

African Peer Review – An Overview

By Ross Herbert

South African Institute of International Affairs

The African Peer Review Mechanism (APRM) grew out of the New Partnership for Africa's Development and was formally launched by the African Union at its Durban Summit in 2002.

Details of its intended implementation have shifted somewhat over time as the process has unfolded. In its present form, APRM is supposed to take six to nine months from inception to completion of the written report. Once the report is finalised, the panel of Heads of State governing APRM – the APR Forum – will take an additional period to consider the report and what (if any) comment or action is necessitated by the review. Follow-up reviews are supposed to be conducted every three to five years.

The term “peer review” is somewhat of a misnomer. While the Heads of State who compose the APR Forum ultimately will review and potentially act on each report, the peer reviews are actually conducted by technical experts under the supervision of an independent panel of seven eminent persons, known as the APR Panel.

APRM texts divide the areas to be reviewed into four main sections: Democracy and Good Political Governance, Economic Governance and Management, Corporate Governance and Socio-Economic Governance. In addition, corruption is mentioned in all four sections as a cross-cutting issue, as are other issues such as gender.

The APR process follows five broad phases:

1. The process begins with an **initial consultation** between the APR Secretariat and the country to be reviewed. This consultation should provide an overview of the process and work out the terms of a memorandum of understanding governing the review.

The country under review is required to create an **APR Focal Point** to co-ordinate with the APR Secretariat. The 2004 Kigali meeting of the APR heads of state also adopted recommendations that “participating countries immediately take steps to identify or establish broad-based and all-inclusive APRM National Coordinating Structures where they do not already exist.” This structure would be responsible for sending the Self-Assessment Questionnaire to a wide variety of stakeholders.

Once its structures are in place, the APR Secretariat and the country under review simultaneously (but independently) compile preliminary documents. The APR Secretariat must prepare a **background document** assessing the country to be reviewed, drawing on up-to-date information from national, sub-regional, regional and international organisations. The APR Secretariat also prepares a document outlining the nation's major issues. For this work,

Goals of the APRM

“The primary purpose of the APRM is described as: “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 practice, including identifying deficiencies and assessing the needs of capacity building.”

“The overarching goal of the APRM is for all participating countries to accelerate their progress towards adopting and implementing the priorities and programs of The New Partnership for Africa's Development (“NEPAD”), achieving the mutually agreed objectives and compliance with best practice in respect of each of the areas of governance and development. This can only be achieved through the sustained efforts of the country itself, involving all stakeholders. It requires that each country carefully assess its own situation through a broad participatory process led by the government that results in a Program of Action with time bound objectives to guide all stakeholders in the actions required by government, private sector and civil society to achieve the country's vision.”

– APRM Self-Assessment Questionnaire

the APR Secretariat will require the country focal point to gather relevant laws, treaty ratifications, budgets and development plans and forward them to the APR Secretariat.

At the same time, the country must complete the **APR self-assessment questionnaire** and gather broad input from civil society. In addition, the government must also draft a paper outlining the nation's big issues and draft a **National Programme of Action** that should contain clear steps and deadlines for how the country intends to bring itself into conformance with APR codes and standards, the African Union Charter and UN obligations.

These targeted commitments must reflect obligations to: protect human rights; observe free and fair political processes; practice sound fiscal management; promote robust corporate and macro-economic governance; adhere to fixed terms of office for heads of state; pursue transparent and consultative policy-making; and preserve a meaningful separation of powers among the executive, parliament and judiciary. A nation must also vow to uphold the rule of law and strive to meet the UN Millennium Development Goals – a collection of internationally recognised targets for halving global poverty, diseases and illiteracy by 2015.

To ensure that it competently addresses the many technical aspects of governance, the APR Secretariat may collaborate with various outside institutions able to make relevant contributions to the background analysis paper. These include the UN Economic Commission for Africa (economic governance and management) and the African Development Bank (banking and financial standards). For matters related to human rights, democracy and political governance, the APR Forum may request assistance from various African Union bodies, including the African Commission on Human and Peoples' Rights, the Central Organ of the Mechanism for Conflict Prevention, Management and Resolution, the Peace and Security Council, the Pan-African Parliament and the Conference on Security, Stability, Development and Cooperation.

2. Based on the above documents, the APR Secretariat then writes a report outlining the central issues on which the review process will be focused. In **stage two** a team of experts visits the country under review and meets with government, business, academics, parliamentarians, the media and other members of civil society to assess the draft national Programme of Action. Team members are not permanent staff and are appointed only for work on a given country visit and report.

The country visit is to last three weeks. The visiting team will consist of one member of the panel of eminent persons, one administrative person and four experts drawn from partner institutions, including the UN Development Programme, UN Economic Commission for Africa, the African Development Bank and African Union bodies.

3. During **stage three**, the country review team drafts its report and shares its findings with the government being assessed. Any responses from the government under review are then appended to the team report and, if needed, the national Programme of Action is modified according to the team's findings.
4. The Panel of Eminent Persons takes over the process in **stage four**, writing recommendations for policy reforms based on the findings of the review team. The heads of state in the APR Forum then discuss the panel's recommendations with the leader of the country under review.

