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**African Peer Review Mechanism: How to
make the process a success in Zambia?**

by

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AFRICAN PEER REVIEW MECHANISM: HOW TO MAKE THE PROCESS A SUCCESS FOR ZAMBIA?

INTRODUCTION

There is an increasing realisation that economic growth is not the only pre-condition for sustainable development in Zambia. There is more to development that has to do with how resources are distributed, how policies are made, how services are delivered, and how rights are protected. This is what governance looks at. Generally seen, countries with good leadership and functioning governance institutions are developing better than those that lack them.

Good governance should therefore not just depend on the goodness of one person but there should be good and strong institutions that safeguard the interests of the people so much that even when a “not so good” leader takes over, development can continue to occur.

One way of ensuring that there is good leadership and governance is through realistic evaluation and monitoring of governance processes to ensure that they adhere to standards that can lead to development. One such way of evaluating governance and establishing a monitoring framework is through Africa’s own African Peer Review Mechanism (APRM).

Because of the importance of good governance to sustainable development and the enhancement of a full human life, the Jesuit Centre for Theological Reflection (JCTR) has prepared this *Policy Brief* both to throw light on the topic and to motivate action for a successful African Peer Review Mechanism Process. The *Policy Brief* addresses two key questions:

- First, what is the African Peer Review Mechanism?
- Second, what is the current (October 2009) status of the African Peer Review Mechanism in Zambia?

The *Brief* ends with clear policy recommendations to Government and to Civil Society Organisations (CSOs) to ensure that the APRM process is a successful one.

1.0 WHAT IS THE AFRICAN PEER REVIEW MECHANISM?

The African Peer Review Mechanism (APRM) was introduced in 2003 through the New Partnership for Africa’s Development (NEPAD). Under the NEPAD Initiative, the APRM can be seen as an evaluating tool for participating countries on their performance to NEPAD’s objectives. NEPAD was adopted at the African Heads of State Summit in Lusaka (July 2001) under the

Organisation of African Union (OAU) -- now African Union (AU). NEPAD's primary objectives are to eradicate poverty; to place African countries, individually and collectively, on a path to sustainable growth and development; to halt the marginalisation of Africa in the global process and enhance its full and beneficial integration in the global economy; and to accelerate the empowerment of women.

The APRM is a self-monitoring mechanism voluntarily acceded to by Member States of the AU with the aim of fostering adoption of policies, standards and practices that lead to political stability, high economic growth, and sustainable development. The APRM is an open, participatory, and broad-based process.

The APRM is a system introduced to help improve governance among African countries. The countries voluntarily assent to be members of the review process in which they review each others' government processes with the aim of strengthening the good practices and discouraging the bad practices.

The peers are the heads of state and governments of the countries who are members of the process. These create a forum where they regularly meet to look at governance problems and best practices to enhance good governance. The advantage is these heads of states are similar in standing and are more likely to encourage, challenge and propose workable solutions to African's problems.

Competence: The APRM process depends on the competence, authority and reputation of the staff at the Focal Point and the National Governing Council (NGC) with adequate time to do the work.

Independence: The APRM must be free from any undue influence from either those being reviewed or from external forces to the review. The NGC must be independent from government dominance and political interests and focus on their mandate to coordinate the review.

Competition: The APRM works best when it is seen in light of other reviews going on in other countries. It is important to learn from experiences of other countries to make sure that mistakes made in other countries are not repeated and that best practices are perpetuated.

Figure 1: Essential requirements for a successful APRM (from APRM in Zambia booklet p. 14)

The review process identifies gaps in a country's governance systems and recommends corrective policy actions by adopting best practices from within the Continent. This is precisely what makes the APRM a home-born and home-grown process especially that it is African Heads of State that recommend to their fellows how to improve. This has the advantage of self-

reflection of leadership because one cannot challenge another on failing governance systems when in his or her country similar problems exist.

1.1 Four Thematic Areas

Democracy and Political Governance: This area of governance looks at accountable, efficient and effective public office, electoral systems, corruption in the political sphere, human rights both civil and political rights as well as economic, social and cultural rights.

Economic Governance and Management: It looks at the implementation of transparent, predictable and credible government economic policies; promotion of sound public finance management (e.g., aid resources, debt resources and national budgets), corruption and money laundering.

