Paper and the CSAR.

Similar concerns might explain why president Abdoulaye Wade of Senegal threatened to 'discontinue his country's membership (of the APRM) because its noble goals had been abandoned by its successive executives ... wasting hundreds of millions of dollars and had threatened to boycott its meetings saying it had become a talking shop'.<sup>180</sup>

It should be a matter of serious concern too that media opinion in Uganda has challenged the usefulness of the APRM process in promoting positive change in governance. Scepticism is based on the belief that there are African leaders, 'unwilling to peer review one another. If you criticise, you will be criticised ... and criticism is the last that any leader invites'.<sup>181</sup> A columnist in another paper commented: '... it will be a miracle if un-reviewed African states will ever bother with the process'.<sup>182</sup> This is partly a reflection of dissatisfaction with what passed for the peer review of Uganda at Sharm El Sheikh. It also illustrates that the mere institutionalisation of the APRM process in Uganda will do nothing to raise public awareness and participation unless key stakeholders such as parliament, media and civil society are meaningfully integrated in the process. The establishment of the APRM as a statutory agency would be the first step to facilitate the integration of NEPAD and the APRM into the structures and processes of governance.

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180 Diadie Ba, 'Senegal's Wade slams Africa development body', Reuters, 13 June 2007.

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181 Faten Aggad, 'The Hurdles of the African Peer Review', *The Monitor*, 2 October 2008.

182 Jerry Okungu, 'Another African dream has vanished with NEPAD', *The New Vision*, 5 February 2010.