In **stage five**, which must be completed within six months of the start of the review, the final report is made public and tabled in the African Union, Pan-African Parliament, Peace and Security Council, Economic, Social and Cultural Council and other relevant bodies. The APR Secretariat also follows up on commitments made, holds regional workshops to share best

practices identified in the reviews and offers technical support to assist countries in fulfilling their APR plans.

How Countries Will Be Judged

The APR process is designed so that countries at different levels of development and governance can join. Participating countries will not be judged against a hard pass-fail system. Rather, the review intends to candidly assess the country's biggest problems, identify needed actions and secure commitments from the country under review for fixing those problems.

The codes and standards referred to in the APRM documents (and listed in Appendix A) range from United Nations treaties to African Union declarations and protocols to international financial standards embraced by the AU. Some codes, such as international banking supervision codes, are quite specific in their requirements while others are substantially more general.

The APR questionnaire asks whether the country under review has ratified the designated treaties and codes and whether they have taken the requisite steps to give such agreements legal force by adopting them into national law or setting up the required institutions and systems to give the treaties effect. However, whether or not a given country has ratified an individual code of conduct, treaty or AU declaration, **the act of acceding to peer review obliges the country to honor the full body of AU law and any codes and standards referred to in the APRM documents.**

The APR questionnaire is divided into four sections: Democracy and Good Political Governance, Economic Governance and Management, Corporate Governance and Socio-Economic Governance. Each section of the draft questionnaire includes a list of relevant standards, major objectives, questions under each objective and indicators, which help flesh out the intent of the questions. The objectives in each section are in the table on the following page.

In many cases, the codes – for example, those pertaining to electoral fairness or human rights – do not prescribe highly detailed requirements. The review will necessarily apply standards of common sense to assess whether the country complies with the spirit of the codes of conduct.

The APR Secretariat and the Panel of Eminent Persons note that the questionnaire is only a starting point in conducting a country analysis. Because questions or indicators are not on the questionnaire does not mean that the reviewers will ignore them. Broadly the questionnaire looks at five areas:

- The extent of ratification and compliance with agreements, treaties and declarations adopted by the African Union or internationally accepted standards and declarations endorsed by the AU.
- Weaknesses in systems, laws and institutions.
- Compliance with such systems, laws or institutional requirements.
- Early warning indicators that point toward areas requiring action.
- The extent to which the country has implemented its agreed action plans.

The format used by the APRM is designed to assess a country in a structured way that reflects on the lessons learned in recent African political and economic history. The final National Programme of Action and APR report should focus on practical solutions rather than theoretical questions or issues of historical blame.

Governance Objectives of the African Peer Review Mechanism

Democracy and Good Political Governance	Economic Governance and Management	Corporate Governance	Socio-Economic Governance	Cross-Cutting Issue: Corruption
<p>1: Prevent and reduce intra- and inter-country conflicts</p> <p>2: Constitutional democracy, including periodic political competition and opportunity for choice, the rule of law, a Bill of Rights and supremacy of the Constitution</p> <p>3: Promotion and protection of economic, social and cultural rights, civil and political rights as enshrined in African and international human rights instruments</p> <p>4: Uphold the separation of powers, including the protection of the independence of the judiciary and of an effective parliament</p> <p>5: Ensure accountable, efficient and effective public office holders and civil servants</p> <p>6: Fighting corruption in the political sphere</p> <p>7: Promotion and protection of the rights of women</p> <p>8: Promotion and protection of the rights of children and young persons</p> <p>9: Promotion and protection of the rights of vulnerable groups including internally displaced persons & refugees</p>	<p>1: Promote macroeconomic policies that support sustainable development</p> <p>2: Implement sound, transparent and predictable government economic policies</p> <p>3: Promote sound public finance management</p> <p>4: Fight corruption and money laundering</p> <p>5: Accelerate regional integration by participating in the harmonisation of monetary, trade and investment policies</p>	<p>1: Promote an enabling environment and effective regulatory framework for economic activities</p> <p>2: Ensure that corporations act as good corporate citizens with regards to human rights, social responsibility and environmental sustainability</p> <p>3: Promote adoption of codes of good business ethics in achieving the objectives of the corporation</p> <p>4: Ensure that corporations treat all their stakeholders (shareholders, employees, communities, suppliers and customers) in a fair and just manner</p> <p>5: Provide for accountability of corporations, directors and officers</p>	<p>1: Promote self-reliance in development and build capacity for self-sustaining development</p> <p>2: Accelerate socio-economic development to achieve sustainable development and poverty eradication</p> <p>3: Strengthen policies, delivery mechanisms and outcomes in key social areas including education and combating of HIV/AIDS and other communicable diseases</p> <p>4: Ensuring affordable access to water, sanitation, energy, finance (including micro-finance), markets, ICT, shelter and land to all citizens, especially the rural poor</p> <p>5: Progress towards gender equality in all critical areas of concern, including equal access to education for girls at all levels</p> <p>6: Encourage broad-based participation in development by all stakeholders at all levels</p>	<p>Political Objective 5: Ensure accountable, efficient and effective public office holders and civil servants</p> <p>Political Objective 6: Fighting corruption in the political sphere</p> <p>Economic Objective 2: Implement sound, transparent and predictable government economic policies</p> <p>Economic Objective 3: Promote sound public finance management</p> <p>Economic Objective 4: Fight corruption and money laundering</p>

Source: *Objectives, Standards, Criteria And Indicators For The African Peer Review Mechanism (APRM)*, African Union, 2003