

AFRICAN UNION

الاتحاد الأفريقي



UNION AFRICAINE

UNIÃO AFRICANA

Addis Ababa, ETHIOPIA

P. O. Box 3243

Telephone: 517 700

Fax: 5130 36

website: [www. www.au.int](http://www.wwww.aau.int)

ASSEMBLY OF THE UNION

Twenty-Third Ordinary Session

26 – 27 June 2014

Malabo, EQUATORIAL GUINEA

Assembly/AU/17(XXIII)

Original: English

**ISSUES PAPER ON THE FORMAL INTEGRATION OF THE
AFRICAN PEER REVIEW MECHANISM (APRM) INTO
THE AFRICAN UNION**

ISSUES PAPER ON THE FORMAL INTEGRATION OF THE AFRICAN PEER REVIEW MECHANISM (APRM) INTO THE AFRICAN UNION

INTRODUCTION

i) Purpose of the Present Issues Paper

1. It would be recalled that in July, 2008, the AU Assembly took a Decision at its 11th Session held at Sharm El Sheik ,Egypt , containing, inter alia, a stipulation that “APRM structures, namely the APRM Forum, the APRM Panel and the APRM Secretariat, shall be part of the processes and structures of the African Union.¹” This stipulation is worth noting, to the extent that it provides the legislative foundation for the ongoing efforts that are being made at the various levels of the APRM to formally integrate the institution into the African Union.

2. Accordingly, in the context of efforts to operationalize the afore-mentioned AU Assembly Decision, the present paper contains a discussion of the issues that could inform the content of a Proposal outlining the form that such integration into the AU “processes and structures” could take, as well as the practical measures and modalities related thereto. This paper has been prepared for consideration and adoption, first, by the Technical Committee of the sub-Committee of Four Focal Points of the APRM (as designated by the meeting of the Select Committee of Focal Points at its meeting in Addis Ababa on May 4th, 2012), prior to its onward submission in the form of a draft Proposal, in turn, to the Select Committee of Focal Points, and then to the whole Committee of Focal Points; and finally to the highest level of the APRM, namely the Committee of Participating Heads of State and Government of the African Peer Review African Union, hereinafter termed the “APR Forum”, or the “Forum”. It is intended that, following its adoption at the highest level of the APRM, the Proposal will finally be submitted to the wider Assembly of the African Union, encompassing the entire membership of the Union.

3. This Proposal would, indeed, be the culmination of an internal consultative process conducted within the APRM itself, aimed at the formal integration of the APRM, and encompassing all its levels, namely those of the APR Forum, the Committee of Focal Points and its various sub-committees, such as the Select Committee, the Committee of Four, and the Technical Committee, as well as the Panel of Eminent Persons and the Secretariat, working together with the African Union Commission.

4. The objective of submitting the Proposal to the Assembly of the AU, is to enable the Heads of State of the Forum engage and confer with the rest of their Peers who sit in the highest instance of the African Union, so that together, they can commonly define, and in an unambiguous manner, the terms and conditions, as well as the legal

¹ *Needless to say, if the Committee of Focal Points, only recently established [in January, 2012] on a formal basis through the adoption of the Operating Procedures had already been in formal existence then, mention would have been made of it in this Decision.*

rules, procedures and principles, under which this integration process should be conducted, *taking due account of the APRM's own perspective that the integration process should be structured in such a way that it allows concurrently for the formal accession of the APRM as an autonomous institution within the Union.*

5. The Forum thus seeks the definitive and formal endorsement of the Assembly on this matter, through the ultimate adoption of a Decision, defining the extent and limits of the autonomy sought.

ii) Historical Origins: The African Union as the Parent Institution

6. In terms of its origins as a creation of the African Union, it may be helpful to bring to the fore, not only the fact that the APRM currently enjoys the voluntary membership of more than half of the Member States of the African Union², but also the fact that philosophically speaking, it was, actually brought into being indirectly by a decision of the OAU and then endorsed by its successor, the African Union.

7. Indeed, references to a democracy and political governance initiative as well as one on economic and corporate governance were an integral part of the NEPAD programme, adopted by the erstwhile OAU Assembly of Heads of State and Government, during the latter's last ever session[37th] held in Lusaka, Zambia, in July, 2001. Subsequently, at the Inaugural Session of the African Union held in Durban, South Africa, in July of the following year, 2002, the new AU Assembly adopted NEPAD as a programme of the AU, through a Declaration on the "Implementation of the New Partnership for Africa's Development"³, while encouraging Member States, at the same time, to adopt the NEPAD Declaration on Democracy, Political, Economic and Corporate Governance, as well as accede to the African Peer Review Mechanism⁴. Indeed, in the said Declaration on Democracy, Political, Economic and Corporate Governance, as adopted by the Assembly of Heads of State and Government in 2002, the AU Member States "*agreed to establish*" the APRM on the basis of voluntary accession.

8. The APRM Base Document, as adopted by the AU Assembly in 2002 in Durban, defines the mandate of the APRM as follows: "The mandate of the African Peer Review Mechanism 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 Declaration on Democracy, Political, Economic and Corporate Governance".

9. Further, the APRM could be regarded as intrinsic to the AU, given that its aims, as outlined in one of the base documents annexed to the above-mentioned Declaration, namely the "Objectives, Standards and Criteria and Indicators", include, issues which

² They actually number as many as thirty now, and there are indications that more may come on board soon

³ ref, ASSEMBLY/AU/Dec.1 (1)

⁴ ref, AHG/235[XXXVIII Annex II

are an integral part of agenda of the AU itself, while making reference also, to a series of basic AU legal instruments and standards, including the Constitutive Act which set up the AU, and other treaties, protocols and conventions.⁵

10. In the period immediately following the adoption of the said AU Assembly Decision mentioned above, the AU Assembly signaled that it remained seized of developments in the APRM, when it adopted a Decision during the Summit held in Maputo, Mozambique, in July 2003, in which it, inter alia, “welcome[d] the progress made with respect to the APRM, in particular the accession of a number of Member States of the African Union to the APRM, as well as the appointment of the Panel of Eminent Persons”; and it “encourage[d] other Member States of the African Union to accede to the APRM”, as well. A similar Decision was again adopted by the Assembly in the subsequent year, 2004, when it note[d] that “significant progress” had been made in implementing the APRM, especially in the light of its increasing membership, and the fact that the first country review processes had already started.

