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**DRAFT STATUTE OF THE AFRICAN PEER REVIEW MECHANISM
(APRM)**



DRAFT STATUTE OF THE AFRICAN PEER REVIEW MECHANISM (APRM)

Preamble

The Assembly of the African Union,

RECALLING Article 3 (c) and (m) and Article 4(m) of the Constitutive Act of the African Union, which, *inter alia*, stipulates respect for democratic principles, human rights, the rule of law and good governance, peace, security and stability on the continent, and the acceleration of the political and socio-economic integration of Africa;

REAFFIRMING aspiration 3 and 4 of the African Union Agenda 2063 – The Africa We Want and guided by the vision of the African Peer Review Mechanism as an African-owned and African-led platform for self-assessment, peer-learning, and experience-sharing in the pursuit of the highest standards of governance;

RECALLING the Declaration of the African Union on Democracy, Political, Economic and Corporate Governance, Assembly/AU/Decl.1 (I) of July 2002, in Durban, South Africa, wherein Member States established the African Peer Review Mechanism on the basis of voluntary accession;

REITERATING that the 2007 African Charter on Democracy, Elections and Governance, stipulates that the States Parties shall promote and deepen democratic governance by implementing, *inter alia*, the principles and core values of the African Peer Review Mechanism;

RECALLING Decision Assembly/AU/Dec/527(XXIII) of the Twenty-Third Ordinary Session of the African Union Assembly, held in Malabo, Equatorial Guinea, in July 2014, on the integration of the APRM as an autonomous entity within the African Union system;

RECALLING Decisions Assembly/AU/Dec.198 (XI), Assembly/AU/Dec. 631(XXVIII), Assembly/AU/Dec. 635(XXVIII), Decision Assembly/AU/Dec.686 (XXX), Assembly/AU/721 (XXXII), Ext/Assembly/AU/Dec.1 (XI) and Assembly/AU/Decl.4 (XXX) expanding the African Peer Review Mechanism's mandate and integrating it into the African Union's structures;

HAS ADOPTED THIS STATUTE AS FOLLOWS:

Article 1 Definitions

In this Statute

“**ACDEG**” means African Charter on Democracy, Elections and Governance;

“**AGA**” means African Governance Architecture;

“**AU**” means the African Union;

“**AUDA-NEPAD**” means the African Union Development Agency-New Partnership for Africa's Development;

“**APR**” means the African Peer Review;

“**APRM**” means the African Peer Review Mechanism;

“**APR Forum**” means the Heads of State and Government of Participating States of the African Peer Review Mechanism;

“**APSA**” means the African Peace and Security Architecture;

“**APR Focal Points Committee**” means the Ministerial body comprising of the Personal Representatives of the Heads of State and Government of APRM Participating States of the African Peer Review Mechanism;

“**APR Focal Point**” means the National Focal Point for the African Peer Review Mechanism in each Participating State;

“**APR Panel**” means the Panel of Eminent Persons of the African Peer Review Mechanism;

“**APRM Secretariat**” means the Continental Secretariat of the African Peer Review Mechanism;

“**Assembly**” means the Assembly of Heads of State and Government of the African Union;

“**CEO**” means Chief Executive Officer of the Continental Secretariat of the African Peer Review Mechanism;

“**Commission**” means the Commission of the African Union;

“**Constitutive Act**” means the Constitutive Act of the African Union;

“**CCC of NGCs**” means the **Continental Consultative Committee of NGCs**”

“**ECOSOCC**” means the Economic, Social and Cultural Council of the African Union;

“**Executive Council**” means the Executive Council of the African Union;

“**Member States**” means Member States of the African Union;

“**NGC**” means the National APRM Governing Council;

“**NSCC**” means the **National Secretariats Coordinating Committee**”;

“**Participating States**” means Member States that have voluntarily acceded to the African Peer Review Mechanism;

“**PRC**” means the Permanent Representatives’ Committee of the African Union;

“**RECs**” means the Regional Economic Communities;

“**Statute**” means the present statute of the African Peer Review Mechanism;

“Strategic partners” means those international partners who closely with the African Union including the United Nations Development Program (UNDP), African Development Bank (AfDB) and United Nations Economic Commission for Africa (UNECA);

“**Technical Research Institutions**” means Independent research institutions contracted by the APR National Structure to conduct the country self-assessment.

