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APRM's Economic Governance and Management Standards: What civil society should look for

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ABSTRACT

Civil society, dedicated to safeguarding the rights of citizens, may find an unexpected opportunity to monitor their own governments in the mechanisms of the African Peer Review process.

This paper argues that, in a democratic state, citizens have a fundamental right to efficient public services. When public money is misused or poorly spent, it denies legitimate socio-economic benefits to the people. The point is tellingly and repeatedly illustrated by examples from the experience of local government in South Africa's Eastern Cape Province, where maladministration and inefficiency cost citizens dearly.

The authors are Colm Allan, director of the Public Service Accountability Monitor (PSAM) and Neil Overy, research editor. The PSAM is an independent monitoring and research institute attached to Rhodes University, South Africa. They say the language of the economic governance section of the APRM may leave civil society organisations unaware that the mechanism offers opportunities that can be used to evaluate whether public's resources are being properly managed.

The starting point for CSOs is to find answers to basic questions: What resources are available? What plans are there to exploit them? How effective are the plans? How will the implementers be held accountable? Once information is assembled it becomes possible to create a set of evidence-based tools to monitor performance. This in turn will allow service-delivery issues to be meaningfully addressed. So, in the end, the rights of ordinary people to efficient state services will be protected.

ABOUT THE AUTHORS

Colm Allan is the Director of the Centre for Social Accountability (CSA) at Rhodes University, South Africa, which incorporates an applied monitoring and research programme, the Public Service Accountability Monitor (PSAM). Neil Overy was the PSAM Research Editor until June 2008. The CSA is committed to the institutionalisation of the right to social accountability and the realisation of social and economic rights through the effective management of public resources in Southern Africa. The PSAM has conducted extensive monitoring of South Africa's Eastern Cape provincial government administration since 1999.

INTRODUCTION

The African Peer Review Mechanism (APRM) country review process offers a unique opportunity for civil society organisations (CSOs) to use a range of continental and international codes on good governance to evaluate their states. The Economic Governance and Management Section of the APRM questionnaire, in particular, gives CSOs an opportunity to evaluate how existing public resources are translated into effective realisation of socio-economic rights (such as the rights to education, health care and housing). However, given the section's technocratic, poorly structured and often vague formulation, many CSOs have overlooked the vital advocacy opportunities offered to progressively realise socio-economic rights in their countries.

In this paper we offer a CSO-friendly means of interpreting Economic Governance and Public Resource Management that is focused on the rights of African citizens. We identify common problems that afflict the delivery of public services, and illustrate how CSOs can play a crucial role in monitoring public expenditure management and service delivery.

The paper is informed by a rights-based approach, asserting that citizens are not passive users of public services but active holders of fundamental rights. It is premised on the principle that democratic states are constitutionally committed to ensure a progressive realisation of socio-economic rights – such as health care, education and housing – within available resources. In this interpretation, constitutional arrangements (such as separation of powers) and political institutions (such as parliamentary oversight bodies) exist to ensure progressive realisation of socio-economic rights. This approach is also informed by a definition of social accountability which asserts that elected public leaders and government officials must answer to citizens for the performance of their duties and responsibilities. In particular, they must justify their decisions to legislatures and citizens against set criteria, correct errors and prevent recurrences. A key element is the assertion that citizens have a constitutional right to public information on the effective management of public resources.

The Nepad framework document commits member states to governance in which 'democracy and state legitimacy have been redefined to include accountable government, a culture of human rights and popular participation.'¹ Similarly, the Constitutive Act of the African Union commits signatories to uphold 'democratic principles and institutions, popular participation and good governance.'² Despite these commitments, the APRM questionnaire offers little guidance on how such participation should be realised. From a rights-based point of view, citizens need to be able to find answers to the following questions to engage effectively with their elected political representatives and public officials on the management of public resources:

- What resources are available to government departments (or contracted private companies) to provide public services?
- What do departments (or private service providers) plan to do with these resources and how responsive are their plans to citizens' needs?
- How effectively do these departments (or private service-providers) implement their plans?
- What corrective action is taken in response to misallocation or abuse of public resources?

- How satisfactorily do departmental officials account to oversight bodies for their performance? What recommendations do oversight bodies make to improve officials' performance, and are these recommendations implemented?

