



## Nepad from below: towards intra-country peer review mechanism (iprm) in kenya

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### ABSTRACT

Kenya is administratively divided into forty-seven (47) counties each of which shall be under the stewardship of a County Governor once the new constitution is finally implemented. These officers shall be tasked with the coordination of governance and development in the respective administrative areas. Like specific country Heads of State in the case of New Partnership for Africa's Development (NEPAD), County Governors shall be regarded as peers and hence accountable to both the government and the local community for any development activities. In the NEPAD development thinking, specific countries are required to undertake in-house reviews of their development policies and performance in governance, human rights and social service provision among others. The resultant data are presented to other African Heads of State and Government for peer review and the particular Head of State/Government made to answer for any development shortcomings. Similarly, to improve governance and accountability of leaders in areas under their purview, County Governors in Kenya could be subjected to the same peer review, hence NEPAD from below. This paper examines the APRM philosophy as a development archetype and argues for its intra-country domestication in Kenya focusing on the County.

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### Introduction

#### Development Planning in Kenya

Since independence in 1963, Kenya has faced many development challenges including poverty, poor political governance and civic engagement, corruption and natural weather-induced disasters such as floods and drought. Indeed, the latter two may sometimes occur within months of the same year (Republic of Kenya, 2009b). Even then, against the need for all-inclusive consultation and decision-making, development planning and implementation in Kenya has for a long time been centrally planned, controlled and implemented by government technocrats many times without consulting the beneficiaries. The first major attempt to decentralize decision-making on matters of development in the country was made in 1965 through the *Sessional Paper No. 10 of 1965 on African Socialism and its Application to Kenya* (Republic of Kenya, 1965). The proposals envisioned in the paper were not fully implemented and similar and subsequent plans were not any better either (see Oloo, 2006). As such, problems that affected Kenyans at independence such as disease, illiteracy and poverty still linger, with some of them having escalated.

The District Focus for Rural Development Strategy introduced in 1982 was yet another major attempt at decentralization (Republic of Kenya, 1982). This blueprint made the district the local focal point for development planning and implementation at the grassroots with the district level government technocrats under the stewardship of the district commissioners and the district development officers as the drivers (Chitere, 1994; Chitere & Ileri, 2004; Republic of Kenya, 1982). The strategy faced various management problems including the top-down development mentality among central

government public servants (see Makokha, 1985) that necessitated going back to the drawing board. This was meant to ensure subsequent development initiatives were stakeholder-driven especially to include key beneficiaries such as communities and leaders at the grassroots levels. It was felt that this way; any development projects would gain legitimacy and ensure its sustainability.

Consequent of the IMF/World Bank engineered Structural Adjustment Programmes, human suffering in the country increased due to stringent economic measures such as cost-sharing in social services and downsizing of public sector staff. As a result, it was felt that concerted multi-sectoral and stakeholder led efforts in combating poverty were necessary. This gave birth to the National Poverty Eradication Plan, 1999-2015 (Republic of Kenya, 1999), which aimed at reducing poverty by 50% in 2015. The formulation of plan and subsequent Poverty Reduction Strategy Papers was not only widely consultative, but also highly inclusive.

This time round, poverty in Kenya had sky-rocketed to a high of about 56%, while the economy was performing at -0.03% (Republic of Kenya, 2002), hence the need to reverse the undesirable trends. It is almost at the same time that the former Organization of African Unity (OAU), now African Union came up with a continental development blueprint, the New Partnership for Africa's Development (NEPAD) in 2001 (NEPAD Kenya, 2009a) and the UN formulated the Millennium Development Goals (MDGs) in 2000 (UN, 2000). Common in both NEPAD and UN MDGs was the need for poverty alleviation and sustainable development

For Kenya to alleviate poverty, create wealth and put the economy back to the path of growth, the government formulated the Economic Recovery Strategy for Wealth and Employment

Creation (ERSWEC) 2003-2007 and subsequently its Implementation Programme in 2003 and 2004 respectively (Republic of Kenya, 2003; 2004). Whereas subsequent annual economic surveys precedent to the implementation of the ERSWEC show marked economic growth, there were evident poor wealth distribution by socio-economic status, region and gender. As such, some regions such as arid and semi-arid areas have been lagging behind other areas in matters development. In addition, the upper socio-economic echelons and men have had an unfair advantage regarding opportunities for wealth creation and therefore self-actualization.