11. In keeping with the APRM’s historical links with the AU, the Assembly of the AU mandated the Chairperson of the AU Commission, to act in consultation with the Chairperson of the Heads of State Implementation Committee [HSGIC] of NEPAD and to, inter alia, enter into a temporary host agreement with the Government of the Republic of South Africa regarding the hosting of the NEPAD Secretariat, (then acting as the interim Secretariat of the APRM). The Secretariat was then described as having the legal status of “an African Union Office operating outside the African Union Headquarters” for an interim period of three years, or until such time that the “relevant structures” of the African Union “became fully operational.”

I. SEPARATION OF APRM FROM NEPAD AND CONSEQUENCES FOR APRM’S STATUS

12. It may be pertinent to recall that, even though the AU Assembly called on the Chairperson of the AU Commission to act, in consultation with the Chairperson of the NEPAD HSGIC, to “operationalize” the request for the integration of NEPAD into the structures of the AU, the extraordinary session of the HSGIC on NEPAD, held in Algiers, Algeria, on 21st March, 2007, was specific in saying that the APRM should *not* be included in the particular process about to be launched for the formal integration of NEPAD into the structures and processes of the AU. Indeed, the HSGIC stated that the “*African Peer Review Mechanism [APRM] should remain in its current setting*”. Consequently, the APRM remained outside that process. Thus, when in January, 2010, NEPAD’s integration into the AU was finally pronounced on the basis of a Decision of

⁵ These include prevention and reduction of conflicts; promotion and protection of economic, social, cultural rights, civil rights and political rights as envisaged in all AU and international rights instruments; promotion and protection of the rights of the child; promotion and protection of rights of refugees and displaced persons; promotion of macro-economic policies that support sustainable development; fighting corruption, accelerating regional integration, etc. Reference is also made to such as instruments as the African Charter on Human and People’s Rights; Protocol Relating to the Establishment of the Peace and Security Council; African Charter on the Rights and Welfare of the Child; OAU Refugee Convention ;Abuja Treaty establishing the African Economic Community; and the relevant Treaties, Conventions and Protocols of the RECs

the AU Assembly⁶, and its status was specified as that of a “technical body of the AU”, in “replacement of the NEPAD Secretariat”, its mandate made no reference to the APRM.⁷

13. While, according to its mandate, [as set out in footnote 7 below], the NPCA is invested with the role of supporting and complementing the implementation of AU policies and programmes, the ultimate responsibility for the continental developmental agenda lies with AU Commission.

14. Unlike the situation pertaining with regard to the APRM, it may also be helpful to recall that the main factor which motivated the call for the integration of NEPAD into the processes and structures of the AU, may well have been the concern, at that time, that there existed a lack of clarity regarding the respective mandates of the AU and NEPAD, even though various Decisions of the Assembly had stressed that the latter was a programme. The view held then, was that the AU Commission had a broader mandate which included promoting integration and socio-economic development; and that it had departments addressing specific socio-economic sectors, reflective of the priority areas of NEPAD. It was argued that the lack of clarity had led to overlapping and lack of co-ordination in the formulation and implementation of programmes. It was pointed out, though, that this state of affairs had arisen as a result of the fact that the process for the establishment of the NEPAD structure and programme had been conducted at the about same time as when the AU itself was being established.

15. Since it appeared that there was no issue as to the mandate of the APRM in relation to that of the AU Commission in the area of governance, it could reasonably be argued that there was consensus within the Union on the intention of the architects of the APRM that it should continue to exercise the ultimate responsibility for carrying out the continental mandate for governance, accorded to it by the AU.⁸

II. LESSONS TO BE LEARNT BY APRM FROM PROCESS OF INTEGRATION OF NEPAD

16. The First Meeting of the Select Committee of Focal Points which took place in Addis Ababa on the 4th May, 2012, as well as the follow-up meeting of the Technical Committee on the 19th May, 2012 both stressed the need to refer to the NEPAD process as a useful precedent, in order to determine what lessons could be drawn from that

⁶ *ref, Assembly/AU/Dec.2839xiv) entitled “Decision on the Integration of the New Partnership for Africa’s Development [NEPAD] into the Structures and Processes of the African Union, including the Establishment of the NEPAD Planning and Coordinating Agency(NPCA)”*

⁷ *The Mandate for NEPAD as stipulated in Decision of Assembly integrating NPCA into AU is to: i. facilitate and co-ordinate implementation of continental and regional priority programmes and projects; ii. mobilise resources and partners in support of the implementation of Africa’s priority programmes and projects; iii. conduct and coordinate research and knowledge management ;iv .monitor and evaluate the implementation of programmes and projects; v. and advocate on the AU and NEPAD vision, mission and core principles/values.*

⁸ *see base documents*

experience. It is indeed, arguable that, notwithstanding the separation of NEPAD and the APRM at a specific point in their respective histories, some lessons can be drawn and applied from the NEPAD experience for the benefit of the APRM/AU integration process. This approach may be justified on the ground that certain commonalities are bound to be evident in institutional integration processes of any kind, especially if, as in the specific cases of both NEPAD and APRM, they emanated from a common historical origin and their migration is into the structures of a common parent organization, namely the African Union. However, there would also be a need to bear in mind the differing mandates of the APRM and NEPAD, as well as take into account, the consequences which flow from the degree of autonomy exercised by the NPCA on the one hand, and the kind sought by the APRM, on the other. Inevitably, therefore, the APRM process will exhibit features which are peculiar to it.

17. In terms of the history of the process for the integration of NEPAD, it is recalled that the 2nd AU Summit which was held in Maputo, Mozambique, in July, 2003, adopted a Decision mandating the Chairperson of the AU Commission, working with the Chairperson of the HSGIC, to formally integrate NEPAD into AU structures and processes, and to operationalize the process of integration. The Decision also specified that the integration process would proceed in a number of ways, including formalising the relations between the AU Commission and NPCA, especially with regard to the co-ordination and harmonisation of programmes; as well as aligning and harmonizing the conditions of service, rules of recruitment and financial management of the NPCA with those of the AU Commission. Emphasis was also placed on the conclusion of a host country agreement between the AU Commission and the Government of South Africa, to cover the functioning of the then NEPAD Secretariat. In the light of the foregoing, a number of actions were taken subsequently, including the commencement of negotiations for a host country agreement, and the commencement of a process to appoint a Chief Executive Officer (CEO) for the NEPAD Secretariat by July, 2009.

18. In the meantime, a series of meetings was organized also, including the NEPAD Brainstorming Summit held in Algiers, in March, 2007, and the NEPAD Review Summit held in Dakar on 22nd April, 2008. That was with a view to clarifying the issues as to the way forward, since it was the first time that an integration process of that kind was taking place in the AU.

19. Pending the adoption of a final Decision by the Assembly on the matter, and as the process of migration to the AU progressed, it was marked by a number of milestones. These included the assumption of duty of the new CEO of the NEPAD Secretariat; the use of the AU emblem with the NEPAD emblem for all meetings and documentation; and the use of the AU flag at the NEPAD offices.

