

AFRICAN PEER REVIEW MECHANISM ORGANISATION AND PROCESSES

1 Introduction

1.1 The African Peer Review Mechanism base document (AHG/235 (XXXVIII) Annex 2), approved by the NEPAD Heads of State and Government and Implementation Committee (“Implementation Committee”) and endorsed by the African Union (AU) Summit in Durban, South Africa in July 2002, envisages the following four distinct organisational components of the African Peer Review Mechanism (“the APRM”), with the names that shall be used in this document for the sake of clarity in brackets:

- a. The Committee of Participating Heads of State and Government (**The APR Heads of State Forum (APR Forum)**) is the highest decision-making authority in the APRM.
- b. The Panel of Eminent Persons (**APR Panel**) will be appointed to oversee the review process to ensure the integrity of the process, to consider review reports and to make recommendations to the APR Forum.
- c. The APRM Secretariat (**APR Secretariat**) will provide the secretarial, technical, coordinating and administrative support services for the APRM.
- d. The Country Review Team (**APR Team**) will be appointed to visit the country to review progress with the county’s Programme of Action, as envisaged in paragraph 13 of the APRM base document, and produce the APRM report on the country.

1.2 Further, the APRM base document envisages five stages of the APRM with a number of processes both at country and continental level. Some of

these critical processes include the conduct of technical assessments by the APR Partner Institutions as part of the APRM.

1.3 The following sections of this paper elaborate briefly on the mandate, structure and role of each of these organisational components of the APRM. It also elaborates on the stages of the APR process that are identified in the APRM base document and present some ideas on the funding of the APRM.

2 The Committee of Participating Heads of State and Government (APR Forum)

2.1 The overall responsibility of the APRM is vested with a Committee of Participating Heads of State and Government of the Member States of the African Union who have voluntarily chosen to accede to the APRM (APR Forum). Therefore, the APR Forum has ultimate responsibility for oversight of the APRM organisation and processes, for mutual learning and capacity building, and for exercising the constructive peer dialogue and persuasion required to make the APRM effective, credible, and acceptable.

2.2 The mandate of the APR Forum is to:

- a. Appoint the APR Panel and its Chairperson;
- b. Consider, adopt, and take ownership of country review reports submitted by the APR Panel;
- c. Communicate the recommendations of the APR Forum to the Head of State or Government of the reviewed country immediately after the review meeting;
- d. Exercise constructive peer dialogue and persuasion (through offering assistance or applying appropriate measures) to effect changes in country practice where recommended;

- e. Persuade development partners to support the recommendations approved by the APR Forum by providing technical and financial assistance;
- f. Transmit APRM Reports to the appropriate African Union (AU) structures in a timely manner;
- g. Make public, through the APR Secretariat, country review reports and press releases pertaining thereto;
- h. Establish and approve the rules of procedure for the APR Forum and approve those of the APR Panel;
- i. Approve a Code of Conduct for all components of the APRM organisation; and
- j. Ensure that the APR process is fully funded by the participating countries (including non-governmental partners).

3 The Panel of Eminent Persons (APR Panel)

3.1 The APR Panel shall have the following mandate:

- a. Exercise oversight of the APR process with a view to ensuring the independence, professionalism, and credibility of the process;
- b. Oversee the selection of the APR Teams and appoint them to conduct country reviews;
- c. Recommend appropriate African institutions or individuals to conduct technical assessments;
- d. Meet when required to review and make objective assessments of and recommendations on the country review reports submitted to it by the APR Secretariat;
- e. Consider recommendations contained in the country review reports and make recommendations to the APR Forum;
- f. Submit to the APR Forum all country review reports with recommendations on measures that could be taken to assist the country

in the improvement of its governance and socio-economic development performance; and

- g. Develop its own rules of procedure, submit these to the APR Forum for approval and approve those of the APR Secretariat and the APR Teams.

3.2 The APRM base document anticipates that the mandate of the APR Panel, including its reporting arrangements to the APR Forum, will be defined in a Charter.

