

Reporting Agency: United Nations Development Programme  
Country: Kenya

### END OF PROJECT REPORT

No. and title: The Domestication of the NEPAD/APRM Process in Kenya  
Project Number: 00039383  
Reporting period: January 2006 to December 2011

### Project Brief and Progress

#### A. Background on the APRM

Member countries of the African Union (AU) agreed to manage their governments by following agreed rules and upholding standards of good governance. They agreed to these rules and standards during a special meeting in Durban, South Africa, in 2002. They called these rules the AU Declaration on Democracy, political, Economic and Corporate Governance. In 2003, the New Partnership for African's Development (Nepad) adopted these rules and set up a system for checking to make sure that these rules are always followed. This system is called the African Peer Review Mechanism (APRM).

The APRM is a mutually agreed instrument voluntarily acceded to by Member States of the African Union as an African self-monitoring mechanism. It is an innovative African Owned governance assessment mechanism which has been lauded globally and is unprecedented anywhere else.

The mandate of the APRM is to ensure that the policies and practices of participating states conform to the agreed political, economic and corporate governance values, codes and standards contained in the NEPAD Declaration on Democracy, Economic and Corporate Governance as well as the APRM base document.

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 through sharing of experiences and reinforcement of successful and best practices, including identifying deficiencies and assessing the needs for capacity building.

The APRM has a tremendous potential to promote, entrench and advance good governance and political democracy, conducive to the attainment of an enabling environment for peace, security and stability. It is also an opportunity for Governments in Africa to demonstrate commitment and political will to promote, build mutual trust, and reinforce citizens' confidence in the effectiveness and fairness

of their governance systems and the integrity and honesty of their political leaders.

The APRM provides citizens with the opportunity to participate effectively and meaningfully in the decision-making processes that affect them.

For both governments and citizens, implementation of the APRM presents opportunities to strengthen institutions of governance and reinforce structures and mechanism of democracy and good governance.

The APRM process provides opportunities for Africans to explore the possibilities of forging and promoting democracy and good governance appropriate to their situations.

### **B. The APRM Process in Kenya**

Kenya acceded to the APRM in March 2003. The APRM process in Kenya was led by Dr. Graca Machel, member of the African Peer Review (APR) Panel of Eminent Persons. It culminated in the preparation of the APRM Country Review Report (CRR) and a National Programme of Action (NPOA) covering four thematic areas of the review, namely political and democratic governance; economic governance and management, corporate governance and socio-economic development.

Kenya's First CRR was tabled at the APR Summit on 30th June 2006 in Banjul, The Gambia. H.E President Mwai Kibaki of Kenya was reviewed by his peers at this forum. In line with the requirements of the APRM, Kenya submitted its six months (June 2006 - January 2007) progress report in January 2007 in Addis Ababa, Ethiopia. Kenya later tabled the Annual Progress Report covering June 2006 - June 2007 at the 6<sup>th</sup> APR Heads of State Forum in Accra, Ghana in July 2007. Discussion of this report was postponed to the 7<sup>th</sup> APR Heads of State Forum in Addis Ababa, Ethiopia.

During the 10th APR Summit of the Committee of Heads of State and Government Participating in the African Peer Review Forum held on 31st January 2009, in Addis Ababa, Ethiopia, H.E. the President presented the progress report on the implementation of the APRM NPoA covering the period June 2006 - January 2009.

H.E the President assured the Forum that the Grand Coalition Government (GCG), established through the support of the African Union was working well and Kenya remained firmly committed to succeeding in the implementation of the APRM National Plan of Action (NPOA).

In the ensuing discussions, the Summit (APR Forum) lauded Kenya for the progress it had achieved and decided that in view of the developments in the country, the Lead Eminent Panelist for Kenya should lead a team of experts to undertake a Second Country Review of Kenya that was to focus mainly on the Political and Democratic Governance.

The APR Panel of Eminent Persons compiled a country report and submitted the same to the National Secretariat in November 2011. A comprehensive Country Response Report has been submitted to the APR Secretariat on issues raised on the Draft Report that needed clarification and a four year NPoA has been developed with input from relevant stakeholders to address emerging challenges and issues raised in the report. Kenya is expected to be reviewed in the next APR Summit scheduled for June 2012 at Malawi.