20. It also included the process to delink the NEPAD Secretariat financially from the DBSA, and establish a financial system for it, based on the established rules, regulations, policies and practices of the AU. This was facilitated through the conduct of working visits by AU staff aimed at the transfer of practical knowledge and skills in that domain.

21. Also initiated was a process to delink NEPAD administratively from the DBSA, effected through similar working visits of AU staff in the respective fields, aimed, inter alia, at the adoption by the NEPAD Secretariat of AU standards in HR matters, including those contained in the AU Staff Regulations and Rules; the adoption of AU Commission payroll procedures; the joint development by the AU Commission and the NEPAD Secretariat of the format for contracts; the adoption of AU Commission travel management procedures; the adoption of rules and procedures and policies contained in the AU procurement manual; and the adoption of the AU registry internal communication and correspondence system by the NEPAD Secretariat.

22. Other issues catered for were the adoption of AU protocol practices; and the issuance of AU Laissez –passers to relevant staff of NEPAD Secretariat.

23. Another characteristic of the overall NEPAD integration process was the commissioning of a technical study by the AU Commission. The study which was prepared by a team of consultants, was clearly needed because of the fact that the African Union was treading on new ground and there were no precedents or previous experience on which it could rely.

24. Related to this was the conduct of a broad process of consultations based on this technical study, once it was completed. Indeed, the 12th AU Summit held in January, 2009, had emphasised the need for such a study, then on-going, to “be circulated to all AU/NEPAD governance structures [i.e. PRC, Executive Council, HSGIC, NEPAD Steering Committee, AUC Chairperson, and Commissioners]for consideration to ensure broad and adequate consultation before submission to the Assembly for final pronouncement”.

III. THE MAIN DIFFERENCES BETWEEN THE NEPAD AND APRM PROCESSES ARISE FROM THE DISTINCTION BETWEEN “AUTONOMY” SOUGHT BY APRM AND “FLEXIBILITY” ACCORDED TO NEPAD

25. During the process for the integration of NEPAD into the AU, one of the fundamental issues at stake was to what extent the NEPAD structure to be set up would be autonomous. Consequently, the main differences arising from a comparison between the respective NEPAD and APRM integration processes hinge on the “autonomy” that the APRM seeks, as distinct from the “flexibility” that was eventually accorded to NEPAD. For while the NEPAD structures (particularly the NPCA) were accorded some degree of autonomy, that was branded in terms of “**flexibility**”, by the relevant Decisions of the Assembly, the kind of autonomy sought by the APRM is of a higher degree. It would be recalled that as early as July, 2003, when the Assembly of the AU met in what was only its 2nd Session, it mandated the Chairperson of the Commission of the African Union, in consultation with the Chairperson of the HSGIC, to “operationalize” the integration of NEPAD into AU structures and processes “**with the flexibilities as may be required.**” Similarly, Assembly Decision 283, adopted at the 14th Session of the AU Assembly held in January, 2010, and which concluded the formal process of NEPAD’s integration, requested the Chairperson of the AU Commission to accord the newly -established NPCA the “**adequate and necessary flexibilities to carry out its**

mandate and thereby maintaining the corporate brand identity of the NEPAD programme within the African Union”, even as he was empowered to exercise “supervisory authority” in respect of the Agency.

Autonomous Status of the APRM

26. In the meantime, the notion of according an autonomous status to the APRM had already officially emerged, because at the 8th Summit of the APR Forum which was held in Addis Ababa, Ethiopia, in January, 2008, the Heads of State of the APRM Forum recommended, *inter alia*, that the African Union should take a formal decision to recognise the APRM as an “autonomous” institution of the African Union.” The Forum also described the APRM Secretariat as “autonomous” in the context of their request that the AU Commission should formally approach the Government of South Africa for hosting it.

27. Against the background that there is already a consensus within the APRM, including at its highest level, on the issue of its autonomy, it may be helpful to recall that the motivation for the call for such autonomy is twofold: first, the voluntary nature of the APRM’s processes of accession to membership, which have given rise to the practical necessity of creating its separate budgetary sources and establishing and conducting its independent budgetary processes, on a *de facto* basis which has now become a *de jure* situation, on account of the provisions of the Operating Procedures; and in particular paragraph 11, which contains stipulations regarding the responsibility of the Focal Points for the budget and resource mobilization; and secondly, the sensitive nature of its special mandate which requires it to function with some measure of independence that affords it the institutional capacity to bring the necessary focus to bear on its implementation.

The APRM as a Specialised Agency of the AU

28. Based on the understanding that the APRM is a specialized institution that should be accorded an autonomous status, it has also been suggested that it should be branded a “Specialised Agency” of the AU. The challenge inherent in pursuing that route, however, is that the criteria for the granting of that particular status of specialized agency have not yet been considered and formally adopted by the AU Assembly. Nonetheless, in principle, the absence of these criteria does not preclude the APRM from seeking the status of an autonomous institution, *sui generis*. Indeed, what the APRM can do is to seek to be accorded most or some of the usual characteristics and attributes that bodies which enjoy a specialised mandate and an autonomous status usually enjoy, as obtains in other international systems outside the AU, like the UN.

29. These specialized agencies of the UN, which are fifteen in number, have specific mandates which they perform on behalf of the UN; and they range from the completely autonomous to semi- autonomous, have their own Executive Directors, managements and budgets, and are each established separately under the terms of their individual charters or articles of agreement. Thus, they do not require approval by any principal organ of the UN, prior to their establishment. Membership of these UN specialized

agencies is also on a voluntary basis. Further, while some of these bodies were originally created by the United Nations, others were not. Thus, for example, while the International Telecommunications Union (ITU) was founded in Paris in 1865 as the International Telegraph Union (taking its present name in 1934), it became a specialized agency of the UN in 1947. Similarly the International Labour Organisation [ILO], which was created in 1919 as part of the Treaty of Versailles (which ended the First World War), later became a specialized agency of the newly – formed United Nations in 1946. On the other hand, the United Nations Educational Scientific and Cultural Organisation [UNESCO], was created only in 1946, one year after the founding of the UN, and only following the convening of a conference by the UN itself.

30. These bodies are linked to the UN through a special "relationship" agreement which, might, for example, specify a number of characteristics including ,but not limited to, reciprocal representation at meetings of the respective governing bodies of the specialized agency and the UN(like the General Assembly in the case of the UN); proposing agenda items to each other's governing bodies; implementation of recommendations made by the UN to the specialized agency, in matters related to its fields of competence and reports on them; exchange of information and documents about political initiatives and developments in their respective fields of competence; and transmission of reports requested by the UN General Assembly.