Only by obtaining candid answers from government departments or contracted private agencies can citizens meaningfully participate in public decision-making processes. Answering these questions is also a prerequisite for making informed judgments about the management of resources and delivery of effective public services.

For this reason, the Public Service Accountability Monitor (PSAM) has distilled the above questions into a set of five indicators of Economic Governance and Public Finance Management, and has developed a set of evidence-based tools for monitoring each indicator.³ In the following section, we provide an account of these indicators, how they relate to continental and international governance codes, and how they could be used by other African CSOs for advocacy purposes in the context of the APRM process.

STRATEGIC PLANNING AND RESOURCE ALLOCATION

- The Nepad framework document commits African countries to 'sound economic management.'⁴
- The AU commits member states to promote social justice by ensuring 'balanced economic development.'⁵
- The IMF insists that governments should ensure that they properly coordinate and manage all budgetary activities.⁶

The ability of any government to deliver effective public services starts with the strategic planning process. Strategic plans are essential as they map out the course of action a given department is supposed to take to meet its service delivery commitments within budget. The process involves diagnosing the most pressing social needs of a population, prescribing programmes and activities to address these needs, and then proposing a budget and identifying service delivery indicators to implement activities. Strategic plans should also pinpoint known and probable obstacles, and counter-strategies needed. Once a budget has been allocated to a strategic plan, its implementation should then be vigorously monitored, both internally by the department and externally by CSOs. Monitoring is crucial because it enables the identification of implementation problems and allows departments to take timely corrective action.

A number of critical factors contribute to the success, or otherwise, of departmental budgeting and strategic planning and, with it, service delivery:

Effective needs-analysis – Plans to address the most pressing social and economic needs of citizens must be informed by an accurate and up-to-date analysis of those needs. For example, an effective Department of Health plan to address a specific disease must have precise and current epidemiological data on the spread and location of it. Similarly, a Department of Housing plan must know where houses are most needed, and a Department of Education plan must anticipate where its services are most in demand. Failing to undertake effective needs-analysis can lead to either under- or overspending because

demand has not been properly quantified and there is no way to manage expenditure or choose the most cost-effective locations for services.

Example – South Africa's Eastern Cape provincial Department of Health's strategic plan for 2003/04 was based on epidemiological data collected in 1996. This resulted in a failure to target services at communities worst affected by communicable diseases like HIV/AIDS.

Robust stakeholder consultation – For strategic plans to reflect the needs of citizens they must be drawn up with roleplayers from civil society. For example, government departments should consult with CSOs and Community Based Organisations (CBOs) in the field when drawing up housing plans. Similarly, when addressing concerns such as HIV/AIDS, departments of health must take advantage of the expertise of health-related CSOs, CBOs and actual users of health services. Consultation enables departments to undertake more effective needs-analysis exercises. It is important that planning meetings are adequately publicised, participants are given access to needs-analysis information to make input and that relevant expert, citizen and professional bodies are involved. Meaningful consultation also increases the accountability of government departments to civil society. For these reasons, CSOs need to monitor the degree of stakeholder consultation in the budgeting and strategic planning processes of government service-delivery departments.

Realistic assessment of internal challenges – To be successful, a strategic plan must be realistic. This presupposes that it takes into account external risks and challenges in planning service delivery. For example, a Department of Health plan to provide medicines in rural areas has to consider electricity supply and roads. Certain drugs must be refrigerated and conditions such as tuberculosis require uninterrupted supply of drugs. Similarly, a Department of Social Welfare which plans to provide more social assistance grants to children would need to ensure that the necessary infrastructure (such as mobile pay points) exists. Failure to evaluate external challenges often results in poor spending and failure to meet objectives. Consequently, CSOs need to assess the extent to which government service-delivery departments have considered external constraints in their budgeting and planning.

Realistic assessment of external challenges – Plans must reflect a department's actual ability to do the job. There is little use drawing up an elaborate strategic plan if the department lacks the staff or skills to implement it. Departments often underspend and underperform when their staff capacity is not taken into account. If capacity constraints are a problem, civil society must look for evidence in strategic plans that government departments plan to increase their capacity by budgeting funds and allocating time for training or recruitment.⁷

Example – South Africa's Eastern Cape Department of Housing reported an overall staff vacancy rate of 35% in the 2002/03 financial year. There was, however, no evidence in its strategic plans to suggest that it had taken this into account. Thus there was no surprise that it underspent its budget for the 2003/04 financial year by R178 million, or 17%, despite there being a desperate need for housing by squatters and shack-dwellers.