Corporate Governance: It looks at provision of an enabling environment and effective regulatory framework for economic activities, promotion of the adoption of codes of good ethics in achieving the objectives of the organization, ensuring that corporations treat their stakeholders in a fair manner, ensuring that corporations respect the environment in their work, and respect of and promotion of workers' rights.

Socio-economic Governance and Development: It looks at the promotion of self-reliance in development and building capacity for self-sustaining development, strengthening policies, delivery mechanisms and outputs in key social development areas.

1.2 Structure of the APRM

Continental institutions

The Committee of Participating Heads of State and Government: It consists all heads of state of the participating countries. They are responsible for reviewing their peers when the Country Review Reports are ready. The Committee is also known as the "African Peer Review (APR) Heads of State Forum," or the "APR Forum." The Forum is the APRM's highest decision-making body and it meets about twice a year, often during the AU Summits.

The APR Panel of Eminent Persons: The APR Panel or simply the Panel oversees the APRM process in the countries and ensures that the process is not politically influenced and is credible. One member of the Panel oversees the process in each country going through review. This is done through the Country Support Mission, the Country Review Mission, and supervising the writing of the final country report. The Panelists meet on a regular basis to discuss progress in the different countries.

The APR Secretariat: Based in Midrand, South Africa, it gives administrative and research support to the Panel and the Forum. It is also referred to as the

"Continental APRM Secretariat." This is to differentiate it from other kinds of secretariats, e.g., National APRM Secretariats and Civil Society-led secretariats.

The Country Review Team: This is a temporal group of African experts that participate in the Country Review Mission. The team comprises of about 15 to 25 members drawn from APRM strategic Partners, e.g., the United Nations Development Programme (UNDP), United Nations Economic Commission for Africa (UNECA), and the African Development Bank (ADB), independent consultants, eminent academics, business leaders, APRM Secretariat and the Panel.

National institutions

APR Focal Point: Acts as a liaison between the continental Secretariat and the national APR structures. It is recommended that the Focal Point is a minister, diplomat or senior civil servant who has direct access to the head of state.

National APRM Secretariat: Gives administrative support to national APRM structures. It is recommended that this has a full-time staff completely dedicated to APRM issues and should be independent in decisions and venue. The APRM, however, should be funded using national resources.

National Governing Council: This is a representative group drawn from different sectors of society and institutions that oversee the process and makes sure that the country assessment is done well and appropriate follow-up is made in the implementation of the Programme of Action. So far we have seen numbers of the Council ranging from 7 (in Ghana) to 99 (in Algeria).

Technical Research Institutions (TRIs): These are the ones that do the actual research and survey in the four thematic areas to contribute to the Country Review Report. It is recommended that such Institutions are competent, independent (apolitical) professional and ones that have done good research before. The selection process of these Institutions should be transparent and inclusive of all major research bodies.

1.3 Stages of the APRM

Stage 1: Preparation and self-assessment. After the country officially accedes to the APRM, initial consultations with the APR Secretariat are undertaken that involve visits to the country by Panel members and the Secretariat. The country also hosts a Country Support Mission and signs a Memorandum of Understanding to show that the country is ready to begin the self-assessment. Preparations include the appointment of a national Focal Point and National Governing Council and the establishment of the National APRM Secretariat to oversee the process. The self-assessment begins with

broad education of different groups on APRM, research by Technical Research Institutions, consultation and validation of reports that culminates into the Country Self-Assessment Report and a Programme of Action. The Programme of Action outlines a solution for each highlighted weakness and how to strengthen best practices. The APR Secretariat also writes a background research paper on the country and an issues paper to guide the Country Review Mission.

Stage 2: The Country Review Mission. Using as basis the country draft reports (Country Self-assessment Report and the Programme of Action) a team of about 15 to 25 African experts led by a Panel member visits the country for two to three weeks to conduct the Country Review Mission. The team establishes the authenticity and integrity of the country self-assessment and conducts some further research on key governance issues. The team also evaluates the Programme of Action report to see if it includes major solutions to weaknesses.

Stage 3: Preparation of the final country assessment. After the Country Review Mission, the team compiles a draft Country Review Report based on the country self-assessment, Programme of Action, background research, and the team's own research. The report is sent back to the government for comments and consolidation of changes that might need to be made in the Programme of Action.