IV. INSTITUTIONAL INTERFACING WITH AU ORGANS AND RELATIONS WITH OTHER AU INSTITUTIONS

A. INSTITUTIONAL INTERFACE BETWEEN APRM AND POLICY AND ADMINISTRATIVE ORGANS OF THE AU: ASSEMBLY, EXECUTIVE COUNCIL, STCs, PRC AND COMMISSION

31. Once agreement is reached in principle that the APRM can be established as an autonomous body within the AU family, the task that remains is to determine the *extent and limits of that autonomy* in the context of the "institutional interfacing" or the legal relationships which will be established between itself, [or the various component levels of it, i.e. Forum, Focal Points, Panel and Secretariat] on the one hand, and the Policy Organs of the wider AU, namely, the Assembly itself, the Executive Council, STCs (i.e. sectoral Ministerial meetings/conferences), PRC and the Commission, as provided for in the Constitutive Act of the African Union. These AU Organs would, roughly speaking, be the institutional counterparts of the relevant components of the APRM mentioned above, given that it is stipulated in paragraph 5 of the Operating Procedures that the Forum, Committee of Focal Points and Secretariat are the "policy and administrative" components of the APRM. It is to be noted that the Operating Procedures, as adopted by the Forum in January, 2012, do not make any reference to the issue of existing or proposed institutional links between the APRM components and the various organs of the AU.⁹

⁹ Indeed the only reference by the Operating Procedures to the AU is contained in paragraph 60 which stipulates that the "APR Secretariat and the Panel members shall enjoy in the Host Country, in the interests of the APRM, privileges, immunities and facilities as may be necessary for the independent exercise of their missions, in accordance with the General Convention on

32. In contrast, in the case of the NPCA, it is to be recalled that the AU Assembly, at its second session in Maputo, Mozambique in July 2003, mandated the NEPAD Steering Committee, in consultation with the Chairperson of the HSGIC, to “establish appropriate linkages between the NEPAD Steering Committee with the relevant organs of the African Union, including the Permanent Representatives Committee and the Executive Council, in order to ensure integrated inputs into the work of the HSGIC”.

Interfacing Between APR Forum and AU Assembly

33. The counterpart body of the AU Assembly in the APRM is the Forum which, by virtue of paragraph 6 of the Operating Procedures, is invested with the “overall responsibility of the APRM”.

34. In underlining the need to affirm the autonomous status of the APRM, it may be useful to compare its proposed relationship with the Assembly, on the one hand, to the relationship between the highest body of NEPAD, namely the HSGOC (and formerly, the HSGIC), and the Assembly of the African Union, on the other. In that context, it needs to be recalled that the 14th Assembly of the AU, held in Sirte, Libya, in January, 2010, decided, inter alia, on the basis of a recommendation made by the 21st and 22nd sessions of the HSGIC, that the HSGIC would remain a “sub-committee of the AU Assembly”¹⁰ and provide “political leadership and strategic guidance on the NEPAD Programme, as well as report its recommendations to the Assembly for endorsement”. Indeed, in reporting on this recommendation to the 13th Assembly session, the Chairperson of the HSGIC, Prime Minister Meles of Ethiopia, underlined that the HSGIC “operates as per the mandate given to it by the AU Assembly, which we ultimately report to.” He emphasized that “the HSGIC does not take final decisions, but forwards its recommendations to the Assembly for adoption”.

35. In contrast, it would be necessary to define the relationship between the Forum and the Assembly of the African Union, in such a way that the autonomy of the APRM is guaranteed, while, at the same time, retaining a link between the Forum and the Assembly. The Forum, as mandated by paragraph 8 of the Operating Procedures, would continue to “meet....to consider [country] review reports, undertake peer reviews” and take Decisions of its own relating to the management and implementation of the APRM”. Consequently, the Forum would not be regarded as a sub-committee of the Assembly which submits recommendations to the latter. Rather a mechanism allowing for the Heads of State of the APRM Forum to provide regular reports on their activities, including the outcomes of the Country Review Missions, could be instituted. There is a need to emphasise, that the submission of these reports by the Forum to the Assembly of the AU, would be for purposes of information only and not with the objective of seeking the approval or endorsement of its activities by the Assembly. This would both affirm the voluntary nature of APRM accession, and guarantee the institution’s

Privileges and Immunities of the Organisation of African Unity and the 1961 Vienna Convention on Diplomatic Relations.”

¹⁰ But with a change of name to the NEPAD Heads of State and Government Orientation Committee

autonomy. One of the ways in which the APRM Forum could, in the context of its interfacing with the AU Assembly, enhance its integration into the AU without compromising its autonomy, could be the regular exchange of information between the two bodies, in the periods intervening before and after their respective sessions.

36. Further, the practice of submitting reports for the information of the Assembly, which comprises all the Member States of the organisation, will also strengthen the APRM's capacity to extend, by way of information, the valuable work it is doing to promote best governance practices in Africa to those Member States that have not yet acceded to it, thus encouraging them to join. Indeed, integration into the AU, should promote a better understanding of the APRM.

37. Another measure could be that of instituting the principle of reciprocal representation through attendance of meetings of the Forum by the Chairperson of the African Union, where he or she is not already a member. It may be useful to recall that the 11th AU Assembly held in June/July, 2008 at Sharm El Sheik, took a similar decision in respect of the HSGIC.

38. In the light of the above-mentioned suggestion, it may be pertinent to refer to the base document appended to the Memorandum of Understanding, namely the "African Peer Review Mechanism Organisation and Processes", which stipulates that the mandate of the APRM Forum should, inter alia, "transmit APRM Reports to the appropriate African Union structures in a timely manner"; and "make public, through the APRM Secretariat, Country Review Reports and press releases pertaining thereto."¹¹

Interfacing between APRM and Executive Council:

39. Further, it would be helpful to clarify the way and manner in which the APRM, probably through its Focal Points Committee (composed as it is of Ministers, among other very senior personal representatives of Heads of State and Government) would interface with the Executive Council. Given the fact that the APRM exercises autonomy in its budgetary processes and the formulation and adoption of its work programmes, it may be expedient to propose that the relations between the Forum and Executive Council should provide for consultations from time to time, between the two bodies. It would be recalled that this was suggested at the meeting of the Select Committee held in Addis Ababa on the 4th of May, 2012.