Selection of the APR Panel

3.3 The APRM will be directed and managed by a Panel of between 5 and 7 Eminent Persons.

3.4 The Chairperson of the APR Panel will serve for a period of up to 5 years, while the other Eminent Persons will each serve for a period of up to 4 years.

3.5 As soon as the APRM comes into effect, the APR Forum will select the first Panel of Eminent Persons of between 5 and 7 members. Once the APRM is operational, the APR Forum will develop and approve a selection and appointment process of the APR Panel in line with the APRM base document.

Criteria for Selection of the APR Panel

3.6 The Eminent Persons must be Africans who have distinguished themselves in careers that are relevant to the work of the APRM. Members of the Panel must be persons of high moral stature and demonstrated commitment to the ideals of Pan Africanism. The composition of the Panel will also reflect broad regional balance, gender equity and cultural diversity.

Cost Considerations

3.7 It is preferable that the Chairperson of the APR Panel serves on a full time salaried basis, while the other members of the Panel will serve on a part-time basis. Members of the APR Panel will receive an honorarium and expenses only when they are attending review meetings, leading APR Teams or on other duties undertaken at the request of the Chairperson.

Pool of Technical Expertise

3.8 The APR Panel and Secretariat will have minimal capacity to carry out their mandate and will require access to additional technical expertise. To ensure that the APR process utilises African technical expertise and build capacity in Africa, a pool of technical expertise need to be established through a competitive process and the pool must be reviewed regularly. While the Panel and the Secretariat will use the African experts as much as possible, the Panel may also approve, in exceptional circumstances, the utilisation of the services of non-African experts, individuals or institutions.

4 The APR Secretariat

4.1 The APR Secretariat will provide the secretarial, technical, coordinating and administrative support services for the APRM. It must have both the technical and administrative capacity to undertake and manage the analytical work that underpins the peer review process and also conforms to the principles of the APRM.

4.2 The functions of the APR Secretariat will include:

- a. Maintaining extensive database and information on the four areas of focus of the APRM and the political and economic developments in all participating countries;
- b. Preparation of background documents for the APR Teams;
- c. Facilitating technical assistance to participating countries ;
- d. Proposing performance indicators and tracking the performance of each participating countries;
- e. Liaising with participating countries and partner institutions to follow progress of technical assessments;
- f. Plan and organize the Country Review Visits;
- g. Recommend to the APR Panel on the composition of APR Teams and recruit the experts required for research and analysis;
- h. Liaising with interested external partners and support participating countries in resource mobilization for capacity building;
- i. Organising regional networks in the various areas of focus of the APRM and convene workshops for the sharing of experience and best practice and to address constraints experienced in the implementation of country programmes of action;
- j. Liaising with the institutions issuing the standards and codes listed in the Declaration on Democracy, Political, Economic and Corporate Governance (AHG/235(XXXVIII) Annex 2); and
- k. Ensure full documentation of the APR processes at country, sub-regional and continental levels to facilitate learning.

4.3 The APR Secretariat will be carrying out the secretarial, administrative, technical and coordinating functions on a continuous basis and will be supervised directly by the Chairperson of the APR Panel at the policy level and in the day-to-day management and administration by an Executive Officer. The APR Secretariat will be a unit within the NEPAD Secretariat and, once the APR Panel is established, it will propose a structure and business plan for the Secretariat for consideration and approval by the APR Forum.

4.4 The APR Secretariat will work closely with the CSSDCA Unit of the Commission of the African Union (AU) as the harmonizing and alignment processes are being pursued between the two units. The APR Secretariat will also work with other units of the AU Commission or organs of the AU, especially in the area of technical assessments as discussed later in this document.

5 APR Teams

5.1 The APR Teams will be constituted only for the period of the country review visit. The composition of the APR Teams will be carefully designed to enable an integrated, balanced, technically competent and professional assessment of the reviewed country and will be approved by the APR Panel.

