THE ROLE OF THE AFRICAN PEER REVIEW MECHANISM IN INDUCING COMPLIANCE WITH HUMAN RIGHTS

by

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DECLARATION

I declare that the thesis, which I hereby submit for the degree Doctor Legum (LLD), at the University of Pretoria, is my own work and has not previously been submitted by me for a degree at this or any other tertiary institution.

Magnus Killander
SUMMARY

The African Peer Review Mechanism (APRM) was developed under the New Partnership for Africa’s Development (NEPAD), the development framework of the African Union (AU) which replaced the Organization of African Unity (OAU) in 2002. Through the APRM, the AU has established a system for assessment of governance in participating countries and for the development of programmes of action to address identified shortcomings.

The APRM is a voluntary, ‘soft’ mechanism of supervision which combines self-assessment with regional monitoring. The APRM takes a holistic approach to governance with a mandate covering democracy and political governance, economic governance, corporate governance and socio-economic development.

This study considers the role that the APRM plays in the realisation of human rights. It examines the manner in which human rights are reflected in the APRM framework documents as well as the manner in which rights-based principles such as participation, accountability and transparency are reflected in the process. The strengths and weaknesses of various methods of international monitoring to ensure compliance with human rights are examined. The APRM country review reports and implementation reports of Ghana, Rwanda and Kenya are studied in conjunction with reports from domestic and international human rights monitoring bodies and national development plans. The aim of the study is to ascertain whether the APRM adds value to mechanisms established with the purport of assisting in the realisation of human rights.

This study illustrates that the APRM plays a complementary role in human rights monitoring. It is clear, however, that it is only able to play a meaningful role if the state under review is motivated to undertake reform. Human rights have a role to play with regard to the APRM process itself and in identifying and addressing
governance shortcomings. The specific and time-bound commitments in the Programme of Action are unique to the APRM. If these commitments are developed through a rights-based approach and their implementation adequately monitored the APRM could play an important role in inducing compliance with human rights.

**Keywords:** accountability, compliance, democracy, development, human rights, governance, impact, indicators, monitoring, participation, peer review, poverty, state reporting, supervision, transparency
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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
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<tr>
<td>ADB</td>
<td>African Development Bank</td>
</tr>
<tr>
<td>AEC</td>
<td>African Economic Community</td>
</tr>
<tr>
<td>AAF-SAP</td>
<td>African Alternative to Structural Adjustment Programmes</td>
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<tr>
<td>AIDS</td>
<td>Acquired Immune Deficiency Syndrome</td>
</tr>
<tr>
<td>APPER</td>
<td>Africa’s Priority Position on Economic Recovery</td>
</tr>
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<td>AU</td>
<td>African Union</td>
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<tr>
<td>ARPM</td>
<td>African Peer Review Mechanism</td>
</tr>
<tr>
<td>CAT</td>
<td>Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment</td>
</tr>
<tr>
<td>CESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CERD</td>
<td>International Convention on the Elimination of All Forms of Racial Discrimination</td>
</tr>
<tr>
<td>CHRAJ</td>
<td>Commission on Human Rights and Administrative Justice</td>
</tr>
<tr>
<td>CMW</td>
<td>International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families</td>
</tr>
<tr>
<td>COMESA</td>
<td>Common Market for Eastern and Southern Africa</td>
</tr>
<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
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<tr>
<td>CSSDCA</td>
<td>Conference on Security, Stability, Development and Cooperation in Africa</td>
</tr>
<tr>
<td>DBSA</td>
<td>Development Bank of Southern Africa</td>
</tr>
<tr>
<td>DRC</td>
<td>Democratic Republic of the Congo</td>
</tr>
<tr>
<td>EAC</td>
<td>East African Community</td>
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<tr>
<td>ECCAS</td>
<td>Economic Community of Central African States</td>
</tr>
<tr>
<td>ECOSOC</td>
<td>Economic and Social Council</td>
</tr>
<tr>
<td>ECOSOCC</td>
<td>Economic, Social and Cultural Council</td>
</tr>
<tr>
<td>ECOWAS</td>
<td>Economic Community of West African States</td>
</tr>
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POA  Programme of Action
PRSP  Poverty Reduction Strategy Paper
PSC  Peace and Security Council
RECs  Regional Economic Communities
SADC  Southern African Development Community
SAIIA  South African Institute of International Affairs
SAPs  Structural Adjustment Programmes
TRI  Technical Research Institute
UN  United Nations
UNDAF  United Nations Development Assistance Framework 2008-2012 (Rwanda)
UNDP  United Nations Development Programme
UNECA  United Nations Economic Commission for Africa
UNESCO  United Nations Educational, Scientific and Cultural Organization
UNHCR  UN High Commissioner for Refugees
UNICEF  United Nations Children’s Fund
UN-NADAF  United Nations New Agenda for Development in Africa
UN-PAAERD  United Nations Programme of Action for African Recovery and Development
UPR  Universal Periodic Review
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