Best methods given resource limits – While strategic planning should inform budget allocation, departments must realise that they operate with limited resources. This means they should pay due regard to likely budget allocations over the next three financial years,⁸ and assess whether the chosen plans are the most cost-effective. This will help avoid

under- and overspending. For this reason, CSOs need to evaluate whether service-delivery departments have planned to make the most effective use of their funds (relative to social needs) within available budgets.

Clear objectives and activities – When drawing up budgets and strategic plans government officials should commit themselves to meeting identifiable objectives. This means designing activities that are realistic, relevant, time-bound, measurable and properly costed. Strategic plans fail when there is a lack of synergy between budget allocations and plans, and between objectives and activities. CSOs need to monitor whether the government objectives are needed, realistic, properly costed, time-bound and easily measurable.

Responding to oversight recommendations – Government departments must ensure that strategic plans always detail efforts that will be made to address queries raised by oversight institutions such as Legislature standing committees and supreme audit institutions. CSOs must determine whether service delivery plans refer to the findings of audit institutions. To this end, they must examine whether plans seek to address the findings made by these institutions, and resolutions passed by parliamentary oversight bodies, in order to redress previous organisational and service-delivery failings.

EXPENDITURE MANAGEMENT

- The Nepad framework document notes that appropriate standards and targets should be adopted to ensure macroeconomic stability. It prioritises the need for African states to improve their management of public resources.⁹
- The AU has asserted the need for ‘transparency and accountability in the management of public funds.’¹⁰ Similarly, IMF codes stipulate that a national audit body, which is independent of the executive, should provide timely financial reports to the legislature and public about the financial state of government accounts.¹¹
- IMF codes require that all budget allocations should be governed by ‘comprehensive budget laws’ and that there should be a clear legal and administrative framework governing the management of resources.¹²
- Both the AU and the IMF commit African countries to transparent procurement and tendering processes.¹³

Sound financial management processes are essential to deliver quality public services. Government departments are responsible for the effective, efficient, economical and transparent use of public resources. This presupposes that they spend their money wisely:

Effective systems to control and prosecute wasteful expenditure – Government departments must ensure that they have effective internal financial control systems to avoid needless expenditure. CSOs need to identify the internal control systems that exist to track wasteful expenditure.

Example – In the 2003/04 financial year, South Africa’s Eastern Cape Department of Health incurred over R258 million worth of unauthorised, fruitless or wasteful expenditure because of inadequacies in its internal financial and risk management systems.

Sound basic accounting controls: Many countries lack reliable internal systems to track what is actually spent and to gather the full costs associated with particular activities.

Effective accounting systems should be able to prevent unauthorised expenditure, ensure that spending occurs under the line-items approved by parliament and within agreed limits, curtail off-budget spending through accumulation of arrears on debt, and produce regular spending progress reports (at least quarterly, according to IMF guidelines).

Adequate systems to monitor transferred funds – When transferring funds to outside bodies (such as outsourced service providers) government departments must ensure that these bodies have effective and transparent financial management systems. Service-level agreements (SLAs) must be signed with external service-providers committing them to certain deliverables. They should be public documents, rigorously monitored and enforced. CSOs need to be sure conditions are complied with and to establish that funds are in fact spent on the delivery of listed services.

Example – Between 2000 and 2004 South Africa's Eastern Cape Department of Social Development transferred R528 million to external bodies without ensuring that these bodies had effective financial management systems. As a consequence it was impossible to monitor the effective expenditure of these funds.

Improve human resources management – Departments must ensure that they undertake effective human resources management and do not squander budgeted resources on inappropriately-qualified staff, or excess staff members. Department staff should sign performance agreements (which are regularly reviewed) to ensure that they give value for money and are held accountable for their actions. This is particularly relevant for senior public officials who manage sizeable budgets and who must commit themselves, via their performance agreements, to deliver quantifiable and measurable outputs. CSOs need to assess whether performance management systems exist in government departments and whether senior managers have signed appropriate performance agreements. They also need to establish whether the contracts are binding on senior managers or merely indicate service-delivery objectives. Do they stipulate clear consequences if not met?