40. In contrast, the situation regarding the NPCA differs. The final Decision on the integration of NEPAD that was adopted by the Assembly at its 14th Session held in 2010, did not make reference to its relations per se with the Executive Council; but earlier, the Assembly, meeting in its 2nd Ordinary Session in Maputo in 2003, mandated the Chairperson of the African Union Commission, in consultation with the Chairperson of the HSCIG, to "establish appropriate linkages between the NEPAD Steering Committee and the relevant organs of the African Union, including the Permanent Representatives Committee and the Executive Council, in order to ensure integrated

¹¹ paragraph 2.2(f)and(g)

inputs into the work of the HSGIC.” Indeed, because of the administrative, financial and budgetary functions of the Executive Council in relation to the NPCA, the latter body has relations with the former.

Relations between APRM and PRC

41. It would be recalled that regarding the PRC, also, the Select Committee expressed the view at the same meeting held in Addis Ababa on 4th May, 2012, that the PRC cannot be the counterpart body for the APRM Focal Points Committee, most of whom are of Ministerial rank; and that the Executive Council would be the most appropriate counterpart body for it.

42. The issue of relations between the NPCA and the PRC arises primarily in the context of the jurisdiction of the latter over the administrative and budgetary activities of the former; but with the APRM, the situation is different because of its autonomous administrative and budgetary processes.

43. In theory, the relations between the PRC and the APRM can exist only if the PRC has the jurisdiction, administratively (for example regarding the adoption of its structure) or financially, as with the adoption of its budget. As it is well known, the PRC has the responsibility for approving the budget for various other bodies of the African Union, apart from the AU Commission, including the NPCA, PAP, African Court and African Commission on Human and People’s Rights. Regarding, the issue of the approval of the budget of the APRM, the de facto situation is that Member States of the APRM, in accordance with their voluntary accession, pay their statutory contributions directly to the APRM, rather than the AU Commission. Consequently, rather than the PRC and the Executive Council, the APRM, through the Focal Points, has the corresponding authority to approve its own budget and work programme, which is submitted to it by the APRM Secretariat, rather than to the AU Commission. This position is given legislative support by virtue of paragraph 11 of the Operating Procedures which stipulates that the Focal Points “shall deal”, inter alia, with the “budgetary process”.

44. It may be helpful to place on record, the fact that the PRC holds the same view regarding whether or not, it has jurisdiction over the management processes of the APRM. It would be pertinent to recall that in December 2011, following a request by the Chairperson of the APR Panel to the PRC that it be allowed to attend a proposed meeting of the PRC Sub-committee on Structural Reforms, the APRM was informed that the Sub-committee on Structural Reforms, after carefully considering the letter of the Chairman of the APR Panel and the Decisions of the 2007 Algiers Summit of the Extra Ordinary Summit of the APRM, had decided that it had “no mandate to discuss the proposed structure of the APRM. Therefore the matter was removed from the agenda. Consequently there is no need for the APRM delegation to come to Addis.”

45. In contrast, the NPCA budget has been integrated into the overall budget of the AU; and consequently, the PRC considers the NPCA budget before it is submitted to the Executive Council and then the Assembly for final approval. The PRC is also

responsible for the consideration and approval of the NEPAD structure before its onward approval to the Executive Council for adoption.

Interfacing between APRM Secretariat and Panel and AU Commission.

46. In the Operating Procedures, it is stipulated in paragraph 49, that the APRM Secretariat is responsible for servicing the Panel by providing secretariat, technical, coordinating, and administrative support services; and that it is responsible also for preparing the meetings of the Forum and the Focal Points. There is a need to clarify whether the Secretariat of the APRM should be regarded as a part of the AU Commission. It is submitted that, in keeping with the autonomous status of the APRM institution as a whole, it will be necessary for the Secretariat to be run as an autonomous structure that is answerable to the various hierarchical levels of the APRM, as contained in paragraph 49 of the Operating Procedures as quoted above, and not to the AU Commission per se.

47. It would also be pertinent to note, rather, that the Operating Procedures [paragraph 12] stipulate that the Focal Points “are responsible for supervising the Secretariat”; and that accordingly, the Focal Points have the following “responsibilities to discharge” among others: “recommending to the APR Forum, the appointment of the Chief Executive Officer of the Secretariat”; and “assess succession planning for the APR Secretariat’s key management issues and organizational changes”.

48. In contrast, the AU Commission “supervises” the NPCA. It would be recalled in this regard that the 14th Session of the Assembly of the AU Summit, adopted a Decision which stipulated, inter alia, that the Chairperson of the AU Commission “exercises supervisory authority” over the NPCA. Further, in accordance with this principle of supervision by the Chairperson of the AU Commission, the CEO OF NEPAD was appointed on the basis of procedures which involved the AU Commission and its Chairperson playing a role together with the representatives of the Member States, thus: To begin with, the Chairperson of the AU Commission and the Chairperson of the HSGIC, were mandated by the 10th session of the AU Assembly to advertise the CEO position. The job profile was then agreed between the AU Commission and the then NEPAD Secretariat and then advertised by both on their respective websites, and through their Member States. Following a competitive bidding process, the NEPAD Steering Committee chose an international company to carry out the short-listing of candidates, which was then submitted to the AU Commission. Interviews were then conducted at the AU Commission’s Headquarters. The interview panel comprised the personal representatives of the five NEPAD initiating countries and the Chairpersons of the AU Commission, NEPAD HSGIC and the AU. The successful candidate was chosen and then endorsed by the Assembly of the AU at the next Summit.

49. Regarding the issue of harmonization of activities between the NPCA and the AU Commission, and for the purposes of comparison, it is to be recalled that the Maputo AU Summit of 2003 had, inter alia, mandated the Chairperson of the AU Commission, in consultation with the Chairperson of the HSGIC to “formalize the working relations between the AU Commission and the NEPAD Secretariat, especially for programme co-

ordination` and harmonization". The 21st HSGIC had recommended also that the "working relations between the AU Commission and the NPCA shall be worked out in consultations between the Chairpersons of the HSGIC and AU Commission". It is to be noted in that context that there has been an effort to harmonise the activities of the Departments, Units, and services of the AU Commission with those of the NPCA's sectoral programmes. Thus so far, there have been two Work Programme Harmonisation Sessions in 2009 and 2011.

50. Drawing also from the NEPAD experience, but bearing in mind the need to accord the requisite autonomy to the APRM, it is recommended that in the context of APRM/AUC relations, there should be reciprocal representation at each other's meetings as well as exchange of information on their respective activities.