Article 2

Establishment of the African Peer Review Mechanism

1. The APRM is hereby established as an autonomous entity of the AU.
2. The APRM shall have legal personality, as necessary for the proper exercise of its mandate. In particular, the APRM shall:
 - a) enter into contracts;
 - b) acquire and dispose of moveable and immovable property; and
 - c) institute and defend legal proceedings.

Article 3

Purpose

1. The APRM shall serve as an African-owned and African-led platform for self-assessment, peer-learning, and experience-sharing in democracy and good Governance, in full respect for democratic principles, human rights, rule of law, the acceleration of political, social and economic integration in Africa.

2. The APRM has the primary purpose of fostering the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable and inclusive development and accelerated regional and continental economic integration, through sharing of experiences and reinforcement of successful and best practices including providing up reliable data and information.

Article 4 Mandate

1. The APRM has the mandate to ensure that the policies and practices of Participating States are in conformity with the agreed political, economic and corporate governance values, codes and standards, and to achieve mutually agreed objectives in socio-economic development contained in the Declaration on Democracy, Political, Economic and Corporate Governance.
2. The APRM shall carry out any other mandate that the Assembly may confer on it as and when the Assembly deems necessary to do so.

Article 5 Principles of the APRM

1. APRM shall be founded on the principles of good political, economic, social and corporate governance, democracy, the rule of law, respect for human rights, state sovereignty, non-interference and peaceful resolution of conflicts.
2. APRM shall deliver its mandate, including voluntary reviews, in a technically and culturally competent manner, as well as in a credible manner free of political manipulation.
3. The APRM shall encourage participation of all stakeholders in society.

Article 6 Functions of APRM

1. The APRM shall
 - a) Promote and facilitate self-monitoring and evaluation by the Participating States;
 - b) Monitor, evaluate and track the implementation in key governance areas on the continent, including the AU Agenda 2063, and the United Nations Sustainable Development Agenda 2030 in relation to

democracy and good governance and any subsequent development frameworks of these institutions;

- c) Prepare the African Governance Report in collaboration with AGA, and present it to the Assembly for consideration at its Ordinary Session every two (2) years;
- d) Serve as a platform for sharing best practices at national, regional and continental level;
- e) Encourage the participating states to implement their National Plans of Actions;
- f) Integrate the objectives of APRM into national plans, RECs and regional developmental bodies, including AUDA-NEPAD;
- g) Provide support to Member States in the field of international credit rating agencies;
- h) Contribute to early warning for conflict prevention within the continent, in harmony and synergy with the APSA, and AGA;
- i) Encourage the Participating States to implement the ACDEG, the Declaration on Democracy, Political, Economic and Corporate Governance and other relevant instruments; and
- j) Promote democracy and good governance on the continent.

Article 7 African Peer Review Process

1. The APRM process entails voluntary periodic reviews of the policies and practices of—upon request of participating states as follows:
 - a) First Country Review: a review carried out within eighteen months (18) after a Member State acceding to the APRM process;
 - b) Periodic Review: a review that takes place every two (2) to four (4) years;
 - c) Targeted Review: a review, at the request of a Participating Member State, outside the time frame of the periodically mandated reviews. Priorities will be given for a periodic review; and
 - d) Early Warning Review: a review commissioned by the APR Forum.
2. The criteria leading to these reviews shall be elaborated by the APRM Focal Points Committee and shall be submitted by the APRM Forum to the Assembly for consideration and adoption.

Article 8



Budget and Finance of APRM

1. The budget of the APRM shall form part of the AU statutory budget.
2. Member States may make contributions on a voluntary basis to the APRM.
3. APRM may receive funds from partners in accordance with AU Financial Rules and Regulations.
4. Financing of APRM and its Programmes, disbursement and utilization of APRM funds shall be in accordance with the AU Financial Rules and Regulations.