5.2 The APR Panel will approve the composition of the APR Team and its terms of reference for each country review visit.

5.3 The APR Secretariat will produce guidelines for the conduct of the country review visits and a code of conduct for the APR Teams for approval by the APR Panel and the APR Forum.

6 The APR Partner Institutions and Technical Assessments

6.1 The APR Partner Institutions refers to the institutions that will conduct the technical assessments on countries to be reviewed. Such technical assessments can best be conducted as part of the APRM process, after consultation between the country to be reviewed and the APR Secretariat and Panel.

6.2 The United Nations Economic Commission for Africa (ECA) has been requested to conduct the technical assessment in economic governance and management, and the African Development Bank (ADB) in banking and financial standards. The two institutions will be the primary resource institutions in their respective areas of competence.

6.3 On matters relating to human rights, democracy and political governance, the APR Forum will request the appropriate organs, committees or units of the African Union (AU) already legally tasked with similar specific assessment responsibilities and have capacity to conduct the assessments.

These organs, committees or units include:

- a. the African Commission on Human and Peoples' Rights (ACHPR),
- b. the African Committee of the Experts on the Rights and Welfare of the Child,
- c. Central Organ of the Mechanism for Conflict Prevention, Management and Resolution or the Peace and Security Council (PSC), once the latter is established,
- d. Pan-African Parliament (PAP),
- e. The Conference on Security, Stability, Development and Cooperation in Africa (CSSDCA) Unit, or
- f. Any other organ, committee or unit of the AU as they are established or operationalised such as the election monitoring committee and the Court of Justice.

6.4 Where the above AU institutions have inadequate or no capacity, the APR Panel will recommend, for approval by the APR Forum, appropriate African institutions with requisite capacity to support the relevant AU institution, with a view to build its capacity, in conducting technical assessments.

6.5 The APR Panel will also advise the APR Forum as to which African institutions will be invited to conduct the technical assessments on corporate governance and socio-economic development.

6.6 It is anticipated that the APRM will have to work with a wider range of Partner Institutions, including those that set international standards, oversight institutions, African research and policy institutions engaged in policy advisory services.

6.7 It is envisaged that the Country Review Visit will take place when the country has completed its draft Programme of Action. It will then submit the final draft Programme of Action to the APR Secretariat and invite it to send an APR Team to come and conduct the Country Review Visit. This holistic review will assess the quality and scope of the final draft Programme of Action.

6.8 The main focus of the Country Review Visit will be on identifying whether the country's draft Programme of Action is adequate to address the assessed challenges and, if not, how the country can best be assisted in strengthening its final draft Programme of Action and its capacities to implement it. Such further work might eventually include further involvement of the APR Partner Institutions.

6.9 It is important that there be close cooperation between the APRM and the Partner Institutions. The APR Secretariat will sign a Memorandum of Understanding with each APR Partner Institutions that will define the partnership in specific terms that could include the following areas of common concern:

- a. The roles and responsibilities of the partners;
- b. Access to data resources and sharing of information;

- c. Agreement to abide by their respective codes of conduct in the countries being reviewed and observe the APRM code of conduct;
- d. Protection of African ownership in the conduct of technical assessments;
- e. Financial arrangements in respect of the technical assessments and ownership of technical assessment report;
- f. Collaboration in technical assistance, both in supporting the country planning process and in the implementation of the Programme of Action (paragraph 13 of APRM Base Document);
- g. Facilitating sharing of experiences and identifying best practice through regional networks and workshops at a technical level;
- h. Protocol for invitation of the Partner Institutions to sessions of the APR Panel or the APR Forum when considering the Country Review Report;
- i. Arrangements for the participation of a Partner Institution in the Country Review Visit and Team;
- j. Consistency of the assessment instruments of the Partner Institutions with the APRM objectives, standards, criteria and indicators; and
- k. Sharing of the Partner Institution technical assessment reports and APR country review reports.

6.10 The APR Panel may recommend to the APRM Forum the making of similar partner agreements with other competent institutions that wish to strengthen the APR process at country, regional or continental levels. One non-technical criterion for the selection of such institutions would be the protection of African ownership of the APRM.

