

MEMORANDUM OF UNDERSTANDING ON THE AFRICAN PEER REVIEW MECHANISM - ("THE MOU")

1. We, the Heads of State and Government of the Member States of the African Union participating in the African Peer Review Mechanism:
2. COGNISANT of our shared commitments to the principles and objectives set out in the Constitutive Act of the African Union adopted on 11 July 2000 in Lome, Togo;
3. RECALLING our decision regarding the then New African Initiative, now the New Partnership for Africa's Development, taken at the 37th Session of the Assembly of the Heads of State and Government of the Organisation of African Unity in July 2001 in Lusaka, Zambia [AHG/Decl.1 (XXXVII)] adopting the Strategic Policy Framework and a new vision for the revival and development of Africa;
4. RECALLING FURTHER our Declaration on the Implementation of the New Partnership for Africa's Development [Assembly/AU/Decl. 1(I)], at the inaugural Summit of the African Union in July 2002 in Durban, South Africa, endorsing the Progress Report and Initial Action Plan [AHG/235 (XXXVIII)] and encouraging Member States to adopt the New Partnership for Africa's Development Declaration on Democracy, Political, Economic and Corporate Governance [AHG/235 (XXXVIII) Annex I] and accede to the African Peer Review Mechanism [AHG/235 (XXXVIII) Annex II];
5. REITERATING our commitment to the principles and core values contained in the Declaration on Democracy, Political, Economic and Corporate Governance;
6. RECOGNISING that the mandate of the African Peer Review Mechanism is to encourage participating States in ensuring that the policies and practices of participating States conform to the agreed political, economic and corporate governance values, codes and standards, and achieve mutually agreed objectives in socio-economic development contained in the Declaration on Democracy, Political, Economic and Corporate Governance;
7. RECOGNISING FURTHER that the African Peer Review Mechanism is a mutually agreed instrument voluntarily acceded to by the Member States of the African Union as an African self-monitoring mechanism;
8. MINDFUL that the primary purpose of the African Peer Review Mechanism is to foster the adoption of policies, standards and practices that lead to political stability, high economic growth, sustainable development and accelerated sub-regional and continental economic integration through sharing of experiences and reinforcement of successful and best practice, including identifying deficiencies, and assessing the needs for capacity building of participating countries;
9. NOTING WITH APPRECIATION the support of the international community especially as expressed in the United Nations General Assembly Declaration (A/RES/57/2) and Resolution on the New Partnership for Africa's Development (A/RES/57/7) affirming the United Nations system's support to the implementation of the New Partnership for Africa's Development and recommending that the New Partnership for Africa's Development be used as the framework for Africa's

development by the international community, including the United Nations system and recognizing the innovative nature and importance of the African Peer Review Mechanism;

10. WELCOMING the United Nations General Assembly resolution on "Strengthening of the United Nations: an agenda for change" (RES/A/57/300) wherein, amongst others, the Assembly endorses the decision of the Secretary-General to entrust the Under-Secretary-General and Special Advisor on Africa, who will report to him, with the responsibilities to: (a) coordinate United Nations support to Africa, and (b) coordinate and guide reporting on Africa, in particular support for the New Partnership for Africa's Development by the United Nations system and the international community and coordinate the global advocacy in support for the New Partnership for Africa's Development;

11. NOTING with satisfaction the progress made by the New Partnership for Africa's Development Heads of State and Government Implementation Committee in implementing the New Partnership for Africa's Development and in particular steps taken towards the operationalisation of the African Peer Review Mechanism;

12. WELCOMING the initiative taken by a number of Member States of the African Union in adopting the Declaration of Intent on the Implementation of the African Peer Review Mechanism on 3 November 2002 in Abuja, Nigeria;

13. FULLY COMMITTED to ensuring the successful implementation of the New Partnership for Africa's Development in particular the African Peer Review Mechanism including facilitating the provision of adequate resources;

14. COGNISANT of the role that the Regional Economic Communities, as building blocks of the African Union, can play in assisting Member States to improve their performance in governance and socio-economic development;

15. RECOGNISING the important role that will be played in the African Peer Review Mechanism by the Committee of Participating Heads of State and Government ("APR Forum"), the Panel of Eminent Persons ("APR Panel"), the Country Review Team ("APR Team") and the African Peer Review Secretariat ("APR Secretariat") and Partner Institutions;

16. NOW THEREFORE being desirous to give effect to the above, we hereby:

17. ADOPT the Declaration on Democracy, Political, Economic and Corporate Governance [AHG/235 (XXXVIII) Annex I];

18. ACCEPT the principles of the African Peer Review Mechanism [AHG/235 (XXXVIII) Annex II] and commit ourselves to their implementation. To this effect, we are PREPARED to provide all necessary resources to facilitate the processes involved at the national level, access to all the required information and stakeholders, and to guarantee all the appropriate privileges and immunities to the Country Review Team (paragraph 19 of the APRM Base Document);