The implementation of the ERSWEC up to 2007 energized the country both politically and economically only for the 2007/2008 post-election violence to reverse many of the achievements. However, like any other time when Kenyans have experienced adversity, hope was not lost (see Gakuru, Mwendwa & Bikuri, 2007). In 2007, the government came up with another elaborate and long-term blueprint the *Kenya Vision 2030* (see Republic of Kenya, 2007; 2008). This recent development plan has several projects across all sectors of the economy and its implementation is on course with the First Five Year Medium-Term Plan running 2008-2012 (Republic of Kenya, 2008). It is expected that the full implementation of the blueprint will see this country transformed sustainably into a middle income nation by 2030.

From the foregoing exposition, it is evident that development planning in Kenya has been largely concerned with alleviation of poverty and associated problems that impede human development and welfare. While the planning has mainly been centralized, evidence suggests that there are remarkable efforts at devolving decision-making powers from the central government and decentralizing them to the grassroots. This is aimed at empowering grassroots communities to make decisions on development in line with the needs they have identified in their midst following the principles of participatory governance (see UNDP, 2003; Mwendwa, 2007). The foregoing is expected to help in doing away with the problematic top-down development mentality and therefore instill ownership among beneficiaries while at the same time enhancing project sustainability and prudent utilization of scarce resources on priority needs. At the continental level, in an attempt to facilitate the better resource use, accountability, democratic governance, respect for human rights and other necessary ideals of development in Africa, the New Partnership for Africa's Development (NEPAD) was born in 2000. The foregoing among other progressive ideals are what NEPAD stands for and therefore its formation was seen as panacea for Africa's dwindling development indicators. It is this development thinking that we now turn to look at broadly.

#### **NEPAD: Structure and Functions**

The New Partnership for Africa's Development (NEPAD) whose membership includes all the 53 AU member states is touted as a framework for Africa's renaissance. This framework arose from a mandate given to the Heads of State of Algeria, Egypt, Nigeria, Senegal and South Africa by the Organization of African Unity (OAU) to produce a single plan for African development. It merged development initiatives developed by South Africa and Senegal and was formally adopted at the 37<sup>th</sup> Summit of the OAU in July 2001 (NEPAD Kenya, 2008). NEPAD is therefore aimed at addressing development challenges that face Africa such as poverty and resultant underdevelopment.

The highest authority of NEPAD is the Heads of State and Government Summit of the African Union (HSGSAU). It is the HSGSAU that gives mandate to the Heads of State and Government Implementation Committee (HSGIC), made up of four (4) states per AU region. The five initiating countries including Algeria, Egypt, Nigeria, Senegal and South Africa are permanent members of NEPAD, while its Steering Committee is composed of appointed representatives of the NEPAD Heads of State and Government who sit on the HSGIC. This committee oversees projects and programme development, while the day-to-day coordination and implementation of NEPAD activities is the responsibility of its Secretariat based in Midrand, South Africa.

NEPAD has four major objectives that it strives to achieve and which revolve around poverty alleviation, sustainable growth and development, empowerment of women and stepping up of continental integration into the world landscape. In order to achieve the objectives, NEPAD is guided by several principles including good governance to ensure peace, security and sustainable socio-economic development. In addition, it is also guided by the belief that African development should be based on its resources including her people. Another of the principles is accelerated regional and continental integration and strategic partnering to change the unequal relationship between Africa and the west. Moreover, there is also the need to ensure that all partnerships with NEPAD are linked to global development goals such as the UN MDGs (UN, 2000).

To achieve the envisaged objectives and long term goals, NEPAD has its emphasis on three priority areas and attendant sub-priorities. To start with, there is need to establish conducive conditions for accelerated and sustainable development by ensuring lasting peace and security, democracy and political, economic and corporate governance, regional integration and cooperation and capacity building. The second emphasis is on policy reforms and increased investment in sectors such as agriculture, social development, improving infrastructure, including Information and Communication Technology (ICT), energy, transport and water.

In addition, there is the need to promote and diversify export and other products, while at the same time enhancing intra-continental trade and the sustainable management of the environment in line with UN Agenda 21 and the UN Millennium Development Goals (UN, 1992; 2000). Last is the mobilization of resources by increasing domestic savings and investments, improving management of public revenue and expenditure and making global market more accessible to the continent. The foregoing will be achieved through attracting Foreign Direct Investment (FDI), scheming for debt reduction and increased flow of Official Development Assistance (ODA). It is expected that the incorporation and implementation of these proposals would spur development in Africa and put it on a better pedestal in the global arena.