51. The absence of formal relations between the APRM Secretariat and the AU Commission has at times led to the lack of sharing of information on programmes and the duplication of activities. This has generated competition for limited funding from donors. In that context, therefore, there is a need for the APRM Secretariat to develop formal consultation and information-sharing mechanisms with the sector or departmental levels of the AU Commission, to promote cooperation and harmonisation. It may be useful to mention that this was actually envisaged from the very inception of the APRM. This is illustrated by the fact that one of the base documents annexed to the Declaration, namely the "African Peer Review Mechanism Organisation and Processes", stipulates that the APRM Secretariat will work with units of the AU Commission or organs of the AU, especially in the area of technical assessments.¹²

52. With particular reference to the Country Review Missions, which are led by the Panel and supported by the Secretariat, and in which other important partners of the APRM such as the UNECA and UNDP participate, the AU Commission should be encouraged to take part.

53. Having dealt principally with the relations between the APRM Secretariat, as well as the Panel, on the one hand, and the AU Commission, on the other, it is understood that the respective Chairpersons of the Focal Points, Panel, and Forum should not be precluded from establishing channels of communication and consultation with the Chairperson, Deputy Chairperson and relevant Commissioners of the AU Commission, as and when appropriate.

Migration from DBSA Management Systems and Integration into the AU through the Adoption of AU Administrative and Financial Management Regulations, Rules, Policies and Practices

54. As part of the overall process of integrating into the AU, the APRM Secretariat is currently undergoing a process of de-linking or migrating from the Development Bank of Southern Africa, DBSA, which has, until now, managed most of the affairs of the APRM in the financial and administrative domains and, accordingly, applied DBSA rules and

¹² paragraph 4.3

procedures in the management of the APRM, including the issuance of DBSA contracts to the staff. To facilitate the migration of the APRM from DBSA systems and integration into AU systems, the AU Commission, upon the request of the APRM Secretariat, has deployed a team of experts in the various fields of administration, in particular HR, pay roll management, procurement; as well as in finance, IT, and registry operations, to carry out needs -assessments, undertake knowledge transfers and on-the-job training ,as well as put systems in place. It is intended that AU staff working in the fields of auditing, strategic planning and protocol services, will also join the team.

55. The AU Team of experts has negotiated with the DBSA that the 31st of December, 2012 [or earlier, if feasible] will be the cut-off date for DBSA financial and administrative disengagement.

56. In the meantime, the Team and the Secretariat are working towards disengaging in terms of human resources management by June/July 2012, so that the APRM [which, as discussed above, has its own budgetary sources] can issue staff contracts of its own for the first time, but modelled on the format in use by the African Union. It would be recalled that the First Meeting of the Select Committee of Focal Points, held in Addis Ababa on 4th May, 2012, took note of this process being jointly conducted by the Secretariat and the AU Commission, and lent its support to it and called for its completion.

57. Similarly, in the case of the NPCA, an important dimension of its integration into the AU was its adoption of AU administrative and financial systems, together with the concomitant rules and policies. In that regard, it would be recalled that the 2nd session of the AU Assembly, held in Maputo in July, 2003, had mandated the Chairperson of the AU Commission, in consultation with the Chairperson of the HSGIC, to "align and harmonise the conditions of service, rules of recruitment and accountability with those of the Commission."

58. Subsequently, on the basis of an agreement reached between the AU Commission and the CEO of NPCA, to facilitate the adoption by the NPCA of AU rules, policies and procedures in areas such as administration and finance, human resources, auditing, IT, protocol and procurement, a team of AU staff drawn from the relevant departments/directorates, paid working visits to the NEPAD Secretariat in 2010. They carried out needs-assessment exercises in their respective areas of expertise, and made recommendations thereto, including staffing and structural requirements, as well as carried out some knowledge transfer exercises and on –the- job training.

B. RELATIONSHIP BETWEEN THE APRM AND AU ORGANS AND INSTITUTIONS OTHER THAN THE ASSEMBLY, EXECUTIVE COUNCIL, PRC AND COMMISSION

59. Consideration must also be given to the establishment of relationships between the APRM and other organs and institutions of the wider African Union, which have mandates that impinge on the multi-faceted nature of governance in Africa, rather than on issues pertaining to policy, administration, and finance and budgeting per se, as handled by the main policy and administrative and budgetary organs of the wider African

Union, namely the PRC, Executive Council and the Assembly. Indeed, relations between these other organs and institutions of the AU, on the one hand, and the APRM, on the other, do not necessarily raise issues about its autonomy. However, establishing working relations with these bodies to enrich the work of the APRM, should be regarded as one of the benefits that will accrue to the latter as a consequence of its integration into the AU. These include the NPCA, African Union Corruption Board, African Court, Economic Social and Cultural Council [ECOSOCC], Peace and Security Council, African Commission on Human and People`s Rights, African Committee on the Rights and Welfare of the Child, as well as the RECs.

60. The APRM, through its own Secretariat, may seek to establish relations at the operational level with these organs and institutions mentioned in the foregoing paragraph, through their respective secretariats. The APRM as an institution may, also, in a strategic context, establish channels of communication and consultation with these bodies, at their highest levels, through interaction with the Committee of Focal Points and the Forum, where appropriate.

61. It must also be mentioned that in the general context of encouraging the APRM as an institution as a whole ,to establish relations with other organs and institutions in the wider AU family, the Operating Procedures [paragraph 41] accord the Panel the responsibility for, inter alia, "recommending to the Forum, a list of appropriate institutions or individuals to conduct technical assessments and country reviews" ;apart from its main responsibility of presenting an annual report to the Forum on implementing country reviews and making recommendations to the Forum, based on its periodic reviews.

a) Relationship between APRM and NEPAD

62. As mentioned above, issues about the autonomy of APRM do not arise with regard to bodies like NEPAD which are not policy and administrative organs per se of the AU, in the way that the Assembly, Executive Council, PRC, are. The parameters for the relationship between NEPAD and the APRM should, however, be defined, so that clarity is achieved as to how these two institutions of the AU, which claim a common origin, historically, can work together to facilitate the implementation of their complementary mandates in the various areas of governance.

63. The NPCA and APRM could cooperate in the areas of resource mobilization and technical assistance, especially in the post country-review phase of the implementation of APRM Country Programmes/National Programmes of Action.

64. With specific reference to the role of the Panel in this context, it may be pertinent to recall the provisions of the Operating Procedures which describe it¹³ as a "specialized" component of the APRM and which, on the basis of paragraph 40, assumes responsibility in the following areas: "Reviewing, sustaining and strengthening relations with relevant stakeholders such as Participating APRM countries, APRM Strategic Partners, including the NEPAD Planning and Coordinating Agency[NEPAD]."