19. WE FURTHER AGREE TO:

20. CONTRIBUTE fully to the funding of the African Peer Review Mechanism in order to affirm the African ownership of the Mechanism. This includes sourcing funds from African people, businesses and institutions;

21. TAKE all necessary steps to facilitate the development and implementation of a national Programme of Action (paragraph 13 of the APRM Base Document) to improve our performance in the areas of governance and socio-economic development as stipulated in the African Peer Review Mechanism base document;

22. ENSURE the participation of all stakeholders in the development of the national Programme of Action including trade unions, women, youth, civil society, private sector, rural communities and professional associations;

23. SIGN the Memorandum of Understanding on Technical Assessments and the Country Review Visit, following consultations with all stakeholders in our individual countries;

24. TAKE such steps as may be necessary for the implementation of the recommendations adopted at the completion of the review process within the specified time frame and integrate them into our respective national Programmes of Action;

25. CO-OPERATE and ASSIST each other, as may be necessary, by sharing best practices and strengthening our capacity to rectify identified short-comings including requesting co-operation of external development partners; and

26. ACCEPT that constructive peer dialogue and persuasion would be exercised, where necessary, in order to encourage improvements in country practices and policies in compliance with agreed African and international best practices where recommended.

GENERAL PROVISIONS

27. All procedures to be adopted under the African Peer Review Mechanism shall be consistent with the decisions and procedures of the African Union.

28. Any differences relating to the interpretation or implementation of this MOU shall be resolved by negotiation between the parties to the dispute.

29. The MOU may be amended at any time by mutual consent of all participating States upon the written request by any participating State.

30. Member States of the African Union wishing to accede to the African Peer Review Mechanism shall sign the MOU and deposit the signed document at the NEPAD Secretariat, Midrand, South Africa.

31. The African Peer Review Mechanism shall start to be operational on the day on which the fifth Member State of the African Union has deposited the signed document.

32. A participating State may terminate its participation in African Peer Review Mechanism by giving written notice to this effect to the NEPAD Secretariat, which in turn will inform the participating States in writing. The effective date of termination will be six months after the receipt of the termination notice.

33. The Secretariat of the New Partnership for Africa's Development (NEPAD Secretariat) shall, in the interim, act as the Secretariat of the African Peer Review Mechanism (APR Secretariat) until the latter is established.

34. The MOU shall be in Arabic, English, French and Portuguese languages, all four being equally authentic.

35. IN WITNESS WHEREOF, the undersigned, being duly authorized by his or her Government, has signed the MOU.

DONE aton this the day ofof the year two thousand and three.

Annexure:

I) Declaration on Democracy, Political, Economic and Corporate Governance [AHG/235(XXXVIII) Annex I]

II) African Peer Review Mechanism Base Document [AHG/235(XXXVIII) Annex II]

1. People's Democratic Republic of Algeria
2. Republic of Angola
3. Republic of Benini
4. Republic of Botswana
5. Burkina Faso
6. Republic of Burundi
7. Republic of Cameroon
8. Republic of Cape Verde
9. Central African Republic
10. Republic of Chad
11. Islamic Federal Republic of the Comoros
12. Republic of the Congo
13. Republic of Cote d'Ivoire
14. Democratic Republic of Congo
15. Republic of Djibouti
16. Arab Republic of Egypt
17. State of Eritrea
18. Federal Democratic Republic of Ethiopia
19. Republic of Equatorial Guinea
20. Republic of Gabon
21. Republic of The Gambia
22. Republic of Ghana
23. Republic of Guinea
24. Republic of Guinea Bissau
25. Republic of Kenya
26. Kingdom of Lesotho
27. Republic of Liberia
28. Great Socialist People's Libyan Arab Jamahiriya
29. Republic of Madagascar
30. Republic of Malawi
31. Republic of Mali

32. Islamic Republic of Mauritania
33. Republic of Mauritius
34. Republic of Mozambique
35. Republic of Namibia
36. Republic of Niger
37. Federal Republic of Nigeria
38. Republic of Rwanda
39. Sahrawi Arab Democratic Republic
40. Republic of Sao Tome and Principe
41. Republic of Senegal
42. Republic of Seychelles
43. Republic of Sierra Leone
44. Republic of Somalia
45. Republic of South Africa
46. Republic of Sudan
47. Kingdom of Swaziland
48. United Republic of Tanzania
49. Republic of Togo
50. Republic of Tunisia
51. Republic of Uganda
52. Republic of Zambia
53. Republic of Zimbabwe

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