Stage 4: Peer review by heads of state. The final Country Review Report is submitted to the APR Forum. The head of state of the country is then “peer reviewed” by fellow heads of state of the African Union (those that have acceded to the process). Usually, this happens when an African Union summit is taking place. The heads of state scrutinise the reports and makes the necessary recommendations to the country.

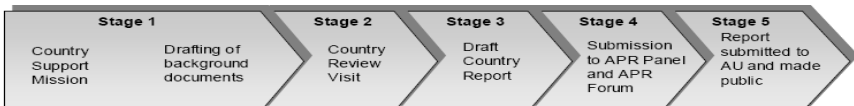


Figure 2: stages of the APRM

Stage 5: Presentation to the public and African institutions. The report is publicly released six months after it is discussed by the heads of state.

The five-stage cycle is ideally meant to be repeated every two to four years. After the reports are publicly released, implementation follows and civil society should monitor progress in implementing the Programme of Action. After the process is over, Governments are required to provide six monthly updates to the APR Forum on their progress in the implementation of the Programme of Action.

1.4 Types of Review

There are four types of review in the APRM process. The first review done by a country that voluntarily accedes to the process is called the **base review**. The review that happens once every two to four years after the first review is called the **periodic review**. So far, it is only Kenya that has gone through the periodic review about three years after their first review in 2006. In the event that there is a foreseen impending crisis relating to governance that is likely to be dealt with before it occurs, a country can ask to go through a **crisis review**. For some other reasons where a country feels or sees that a review is necessary, a country can ask to go through the review. This is called a **requested review**. The reasons for requesting a review can include: a faulty first review, governance challenges that cannot be adequately addressed by the Programme of Action, national governance institutions that are not working making implementation of the Programme of Action difficult, or simply change in government that feels that another “proper” review is necessary.

1.5 Status of the APRM in Africa

There are currently 29 countries that have acceded to the APRM process. Cape Verde might be the 30th country to accede. Mauritania has been suspended from the process following its suspension from the AU. 12 countries have completed the process and are in the implementation of the Programme of Action. These are, Ghana, Rwanda, Kenya, South Africa, Benin, Nigeria, Burkina Faso, Algeria, Uganda, Mali, Mozambique, and Lesotho. Ghana and Rwanda were first to complete the process in 2005. Kenya has become the first to begin its second review (periodic review).

Algeria March 2003	Ethiopia March 2003	Malawi July 2004	Senegal March 2004
Angola July 2004	Gabon May 2003	Mauritania January 2008	Sierra Leone July 2004
Benin March 2004	Ghana March 2003	Mauritius March 2004	South Africa March 2004
Burkina Faso March 2003	DRC March 2003	Mozambique March 2004	Sudan January 2006
Cameroon May 2003	Kenya March 2003	Nigeria March 2004	Togo July 2008
Djibouti July 2007	Lesotho July 2004	Rwanda March 2004	Tanzania July 2004
Egypt March 2004	Mali May 2003	Sao Tome & Principe January 2007	Uganda March 2004
Zambia January 2006			

Figure 3: Countries that have acceded to the APRM and date of accession

2.0 WHAT HAS HAPPENED SO FAR ON THE AFRICAN PEER REVIEW MECHANISM IN ZAMBIA?

Below, in point form, is what has taken place so far on the APRM in Zambia:

2.1 State of APRM in Zambia

- 22 January 2006 - Zambia signs on to the APRM.
- 2006 - Ministry of Foreign Affairs made focal point.
- 07-08 December 2006 - Ministry of Foreign Affairs hosts the APRM Advance Mission.
- March 2007 - Ministry of Justice made focal point.
- 2007 to date - Civil Society Organisations have conducted workshops, media programmes, written booklets to educate citizens on the APRM process. A vibrant CSOs APRM Secretariat is also in place.
- 08 August 2007 - The APRM formerly launched by Minister of Justice;
- 22-24 August 2007 - National brainstorming Session takes place.
- September 2007 - Graca Machel (Panel member in charge of Zambia) visits Zambia to monitor progress on the process.
- From 2008 to date - Government programmes on the APRM commence to educate parliamentarians, judiciary, and the general public.
- August 2008 - National Governing Council (NGC) formerly launched (47 members) with Akashambatwa Lewanika as chairperson and Tamala Kambikambi as vice.
- January 2009 - Mr. Lewanika resigns as Chair, and Tamala Kambikambi appointed as chairperson and Philip Chilomo as vice.
- 25 February 2009 - Government formerly signs a Memorandum of Understanding to begin self-assessment.
- February - April 2009 - communication strategy and national roadmap in place with the view of being peer-reviewed in January 2010.
- April - June 2009 - Four Technical Research Institutions (TRIs) chosen to do the research in the four thematic areas.