¹³ in paragraph 5

b) Relationships between APRM and Regional Economic Communities

65. Currently, relations with the Regional Economic Communities [RECs], including those at the levels of the respective Secretariats, appear to be virtually non-existent. Given the critical role assigned by the AU to the RECs as the building blocks for continental integration, the establishment of formal relations between the APRM and the RECs needs to be addressed, as the APRM is itself integrated into the African Union. It may be important to recall that from the very outset, the issue of establishing working relations between the APRM and the RECs was envisaged. Consequently, one of the base documents of the APRM, namely the “Objectives, Standards and Criteria and Indicators for the APRM”, lists among its objectives, the acceleration of regional integration by participation in the harmonization of monetary, trade and investment policies of participating states.

66. The process of integrating the APRM into the AU should, also, allow for a proper definition of the way and manner in which these relations between the Secretariats of the RECS and APRM are structured, taking into account the lead/coordinating role of the AU Commission in continental integration, so that coherence and complementarity are achieved with regard to differing priorities and programmes at the respective continental and regional levels. This is important, given that the APRM works at the country level on the basis of its continent-wide mandate to undertake country-level review missions and capacity-building activities.

67. Collaboration between the APRM and the RECs will centre on the mandate of the latter to co-ordinate member states of their respective regions. Provision could also be made for invitations to be issued to Heads of RECs to attend meetings of the Forum, where appropriate

c) Relationships with the African Court on Human and People’s Rights, the Commission on Human and People’s Rights, Pan African Parliament, African Committee of Experts on the Rights and Welfare of the Child, Peace and Security Council, AU ECOSOCC and AU Corruption Board

68. It is recommended that the APRM enrich its relations with the African Union in the context of its integration into the latter, by establishing relations with other AU organs and institutions working in the areas of human rights, democracy and political governance. These include the African Court on Human and People’s Rights, the Commission on Human and People’s Rights, Pan African Parliament, African Committee of Experts on the Rights and Welfare of the Child, Peace and Security Council, AU ECOSOCC and AU Corruption Board. In that regard, it may be useful to note that one of the base documents of the APRM, namely the “African Peer Review Mechanism Organisation and Processes”¹⁴ stipulates that on “matters relating to human rights,

¹⁴ Which is annexed to the Declaration on Democracy, Political Economic and Corporate Governance, as adopted by the OAU Assembly of Heads of State and Government (Decision AHG/235(XXXVII) Annex)

democracy and political governance`, the APRM Forum will request the appropriate organs, committees or units of the African Union which are already legally tasked with similar specific assessment responsibility and have the capacity ,to conduct technical assessments on countries to be reviewed. It then enumerates the following bodies: African Commission on Human and People’s Rights; African Committee of Experts on the Rights and Welfare of the Child; Peace and Security Council and the Court.¹⁵

V. Recommendations

69. In the light of all the foregoing, the following Recommendations are, hereby, made by the Technical Committee, with the objective that they should constitute the basis for the elaboration of a Proposal on the integration of the APRM. In that regard, and with the view that it should be submitted for discussion in the context of an internal consultative process to be conducted within the Focal Points Committee itself, it is recommended that it, first, be submitted to the Committee of Four Focal Points and then to the Select Committee of Focal Points, the parent body of the former. Subsequently, it should be submitted by the latter to the Focal Points Committee, as a whole, for adoption. It is also recommended that provision be made by the Focal Points Committee, as the component of the APRM leading the institution in this exercise, to incorporate the inputs of other components of the APRM, namely the Panel and the Secretariat, working together with the AU Commission, to ensure that the consultative process is as exhaustive as possible.

70. The Proposal should subsequently be submitted to the Forum of the APRM, as the highest level of the institution, for the purpose of finalizing the definitive position of the APRM on the subject.

71. Further to that, (and subject to advice to be sought from the AU Commission, as to the procedure required to be followed for this Proposal to be submitted to the Assembly of the AU), the said Proposal should be submitted to the AU Assembly, as per paragraph 4 of the present paper, to “enable the Heads of State of the Forum to engage and confer with the rest of their Peers” who sit in the Assembly which is the “highest instance of the African Union”. This is with the view to affording both the Assembly and the Forum, the opportunity to work together, to “commonly define, and in an unambiguous manner, the terms and conditions, as well as the legal rules, procedures and principles, under which this integration process should be conducted, *taking due account of the APRM’s own perspective that the integration process should structured in such a way that it allows concurrently for the formal accession of the APRM as an autonomous institution within the Union*”.

72. The Forum should, thus, seek a Decision from the Assembly whose content will:

¹⁵ Paragraph 6.3

- a) affirm the need for the formal integration of the APRM into the AU, given its historical origin as a creation of the parent institution, the AU, especially in the context of the Declaration on Democracy, Political, Economic and Corporate Governance adopted in 2002 by the Assembly itself ; as well as on the basis of the Decision referred to in paragraph 1 of the present report, namely that which was adopted by the Assembly in July, 2008, at its 11th Session held at Sharm El Sheik, to the effect that : *the “ARPM structures, namely the APRM Forum, the APRM Panel and the APRM Secretariat, shall be part of the processes and structures of the African Union”*. *It is understood that the Committee of Focal Points, established formally in January, 2012, would have been mentioned in the Decision, if it had been in existence then;*
- b) recognize the APRM as an autonomous body within the AU family for the following reasons:
- i) it is the principal body in the African Union charged with the responsibility to carry out a special and specific mandate on governance at the continental level;
 - ii) the voluntary nature of accession to membership of the APRM has brought about a unique situation which necessitates the conduct of separate budgetary processes by the representatives of its Member States, given that their financial contributions are paid directly to the APRM. This has been occurring outside the regular framework of the core budget of the AU Commission and other organs and institutions like PAP, the Court, African Commission on Human and Peoples Rights, ECOSOCC, and considered by the PRC, Executive Council and the Assembly. This situation, arising out of practical necessity, is now de jure by virtue of the fact that the Operating Procedures accord the responsibility for the management of the budget and resource mobilization to the above-mentioned representatives of APRM member states, organized as the Focal Points Committee.
 - iii) define the parameters of the APRM's autonomous status, in terms of the way its different components, including the policy and administrative organs such as the Forum, Focal Points and Secretariat, should interface with the various counterpart bodies of the wider AU, specifically the policy and administrative organs such as the Assembly, Executive Council, Specialized Technical Committees (STCs), PRC and Commission, as set out below:
 - **Relationship between APRM Forum and AU Assembly:** the APRM Forum should not be established as a sub-committee of the AU Assembly so that it is required to submit its recommendations to the Assembly for endorsement. This is in contrast to the NEPAD HSGOC which, as a sub-committee of the

Assembly, submits recommendations to the Assembly for endorsement and final decision. However, in order to retain the APRM's link with the AU as a whole, it may be expedient to stipulate in the Decision to be adopted by the Assembly that there will be a procedure requiring the Forum to provide regular reports on its activities, including the outcomes of Country Review Missions. The Decision of the Assembly should specify that this would be for the specific purpose of information only, as distinct from the objective of seeking the endorsement of the Assembly. This already has a legislative basis by virtue of the fact that one of the base documents of the APRM regarding Organization and Processes requires the APRM to "transmit APRM Reports to appropriate African Union structures in a timely manner". This practice, if established, will create a window of opportunity for the APRM to make its activities public. Further legislative support is provided for in the same base document mentioned above, through the stipulation that the Secretariat should make the Country Review Reports public. It is also recommended that the Decision should provide for consultations and exchange of information between the two bodies, in the periods that intervene between their respective sessions.