Cost-effective procurement – Departments need to undertake cost-effective and transparent procurement and provisioning processes to ensure that items procured represent the best value for money. Undertaking tendering and procurement in an accountable and transparent manner will also create an environment which discourages corruption. CSOs need to evaluate both the transparency and cost-effectiveness of the processes and whether the goods and services procured were in the public interest.

Audited financial statements – At the end of each financial year, government departments should timeously produce consolidated annual financial statements. These should be audited by an external and independent audit institution such as an Auditor-General, and be made public. CSOs need to evaluate the accuracy of the financial statements, and the rigour with which they have been audited. Audit institutions should have the staff, resources and investigative powers to complete such audits within a reasonable period after the financial year-end – usually six to twelve months.

Asset management – To safeguard government assets, all departments should maintain up-to-date asset registers to guard against theft and losses, particularly of vehicles, computer equipment and furniture. CSOs need to know that registers are rigorously kept to ensure that public resources are not used for private benefit. Identified employees should be responsible for particular assets.

Example – Between 1995 and 2004 the provincial Department of Education in South Africa's Eastern Cape Province did not maintain proper control over its assets, failing to

keep registers or details of equipment in its care. For this reason it was impossible to quantify potential losses or theft of department resources during this period.

INTERNAL CONTROLS AND MONITORING OF PERFORMANCE

- The AU states that governments must adopt ‘legislative and other measures’ to ‘strengthen internal accounting, auditing and follow-up systems.’¹⁴
- According to the IMF, government departments should monitor all expenditure and produce regular publicly available in-year reports accounting for that expenditure.¹⁵

To make certain that budgeted funds are used efficiently, and that government departments are held accountable for their decisions, the latter should provide ongoing reports to Executive authorities, treasuries and oversight bodies. Such reports should evaluate progress in implementing strategic plans and the expenditure of budgeted funds, and should contain financial- and performance-related information. The reports should be produced regularly through the financial year. In addition, internal control systems should be in place to control risks and manage expenditure.

Monthly and quarterly performance reports – Government departments should ideally produce monthly financial reports to account for actual spending, and quarterly performance reports to evaluate progress on strategic plans. These reports should be consolidated and made available to the public quarterly. By producing such reports, Executing authorities and treasuries can identify spending and performance problems and institute corrective action in-year. Civil society will be able to monitor the progress of departments in redeeming the commitments set out in strategic plans and policy speeches.

Example – In the 2003/04 financial year, South Africa’s Eastern Cape Department of Housing produced unsatisfactory monthly and quarterly reports which failed to account properly for its actions. As we have observed, the department ended up underspending its budget by R178 million.

Annual Reports – Government departments should also produce annual reports at the end of each financial year to account for their performance and use of funds. These reports should not be public relations exercises, but should provide an accurate and honest account of departmental delivery and performance. They should include, among others, an account of performance against strategic target plan; major impediments to meeting targets and steps taken or planned to rectify this; a copy of its audited financial statements (including audit comments); a report from its audit committee; a report on its handling of misconduct in the year; and an account of efforts made to address queries raised by oversight institutions. Annual reports should be publicly available to enable stakeholders to hold departments to account. CSOs need to ensure annual reports are comprehensive and monitor the quality and accuracy of service-delivery claims.

Audit Units and Committees – To impose effective internal financial controls each department or entity should have an internal audit unit tasked with evaluating the effectiveness of such controls, and making recommendations for their improvement. Such units play a vital role by identifying potential risks in expenditure and management of departmental resources, and by recommending appropriate corrective action. A unit should report directly to an Audit Committee, which should advise departments timeously on

recommendations to avoid service-delivery failures. CSOs need to establish whether such audit units exist, whether they are adequately staffed by competent persons, and whether they produce rigorous reports.

Example – No internal Audit Committee was established within South Africa's Eastern Cape provincial Department of Health during the 2003/04 financial year. Consequently, no effective risk management and monitoring of performance took place during the year, resulting in widespread public complaints of failed health service delivery.

