

AFRICAN PEER REVIEW MECHANISM

Code of Conduct for the Country Review Team (APR Team)

I. Background

1. The Africa Peer Review [APR] process will entail periodic reviews of the policies and practices of participating states to ascertain progress being made towards achieving the mutually agreed goals and compliance with adopted political, economic and corporate governance values, codes and standards, as outlined in the Declaration on Democracy, Political, Economic and Corporate Governance [APRM Base Document, paragraph 15]. The APR process consists of five stages. These are defined in the APRM Base Document (paragraph 18-25).
2. The overall responsibility of the Mechanism is vested with the Forum of Participating Heads of State and Government (APR Forum) [APRM Organisation and Processes Document, paragraph 2.1].
3. The Panel of Eminent Persons will oversee the conduct of the APR process, and ensure its integrity [APRM Base Document, paragraph 6].
4. The APRM Secretariat (APR Secretariat) will provide the secretarial, technical, coordinating and administrative support services for the APRM.
5. The APR Panel and Secretariat will have minimal capacity, and, therefore, they will require to access additional technical expertise to build the APR Country Review Team [APR Team] to carry out the peer review process.
6. Below is an elaboration on the rules and procedures of the APR Team, including the modalities of selection, the composition, the general responsibilities, and the privileges and immunities.

II. Selection

7. The APR Secretariat may engage, with the approval of the APR Panel, the services of experts and institutions that it considers competent and appropriate to act as its agents in the peer review process (APRM Base Document paragraph 11). The procedures of selection of these experts and institutions are the following:

8. The APR Panel recommends to the APR Forum a list of appropriate experts, individuals and institutions to conduct the peer review process (Rules and Procedures of the APR Panel).

9. The APR Base Document (paragraph 11) and the APR Organisation and Processes Document (paragraph 3.8) state that the APR Secretariat should give priority to African experts as much as possible, however, in exceptional circumstances, the APR Secretariat may, with the approval of the APR Panel, utilise the services of non-African experts, individuals or institutions.

10. The pool of technical expertise should be established through a competitive process, and the pool must be reviewed regularly (APR Organisation and Processes Document, paragraph 3.8).

11. The Heads of State and Government Implementation Committee (HSGIC) have designated a few institutions (UN Economic Commission for Africa; African Development Bank; and the African Union-AU) as the primary resource institutions to conduct technical assessment in their respective areas of competence, namely economic governance, banking and financial standards, and human rights, democracy and political governance (APR Organisation and Processes Document, paragraph 6.2-6.3).

12. Where the AU institutions have inadequate or no capacity, the APR Panel will recommend, for approval by the APR Forum, appropriate African Institutions with requisite capacity to support the relevant AU institutions, with a view to build their capacity in conducting technical assessments. (APR Organisation and Processes Document, paragraph 6.4).

13. The APR Panel will also advise the APR Forum as to which African institutions will be invited to conduct the technical assessments on corporate governance and socio-economic development (APR Organisation and Processes Document, paragraph 6.5).

14. It is expected that the APRM will have to work with a wide range of Partner Institutions, including those that set international standards, oversight institutions, African research and policy institutions engaged in policy advisory services (APR Organisation and Processes Document, paragraph 6.6).

15. The APR Panel may recommend to the APR Forum the making of partner agreements with all competent institutions that wish to strengthen the APR process at country, regional, or continental levels,

provided that one technical criterion for the selection of such institutions would be the protection of African ownership of the APRM (APR Organisation and Processes Document, paragraph 6.6).

III. Composition

16. An APR Team will be established at the outset of each country review process.

17. The services of the Pool of Experts and the APR Partner Institutions are contracted for the Country Review following consultation between the country to be reviewed and the APR Secretariat [APRM Organisation and Processes Document, Paragraph 6].

18. The Composition of the APR Teams will be carefully designed to ensure an integrated, balanced, and technically competent and professional assessment of the reviewed country. The APR Panel approves the composition and the terms of reference of the Country Review Team for each country to be reviewed [APRM Organisation and Processes Document, Paragraph 6].

19. The APR Team may be utilised at different stages of the APR process, including in:

- (i) Assisting countries to prepare for and to participate in the APR process;
- (ii) Supporting the self-assessments done by the participating countries;
- (iii) Assisting the APR Secretariat in drafting the Issues Paper;
- (iv) Conducting Technical Assessments on specific issues of particular concern to the participating country and the APR Secretariat;
- (v) Visiting the country to review progress with the country's programme of action, and carry out the widest range possible of consultations with government officials, parliamentarians, representatives of Civil Society, and business communities;
- (vi) Drafting the country review report and holding discussions with the Government and other stakeholders of the country reviewed on the findings and recommendations of the report;

- (vii) Submitting the country review report to the APR Secretariat;

IV. General Obligations

20. Every review exercise carried out under the authority of the APRM must be technically competent, credible and free of political manipulation (APRM Base Document paragraph 4). The APR Team shall not interfere in the political affairs of the reviewed countries.

21. The APR Team members shall maintain their independence by not accepting any instructions relating to the performance of their duties from any governments, or other entities or persons external to the APR Panel and APR Secretariat.

22. Under the control and direction of the APR Panel and the APR Secretariat, the APR Team shall be responsible for ensuring that the rules and procedures contained in the *Guidelines for Countries to prepare for and participate in the peer review process* are properly carried out.

23. The APR Team shall be accountable to the APR Panel and the APR Secretariat.

24. The sensitive and confidential nature of their work requires of the APR Team members a high degree of integrity. The APR Team members shall conduct themselves at all times in a manner befitting the purpose of the APRM.

25. The APR Team shall not engage in any activity that is incompatible with the proper discharge of their mission with the APR. They shall avoid any action and, in particular, any public pronouncement or personal gainful activity that would lead to real or apparent conflicts of interest, or adversely or unfavourably reflect on their mission or on the integrity, independence and impartiality that is required by the APRM.

26. The APR Team members shall not accept in connection with their mission any remuneration, benefits, favour or gift of significant value from any governments or other entities or persons.

27. The APR Team shall observe the utmost discretion with regard to all matters relating to the peer review process both while they are on mission with the APR and after their service with the APR has ended. In particular they shall refrain from the improper disclosure, whether direct or indirect, of information related to the APRM, or to participating countries.

28. All rights in any work produced by the APR Team members as part of their official duties shall belong to the APR Panel and the APR Secretariat.

V. Privileges and Immunities

29. The APR Teams shall enjoy in the territory of participating countries, 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 Privileges and Immunities of the Organisation of African Unity and the 1961 Vienna Convention on Diplomatic Relations.

30. To the extent permitted by law, any member of the APR Team, who is made or threatened to be made, a party to any action, suit or proceeding, by reason of the fact that such person is or has been a member of the APR Team, shall be indemnified by the APRM Forum against all reasonable expenses and costs, actually and necessarily incurred by such member.

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