- **Relationship between the APRM Focal Points and the Executive Council as well as the STCs:** The Executive Council, comprising as it does, the Foreign Ministers of the Member States of the wider African Union, adopt the work programme and budget of the other organs and institutions of the African Union, as submitted to them by the PRC. This is distinct from the APRM system where the Focal Points Committee performs the function of approving the budget and the work programme. It is still possible however, to envisage situations where it becomes expedient for the APRM Focal Points to consult with their Ministerial counterparts in the Executive Council, and even those in the sectoral Specialized Technical Committees, should certain exigencies arise.
- **Relationship between the APRM and the PRC:** If the budget of the APRM were integrated into that of the wider AU, it would make sense to speak of a relationship between the APRM and the PRC. However, as explained in the paragraph immediately preceding this, that is not the case; and consequently, while a relationship between the APRM Focal Points and the Executive Council cannot be envisaged in terms of budgetary processes, the same holds for relations between the APRM Focal Points and the PRC. Furthermore, whereas it is possible to envisage relations of a consultative nature between the APRM Focal Points and the Executive Council, this may not be possible in the case of

the PRC because, unlike the wider AU, the APRM does not have a body in which its Member States are represented at the Ambassadorial level. Consequently, it may be impractical to provide for the establishment of relations between the APRM and the PRC.

It may also be helpful to take note of the fact that the PRC may have a similar view as to whether it has administrative and financial jurisdiction over the APRM. Thus, it might be pertinent to recall, for example, that, following a request made by the Chairperson of the APR Panel to the PRC to attend a meeting of the PRC sub-Committee on Structural Reform, the former was informed in writing by the latter that, after carefully considering his letter, it had decided that it had “no mandate to discuss the proposed structure of the APRM. Therefore the matter was removed from the Agenda. Consequently there is no need for the APRM delegation to come to Addis.”

- **Relationship between the APRM Secretariat and the AU Commission:** The status of the APRM Secretariat as an autonomous structure should be seen as the cornerstone of the autonomy of the APRM institution as a whole. The Operating Procedures stipulate that the APRM Secretariat is responsible for preparing the meetings of the Forum and the Focal Points as well as servicing the Panel by providing secretariat, technical, coordinating and administrative support services. It is arguable, that if the Secretariat is regarded as being answerable to the AU Commission, PRC and Executive Council, in addition, to complying with the directives of the Focal Points, as well as supporting the Panel in its work, the autonomy of the APRM as whole, in terms of exercising its politically sensitive mandate, will be compromised. Consequently, it should not be required to submit itself to the instructions of the African Union Commission’s Chairperson, as obtains in the context of the relationship between the Commission and the NPCA. The 14th Session of the Assembly adopted a Decision which provided that the Chairperson of the AU Commission would exercise “supervisory authority” over the NPCA. The Assembly also decided in 2008 that the AU Chairperson should accord the NPCA the “adequate and necessary flexibilities to carry out its mandate, and thereby maintaining the corporate brand identity of the NEPAD programme within the African Union”. The “flexibility” accorded to the NPCA is, however, not at par with the “autonomy” sought by the APRM. The Operating Procedures stipulate that the Focal Points have the responsibility to recommend to the Forum, the appointment of the CEO of the Secretariat.

In the meantime, it is understood that the integration of the APRM into the AU also implies encouraging coordination and harmonisation of programmes and activities between the APRM Secretariat and the AU Commission. It also includes harmonising the rules and policies pertaining to conditions of service, recruitment and other areas of administrative management, as well as those pertaining to the financial management of the APRM, with those of the AU Commission. Further, it also involves according diplomatic immunities and privileges to staff of the APRM Secretariat, in accordance with the General Convention on Privileges and Immunities of the OAU, as regulated by a Host Country Agreement to be negotiated between the AU Commission and the host country.

Relations between the APRM and other AU Organs and Institutions

73. The Decision of the Assembly should encourage the APRM to establish relations (which are currently non-existent) with other organs and institutions of the wider African Union. These are organs and institutions with mandates that impinge on the multi-faceted nature of governance in Africa, rather than on issues pertaining to policy, administration and finance and budgeting, handled as such by the main policy and administrative and budgetary organs of the wider AU. If relations are established between the APRM and these non-policy and administrative bodies, the autonomy of the APRM would not be in contention. These relations should rather provide an opportunity for the APRM to implement its continental mandate and enrich its work in the specific area of governance in Africa; and this could be regarded as one of the benefits of its integration into the AU. These bodies include:

- i) **the NPCA**, given the potential that exists in the domain of resource mobilization and technical assistance, especially in the context of Country Review Missions and the implementation of National Programmes of Action. Indeed, the base document mentioned above, requires the Panel to review, sustain and strengthen relations with relevant stakeholders such as the NPCA;
- ii) **Peace and Security Council**, given the strong links between Peace and Security and governance, especially in the area of conflict prevention and consolidation of peace in the post-conflict era;
- iii) **organs and institutions working in the areas of human rights, democracy and political governance such as the African Court, PAP, the African Union Corruption Board, ECOSOCC, the African Committee of the Rights and Welfare of the Child:** The base document of the APRM on organization and processes stipulates that in “matters relating to human rights, democracy and political governance”, the APRM Forum will request the “appropriate organs, committees or units of the African Union which are already legally tasked with similar specific assessment responsibility and

have the capacity, to conduct technical assessments on countries to be reviewed”.

- iv) **the RECs**, given that relations between the APRM and these regional bodies, which have been assigned the critical role of acting as building blocks in the process of African integration, are virtually non-existent. The establishment of relations with them, would be in accordance with the relevant provisions of the above-mentioned APRM base document on objectives, standards criteria and indicators which mentions, as one objective, the acceleration of regional integration by participation in the harmonisation of monetary, trade and investment policies of participating states.

June 2, 2012

2014

Issues paper on the formal integration of the African Peer Review Mechanism (APRM) Into the African Union

African Union

African Union

<http://archives.au.int/handle/123456789/878>

Downloaded from African Union Common Repository