HANDLING OF MISUSE/ABUSE OF RESOURCES

- Both the AU and the IMF require public officials to commit themselves to codes of conduct.¹⁶
- The AU states that 'all or designated' public officials should declare their financial interests.¹⁷
- The AU also requires governments to adopt 'legislative and other measures' capable of punishing acts of corruption. It also states that disciplinary and investigation procedures must be developed to tackle corruption.¹⁸

It is widely acknowledged that misconduct, and corruption in particular, compromise the ability of governments to address the socio-economic needs of their citizens. The African Union Convention on Preventing and Combating Corruption notes the 'devastating effect' that corruption has had, and continues to have, 'on the economic and social development of the African peoples.'¹⁹ Given this, it is incumbent on all governments to ensure that corrupt officials are detected and punished.

- All states should have adequate laws governing the conduct of members of the Executive, elected political representatives and public officials.
- All public officials should commit themselves to codes of conduct which accurately define corrupt activities. Public officials should be left in no doubt as to what constitutes corruption and misconduct.
- Public officials, and those involved in procurement and tendering processes, should fully declare their financial interests each year.
- Transparent and accountable financial management environments should assist in exposing acts of corruption and misconduct to Executing authorities and management within government departments. However, this alone is not enough. Government departments must have the necessary resources and capacity (for example, properly staffed disciplinary units and trained disciplinary presiding officers) and the political will to hold their officials accountable for breaches of the law, ethical codes and conditions of employment.
- Anti-corruption authorities should be properly constituted, independent, adequately funded and staffed, insulated from interference by the politically powerful, and able to prosecute without political interference or veto.
- Once breaches have been detected, departments must act efficiently to ensure that disciplinary hearings are conducted swiftly and fairly. Where appropriate, cases must be referred to the police for criminal investigation. CSOs should establish whether

legislatures and government departments have adequately resourced disciplinary and integrity structures. They should also monitor what corrective action is taken in response to the abuse or misuse of public resources (this includes responses to cases of maladministration, corruption and conflicts of interest).

Example – South Africa’s Eastern Cape Auditor-General has identified numerous instances where senior Eastern Cape departmental officials have allegedly committed serious acts of financial misconduct. Despite this, no financial management officials have faced disciplinary hearings.

ACCOUNTABILITY TO OVERSIGHT INSTITUTIONS

- One of the key institutional reforms highlighted by Nepad is the need to strengthen parliamentary oversight.²⁰

To ensure effective delivery of public services oversight institutions such as supreme audit institutions and Legislature standing committees must rigorously hold Executing authorities to account. The ability to do so presupposes a number of factors:

- Parliamentary oversight committees and, in particular, public accounts committees must have the resources, financial and human, to properly monitor the performance of government departments. They need to be supported by capable research units that can examine departmental performance on an ongoing basis.
- To function effectively, committees need the full support of the relevant parliament or Legislature. Rules of Parliament or Legislatures must enable committees to compel Executing authorities to appear before them and justify their actions. In addition, the political will must exist within Parliament and Legislatures to take corrective action against Executing authorities who fail to take corrective action in response to committee oversight recommendations.

Example –Between 1995–2002, not a single resolution adopted by South Africa’s Eastern Cape Standing Committee on Public Accounts was actually implemented by the province’s 12 government departments.

- Audit institutions are often at the forefront of uncovering illicit behaviour and corruption. There must be effective systems in place to hand over information and recommendations to investigative and prosecuting authorities.
- The Nepad framework document notes that appropriate standards and targets should be adopted to ensure macroeconomic stability. It prioritises the need for African states to improve their management of public resources.²¹
- The AU has asserted the need for ‘transparency and accountability in the management of public funds.’²² Similarly, IMF codes stipulate that a national audit body, which is independent of the Executive, should provide timely financial reports to the Legislature and public about the state of government accounts.²³
- IMF codes require that all budget allocations should be governed by ‘comprehensive

budget laws' and that there should be a clear legal and administrative framework governing the management of resources.²⁴

Example – None of the Eastern Cape provincial government departments' strategic plans between 2000 and 2004 included adequate provision to address audit queries raised by the Auditor-General. This resulted in the Auditor-General making the same financial management recommendations year after year.

CSOs need to closely monitor whether supreme audit institutions in their countries produce rigorous and politically-impartial audits of service-delivery departments. They also need to establish whether parliamentary audit committees demonstrate the independence to pass resolutions that accurately address service-delivery problems. In addition, CSOs should continually evaluate the political will of oversight bodies by testing it against the rigour of their deliberations and the appropriateness of their resolutions. CSOs should also track the assertiveness of the measures instituted by parliamentary bodies to ensure the implementation of their recommendations.