AREA OF GOVERNANCE	TECHNICAL RESEARCHER
Democracy and Political Governance	Abdon Yezi Consultants
Economic Governance and Management	Institute for Economic and Social Research (INESOR)
Corporate Governance	PMDC Consultancy Services
Socio-economic Governance and Development	Steadman Group

Figure 4: List of thematic areas and the consultants doing the surveys in Zambia

- July 2009 - The country Focal Person, George Kunda reorganises the National Governing Council cutting down the number of members from 47 to 30 and changing the Chairperson and Spokesperson. Lucy Muyoyeta

appointed the new chairperson of the National Governing Council (NGC). Mr. Philip Chilomo continues as vice-chairperson and also as spokesperson.

- October 2009 - Some draft reports from the Technical Research Institutions ready and submitted to the National Governing Council (NGC) with some (one) still working on the reports.
- October 2009 - National roadmap revised in view of being peer reviewed in June 2010.

It should be noted that this is a very rich but disturbing history on the APRM in Zambia especially that it is recommended that the process can be done within 18 months after acceding to it. It is now 4 years after Zambia acceded to the process and still the process has a long way to go.

The disturbing history should serve as lessons both to government and civil society in moving forward with the process. The lessons from this dragging process inform recommendations in this *Policy Brief* in 4.0.

2.2 Challenges of APRM in Zambia

The APRM has faced many challenges in Zambia especially in beginning the process. It was only in February 2009 that renewed interest and vigor was given to the APRM despite having acceded in January 2006. Despite many reasons that can be given for such a prolonged delay (e.g., elections, Constitution making process, death of President Levy Mwanawasa), the process still has many challenges that could possibly hinder a credible outcome of the process and the implementation of the Programme of Action. These challenges can be overcome and it is not too late in the process to do so. Below are some specific challenges:

- The process is still heavily government controlled (e.g., NGC offices still at Ministry of Justice with support staff from the Ministry). Civil servants already employed by the Ministry in the Governance Secretariat are the ones also working in the National APRM Secretariat.
- Political and personal interests still dominate the process especially that NGC members are appointed/dis-appointed by the Minister of Justice with no clear terms of office and qualification criteria. NGC chair and vice are selected by the Minister of Justice instead of the being selected by NGC members.
- Not all NGC members are active mainly because most of the NGC members have other commitments and are in full-time employment elsewhere. This will remain a challenge in the future especially in having meetings where all NGC members are present.
- The process remains too slow with unrealistic and unknown roadmap. This can remove confidence from Zambians especially when roadmaps seem not to be fulfilled and keep changing. For example, the roadmap that was made in February 2009 was clearly unrealistic and CSOs clearly

highlighted the concern then, but nothing was done. It is good that it has now been revised and hopefully it will be followed.

- Most seriously, there is still little education on the APRM to the general public. Media coverage of APRM stories is still minimal and event-based, lacking deep content that can help citizens to participate. There is still minimal education of citizens by the NGC or the National APRM Secretariat and the little that has been done was either elitist or not comprehensive enough.

2.3 What questions arise about Zambia going through the African Peer Review Mechanism?

In addition to the challenges highlighted above, many Zambian citizens have questions about whether the APRM will be successful especially given the history of most national processes that seem to end yielding minimal results. There are four main concerns that have been articulated by Zambians that need consideration, rather than defense.

First, is that the APRM is a donor-driven project that is just forced on Africans. Or that it is project that the strong African countries (e.g., South Africa and Ghana) would like to use to get at weaker/poorer African countries. Now this is a very crucial concern that cannot just be left without reflection. Surely the APRM was not established by donors. There have been, however, strategic partners (UNDP, UNECA, and ADB) that have supported the APRM. In some cases, countries that accede to the APRM have received more donor funds. Even when it is supported by donors, it benefits African countries and ought to be supported by Africans.