Article 9 Accounts and Auditing

1. The accounts of APRM shall be made in the currencies stipulated in the AU Financial Rules and Regulations.
2. The CEO shall ensure that the accounts of APRM are audited by internal and external auditors of the AU, including the accounts of projects funded through extra-budgetary resources.
3. The Secretariat of APRM shall submit a report on APRM audit to the APRM Focal Points Committee and the APRM Forum as well as to AU Policy organs for consideration.
4. The AU regulations on audit shall apply to the APRM accounts.

Article 10 Structure of the APRM

1. The APRM has the following overall structure:
 - a) APRM Continental Structure comprising of:
 - i. APR Forum;
 - ii. APR Focal Points Committee;
 - iii. APR Panel of Eminent Persons;
 - iv. APRM Continental Secretariat;
 - v. Continental Consultative Committee of NGCs;
 - vi. National Secretariats Coordinating Committee
 - b) APRM National Structures comprising of:

- i. The National Focal Point;
- ii. APRM NGC; and
- iii. APRM National Secretariat Committee

Article 11 **APR Forum**

1. The APR Forum shall be the highest governing structure of the APRM, to provide political leadership and strategic guidance and shall serve as a Sub-Committee of the Assembly.
2. The APR Forum Shall operate under the guidance of a Troika led by the current Chairperson, who is assisted by the outgoing Chairperson and the Incoming Chairperson, all drawn from among the Heads of States and Government
3. The Chairperson of the APRM Forum shall be elected for a period of two (2) years non-renewable and on the basis of rotation among five (5) region of the AU.
4. The APR Forum shall:
 - a) consider voluntary country review reports submitted to it by the Panel; and
 - b) consider recommendations made by the Focal Points Committee and submit its recommendations to the Assembly.
5. The APR Forum shall nominate Members of the APR Panel, its Chairperson and Vice Chairperson for endorsement by the Assembly.
6. The APR Forum shall recommend to the Assembly the appointment of the CEO of the APRM Continental Secretariat, adoption of the structure of the Secretariat, budget and work programme of the APRM.
7. The APR Forum may propose to the Assembly the termination of the appointment of any member of the APR Panel on the basis of non-performance, misconduct or conflict of interest.

8. The APRM Forum Shall meet once (1) a year in ordinary session to consider review reports of APRM participating states, undertake peer review and make other decisions on the management and implementation of the APRM mandate.
9. At the request of any Participating State and upon approval by a two – third majority, the APR Forum may meet in an extraordinary session.

Article 12

Focal Points Committee

1. The APRM Focal Points Committee shall be comprised of the Personal Representatives of Heads of States and Governments and shall serve as an intermediary body between the APR Forum and APRM Continental Secretariat.
2. The APRM Focal Points Committee shall have the responsibility to, notably:
 - a) consider the Participating States' self-assessment report;
 - b) make recommendations to the APR Forum on crises reports, early warning reports, and activity report of the APRM Continental Secretariat and voluntary country review report.
 - c) make recommendations to the APR Forum on the appointment of the CEO of the APRM Continental Secretariat;
 - d) review the Annual Budget and Work Programme of the APRM submitted by the CEO of the APRM Continental Secretariat, and make recommendations relating thereto;
 - e) make recommendations to the APR Forum on the structure of the APRM Continental Secretariat in line with the AU rules and processes;
 - f) follow up on the implementation of the voluntary review recommendations;
 - g) undertake any other related activities requested by the APR Forum;
 - h) establish a Steering Committee to carry out the work of the Focal Point Committee between its meetings. The Steering Committee shall have eight (8) members composed of the three Focal Points forming the Troika and five (5) elected Focal Points representing each of the five (5) regions

of the AU. The Steering Committee shall be elected for a period of two (2) years

- i) consider the strategic documents of the APRM;
- j) recommend the appointments and removals of the Member of the Panel to the Forum;