### **C. SIDA/UNDP Project in Support of the APRM**

The NEPAD Kenya Secretariat/APRM process in Kenya has been implementing the “APRM Sustaining the Dialogue Programme” Since 2007 with Ministry of planning, National Development and Vision 2030 as implementing partner under the NEPAD/APRM Kenya Secretariat.

The project began in 2006 and it aimed at strengthening the NEPAD secretariat in Kenya and activities related to the APRM. The outcome intended was to initiate a country level process that lead to domestication of the NEPAD/APRM process in Kenya strengthened and supported and participation of all key stakeholders in this process increased.

UNDP Kenya and Swedish International Development Agency (Sida) provided support to NEPAD to undertake the following activities:

- i. Strengthen capacity of the NEPAD/APRM Secretariat to implement the “sustaining the Dialogue” programme;
- ii. Enhance awareness and understanding of development and reform programmes by non-state actors across Kenya, making them more empowered to participate in the planning process and
- iii. Create an institutionalized platform for citizens to participate in planning process as well as monitor, evaluate and influence public policy and programmes created linking non state actors and government bodies at provincial/county level and district level into national planning.

During this period the UNDP/SIDA funding continued to support the NEPAD/APRM secretariat by contracting the National Coordinator, the Procurement Officer, the Finance Officer, the Research Assistants and the ICT Officer. Their contracts lapsed at different times. The major challenge experienced during the implementation was inadequate resources. The key lesson learned is that this programme is not sustainable without securing the government’s total commitment and support.

#### D. Progress on outcomes and implementation of activities

Expected Outputs	Activities	Actual Achievements
Strengthened capacity of the NEPAD/APRM Secretariat to implement the “Sustaining the Dialogue” programme	-Contracting project staff	The APRM staff recruited and facilitated the implementation of the programme
Enhanced awareness and understanding by non-state actors of development and reform programmes	<ul style="list-style-type: none"> <li>- IEC&amp;A strategy developed and implemented</li> <li>-Media briefing on APRM 2<sup>nd</sup> Country review conducted</li> <li>-NEPAD/APRM Newsletter and website.</li> <li>-Sensitization meetings with partners who included GoK, CSOs , Media</li> </ul>	Enhanced Awareness on the APRM Programme through citizens participation and engagement of the review team
An institutionalized platform for citizens to participate in planning processes as well as monitor, evaluate and influence public policy and programmes created linking non-state actors and government bodies at county level into national planning	Facilitating APRM 2 <sup>nd</sup> Country Review	<ul style="list-style-type: none"> <li>- County dialogue fora held in preparation for the 2nd APRM Country Review of Kenya.</li> <li>-The 2nd APRM Country Review took place and completed successfully</li> <li>-Consultation with Focal Ministry and APRM National Governing Council</li> <li>-Consultative forums held with none state actors to validate the CRR, they include private sector associations; Faith Based Organisations; Special interest groups, minorities and marginalized groups; Youth; Women and Opinion leaders.</li> <li>-Post Review Activities commenced in the month of November 2011 after Receiving the draft 2nd APRM Country Review Report</li> </ul>

## **E. The 2<sup>nd</sup> APRM country review of Kenya**

### ***Objectives of the second Country review***

Within the Africa Region, Kenya's APRM process is highly rated as a best practice and to this extent, Kenya has once again been honored to be the pioneer country to undertake the 2nd Generation of Peer Reviews.

It will be recalled that the issues raised by the 1st APRM Country Review of Kenya (2006) which should have served as an early warning to the underlying causes of the post election violence have since been aggressively addressed by Kenya.

This includes the promulgation of the New Constitution which has been described as very progressive. Similarly, various far reaching institutional, legal and policy reforms have been undertaken and fast tracked the turn-around of the country's image which had been negatively impacted following the post election crisis.

The APRM not only provides for the assessment of governance in the participating countries but also provides countries an opportunity to share experiences on best practices, successes and challenges as well as constraints.