#### **Kenya and the New Partnership for Africa's Development**

In Kenya, the implementation of the NEPAD initiative was institutionalized through a Presidential Executive Order in 2002, which established a National Steering Committee (NSC). This committee was mandated to among other things enhance the country's participation in NEPAD activities and oversee regional projects that have a direct link with national priorities. In addition, the committee was supposed to co-ordinate priority projects identified in the Poverty Reduction Strategy Paper (Republic of Kenya, 1999), oversee the implementation of

Kenya's national development goals in relation to NEPAD priorities and market it among all stakeholders in the country. Moreover, the NSC was mandated to give direction to the National Secretariat, which is responsible for implementing the decisions of the latter.

The NEPAD Kenya Secretariat was established in 2003 as a semi-autonomous agency in the Ministry of State for Planning, National Development and Vision 2030 to coordinate the implementation of the NEPAD priority programmes and steer the African Peer Review Mechanism (APRM). In addition, the 2<sup>nd</sup> Eastern Africa Region Heads of State and Government Summit on NEPAD held in Nairobi, Kenya in October 2003 gave Kenya the mandate to be the interim Regional Coordinator of NEPAD activities in the region. NEPAD is driven by the conviction that Africa's development problems and challenges can only be addressed by Africa's own commitment and concerted action. As a result, the NEPAD Strategic Policy Framework does not attempt to dictate how the various African countries should organize themselves to participate in the initiative. Rather it provides the policy and programme direction within which states, sub-regional bodies, and continental structures can operate and prioritise, adapt and design their own programmes according to their own needs and local realities. All initiatives promoted by individual African countries should be subsumed under the NEPAD process to represent a basis on which Africa can effectively cooperate with its development partners.

According to the NEPAD Kenya Secretariat Strategic Plan 2009-2014 (NEPAD Kenya, 2009a), priorities of NEPAD in Kenya include programmes linked to the African Peer Review Mechanism (APRM), the Comprehensive African Agricultural Development Programme (CAADP), the NEPAD Short Term Action Plan (NEPAD STAP) for Infrastructure, the NEPAD Youth Entrepreneurial Development Programme, the NEPAD Women Economic Empowerment Programme and regional coordination. It is instructive to mention that the foregoing programmatic activities are in line with international treaties and agreements which Kenya is a signatory including the Millennium Development Goals (UN, 2000). Indeed, it is these programmes that have largely been replicated in the Kenya Vision 2030 (Republic of Kenya, 2007; 2008). To demonstrate commitment to NEPAD ideas and its vision for a better Africa, Kenya has been implementing various activities as shown in table 1.

#### **African Peer Review Mechanism (APRM): Philosophy and Process**

Kenya acceded to the APRM on 9 March 2003 together with Algeria, Republic of Congo, Ethiopia, Ghana, Mozambique, Nigeria, Rwanda, South Africa and Uganda. This is a review instrument acceded voluntarily by AU members to be reviewed on certain agreed upon parameters. The mandate of the APRM is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values and standards contained in the Declaration on Democracy, Political, Economic and Corporate Governance. The foregoing declaration is the basis of the APRM philosophy that was approved and adopted at the inaugural Assembly of the AU Heads of State and Government Summit in Durban, South Africa in July 2002.

The primary purpose of the APRM is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated

sub-regional and continental economic integration. This is expected to be realized through inter-state sharing of experiences and reinforcement of successful best practices, including identifying deficiencies and assessing the needs for capacity building. Each review exercise emphasizes on four thematic priority areas of Democracy and Political Governance, Economic Governance and Management, Corporate Governance and Socio-Economic Development. The bottom line is that the review must be technically competent, credible and free of political manipulation-data collected should represent the reality.

According to the NEPAD Kenya website 2010 ([www.nepadkenya.org](http://www.nepadkenya.org)), the African Peer Review Mechanism (APRM) seeks to promote democracy and good governance. It was established through the Declaration on Democracy, Political, Economic and Corporate Governance of the New Partnership for Africa's Development (NEPAD). Whereas NEPAD membership includes all 53 AU member countries, membership in the APRM is voluntary and as such an AU member state requests for this evaluation. The APRM is therefore an African self-monitoring mechanism mandated to ensure that policies of participating states conform to the provisions of the foregoing declaration. The principle aim of APRM is to promote peer learning and capacity building among member states through dialogue and constructive persuasion to effect change. Then how does this peer review take place?