Article 13 **APRM Panel of Eminent Persons**

1. The APRM Panel shall be composed of a minimum of five (5) and a maximum of ten (10) eminent Africans appointed by the APRM Forum.
2. Members of the APRM Panel shall be African nationals of high moral stature, integrity, objectivity, impartiality and independence, who have distinguished themselves in careers that are considered relevant to the work of the APRM, and shall have demonstrated commitment to the ideals of Pan-Africanism.
3. The agreed principles, criteria and procedures for the appointment of the members of the APR Panel shall be contained in the Rules of Procedure of the APR Forum.
4. The APRM Panel shall be responsible in leading the voluntary country review process, and shall:
 - a) Ensure the integrity, independence, professionalism and credibility of the country review process;
 - b) Serve in their personal capacity and not as representatives of their respective Governments. They shall neither seek nor receive instructions from any authority external to the APRM Forum; and
 - c) Observe the utmost discretion and confidentiality, with regard to all matters relating to the peer review process, while they serve on the APRM Panel and thereafter.
5. Members of the APRM Panel shall be appointed for a term of four (4) years non-renewable and shall be based on equitable geographical distribution and gender balance.

6. The APRM Panel shall be led by a Chairperson and a Vice-Chairperson nominated by the by the Forum and endorsed by the Assembly.
7. The term of office of the Chairperson and the Vice-Chairperson of the APR Panel shall be one year, and shall be non-renewable.
8. The APRM Panel may form Sub-Committees as required for the execution of its mandate.
9. The APRM Panel shall be directly responsible and report to the APR Forum.
10. The APRM Panel shall submit reports on its activities to the APRM Forum at least once a year.

Article 14
The APRM Secretariat

1. The APRM Secretariat shall serve as the Continental Secretariat and shall serve the APRM Forum, the APR Focal Points Committee and the APRM Panel.
2. The APRM Secretariat shall be led by a CEO nominated by the APR Focal Point Committee and considered by the APR Forum, for endorsement and appointment by the Assembly.
3. The CEO shall be appointed through a competitive and transparent selection process for a mandate of four (4) years renewable once.
4. The functions and responsibilities of the APRM CEO shall be:
 - (a) Legal Representative of the APRM; and
 - (b) Controlling Officer of the APRM;
5. The CEO shall be directly responsible to the APR Focal Points Committee ~~ef~~ for the effective discharge of his/her duties.
6. The CEO shall be responsible for the accounts and resources of the APRM.
7. The Chairperson of the Commission shall be the ultimate authority in line with the Financial Rules and Regulations of the Union.
8. The APRM Secretariat shall perform the following functions:
 - a) receive the Participating States' self-assessment report;

- b) undertake and manage research and analysis that underpin the APRM process;
 - c) prepare and facilitate the meetings of the APR Forum, APRM Focal Points Committee and the APR Panel;
 - d) prepare the necessary background work and facilitate the voluntary country review, including support missions, country review missions, publication of reports and monitoring and follow-up; and
 - e) report to the Focal point the activities of the APRM Secretariat;
 - f) provide technical support to Member states in developing Country Self-Assessment Report on governance.
9. The APRM Secretariat shall serve as the secretariat of the Continental Consultative Committee of NGCs and the National Secretariats Coordinating Committee.
10. The APRM Secretariat shall be composed of qualified competent professionals, technical and administrative support Staff, recruited in accordance with the AU Staff Regulations and Rules.
11. The APRM Secretariat shall present the draft strategic plans, programmes, draft budget and annual audited accounts of the APRM to the Focal Points Committee and the AU Policy Organs for consideration.
12. The APRM Secretariat shall, upon the approval of the Focal Points Committee, submit financial and structural proposals as well as legal instruments concerning the APRM to the AU Policy Organs for consideration.
13. The APRM Secretariat shall operate in accordance with AU Staff Regulations and Rules; AU Financial Rules and Regulations and other relevant AU legal instruments and those adopted by the Focal Points Committee and endorsed by the APR Forum.
14. The APRM Secretariat shall work closely with the PRC and its relevant sub-committees.

Article 15 **Continental Committee of NGCs**

The Continental Committee of NGCs shall be composed of Heads of NGCs and it shall serve as a platform for the exchange of best practice and peer learning among all APRM NGCs

Article 16 National Secretariats Coordinating Committee

The National Secretariats Coordinating Committee shall be composed of Heads of National APRM Secretariats and it shall serve as a platform for the exchange of best practice and peer learning among all APRM National Secretariats.