This second review is thus of great significance to the country as we take stock of our achievements and governance challenges and draw a road map to building and enhancing the state of Governance in Kenya. Lessons from the Implementation of APRM

As is the practice in all reviews, the report is expected to highlight the progress made by the country, best practices particularly in the implementation of the national reform agenda as well as potential areas of weakness, constraints and challenges and recommendations. This will be contained in the Country Review Report to be tabled during the actual review of Kenya at the Summit.

### **The 2<sup>nd</sup> APRM review process**

During the first phase of the APRM 2<sup>nd</sup> Country Review of Kenya, which was conducted between 16th – 31st July 2011, H.E. Prof. Amos Sawyer, former President of Liberia and member of APR Panel of Eminent Persons led a team of distinguished African Personalities to undertake a 2<sup>nd</sup> APRM Country Review of Kenya.

The Country Review mission held extensive consultations with a broad spectrum of National Stakeholders including H.E. the President, the Rt. Hon. Prime Minister, the Vice President, Speaker of

the National Assembly, Cabinet Ministers, Senior Government Officials, Representatives from the Judiciary, Members of Constitutional Commissions, Civil Society Actors, Academia and Research Institutions as well as Private Sector Association and Special Interest groups among others.

Thus far, the Country Review Team and the Panel of Eminent Persons are finalizing the 2<sup>nd</sup> APRM Kenya Country Review Report which is expected to be submitted to Kenya for Country Consultations and Response ahead of the APR Forum of Heads of State Summit.

## **F. Highlights of progress and achievements in implementing the APRM National Programme of Action in Kenya (NPOA)**

### **1. The Constitution making process**

- ✓ A new constitution promulgated and under implementation to ensure and promote constitutional democracy, the rule of law and citizens rights and address inequality and all forms of discrimination.
- ✓ Various constitutional bills passed and enacted.
- ✓ Various constitutional commissions in place i.e. Constitutional Implementation Commission, Commission on Revenue Allocation, Kenya National Human Rights and Equality Commission etc

### **2. Managing Diversity in Nation Building including regional disparities**

- ✓ A National Cohesion and Integration Commission has been established and is functional, and has been firmly and decisively dealing those engaged in acts of violence, hate speech or other forms of lawlessness regardless of status in society.
- ✓ The new constitution recognizes the diversity of the nation and ensures national resources are shared equitably under a devolved system of government both at national and county levels.
- ✓ A task force and a National Steering Committee on Devolution has been established to recommend policy frameworks for the implementation of devolved government and propose appropriate legislation.
- ✓ Public service been transformed to reflect National Diversity in line with the constitution.
- ✓ A review of the Political Parties Act to ensure political parties have a National Character devoid of Social, Political, Ethnic, Religious, Gender or other prejudices.

### **3. Poverty and Wealth Distribution**

- ✓ Commission on Revenue Allocation has been established to determine allocation of national resources between the county and national levels.
- ✓ Constitutional provision of an equalization fund for marginalized areas.
- ✓ Provision of an Economic Stimulus Package
- ✓ Expanded pro-poor National Budget to support education, health care and provide safety nets to cushion vulnerable segments of the society.
- ✓ Funding set aside in the National Budget for construction and expansion of commuter rail.
- ✓ Enhanced allocation to fund constituency development projects under CDF.

### **4. Land**

- ✓ National Land Policy has been passed in line with the new constitution.

### **5. Corruption**

- ✓ Roles and functions of the Kenya Anti Corruption Commission enhanced.
- ✓ An Independent Judicial Commission service is in place with broad stakeholder representation.
- ✓ A new Chief Justice, Deputy in place hired through a transparent process.
- ✓ An independent Director of Public Prosecutions in place.
- ✓
- ✓ A reorganization of the court structure in line with constitution i.e. Supreme Court as the highest court.
- ✓ Reforms in the police force ongoing to transform it to a respectable National Police Service.
- ✓ Restructuring of the institutional framework for fighting corruption to ensure synergy and coherence of efforts.
- ✓ Continuous monitoring of the public officer ethics act.

### **6. Gender Inequality**

- ✓ Establishing a Women Enterprise Fund
- ✓ Executive Directive requiring that women form 30 per cent of all newly recruited public servants
- ✓ Constitutional provision to ensure gender parity at all levels.