7 The Stages of the APR Process

7.1 The APRM base document identifies five stages in the APR process. Once a country has acceded to the APRM, the APR Secretariat will arrange a mission to the country with a view to negotiate the exact terms of the

Memorandum of Understanding (MOU) on Technical Assessment and Country Review Visit using the outline provided.

7.2 When the Memorandum of Understanding between the APR Forum and the Government is signed the stage is set for the APR process to start. As the APR process is conceived as a collaborative effort between the participating country and the APRM to improve governance and socio-economic development in the country and in Africa, their respective roles will be outlined in the following sections.

Stage One

7.3 The country to be reviewed will take necessary steps to prepare for the APR process, especially to prepare the country Programme of Action as envisaged in paragraph 13 of APRM Base Document, and the supply of information to the APR Secretariat.

7.4 At continental level, **Stage One** will involve a study of the political, economic and corporate governance and development environment in the country to be reviewed, based principally on up-to-date background documentation prepared by the APR Secretariat and material provided by national, sub-regional, regional and international institutions.

7.5 This will include the following activities:

- a. Gather information on the situation in the country, including official government documents, reports to treaty and other bodies, recent self-assessments and reviews done by standard issuing bodies, and reports by other recognised international bodies;
- b. Make careful analysis of the available information in terms of the APRM objectives, standards, criteria and indicators;

- c. Prepare a background document on the situation in the country and share it with the country, the APR Partner Institutions and country knowledge and policy institutions for comments and review;
- d. On the basis of the background document and the draft Country Programme of Action, prepare an issues paper setting out the apparent main challenges in the APRM focus areas of review and share it in a similar manner with the country partners and the APR Partner Institutions;
- e. On the basis of the analyses, issues paper and interaction with the country develop a plan for the visit of the APR Team to the country, following the MOU on Technical Assessments and the Country Review Visit; and
- f. Prepare a proposal on the composition, terms of reference and work plan of the APR Team and submit to the APR Panel.

7.6 Stage One ends when the country to be reviewed has provided sufficient information on the country, including the draft country Programme of Action as envisaged in paragraph 13 of the APRM Base Document, to the APR Secretariat and the Secretariat has prepared a background document and issues paper on the country including the proposal on the APR Team to the APR Panel.

Stage Two

7.7 At Stage Two, which constitutes the Country Review Visit of the APR Team, the country is mainly in a facilitating role, ensuring that the APR Team is enabled to carry out its review smoothly and with full access to all sources of information and stakeholders. Responsibilities of the country will be further elaborated in the MOU to be negotiated after the country has acceded to the APRM by the country.

7.8 This stage is informed by the analysis prepared in Stage One. It will involve processes outlined in the MOU. The APR Team will interact and consult extensively with government officials, parliamentarians, representatives of political parties, the business community, representatives of civil society (including media, academia, trade unions, non-governmental organisations (NGOs), community-based organisations (CBOs)), rural communities and representatives of international organizations.

7.9 These consultations and briefing meetings are intended to serve a number of purposes: First, they provide an opportunity for the APR Team to interact with the key stakeholders in the country and to brief them on the APRM processes, spirit and guiding principles.

7.10 Second, the visit is an opportunity for the APR Team to discuss the draft Programme of Action that the country has drawn up to improve their governance and socio-economic development, to provide positive reinforcement for the sound aspects and to address identified weaknesses and shortcomings in the various areas of governance and development.

7.11 Third, the consultations will also serve to build consensus with the stakeholders on the remaining issues or challenge areas and the steps that need to be taken to address them. These findings would then form the basis for the Team's recommendations on required improvements in the final draft Country Programme of Action.

Stage Three

7.12 Stage Three involves the preparation of the APR Team's report and concerns mainly the Team itself. The Team's report is based in part on the findings of the Country Review Visit as well as on the findings of the research studies of the APR Secretariat prior to the visit. It should clearly summarise all

these findings concisely and analyse their implications for the country's governance and socio-economic development.