Article 17 APRM National Structures

Without prejudice to the sovereign rights of each Participating State to enact national legislation, each Participating state, shall organize their APRM national Structures, in accordance with this statute.

Article 18 The APR National Focal Point

The APR National Focal Point shall be the Personal Representative of the Head of State and Government.

Article 19 National Governing Council

1. The National Governing Council (NGC) shall be autonomous from the Government and its composition shall be inclusive of representatives of key stakeholders in society.
2. The NGC shall, amongst others:
 - a) provide guidance for the implementation of the APRM principles at national level;
 - b) facilitate the establishment of the APRM National Secretariat and oversee its operation;
 - c) ensure that the voluntary review process is technically competent, credible and free from political manipulation.
 - d) participate in leading the APRM sensitization programmes country-wide and ensure that all stakeholders participate in the process and own it; and

- e) encourage that all the concerns outlined in the self-assessment reports and in the country review reports are addressed in the National Programmes of Action.
- 3- In establishing their respective NGCs, Participating States are encouraged to define their terms of reference, determine their legal status, the terms of service and duration of appointment of the Chairperson and other members and ensure the provision of adequate funding to enable the NGC to successfully discharge its responsibilities in an independent and autonomous manner.
4. Participating States shall constitute their NGCs and notify the APRM Secretariat.

Article 20 **APRM National Secretariat**

1. There shall be an APRM National Secretariat Participating States the APRM, to provide secretarial, technical and administrative support to all national APRM bodies.
2. The APRM National Secretariat shall be established in accordance with the laws and regulations of each Participating State, and the APRM Secretariat shall be notified accordingly.
3. The APRM National Secretariat shall liaise between the NGC and the APRM Secretariat.
4. The APRM National Secretariat shall facilitate and support the work of the technical research institution.

Article 21 **Cooperation with Research Institutions, Other Organs of the African Union, Regional Economic Communities, and AU Strategic Partners**

The APRM, in pursuit of its mandate to foster democracy and good governance principles on the continent shall work closely with relevant Research Institutions, AU Organs, Regional Economic Communities (RECs), and AU Strategic Partners.

Article 22 **The Headquarters of the APRM**

1. The Headquarters of the APRM Secretariat shall be in the Republic of South Africa.
2. The AU and the Government of the Republic of South Africa shall conclude a host country agreement for the APRM.

Article 23

Privileges and Immunities of the APRM

The APRM Headquarters and its Offices shall enjoy, in the territory of host countries, such privileges and immunities, as stipulated in Customary International Law, the General Convention on Immunities and Privileges of the Organization of the African Unity of 1965, the Vienna Convention on Diplomatic Relations of 1961 and the Host Agreement between the AU and the Government of the Host Country.

Article 24

Working Languages

The working languages of the APRM shall be those of the AU.

Article 25

Accession to the APRM

1. Accession to the APRM is open to all AU Member States through the relevant legal instrument.
2. Any Member State wishing to accede to the African Peer Review process after the entry into force of the present Statute, shall deposit its instrument of accession with the Chairperson of the Commission.
3. The Secretariat of APRM shall undertake all arrangements to transfer to the AU Commission all original documents of accession made prior to the entry into force of this Statute.

Article 26

Transitional Arrangements

1. Member States currently participating in the APRM shall retain their status as members of the APRM, following the entry into force of the present Statute.
2. The determination and settling of assets and liabilities of the APRM prior to the entry into force of this Statute, shall be finalized within the transitional period of one (1) year.
3. The provisions of this Statute shall take precedence over and supersede any inconsistent or contrary provisions of any legal instrument of the APRM.

Article 27

Amendments and Revision

1. The APR Forum may propose amendments and revisions to this Statute.

2. Any amendment to this Statute shall enter into force upon its adoption by the Assembly.

Article 28 Authentic Texts

This Statute is drawn up in four (4) original texts, in Arabic, English, French and Portuguese languages, all four (4) texts being equally authentic.

Article 29 Entry into Force

This Statute shall enter into force upon its adoption by the Assembly.

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