- ✓ Engendering the budget through various measures including, allocation of funds to provide for sanitary towels for girl child in schools.

## **7. Youth Unemployment**

- ✓ Establishment of a Youth Enterprise Fund.
- ✓ Establishment of the Youth Employment Initiative, kazi kwa vijana.

## **8. Transformative Leadership**

- ✓ Chapter 6 of the National Constitution sets a high bar on leadership and integrity for state and other public officers.
- ✓ The civil service is being restructured to conform to the new constitution.

## **9. Peace and Security**

- ✓ The maintenance of Peace and Security is being given priority in line with the constitution provisions to ensure respect for the bill of rights.
- ✓ Worrying communities in various parts of the country have been reconciled and are living in harmony.

## **G. Way Forward**

### **Finalization of 2<sup>nd</sup> review process**

Upon receipt of Country Review Report, a series of national consultations will be convened to validate the report. The country will then prepare a new National Programme of Action (NPOA) in line with the recommendations of the APRM report outlining key activities to be undertaken.

The NPOA will be submitted back to the APR Panel in readiness for the tabling of the Kenya report at the APR Summit (date to be confirmed) and subsequent actual peer review of Kenya at the summit.



## **Expected outputs of the 2nd APRM Country Review Report – of Kenya**

- Highlight on Kenya's progress on the reform agenda
- Provide a framework for monitoring reporting by Government Ministries on implementation of the APRM National Programme of Action.
- Provide early warning signals on the state of National cohesion
- Act as a tool for citizens engagement in the governance agenda of the country
- Support the implementation of national priority projects identified in Vision 2030 that have a direct link to NEPAD and APRM NPoA
- Enhance the peoples' ability to coordinate and facilitate the entrenchment of the APRM nationally
- Engage and influence various policy institutions on key APRM grassroots issues for appropriate interventions
- Support the implementation of the APRM National Programme of Action by linking its outcomes and recommendations with programmes and projects implemented within the framework of NEPAD and Vision 2030 as appropriate.

The key activities that the Secretariat plans to undertake fall under the following three broad categories; Finalization of the second Country review process; Implementation of post 2<sup>nd</sup> APRM report recommendations and Support to the APRM secretariat.

### **H. Conclusion**

The APRM process provided an opportunity to assess the implementation of the programmes and policies aimed at addressing governance challenges. For a country to take part in the African Review Mechanism, it must volunteer to be evaluated. By so doing, the country agrees to enable visiting review teams to do their work. It also agrees to uphold standards for Democracy and Good Political Governance, Economic Governance and Management, Corporate Governance and Social Economic Development.

The APRM exercise in Kenya was spearheaded by an all inclusive APRM National Governing Council (NGC) that currently comprises 14 members drawn from the Civil Society, academia, non-state actors. The establishment of an independent NGC was through a gazette notice which clearly specified the functions of NGC.

To sustain national commitment to the APRM process, building on the important gains made so far requires retaining public confidence in the independence, objectivity and impartiality of the process,

and provision of a credible monitoring and evaluation framework for implementation of the NPoA in Kenya.

The APRM National Plan of Action (NPoA) was integrated within the policy frameworks and Ministries Strategic Plans at inception. However, monitoring the implementation of the NPoA has remained a challenge. The modalities of enhancing the capacity of key stakeholders including the Government, Private sector and Civil Society in monitoring the implementation of the NPoA and resource requirements needs to be addressed. Furthermore, there is need to link the existing National Integrated Monitoring and Evaluation System (NIMES) and the NPoA implementation.

Some of the challenges identified in the first review report include: managing diversity in nation building; Implementation gaps; Poverty and wealth distribution; Land; Corruption; Gender inequality; Youth unemployment and Transformative leadership.

### **I. Financial Statements**

The Financial Statement for the period 2006 – 2011

<b>Year</b>	<b>Total Amount Awarded in (USD)</b>
Jan-Dec 2011	211,578.40
Jan-Dec 2010	16,353.78
Jan-Dec 2009	158,059.98
Jan-Dec 2008	206,008.82
Jan – Dec 2007	220,826.25
Jan-Dec 2006	1,503.54
<b>Total</b>	<b>814,335.77</b>