The African Peer Review Mechanism (APRM), with its secretariat in Midrand, South Africa, is a five-staged process which starts with the secretariat doing an investigation regarding the political, economic and corporate governance and socio-economic development of a country that has requested to be reviewed. The country does a self-assessment of its policies against the mechanisms, the institutions in place to implement the policies, their effectiveness and the possible outcome of the policies. Thereafter, deficiencies and challenges are identified and a national plan of action developed to alleviate the identified gaps. Then, a team of experts under the leadership of a member of the continental APRM team visits the country for consultations with a wide range of stakeholders including government officials, political parties, parliamentarians, civil society, media, trade unions, business and professional bodies among others. The aim of this consultation is to do an external audit of the country's performance against identified benchmarks.

Consequent to the findings of the APRM Country Review Visit and the country's self-assessment report, the review team is required to write a report recommending improvements on the country's plan of action in terms of best practices to address identified challenges to progress. The report is made available to the country reviewed and the reviewers discuss it with the government, whose response is taken into account. The continental APRM Secretariat submits the APR Team's Country Review Report to the APR Panel of Eminent Persons, which in turn submits it with its recommendations to the APR Forum of Participating Heads of State and Government for consideration and possible adoption. According to the NEPAD website (2010) ([www.nepad.org](http://www.nepad.org)), the last stage of the APRM Country Review Report is to make it available to various AU governance structures including the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the Peace and Security Council and the Economic, Social and Cultural Council (ECOSOCC).

Following the consideration, adoption and release to the AU governance structures, there are subsequent follow-ups, with the first one aiming to sustain efforts to improve governance and socio-economic development. Consequently, any APRM member country that has undergone the peer review process has to submit annual progress reports on the implementation of its National Plan of Action to the APR Forum of Participating Heads of State and Government. This is to ensure that the national priorities agreed by stakeholders during the country review process are effected and remedial steps taken to address identified gaps in the review. It also makes sure that good practices are shared not only among national actors, but also across member countries. As such, through this process lessons learned, challenges identified and the various ways of maneuvering around them are shared as synergy to enhance accelerated and sustainable development of the continent.

#### **From APRM to IPRM: Domesticating the Philosophy in Kenya**

The governance of any modern democracy like Kenya is directly related to its development and as such, an understanding of development must necessarily inquire into governance. In understanding development in Kenya due regard should therefore be given to the governance framework-how the government runs its affairs. Kenya is a republic dominated by a strong executive, giving the president and other members of the executive a wide range of powers over governance and therefore development. However, repeal of the Constitution of Kenya and its subsequent promulgation on August 27, 2010, the executive powers of the president have been substantially reduced. All in all, government technocrats and administrators are accountable not only to the government, but also to the citizenry under their jurisdiction. To further enhance this accountability and ensure prudent utilization of resources in civic service provision, there is need for in-house evaluation of the way the government runs its affairs more so at the grassroots level.

It is already recognized that the African Peer Review Mechanism (APRM) is an important process in evaluating development and governance progress in Africa. It has not only helped improve the approaches to development, but also played a significant role in human rights protection and poverty alleviation especially where its recommendations have been implemented. While this process is international in nature, there is need for the domestication of its philosophy in Kenya, with County Government as the focal points. The argument in this paper is guided by the observation that development mustn't come or be *forced* from above-the *subaltern* can also initiate it from below.

Our proposal here is that the administrative structure in Kenya, which is bureaucratic in nature with each lower level responding to the one above it, is well placed to incorporate the APRM process and philosophy, which we now call Intra-Country Peer Review Mechanism (IPRM). The intra-country peer review we propose should take the County as the focal point. In this case, all the Counties should do in-house evaluations of agreed upon development indicators. This may be done on issues such as level of crime, extension services, HIV/AIDS prevention, education, water, environmental management, public health standards, human rights protection, civic engagement, transparency and accountability and the utilization of local resources among others issues.

Once such review benchmarks have been agreed upon, the County may be assisted by both public and private technical agencies in doing objective evaluation of each County's performance against the resources made available during a certain period say in five-year intervals. Such technical agencies may include the Kenya Central Bureau of Statistics, Efficiency Monitoring Unit, National Poverty Eradication Commission and the Kenya Institute for Public Policy Research and Analysis. Others are the Kenya Bureau of Standards, public universities, National Integration and Cohesion Commission, Kenya Private Sector Alliance, Institute for Policy Analysis and Research and specialized UN agencies among others.