CONCLUSION

Civil society organisations wishing to optimise the opportunities offered by the APRM country review process, and the APRM country review questionnaire in particular, would do well to utilise evidence-based tools similar to those proposed above to provide answers to questions of the greatest relevance to ordinary African citizens. Only on this basis are country review programmes of action likely to address meaningfully service-delivery shortcomings and the progressive realisation of the socio-economic rights of Africa's citizens.

APPENDIX

The PSAM's five indicators map directly onto the APRM Country Review Questionnaire. [Reference/footnote to PSAM submission to South African APRM country review, available on psam.org.za or on SAIIA website]

The PSAM's first indicator 'Strategic Planning and Resource Allocation' speaks to the following sections of the APRM Questionnaire:

Section 1, Objective 5, Question 1: 'What measures have been taken in the country to strengthen institutions for an efficient and an effective public service?', Indicator (i): 'Provide details of legal provisions, institutions and resource allocation for an efficient and effective civil service', and Indicator (iii): 'Describe the mechanisms of promoting the evaluation of civil service delivery including the opportunity for citizens to express their opinion on the quality of service delivery.'

Section 2, Objective 2, Question 1: 'What has your country done to make the public administration, legislative system and fiscal authorities work effectively and in a transparent manner?' Indicator (ii): 'Provide evidence of the effectiveness and transparency of these entities with respect to the following indicators:

- Timeliness, comprehensiveness and frequency in dissemination of information on the core activities of these entities,

Section 4, Objective 6, Question 1: ‘What mechanisms have been put in place to promote and encourage effective participation in development processes by key stakeholders?’

Indicators:

- Provide evidence of legal, policy and institutional steps to ensure broad based participation in the development process by all stakeholders including civil society, private sector, media, rural communities, women’s groups, minorities and marginalised groups;
- Describe the governance system, particularly with regards to budgeting and disbursement processes;
- Assess the effectiveness of the measures to ensure broad-based participation;
- Outline the challenges and describe the measures taken to sustain progress including (training, monitoring, evaluation, adjustment).

The PSAM’s second indicator ‘Expenditure management’ speaks to the following sections of the APRM Questionnaire:

Section 2, Objective 3, Question 1: ‘What has your country done to promote sound public finance management?’ Indicators:

- Outline key measures taken (in terms of legislation, policies and programmes, institutional development and resource allocation) to implement a predictable medium-term fiscal framework;
- Assess the current status of public finance management with respect to the following:
 - Actual expenditure and revenue out-turn to targets in national annual budgets, annually for the past five years,
 - Extent to which Government accounts for, monitors and reports publicly on revenue and expenditures,
 - Nature of public debate and national oversight functions over Government’s fiscal operations,
 - Legal provisions ...’

The PSAM’s third indicator ‘Internal Controls and Monitoring of Performance’ speaks to the following sections of the APRM Questionnaire:

Section 1, Objective 5, Question 1: ‘What measures have been taken in the country to strengthen institutions for an efficient and an effective public service?’ Indicator:

- ‘Provide details of legal provisions, institutions and resource allocation for an efficient and effective civil service’,
- ‘Provide evidence of administrative reform to improve public service delivery and measures taken to sustain progress’.

Section 2, Objective 2, Question 1: ‘What has your country done to make the public administration, legislative system and fiscal authorities work effectively and in a transparent manner?’ Indicator:

- i. ‘Provide evidence of the effectiveness and transparency of these entities with respect to the following indicators:
 - Existence of procedures including legislation to conduct external and internal assessments of the activities of these entities’
- ii. ‘Outline the main challenges relating to making these entities transparent and effective and list efforts to address capacity shortfalls and other constraints’.

The PSAM’s fourth indicator, ‘Handling of Misuse/Abuse of Resources’ speaks to the following section of the APRM Questionnaire:

Section 1, Objective 5, Question 2: ‘To what extent does the country have a transparent system of recruitment, training, promotion, management and evaluation of civil servants’, Indicator:

- i. Provide evidence of cases of disciplinary sanctions, including dismissal and prosecution of civil servants related to the shortcomings of service delivery.