7.13 The recommendations of the Team's report should focus on how the Programme of Action of the country can be improved to accelerate the achievement of best practice and standards, and address more effectively the weaknesses identified. These recommendations should state specific measures the country has to include in its Programme of Action and provide enough detail to become time-bound additions to the country's Programme of Action, including estimates of capacity and resource requirements.

7.14 The Team's draft country review report is first discussed with the Government of the country. These discussions will be designed to ensure the accuracy of the information and to provide the Government with an opportunity both to react to the accuracy of the information and the Team's findings and to put forward their own views on how to address the identified shortcomings, including modifying the draft Programme of Action. The responses of the Government will be appended to the APR Team's report.

Stage Four

7.15 Stage Four begins when the APR Secretariat submits the APR Team's country review report to the APR Panel. The APR Panel meets to review the report in accordance with its mandate and submits its recommendations on the report to the APR Forum. The APR Forum meets to consider the report and the recommendations of the APR Panel to decide what action to take in accordance with its mandate.

7.16 Stage Four ends with the Chairperson of the APR Forum communicating the decisions of the Forum to the Head of State or Government of the country being reviewed.

Stage Five

7.17 Stage Five involves making public the APRM Report and action on the country review. The Final APRM Report, containing all essential elements, is tabled formally and publicly in key regional and sub-regional structures such as the Summit of the African Union, the Pan-African Parliament, the African Commission on Human and Peoples' Rights, the Peace and Security Council and the Economic, Social and Cultural Council (ECOSOC) of the African Union, as well as the Regional Economic Community of the region of which the country reviewed is a member.

7.18 Stage Five completes the first cycle of the APR process for any particular country.

7.19 The follow-up to this first cycle is equally important for sustaining the efforts to improve governance and socio-economic development in Africa. It is anticipated that the APRM Report and the decisions on it will suggest a date by which the progress made by the country regarding the implementation of its Programme of Action will be checked. During this follow-up stage, the following is envisaged:

- a. The country modifies its Programme of Action and continues to implement it and monitors progress;
- b. The APR Secretariat monitors the country's progress and interacts with the implementers of the Programme to assist where necessary, especially with capacity building and resource mobilisation;

- c. The APR Secretariat organises regional workshops on issues identified in the review reports and facilitate networking and sharing of experience and best practice among participating countries, with the participation of the APR Partner Institutions; and
- d. The APR Secretariat, Partner Institutions and, possibly, Development Partners continue to support the country with technical assistance and capacity building to ensure the effective achievement of the objectives and targets of its Programme of Action.

8 Financing of the African Peer Review Mechanism

8.1 The APRM base document states that funding for the Mechanism will come from assessed contributions from participating member states (paragraph 26). A business plan for all the operations of the APRM over the first five years will be developed and submitted to the APR Forum for consideration. The budget estimates will be developed based on the assumption that all countries acceding to the process would have to be reviewed during that period. Provision will also be made for other types of reviews requested by countries or anticipated crisis situations.

8.2 The communiqué of the Thirty-fifth Session of the Commission/Conference of African Ministers of Finance, Planning and Economic Development, convened by the United Nations Economic Commission for Africa (UNECA) in Johannesburg, South Africa, 21-23 October 2002, included the recognition that the APRM will be implemented ‘with resources to come predominantly from Africa’.

8.3 It is essential, however, that the APRM does not rely on external partners for funding, although such partnerships could be welcomed if they are managed in a way that clearly respects African ownership of the APRM and all its processes. Support from external partners should be sought mainly for the

implementation of the Country Programme of Action and capacity building to improve performance in the weak areas.

8.4 A funding mechanism or formula should be developed by the participating countries which will specify the required contributions from them, based on the estimates of the APRM business plan. The financial requirements must be predictable to the participating countries, which will be expected to commit to contributing towards funding the APRM upon accession. The APR Forum will approve in advance the annual budget submitted to it by the APR Panel.

End.