As these technical agencies undertake county-specific reviews, the reviewed counties can as well carry out similar reviews and the various finding put into one district specific report. After the county report is compiled, it should be presented by the respective County Governor to other County Governors in a designated area in a forum where the Cabinet Secretary concerned, assisted by other heads of department would be the moderator. In this forum, like in the case of APRM where the particular Head of State or Government is made to answer for any shortcomings in his or her country, the specific County Governor becomes the centre of attention. He/she together with the concerned County heads of departments explain the remedial measures he/she intends to initiate as panacea to identified performance gaps. This is where subsequent administrators should take over from to ensure perpetual succession.

As such, the administrator should be made to answer from his peers for any shortcomings in areas such as civic engagement, public health, crime, drug abuse, poor infrastructure and generally the quality of social services based on the resources availed by the government. In attendance in this forum as well should be specific county departmental heads who should jointly with the County Governor as members of the specific County Development Committee be held responsible for any acts of omission or commission. The forum should come up with recommendations to improve and enhance the quality of civic services and enhance performance in other areas in the particular county.

The resultant report should be the basis of the five-year county-specific development plans and consequently the national development plan. Our thesis is that the current district specific development plans are not necessarily based on sound and well planned research but district departmental reports that may have been poorly funded, done by poorly skilled staff and most likely biased to portray the department as effective especially in the era of performance contracting. To correct such anomaly, therefore the review should be based on the APRM philosophy and the results made available in various fora such as the internet, conferences and libraries for public libraries consumption.

Although public officers are evaluated through the annual performance contracting reviews, it is our position that these are not adequate given that they are set against agreed upon targets between supervisors and their supervisees. This does not incorporate the input of service receivers and development beneficiaries at the grassroots levels and hence likely to be abused. For example, collusion between a supervisor and a junior while setting targets is very likely. In addition, the service recipient does not know what the performance contract says concerning the quality of services he/she should receive and

therefore cannot hold the particular government official to account when services are seen to be below expectations.

Such an exercise if done objectively and professionally it is believed can be a good way to put administrators on their toes, improve service delivery and enhance public trust on the government. In future such an exercise should be done at the constituency level where a Member of Parliament's performance may be subjected to review by his/her fellow legislators in a specified area such as a certain County or a number of specified constituencies put together. It is expected that such a review will not only put MPs and Constituencies Development Fund committees on check, but also ensure that accountability and transparency in the utilization of public resources is enhanced.

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**Table 1: Kenya's implementation of NEPAD initiatives**

Date	NEPAD activity in Kenya
March 9, 2003	Kenya acceded to the African Peer Review Mechanism
July 14, 2004	First National Stakeholders' Forum held to sensitize the public, discuss and domesticate the APRM questionnaire
July 21, 2004	Second National Stakeholders Forum held to finalize the domestication of the APRM questionnaire, elect conveners and propose members of the National APRM Governing Council
July 26-27, 2004	Dr. Graca Machel and the Kenya APR support mission visit the country and meet stakeholders in both the private and public sectors
October 25, 2004	Inauguration of the APRM National Governing Council with a mandate until completion of the country review
June 30, 2006	Peer review of Kenya in Banjul, the Gambia
January 27, 2007	Submission and review by the APR Forum of the 6-month Progress Report on the Implementation of the APRM National Programme of Action June 2006 – January 2007 at the APRM Forum in Addis Ababa, Ethiopia
June 30, 2007	Tabling at the APR Forum of the annual Progress Report on the Implementation of the APRM National Programme of Action June 2006 – June 2007 in Accra, Ghana
June 29, 2008	Finalization of the 2 year APRM Progress Report on the Implementation of the National Programme of Action June 2006 – June 2008 in Kenya
October 24-26, 2008	Presentation of a paper on Resource Control and Management: Addressing the Land Issue in Kenya, in Cotonou, Benin
November 25, 2008	Launch of the popular version of the APRM Progress Report on the Implementation of the National Programme of Action June 2006 – June 2008
January 30-31, 2009	Review by the APR Forum of the APRM Progress Report on the Implementation of the National Programme of Action June 2006 – June 2008 by APRM Heads of State Forum in Addis Ababa, Ethiopia and agreement to conduct a 2 <sup>nd</sup> Country Review of the Political and Democratic Governance Pillar of the APRM
June 5, 2009	Gazette Notice by the Minister of State for Planning, National Development and Vision 2030 appointing the APRM National Governing Council
November 16-30, 2009	Second APRM Country Review focussing on Democracy and Political Governance

Source: NEPAD Kenya website, 2010 ([www.nepadkenya.org](http://www.nepadkenya.org))