Second, that the process will not work for Zambia for it is a government-driven and government-controlled one. Yes, this is a very valid concern and that is why in this *Policy Brief*, it is insisted that the APRM structures at national level should be as independent and competent as possible.

Third, that the process is only an academic one that will only lead to a well researched academic paper. But this will only happen if citizens, CSOs and other groups do not participate fully in the process and in the implementation of the Programme of Action after review is over.

Fourth, and more serious is that the APRM being a voluntary process, countries will not be compelled to implement the recommendations of how to strengthen best practices and deal with the weaknesses. This is indeed a weakness of the APRM but should give impetus to citizens and CSOs to demand from their governments and national APRM structures information on the APRM but also status on the implementation of the Programme of Action.

2.4 What are potential benefits of the African Peer Review Mechanism?

Despite the challenges and questions that arise on the APRM, the process can really help improve governance especially if it is done in a competent, transparent, and inclusive way. The benefits can be strengthened by learning from experiences of other African countries that have gone through the APRM process. Most of the countries that went through the APRM process came out of it having discovered a lot about their challenges that they might have, otherwise, never considered before (e.g., xenophobia in South Africa, tribal tensions in Kenya).

Three specific benefits can be outlined: First, the APRM can very strongly bring out the potentials that Zambia has and help translate them into actual development. The APRM challenges leaders to honestly consider weaknesses in governance and work out solutions to those problems. Also, beginning the process signals that Zambia is ready to acknowledge the problems in governance and is willing to do something about its problems.

Second, the APRM process empowers Zambians to ask questions about governance and do so publicly, especially when such problems are clearly highlighted in the Country Review Report of the APRM. This empowerment of citizens to scrutinize governance coupled with pressure from other heads of state in Africa can help compel leaders to do something to strengthen governance and deal with the weaknesses.

Third, good governance being central to the APRM certainly will help Zambia deal with development challenges. Governance is crucial for the future of Zambia. If indeed Zambia is to develop, the question of leadership especially by the Executive (with the excessive powers vested in that office) has to be taken seriously. The APRM tries to help significantly in this area by looking at all corners of governance and even how leaders are elected into power.

3.0 WHAT CONCLUSIONS CAN WE DRAW?

Good governance where there is responsible leadership and strong and functioning institutions of governance are good starting points to development that is more likely to benefit all in society. The problems that Zambia faces of poverty, rural underdevelopment, corruption, lack of fuller promotion of human rights, are all because of bad governance and poor leadership.

The African Peer Review Mechanism can help us to reflect on our leadership structures, governance structures and review whether economic gains go to socio-economic development. But for this to happen, the APRM should be done in a transparent and inclusive manner where the process is not just a once off event but one that will be done on a regular basis for the years to come. In the future, it would be good to institutionalise the APRM process in

such a way that it is an independent national governance process. The current situation where the APRM structures have just being incorporated in the Ministry of Justice departments (namely the Governance Secretariat) is not healthy for a successful APRM, especially that the same staff of the Governance Secretariat serve as the National APRM Secretariat.

Citizens should, at all cost, be involved in the process where education of citizens is a top priority and civil society should supplement National APRM Secretariat and NGC efforts in the process. Apart from that, civil society should lobby as much as possible that the APRM is done in a transparent, inclusive, and participatory manner. It is key to the success of the APRM process that citizens participate in the process and take ownership of some of the solutions to the highlighted problems.

The APRM should show that it is that one process that can be efficient, yielding real results in Zambia compared to past national processes that have created impressions that national processes do not yield much good results.

4.0 WHAT IS THE WAY FORWARD FOR POLICY?

Despite the ups and downs in the APRM process since 2006 when Zambia acceded to the APRM, the following recommendations are crucial to making the APRM process successful and of help to the Zambian citizens. The policy recommendations are twofold, to Government and National APRM Structures, and to Civil Society Organisations (CSOs).

National APRM Structures

4.1 An independent permanent National APRM Secretariat: For the APRM to be successful, an independent national APRM secretariat must be established that is not attached to any government ministry or department but one that reports to the national focal point. Budgeting for the APRM should be done by this secretariat in close consultation with the National Governing Council (NGC). The secretariat should be statutory body that is there for years to come, not just through the base review. The independence also means that the physical offices are independent and a full time staff is employed just to relate to the APRM.