The PSAM’s fifth indicator ‘Accountability to oversight institutions’ speaks to the following sections of the APRM Questionnaire:

Section 1, Objective 4, Question 1: ‘What are the constitutional and legislative provisions establishing the separation and balance of powers among the Executive, the Legislature and the Judiciary branches of government?’ Indicator:

- i. Provide evidence of constitutional and legislative provisions establishing and guaranteeing the separation of powers
- ii. Assess the effectiveness of the separation of powers and mechanisms for checks and balances’.

Section 2, Objective 2, Question 1: ‘What has your country done to make the public administration, legislative system and fiscal authorities work effectively and in a transparent manner?’ Indicator:

- i. ‘Provide evidence of the effectiveness and transparency of these entities with respect to the following indicators:
 - Existence of procedures including legislation to conduct external and internal assessments of the activities of these entities’

ENDNOTES

- 1 African Union, 'The New Partnership for Africa's Development (Nepad)', (Framework document). Abuja, October 2001, p. 9. See section III, item 43.
- 2 OAU, 'Constitutive Act of the African Union'. Lomé, Togo, 11 July 2000, p. 4. (Article 3g).
- 3 See Appendix for an explanation of how these indicators map onto the APRM Questionnaire.
- 4 African Union, 'The New Partnership for Africa's Development (Nepad)', (Framework document). Abuja, October 2001, p. 59 (item 202).
- 5 OAU, 'Constitutive Act of the African Union'. Lomé, Togo, 11 July 2000, p. 4. (Article 4n).
- 6 International Monetary Fund (IMF), 'Revised Code of Good Practices on Fiscal Transparency'. Washington, 23 March 2001.
- 7 The Nepad Framework Document notes that one of the major challenges that Africa faces is to 'strengthen the capacity to govern'. See: African Union, 'The New Partnership for Africa's Development (Nepad)'. Abuja, October 2001, p. 5 (Section II, item 23).
- 8 IMF, 'Revised Code of Good Practices on Fiscal Transparency'. Washington, 23 March 2001, p. 2. See Section II, subsection 2.1.2, which notes that budget information should be provided for the two years proceeding and following the budget year.
- 9 African Union, 'The New Partnership for Africa's Development (Nepad)', (Framework document). Abuja, October 2001, p. 10 (Section III, item 49) and p. 19 (Section V A2, item 89).
- 10 IMF, 'Revised Code of Good Practices on Fiscal Transparency'. Washington, 23 March 2001, pp. 2–3 (Articles 3.1 to 3.4.3).
- 11 IMF, 'Revised Code of Good Practices on Fiscal Transparency'. Washington, 23 March 2001, p. 1 (Section II, subsection 2.1, 2.1.2, 2.2.1) and p. 4 (subsection 4.2.1).
- 12 AU, 'African Union Convention on Preventing and Combating Corruption', July 2003, p. 5 (Article 3, item 3).
- 13 AU, 'African Union Convention on Preventing and Combating Corruption', July 2003, p. 7 (Article 5, item 4). See also: IMF, 'Revised Code of Good Practices on Fiscal Transparency'. Washington, 23 March 2001, p. 3 (Section III, item 3.3 and 3.3.2).
- 14 AU, 'African Union Convention on Preventing and Combating Corruption', July 2003, p. 8 (Article 5, item 4), and p. 10 (Article 7, item 4).
- 15 IMF, 'Revised Code of Good Practices on Fiscal Transparency'. Washington, 23 March 2001, p. 3 (Section III, item 3.3 and 3.4.1).
- 16 The African Union Convention on Preventing and Combating Corruption notes that the codes of conduct must be established and monitored. See: AU, 'African Union Convention on Preventing and Combating Corruption', July 2003, p. 9 (Article 7, item 2). The IMF Revised Code of Good Practices on Fiscal Transparency notes that 'ethical standards of behaviour for public servants should be clear and well-publicised'. See: IMF, 'Revised Code of Good Practices on Fiscal Transparency'. Washington, 23 March 2001, p. 1, (Section I, subsection 1.2.3).
- 17 AU, 'African Union Convention on Preventing and Combating Corruption', July 2003, p. 9 (Article 7, item 1).
- 18 AU, 'African Union Convention on Preventing and Combating Corruption', July 2003, p. 8 (Article 5, item 1) and p. 10, (Article 7, item 5).
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