4.2 An independent National Governing Council: The Council should be inclusive of all major and interested parties that include private sector, public sector, civil society, and the media. The best way to do this is to have equal representations of the chosen number of sectors. For example, if four representative sectors are chosen, and the desired number of the Council is 20, then 5 should come from each sector. The smaller the number the better, but such a number should be representative enough. Ideally, members should be chosen by the respective sector itself and not Government and then appointed by the President or the Focal Point. So, if 5 members are to come

from civil society, they must be proposed and chosen by civil society itself. This instills confidence that the persons on the Council are there to represent the concerns of their constituency. There should be clear terms of reference for NGC members and their terms of office should be clearly stipulated. The NGC should have the liberty to choose their chairperson, vice and the spokesperson (public relations officer). This ensures that the loyalties of the leaders are to the NGC and not to the government or other appointing authority.

4.3 Use of independent and credible Technical Research Institutions:

If the final country report is a result of good and comprehensive assessment surveys by research institutions, the credibility of such institutions is crucial. Such institutions ought not to be biased, or incompetent, or cost-savers by doing minimal research. They have to be competent, inclusive, and thorough in their research. They must be known to do good research and their research should be based on major existing documents but mostly on what they gather from people's views.

4.4 Wide consultation and participation of Zambian citizens and institutions:

Good and intelligent participation by citizens is only possible if citizens and institutions know what the APRM is all about and how to participate in the process. Sporadic or elitist sensitisation will not help a wide sector of society to participate. The education should be there before assessment surveys begin, during, and after, so that citizens are empowered to participate at every level of the process. Even when education of citizens has been minimal in the past, it is not enough to just go on with the process without seriously engaging the citizens in the process. This consultation should also be there during the validation of the draft country reports (both assessment report and the Programme of Action report), during the independent experts visit to the country, and implementation of the national Programme of Action.

Key national stakeholders	
<ul style="list-style-type: none"> • the judicial service commission • retired judges, and diplomats • the law commission • parliamentary committee chairpersons • regional organisations and governments • religious federations and gender organisations • research institutes, and academic bodies • tender board members • the registrar of companies • banking and stock market regulators • labour unions • experts on trade, economic policy, tax and other specialised aspects of governance • industry groups 	<ul style="list-style-type: none"> • student organisations and youth groups • political parties • the human rights commission • the electoral commission • the auditor-general • the chamber of commerce • legal societies • opinion columnists, talk-show hosts and producers, and newspaper editors • journalists focused on business, development or governance • human rights, anti-corruption, press-freedom and anti-poverty advocacy groups

Figure 5: List of key national stakeholders (from p. 68 of "The APRM - Lessons from the Pioneers")

4.5 Inclusion of the APRM in key national policy documents: The APRM should feature significantly in national policy documents especially the Sixth National Development Plan (2011-2015). This can be done through clear objectives and activities outlined on the APRM preferably in the Governance chapter of the Plan. Also, the National APRM Secretariat could be made a statutory body to fulfill the objectives outlined therein. The biggest problem is the APRM is seen by many as a once off event and not a process that is continuous.

Civil Society Organisations

4.6 Reform in current approaches to the APRM

Since 2006 when Zambia acceded to the APRM, Civil Society Organisations have been mostly sporadic, reactive, and event-based in their campaigns and sensitisation programmes. This is because most CSOs do not have programmes or projects on the APRM. So far, few CSOs have had very specific projects or programmes on the APRM (e.g., Jesuit Centre for Theological Reflection, Caritas Zambia, Anti-Voter Apathy Project, and CSOs APRM Secretariat). This is not to say other CSOs have held no activities on the APRM, for most of the major CSOs have activities on the APRM (e.g., distribution of APRM materials, participation in radio and TV programmes, workshops, and collaborating in projects on APRM). But this approach by most CSOs of collaboration and attendance of meetings is inadequate. What is necessary is that CSOs establish projects or desks on the APRM with full-time staff dedicated to the APRM. Lack of on-going sensitisation on the APRM has been mostly because of this problem. For those who lack capacity to establish projects, it is still necessary to have whole objectives or outputs in their logical frameworks, for the years to come, on the APRM.

The media continues to contain APRM stories only when there is an APRM event with very few sustained APRM news coverage that are educative in nature. CSOs should remain resilient to educating the media on how to feature APRM stories and when necessary contribute to APRM stories that can be featured in the media.

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